AGENDA DESCRIPTION:

Consideration and possible action to open a public hearing and receive testimony to: 1) approve Environmental Assessment No. 890 certifying the Environmental Impact Report (EIR) for the 540 East Imperial Avenue Specific Plan Project including the Mitigation Monitoring and Reporting Program (MMRP); 2) adopt a Statement of Overriding Considerations; and 3) approve General Plan Amendment No. 10-03, Specific Plan No. 10-03, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, Subdivision No. 10-01 for Vesting Tentative Map (VTM) No. 71410 (7 lots) and VTM No. 71582 (31 lots) with conditions. Applicant: El Segundo Unified School District (ESUSD) (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:

1. Open the public hearing;
2. Discussion;
3. Adopt a Resolution certifying the EIR (Environmental Assessment No. EA-890); adopting a Statement of Overriding Considerations (SOC), implementing a Mitigation Monitoring and Reporting Program (MMRP), amending the General Plan (Amendment No. 10-03), and approving Subdivision 10-01 for Vesting Tentative Map (VTM) 71410 and VTM 71582;
4. Introduce, and waive first reading, of Ordinance for Zone Change No. 10-01, Zone Text Amendment No. 10-06, Specific Plan No. 10-03, and Development Agreement No. 10-02;
5. Schedule second reading and adoption of Ordinance on March 20, 2012; and/or,
6. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Draft City Council Resolution and attachments including Mitigation Monitoring and Reporting Program
2. Draft Ordinance and Exhibits including the 540 East Imperial Avenue Specific Plan and the Draft Development Agreement
3. Planning Commission Resolution No. 2714
4. 4th Quarter 2009 LAX Noise Contour Map
5. Airport Land Use Commission Staff Report and Draft Resolution
6. Settlement Agreement Regarding Aviation Easements
7. Draft Declaration of Conditions and Restrictions Affecting Real Property
9. Final EIR and Errata
10. Project Plans

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, Interim City Manager
APPROVED BY: Greg Carpenter, Interim City Manager

[Signature]
I. Introduction

The 5.65-acre 540 East Imperial Avenue site is comprised of six lots and is currently improved with the Imperial Avenue Elementary School. The site is currently zoned Planned Residential Development (PRD) and is consistent with the current General Plan Land Use Designation of PRD. The PRD Zone limits development to a specific number of residential dwelling units: 29 single-family units and 36 multi-family units. The now unoccupied elementary school was built in 1956. Due to the decline in enrollment in the El Segundo Unified School District (ESUSD), the school campus was closed in 1975. In 1984, it was used as an employee training facility for the Hughes Aircraft Company. In 1997, the school campus was re-opened under a lease to the Los Angeles Unified School District (LAUSD) as a special needs school, but was closed again a few years later. The proposed project site is currently owned by the ESUSD. Between March 2008 and May 2009, the ESUSD held a series of meetings to establish the best use of the property and decided on a plan to re-entitle the site for lease or sale and to develop the property with a new use.

Between June 2010 and August 2010, two informational community/neighborhood meetings were held to introduce the concept project and to give residents the opportunity to participate in the preliminary development phase. A third public workshop was held on August 12, 2010 before the Planning Commission as an informational item. An application for the project was filed with the City on September 9, 2010.

II. Project Applications

The application includes the following:

1) Environmental Assessment (EA) No. 890 California Environmental Quality Act (CEQA) and State Clearing House (SCH) No. 2011071019. – An Environmental Impact Report for Environmental Assessment No 890 (540 East Imperial Avenue Specific Plan) is proposed for this project pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) and the CEQA Guidelines. (See Exhibit 9)

2) General Plan Amendment (GPA) No. 10-03 – Amend the General Plan to Re-designate the project site from Planned Residential Development to the 540 East Imperial Avenue Specific Plan (EIASP). The requested General Plan Amendment will allow for one of two conceptual residential options: Option 1, a Senior Housing Community with a Multi-Family Residential (R-3) component (304 units), or Option 2, a Mixed Residential Development (58 units). The requested designation would allow for the proposed Senior Housing Community with an increased maximum floor area ratio (FAR) of 0.75.

3) Specific Plan (SP) No. 10-03 – Addition of the 540 East Imperial Avenue Specific Plan (EIASP) for the project site that establishes the development standards within the Specific Plan (See Exhibit 2).

4) Zone Change (ZC) No. 10-01 – Amend the Zoning Map to rezone the project site from the Planned Residential Development (PRD) Zone to the 540 East Imperial Avenue Specific Plan (EIASP) Zone. The requested rezoning will allow for consistency with the proposed General Plan Amendment.
5) **Zone Text Amendment (ZTA) No. 10-06** – Zone Text Amendment to: 1) delete the Planned Residential (PRD) Zone from ESMC § 15-3-1; 2) add the 540 East Imperial Avenue Specific Plan to ESMC § 15-3-1; 3) add a new ESMC § 15-3-2(A)(7) “540 East Imperial Avenue Specific Plan”; and 4) delete ESMC § 15-4D-1 (Planned Residential Development (PRD) in its entirety.

6) **Development Agreement (DA) No. 10-02** – Approve the Development Agreement to provide public benefits in exchange for development rights (ten-year entitlement with the option for a five year extension) (See Exhibit 2).

7) **SUB 10-01 for Vesting Tentative Map (VTM) No. 71410 (Option 1 -7 lots) or VTM No. 71582 (Option 2- 31 lots)** – A subdivision to allow the division of land from six lots to seven lots under Option 1, or from six lots to 31 lots under Option 2. (See Exhibit 10).

### III. **Background**

The proposed 540 East Imperial Avenue Specific Plan Project would result in entitlements to develop one of two conceptual project options. Specific Plan Site Plan Option 1 (Option 1) includes a maximum of 150 assisted/independent living units and 150 senior apartments/condominiums (age 55 and older) and four apartments/condominiums. Specific Plan Site Plan Option 2 (Option 2) includes a residential development with a mix of 24 single-family dwelling units and 34 multiple-family dwelling units. The development standards for the apartments/condominiums in Option 1 are designed to be consistent with the Multi-Family Residential (R-3) Zone standards. The development standards for Option 2 are designed to be consistent with the Single-Family Residential (R-1) Zone standards and the Multi-Family Residential (R-3) Zone standards for the single-family residential uses and the multi-family residential uses respectively. A comparison is provided in Table 1.

<table>
<thead>
<tr>
<th>Project Item</th>
<th>Option 1</th>
<th>Option 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Description</td>
<td>Construct a three-story, 150 unit Assisted/Independent Living Complex and 150 Senior Apartments/Condominiums with 4 market rate Apartment/Condominiums</td>
<td>Construct 34 Multi-Family Dwelling Units and 24 Single-Family Dwelling Units</td>
</tr>
<tr>
<td>Parcel Size</td>
<td>5.65 acres</td>
<td>5.65 acres</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>0.75:1</td>
<td>0.53:1 for Single-Family</td>
</tr>
<tr>
<td></td>
<td>For Multi-Family: 1 DU/1613 square feet of lot area on property 15,000 square feet or less. A fraction of a lot greater than 1,075 square feet will allow</td>
<td></td>
</tr>
</tbody>
</table>
| Setbacks | Front Along East Imperial Ave: 20-foot minimum  
Side: 40 foot minimum  
Rear: 40 foot minimum between the southern side of the Specific Plan area and the R-3 uses to the south | an additional unit  
1 DU/2,420 square feet of lot area on property greater than 15,000 square feet. A fraction of a lot greater than 1,613 square feet will allow an additional unit.  
For Single-Family: In accordance with ESMC Chapter 15-4A.  
For Multi-Family: In accordance with ESMC Chapter 15-4B |
|---|---|---|
| Minimum Lot Size | 15,000 square feet | Single-Family: 5,000 gross square feet  
Multi-Family: 7,000 gross square feet. |
| Maximum Building Height | 35 feet (three stories)  
45 feet for parapets | 35 feet (Multi-Family)  
26 feet (Single-Family) |
| Common Open Space | 54,149 | 46,950 |
| Parking | 261 spaces | 213 spaces |
| Vesting Tentative Tract Map | VTM 71410 for 7 lots | VTM 71582 for 31 lots |
| Public Benefit | LEED Certified project. A 15 percent housing set aside for affordable units. | LEED Certified project. A 10 percent housing set aside for affordable units. |
Site Description

The project site is bordered by East Imperial Avenue to the north, multiple-family residential uses to the east, multiple-family residential uses and East Walnut Avenue to the south, and single-family residential uses and a mortuary to the west. The project site is 0.15 mile south of the Los Angeles International Airport (LAX). The project site is also located approximately 0.8 mile west of Sepulveda Boulevard.

Site topography is varied with an overall slope from northeast to southwest of roughly five percent. The site is currently developed with eight single-story brick structures (totaling 22,488 square-feet) that at one time served as administrative offices and classrooms for the former Imperial Avenue Elementary School. Existing structures on site extend from the northern to the southern portion of the site, along the eastern property line. A 0.50 acre baseball field, currently utilized for little league baseball on weekends, is also located on the site.

Surrounding Land Uses

The adjacent area is surrounded primarily with single-family and multi-family residential uses. Additionally, there is a mortuary immediately adjacent to the site at the northeast corner of Sheldon Avenue and East Imperial Avenue. The surrounding uses at the project site are as described in Table 2:
<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Imperial Highway, community dog park, and LAX (north of the northern</td>
<td>Open Space (O-S)</td>
</tr>
<tr>
<td></td>
<td>City boundary).</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>Single-Family and Multi-Family residential uses</td>
<td>R-1 (Single Family Residential) and R-3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Multi-Family Residential)</td>
</tr>
<tr>
<td>South</td>
<td>Single-Family and Multi-Family residential uses.</td>
<td>R-1 (Single Family Residential) and R-3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Multi-Family Residential)</td>
</tr>
<tr>
<td>West</td>
<td>Single-Family residential uses and a Mortuary.</td>
<td>R-1 (Single Family Residential) and C-2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Neighborhood Commercial</td>
</tr>
</tbody>
</table>

**Access and Parking**

Access for Option 1 includes two 2-way driveways along Imperial Avenue to serve the assisted/independent living complex and the senior apartments/condominiums. Upon entering the project site from Imperial Avenue, a total of 14 guest parking spaces would be available along the northeast entry. Drive aisles and 90-degree parking spaces would be located along the perimeter of the project site and between the assisted/independent living complex and senior apartments/condominiums. As proposed, all drive aisles would be 28 feet wide, which would accommodate two-way traffic. A separate driveway would be provided from Walnut Avenue to serve the four condominium units to be located on the southern portion of the project site. No vehicular access would be provided between the senior apartments/condominiums and the four condominiums. An emergency access lane for the assisted/independent living complex portion for Option 1 would be located near the proposed community space area on the eastern portion of the proposed project site.

Off-street parking and loading spaces, including parking for employees and visitors must be provided as follows for Option 1:

**Senior Dwellings (Market Rate):**
- 1 space per studio/1 bedroom units
- 2 spaces per 2 bedroom units

**Senior Dwellings (Affordable):**
- 0.5 space per studio/1 bedroom units
- 1 spaces per 2 bedroom units

**Senior Housing Assisted Living Units (Market Rate):**
- 1 space per 2 units/2 beds
Senior Housing Assisted Living Units (Affordable):
- 1 space per 3 units/3 beds

Option 2 includes one 26-foot-wide two-way driveway along Imperial Avenue to serve the 34 multiple-family residential units. An internal drive aisle would provide access to public parking areas or multiple-family garages. A two-way private street would be provided at the southeast corner of the site, connecting to Walnut Avenue, to provide direct access for the 24 single-family residential units. An internal 36-foot-wide private loop-street would provide access to the private single-family garages. No vehicular access would be provided between the multiple-family residential and the single-family residential uses located on the northern and southern portions of the project site, respectively. Off-street parking and loading spaces for Option 2 must be provided in accordance with ESMC Chapter 15-15 (Single-Family Residential and Multi-Family Residential standards).

Landscaping

Landscaping would include a mix of trees and shrubs/vines and ground cover. Specifically, shade canopy trees of various species would be planted along the access drive aisles, throughout the parking lot, and surrounding the perimeter of the property. Evergreen shrubs and ground cover are proposed to be used for property perimeter areas, building perimeter areas, and used for screening or hedging buildings, the parking lot, and pool area. While the plans are still in concept, the project will be conditioned to meet ESMC required minimums for vehicle use areas, and building and perimeter landscape requirements.

Architecture and LEED Design

The project will be designed with a contemporary architectural style using stucco and siding as the primary building materials with the purpose of being distinct, but compatible with the existing character in the area. The design avoids the appearance of long flat planes through the use of both vertical and horizontal projections and a variety of materials and colors on all building elevations.

Overall, the proposed project will enhance the aesthetic appearance of the site and add more interest to the existing site when viewed from Imperial Avenue.

The project applicant will be required to work with a consultant that specializes in LEED to qualify the project for LEED certification. The building will at a minimum meet the basic LEED certification level or its equivalent.

Affordability Component

The City of El Segundo 2009 Housing Element identified a need for affordable housing to provide for a growing senior population. As envisioned in the Element, based on that need Option 1 would set aside fifteen (15) percent of the total units as affordable units for extremely low, very low, and low income senior households. Fifteen percent of the unit total is 46 units with the allocation of units in each income category provided in Table 3 below. Option 2 would set aside ten (10) percent of the total units as affordable units for extremely low, very low, and low income senior households. Ten percent of the unit total is 6 units (2 units in each
income category as specified in Table 3 below). The set aside amount is characteristic of the 55 and older senior population in the City of El Segundo which (based on the 2000 Census) represents 15.7 percent (2,519) of the total 16,033 population. Based on the Regional Housing Needs Assessment (RHNA), El Segundo is required to provide 168 additional housing units during the current housing cycle (2006-2014). The allocation of the 168 units is broken down into five categories as follows: 22 extremely low income households, 22 very low income households, 27 low income households, 28 moderate income households, and 69 above moderate income households. The City has a total of 43 units that can be credited toward the above moderate income requirements for the current 2006-2014 planning period.

<table>
<thead>
<tr>
<th>Table 3</th>
<th>Affordability Breakdown at Maximum Development</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Low @ 38% of unit total</strong></td>
<td>Option 1 (304 Units Max)</td>
</tr>
<tr>
<td>18 Units</td>
<td>2 units</td>
</tr>
<tr>
<td><strong>Extremely Low @ 31% of unit total</strong></td>
<td>14 units</td>
</tr>
<tr>
<td><strong>Very Low @ 31% of unit total</strong></td>
<td>14 units</td>
</tr>
<tr>
<td><strong>Total Set Aside Amount @ 15% of unit total</strong></td>
<td>46 units</td>
</tr>
</tbody>
</table>

In Option 2, the affordable units may be split evenly between the single-family and multi-family residential uses or be provided only in the multi-family residential units as proposed in the Specific Plan and Development Agreement. The Developer must still provide 15% set aside for the total number of units constructed for Option 1 and 10% set aside for the total number of units constructed for Option 2 should fewer units than the maximum allowed is constructed.

The Draft Development Agreement (Exhibit 2) includes an exclusion from paying the development impact fees (traffic, police, library, fire, and parks) for the affordable units. Additionally, in an effort to provide a greater opportunity for El Segundo residents to have priority for the affordable units, a condition of approval is proposed that will require the developer to provide a marketing implementation plan that will focus on notification of residents of the availability of the affordable housing and information regarding the requirements and benefits.

General Plan Amendment and Rezoning

The proposed General Plan Amendment and Zone Change would establish the 540 East Imperial Avenue Specific Plan (EIASP) as a new land use district. The EIASP will allow a mix of residential uses and a range of densities at the project site similar to the adjacent mix of land uses.

Specific Plan

A Specific Plan was prepared (see attached Exhibit 2) to allow and encourage development of an assisted living/senior housing project with a multi-family component (Option 1) with a
maximum FAR of 0.75. The Plan would also allow single-family and multi-family residential uses (Option 2) with a maximum lot coverage and maximum density in conformance with the current ESMC Single-Family (R-1), and Multi-Family (R-3) Zone development standards. The Specific Plan will guide the build-out of the project site in a manner that is consistent with City and State policies and standards and ensures that the project is developed in a coordinated manner. The proposed Specific Plan and conceptual project layouts for either Option 1 or Option 2 are consistent with the General Plan.

General Plan Consistency

If the General Plan Amendment is approved, the land use designation for the project site will be 540 East Imperial Avenue Specific Plan. This designation permits senior housing, single-family, and multi-family residential uses as specified in either Option 1 or Option 2. The proposed projects, Option 1 or Option 2, are consistent with the General Plan Goals, Policies and Objectives and the Specific Plan as set forth in detail in the draft Resolution.

Zoning Consistency

If the Zone Change is approved, the zoning designation for the project will be 540 East Imperial Avenue Specific Plan. The Specific Plan would augment the development standards of El Segundo’s zoning regulations. When an issue, condition or situation occurs which is not covered or provided for in the Specific Plan, the zoning regulations that are most applicable to the issue, condition or situation will apply. The proposed conceptual project (Option 1 or Option 2) meets the development standards set forth in the 540 East Imperial Avenue Specific Plan § 4.2 Development Standards.

Development Agreement

The proposed Development Agreement establishes a 10-year duration of the Agreement (see attached Exhibit F). The Development Agreement as drafted allows either the developer or the City to unilaterally extend the Agreement for an additional term of five-years. Typical recent Development Agreements approved by the City, including the Agreements for Plaza El Segundo, Campus El Segundo, and the Cambria Suites Hotel project, include similar time frames and extension periods.

The development agreement provides vested development rights in exchange for 1) a Leadership in Energy and Environmental Design (LEED) certified project (or equivalent); 2) affordable housing requirements for extremely low, very low, and low income senior households (fifteen percent of the total units under Option 1 and 10% of the total units under Option 2); 3) development impact fees with an exemption for affordable housing units (Option 1 Plan - $895,704; Option 2 Plan -$162,817); 4) procedures for major and minor project modifications; 5) procedures and review criteria for site plan review; 6) established project phasing; and 7) criteria for local purchase of goods for sales and use tax benefit.

Vesting Tentative Map

If this project is approved allowing for the option of two possible development scenarios, only one of the two Vesting Tentative Maps would be made final; Vesting Tentative Map (VTM)
IV. **Environmental Review**

The proposed project options were analyzed for environmental impacts and an Initial Study of Environmental Impacts (Exhibit 9) was prepared pursuant to Public Resources Code § 15063 (California Environmental Quality Act). The Initial Study (included in Exhibit 9) was made publicly available on July 7, 2011 concurrent with the publication of a Notice of Preparation of an Environmental Impact Report (EIR) in the El Segundo Herald. The notice was also posted at City Hall, the El Segundo Library, and mailed to property owners in the vicinity of the project sites and identified interested parties. The purpose of the Initial Study was: 1) to evaluate whether preparation of an EIR was necessary; and, 2) to focus the EIR document on the issue areas determined to be potentially significant. The Initial Study identified that an EIR was necessary to evaluate potentially significant environmental impacts. The Initial Study identified that environmental effects in the following issue areas were determined to not be significant and did not require further evaluation in an EIR: Aesthetics, Agriculture and Forest Resources, Biological Resources, Cultural Resources, Geology and Soils, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Population/Housing, Public Services, and Utilities/Service Systems. The initial study determined that the following issue area has no environmental impact: Agriculture and Forestry Resources. The initial study determined that the following issue areas are less than significant: Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Population/Housing, Public Services, and Utilities/Service Systems. The initial study determined that the following issue areas are less than significant with mitigation: Aesthetics, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, and Construction Noise (see mitigation measures in Exhibit 1). Although further study would be conducted in an EIR, the Initial Study identified one mitigation measure that would be required for Transportation/Traffic relating to emergency access and one mitigation measure that would be required to mitigate noise relating to construction.

On November 3, 2011 the Notice of Availability of Draft Environmental Impact Report was published in the El Segundo Herald, posted at City Hall and mailed to property owners in the vicinity of the project sites and identified interested parties pursuant to Public Resources Code §15087. The public review and comment period for the Draft EIR (DEIR) began on November 3, 2011 and ended on December 19, 2011. The DEIR evaluated 5 areas of controversy and issues to be resolved as follows: Air Quality, Greenhouse Gas Emissions, Noise, Recreation, and Transportation/Traffic. The DEIR determined that the following issue areas would be less than significant: Greenhouse Gas Emissions and Recreation. The DEIR determined that the following issue area would be less than significant with mitigation: Transportation/Traffic. The DEIR identified significant and unavoidable environmental impacts in the Construction related Air Quality and Operational Noise issue areas relative to the increases in residential population in an area that exceeds the exterior noise criteria of 65 dBA. The DEIR identified significant, but mitigable impacts in the issue area of Noise (construction related and groundborne vibration). The Draft EIR also concluded that operational Air Quality would be less than significant.
Three alternatives were studied in the EIR. The alternatives are as follows:

Alternative 1: Senior Assisted Living Facility and Single-Family Alternative — This alternative would develop the site with a 150-unit senior assisted care facility and 17 single-family dwelling units. The senior assisted care facility would include 150 units, 90 parking spaces, and 24,234 square feet of common open space located on the northern portion of the site and accessible from two driveways along Imperial Avenue. The senior assisted care facility portion would be same as that proposed under project Option 1. This alternative would also include 17 single-family dwelling units located on the southern portion of the site and oriented around a private loop road (accessed from Walnut Avenue), 90 parking spaces, and 26,791 square feet of common open space.

Alternative 2: Senior Townhome and Single-Family Alternative — This alternative would develop the proposed project site with 34 senior townhome units and 24 single-family dwelling units. Alternative 2 is substantially similar to project Option 2 with the only difference being that the 34 multiple-family dwelling units proposed under project Option 2 would be occupied by eligible seniors (age 55 and older). Alternative 2 would include 34 senior townhome-style condominiums, 92 parking spaces, and 11,704 square feet of common open space located on the northern portion of the site and accessible from one driveway along Imperial Avenue. The design and orientation of the senior townhome-style condominiums would be similar to the multiple-family residential component proposed as part of project Option 2. Alternative 2 would also include 24 single-family dwelling units located on the southern portion of the site and oriented around a private loop road (accessed from Walnut Avenue), 121 parking spaces, and 26,791 square feet of common open space. The single-family dwelling units would be similar to the single-family dwelling units proposed as part of project Option 2.

Alternative 3: No Project/No Development Alternative — In addition to alternative development scenarios, CEQA Guidelines Section 15126.6(e) requires the analysis of a “no project” alternative. The purpose of examining such an alternative is to allow decision-makers to compare the effects of approving the project with the effects of not approving the project. For the purposes of this analysis, the “no project” alternative would serve as a “no development” alternative with the site remaining in its existing condition. Under this alternative, all existing development and uses would remain.

The Draft EIR provides a comparison of the alternatives, including the No Project Alternative, in Draft EIR Section 6.0. The Draft EIR concluded that Alternative 2 would be the environmentally superior alternative, between project Option 1 and 2, project Option 2 is considered to be the superior project option because the project Option 2 would generate less average daily trips (ADT) than Option 1 (428 ADT versus 926 ADT), and would therefore result in reduced operational air quality, greenhouse gas (GHG), and traffic impacts compared to Option 1. However, Option 2 would not result in the benefit of the construction of new senior housing and assisted living opportunities that would result from Option 1.

The following sections summarize the analysis of potentially significant environmental impacts that the Draft EIR identifies as needing mitigation and the impacts found to be significant and unavoidable. The summary applies to project Option 1 and Option 2.
V. **Potentially Significant Impacts Option 1 and Option 2**

*Noise - Construction.* Temporary construction activates could result in the exposure of people to noise levels that temporarily exceed the noise standards established in the City’s General Plan, or applicable standards of other agencies. The DEIR identifies residential uses within 50 feet of the project site as noise “sensitive receptors.” Construction related noise is exempt pursuant to ESMC § 7-2-10(D) as long as construction related activities are limited to the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday, provided the noise levels do not exceed 65 dBA at the property line of a receptor site with an increase of up to 85 dBA (ESMC § 7-2-4(C)). The DEIR identifies that construction noise could be as high as 86 dBA at the nearest residential receptor. However, implementation of mitigation measures MM4.3-1 through 4.3-5 would reduce the temporary noise levels to a less than significant level.

VI. **Significant and Unavoidable Impacts Option 1 and Option 2**

To approve the project – both Option 1 and Option 2 – the City Council must adopt a Statement of Overriding Consideration (SOC) for the following impact areas:

*Air Quality - Construction.* Temporary construction activities for either Option 1 or Option 2 would violate air quality standards for VOC’s even with full implementation of the identified mitigation measures (MM4.1-1 through MM4.1-16).

*Noise - Operation.* While neither project (Option 1 or Option 2) would result in a substantial ongoing increase in exterior noise levels during operation, both project Options would increase the permanent, noise sensitive residential population on the project site even with full implementation of MM4.3-6 and MM4.3-7 because of the site’s proximity to LAX. It should be noted that subsequent to the preparation of the Draft EIR and conclusion of the public comment period, the 2009 4th Quarter Noise Standards LAX Quarterly Report was released. The noise levels on the site were reduced from 70 db CNEL to 65 db CNEL (see Exhibit 4). No changes have been made to the FEIR to reflect the change in noise levels, since the changes to the noise contours occurred after the EIR was prepared and made available for public comment. Staff recommends that the Council proceed with the SOC as drafted in an abundance of caution.

VII. **Public Comments**

The EIR was circulated for public comment between November 3, 2011 and December 19, 2011. One public agency comment, State of California Native American Heritage Commission (NAHC), was received during the comment period. The agency did not challenge the environmental findings or the recommended mitigation measures of the report. As required by CEQA a full response to all public comments received during the comment period has been prepared and is included in Exhibit 9.

VIII. **Inter-Departmental Comments**

The administrative Draft EIR was circulated to all City Departments for review and comment. Comments were received from the Building Safety Division, Recreation and Parks Department, Police Department and the Fire – Environmental Safety Division. The issues identified in the comments received were incorporated in the publicly circulated Draft EIR for the project
and/or where appropriate staff has incorporated those comments that are applicable and
demonstrate a legal nexus as conditions of approval in the Resolution.

IX. Application Findings

In order to approve the project, the City Council must take certain actions related to the
environmental review, General Plan Amendment land use designation, Zone Change, Zone
text amendment, Specific Plan, Development Agreement, and Subdivision. The required
findings for each application are discussed in detail in the attached draft Resolution and draft
Ordinance. Staff believes that the City Council may make the required findings to adopt the
Environmental Impact Report (EIR), Statement of Overriding Considerations (SOC), and the
Mitigation Monitoring and Reporting Program (MMRP), and to approve the General Plan
Amendment, Zone Change, Zone Text Amendment, Specific Plan, Development Agreement,
and Subdivision as outlined in the draft Resolution and draft Ordinance. Specifically, Planning
staff recommends to the City Council that the unavoidable significant air quality and noise
impacts identified in the EIR are acceptable when balanced against the benefits of the Project.

X. Planning Commission Hearing and Public Input

The Planning Commission held its public hearing on the proposed project on January 26, 2012.
The applicant and its representative (Mar Ventures Inc), and two residents provided testimony
at the public hearing. No written comments were received from other responsible agencies or
from the public prior to the Commission hearing. The applicant submitted a comment letter
from the Park Vista Senior Facility Ad-Hoc Committee at the Commission hearing in support
of the project and more specifically in favor of senior housing and assisted living. The
Commission recommended approval.

XI. Airport Land Use Commission (ALUC) Review

In accordance with the Public Utilities Code (PUC) §21676, the Airport Land Use Commission
(ALUC) (the LA County Planning Commission) is responsible for reviewing changes to local
jurisdictions’ land use policies to determine compatibility with the adopted Airport Land Use
Plan (ALUP). The issue areas addressed in the ALUP relevant to the proposed project relate to
hazards and noise. Recommendations made by the ALUC are advisory only to local
jurisdictions. The final decision to agree or disagree with an ALUC consistency determination
is at the discretion of the City Council.

On February 22, 2012, the ALUC adopted a resolution making findings of consistency with the
Airport Land Use Plan. Although the findings of consistency were adopted, the ALUC
expressed concerns about potential litigation relating to the adoption of the proposed resolution
and potential existing and future noise impacts. The Commission asked that the City ensure
future property owners would waive their rights to legal action relating to the proximity of
LAX. However, the City does not believe that it can condition the project in that manner. In
an effort to provide greater clarification in the documents of record, the ESUSD, its
representatives, and City staff agreed to provide greater clarification in the mitigation measures
(MM 4.3-7) and conditions of approval regarding disclosure of noise impacts, mitigation of
interior noise levels to 45 dB CNEL, and the applicability of restrictive covenants as specified
in proposed Condition of Approval No. 26 (see Exhibit 7 for Draft Covenant) that are binding
to the property, recorded on the vesting tentative map, and transferable to all subsequent
purchasers. The ALUC also stated a preference for Option 1 and included a recommendation in their resolution that the City of El Segundo select this option. The City Council is not required to select or limit the approval to one Option and the proposed Specific Plan request is to allow the ESUSD the flexibility to select either Option.

XII. Conclusion

Planning staff believes that the proposed 540 East Imperial Avenue Specific Plan project meets the mandatory findings as set forth in the staff report and recommends that the City Council: 1) adopt the attached draft Resolution approving Environmental Assessment No. EA-890 certifying the Environmental Impact Report for the 540 East Imperial Avenue Specific Plan Project including the Mitigation Monitoring and Reporting Program (MMRP) and incorporating the Comments and Responses to Comment Section and EIR errata sheet; 2) adopt a Statement of Overriding Considerations; and 3) adopt an Ordinance approving General Plan Amendment No. 10-03, Specific Plan No. 10-03, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, Subdivision 10-01 for Vesting Tentative Map (VTM) No. 71410 (7 lots) and VTM No. 71582 (31 lots) with conditions.
EXHIBIT 1

RESOLUTION NO. ___

A RESOLUTION CERTIFYING AN ENVIRONMENTAL IMPACT REPORT FOR ENVIRONMENTAL ASSESSMENT NO. 890; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING GENERAL PLAN AMENDMENT NO. 10-03 FOR THE 540 EAST IMPERIAL AVENUE SPECIFIC PLAN PROJECT 540 EAST IMPERIAL AVENUE.

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

SECTION 1: The City Council finds and declares that:

A. On September 9, 2010, Mar Ventures, Inc., filed an application on behalf of the El Segundo Unified School District for an Environmental Assessment (EA No. 890), General Plan Amendment No. 10-03, Specific Plan No. 10-03, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, and Subdivision No. 10-01 for Vesting Tentative Map No. 71410 for seven lots, or No. 71582 for 31 lots to re-designate and rezone an approximate 5.65 acre property at 540 East Imperial Avenue from Planned Residential Development (PRD) Zone to 540 East Imperial Avenue Specific Plan (EIASP) to allow construction of a either a 304-unit senior housing community development with a multi-family component (Option 1) or a 58-unit mixed residential development (Option 2) (collectively, the “Project”);

B. The applications were reviewed by the City of El Segundo Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the El Segundo Municipal Code (“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. An Initial Study was prepared pursuant to the requirements of CEQA. The Initial Study demonstrated that the project could cause significant environmental impacts. Accordingly, a Draft Environmental Impact Report (“DEIR”) was prepared and circulated for public review and comment between November 3, 2011 and December 19, 2011 in compliance with
CEQA Guidelines § 15087;

E. An Environmental Impact Report (EIR) was prepared pursuant to the requirements of CEQA Guidelines § 15161;

F. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for January 26, 2012;

G. On January 26, 2012, the Commission held a public hearing to receive public testimony and other evidence regarding the applications including, without limitation, information provided to the Commission by City staff and public testimony, and representatives of Mar Ventures, Inc. and the El Segundo Unified School District. Following the public hearing, the Planning Commission adopted Resolution No. 2714 recommending that the City Council approve the project;

H. The 540 East Imperial Avenue Specific Plan was considered by the Airport Land Use Commission at its hearing on February 22, 2012. The Airport Land Use Commission adopted a Resolution finding the 540 East Imperial Avenue Specific Plan consistent with the Airport Land Use Plan. The Resolution included a recommendation to modify Mitigation Measure 4.3-7 to read as follows:

"Mitigation Measure MM 4.3-7 In accordance with the Business and Professions Code and Civil Code, each prospective purchaser of residential property within the Project and all subsequent purchasers must be notified as follows:

NOTICE OF AIRPORT IN VICINITY – This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (e.g., noise, vibration, soot, or odors). Individual sensitivities to those annoyances can vary from person to person. The property is within the 65 db CNEL noise contour. The City imposed mitigation to reduce interior noise impacts to 45 db CNEL. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

In addition, although not required by Civil Code Sections 1103, et seq., each prospective tenant of leased residential property within the Project must also be notified within the Project must also be notified as described above."

2
I. On March 6, 2012, the City Council held a duly advertised public hearing in the Council Chamber of the El Segundo City Hall, 350 Main Street to receive public testimony and other evidence regarding the applications including, without limitation, information provided to the City Council by City Staff and public testimony; and

J. The City Council considered the information provided by, without limitation, City Staff and public testimony. This Resolution, and its findings, are made based upon the evidence presented at the Planning Commission at its January 26, 2012 hearing; and at the City Council hearing on March 6, 2012 including, without limitation, the staff reports submitted by the Planning and Building Safety Department.

SECTION 2: Factual Findings and Conclusions. The City Council finds that the following facts exist:

A. The subject property is located at 540 East Imperial Avenue in the northwest portion of the City of El Segundo;

B. The property is comprised of six lots and the total site area is on the block bounded by East Imperial Avenue to the north; Walnut Avenue to the south, Sheldon Street to the west, and McCarthy Court to the east;

C. The surrounding land uses are primarily single-family and multi-family residential uses in the Single-Family Residential (R-1) and Multi-Family Residential (R-3) Zones to the east, west and south, with a mortuary located on one parcel in the Neighborhood Commercial (C-2) Zone located at the northeast corner of East Imperial Avenue and Sheldon Street, west of the site. Land uses north of the site include a community dog park within the corporate boundary of the City of El Segundo and LAX across Imperial Avenue in the City of Los Angeles;

D. The proposed project for the property at 540 East Imperial Avenue consists of two possible development options. Option 1 is a 304-unit senior housing community with a multi-family component. Option 2 consists of a 58-unit mixed residential development;

E. The subject site is irregular in shape with 455 feet of street frontage on East Imperial Avenue and a total lot area of 5.65 acres;

F. The subject site is developed with eight single-story brick buildings (22,488 square-feet total) that once served as administrative offices and classrooms for the former Imperial Avenue Elementary School;
G. Vehicular access to the proposed facility would be provided from two driveway entrances; primary access would be from East Imperial Avenue for the senior housing community (Option 1) and the multi-family portion of the mixed residential project (Option 2). Primary access for the multi-family portion of Option 1 and the single-family portion of Option 2 would be from Walnut Avenue;

H. The proposed General Plan re-designation and rezoning of the Project Site would change the General Plan land use designation from Planned Residential Development to the 540 East Imperial Avenue Specific Plan (EIASP) designation and rezone the area from the Planned Residential Development (PRD) Zone to the 540 East Imperial Avenue Specific Plan (EIASP) Zone; and

I. The re-zoning and General Plan re-designation would increase the residential density allowed on the site from 11.5 dwelling units per acre, to a maximum of 53.8 dwelling units per acre in Option 1 or a maximum of 10.27 dwelling units per acre in Option 2. The total maximum development that would be permitted with the proposed General Plan re-designation and re-zoning is 175,000 square feet (0.75 FAR).

SECTION 3: Environmental Assessment. The City Council makes the following environmental findings:

A. The City completed a Draft Environmental Impact Report (DEIR) for this project. A noticed Public Scoping meeting was held on Thursday July 14, 2011 pursuant to CEQA Guidelines §15083. A Notice of Preparation of the DEIR was circulated for public review from July 7 to August 6, 2011 pursuant to CEQA Guidelines §15082. A Notice of Completion for the DEIR was filed with the State Office of Planning and Research on November 3, 2011 pursuant to CEQA Guidelines §15085. The public comment and review period for the DEIR was open between November 3, 2011 and December 19, 2011 in compliance with CEQA Guidelines §15087;

B. The City received one (1) comment letter on the DEIR from a public agency, the State of California Native American Heritage Commission (NAHC). The agency did not challenge the environmental findings or the recommended mitigation measures of the report;

C. A Final EIR was prepared, which includes the DEIR, the comment regarding the DEIR and the written response to the comment. Based on the comment letter from the NAHC, no text changes were required.
However, changes to Mitigation Measure 4.3-7 were made in response to the recommendation from the Airport Land Use Commission on February 22, 2012;

D. The FEIR for the proposed Project, entitled "540 East Imperial Avenue Specific Plan Project," prepared by Atkins under contract to the City and under the supervision of the Planning and Building Safety Department (State Clearinghouse No. 2011071019), is incorporated by reference;

E. The City, acting as lead agency, reviewed and edited as necessary the DEIR and the FEIR to reflect its own independent judgment to the extent of its ability, including reliance on City technical personnel as well as other professional consultants retained by the City in order to provide technical advice and assistance in evaluating environmental impacts associated with the Project;

F. Pursuant to Public Resources Code § 21082.1(c)(3), the City Council independently reviewed and analyzed the FEIR. Based upon that review and analysis, and recommendations made by the City's Planning Agency as set forth in Planning Commission Resolution No. 2714 adopted on January 26, 2012, the City Council finds that the FEIR is an accurate and complete statement of the potential environmental impacts resulting from the Project. The FEIR reflects the City's independent judgment as lead agency;

G. Pursuant to Public Resources Code § 15091, any changes or alterations required for the Project, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect are identified for the FEIR. Any potential changes or alterations that may be made to the proposed mitigation measures are addressed and analyzed in the FEIR;

H. The DEIR and FEIR were made available for public review and comment in the time and manner prescribed by CEQA;

I. In accordance with Public Resources Code §15091, the record on which the City Council findings are based is located at the Planning and Building Safety Department, City of El Segundo, 350 Main Street, El Segundo, California 90245. The custodian of records is the Director of Planning and Building Safety;

J. The City reviewed the FEIR for the Project and considered the public record on the project, including, without limitation, the following:
1. Staff reports prepared by the Planning and Building Safety Department and the DEIR and the FEIR prepared by Atkins for the City;

2. Staff presentations at public hearings and meetings;

3. All applicable regulations and codes;

4. Public comments, both written and oral, received and/or submitted at or before the public hearings and meetings, supporting or opposing the proposed Project; and,

5. All related documents received and/or submitted at or before the public hearings.

K. The FEIR was presented to the City Council, which reviewed and considered information contained in the FEIR before approving the project in accordance with Public Resources Code §15090;

L. The FEIR generally identifies, for each potentially significant impact of the project, one or more corresponding mitigation measures to reduce impacts to a level of insignificance, with the exception of air quality and noise impacts. The City Council finds that each potentially significant impact identified in the FEIR is mitigated by its corresponding mitigation measures to the extent set forth in the FEIR;

M. In accordance with Public Resources Code §15091, the City Council considered written findings regarding each of the significant environmental effects identified in the DEIR before certification of the FEIR. The written findings are attached as Exhibit “A” to this Resolution and incorporated by reference. Each finding includes a brief explanation of the rationale for each finding. The FEIR includes mitigations that lessen identified significant environmental effects to a less than significant level for those effects that can be mitigated. For the two environmental effects that cannot be mitigated to a less than significant level (Air Quality and Noise) as identified in the FEIR, the findings attached in Exhibit “A” contain a brief explanation as to how the mitigation measures substantially lessen the two substantial environmental effects, and;

N. Because of the effects identified in this Resolution, specifically the creation of significant environmental impacts as described above, the FEIR found that a Statement of Overriding Considerations would be required for any of the alternatives studied to be approved. A Statement of Overriding Consideration is included in “Exhibit A” in accordance with Public
Resources Code §15093. The City Council considered the attached Statement of Overriding Considerations.

SECTION 4: General Plan and Specific Plan. The proposed project conforms to the City's General Plan and the 540 East Imperial Avenue Specific Plan for the reasons identified in Planning Commission Resolution No. 2714 as adopted on January 26, 2012. The findings in Resolution No. 2714 are incorporated by reference as if fully set forth below.

SECTION 5: Approvals.

A. The City Council adopts the Findings of Fact and a Statement of Overriding Considerations in accordance with the requirements of Public Resources Code §21081 as set forth in attached Exhibit "A," which are incorporated into this Resolution by reference.

B. In accordance with the requirements of Public Resources Code §§21081(a) and 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program (MMRP) set forth in attached Exhibit "B," which is incorporated into this Resolution by reference. The City Council adopts each of the mitigation measures expressly set forth therein as conditions of approval of the project. The other project conditions of approval and compliance with applicable codes, policies, and regulations will further ensure that the environmental impacts of the proposed project will not be greater than set forth in the FEIR and these findings.

C. The City Council amends the proposed Land Use Plan ("Land Use Designations – Residential Designations: Planned Residential Development" subsection) of the Land Use Element of the General Plan to reflect the deletion of the Planned Residential land use designation and the addition of the 540 East Imperial Avenue Specific Plan, including a description of the allowed uses and the maximum land use density allowed, to the Residential Designations: Planned Residential Development subsection. The corresponding changes are set forth in attached Exhibit "C," which is incorporated into this Resolution by reference.

D. The City Council amends the proposed Land Use Plan "Northwest Quadrant" subsection) of the Land Use Element of the General Plan to reflect the change of the Project area which is the former Imperial Avenue Elementary School at 540 East Imperial Avenue from Planned Residential Development to 540 East Imperial Avenue Specific Plan. The corresponding changes are set forth in attached Exhibit "D," which is incorporated into this Resolution by reference.
E. The City Council amends the 1992 General Plan Summary of Existing Trends Buildout (Exhibit LU-3) of the Land Use Element to reflect the change of the Project area which is the former Imperial Avenue Elementary School at 540 East Imperial Avenue from Planned Residential Development to 540 East Imperial Avenue Specific Plan. The corresponding changes to the Land Use Element are set forth in attached Exhibit “E,” which is incorporated into this Resolution by reference.

F. The City Council amends the General Plan Land Use Map to reflect the change of the Project area which is the former Imperial Avenue Elementary School at 540 East Imperial Avenue from Planned Residential Development to 540 East Imperial Avenue Specific Plan. The corresponding changes to the Land Use Map are set forth in attached Exhibit “F,” which is incorporated into this Resolution by reference.

G. Subject to the conditions listed in attached Exhibit “G,” which are incorporated into this Resolution by reference, the City Council certifies the Final Environmental Impact Report for the 540 East Imperial Avenue Specific Plan Project.

SECTION 6: Reliance on Record. Each and every one of the findings and determinations 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 City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: Limitations. The City Council’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 City Council’s 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 8: Summaries of Information. All summaries of information in the findings which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding, is not based in part on that fact.
SECTION 9: This Resolution will remain effective unless superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution must be mailed to Mar Ventures, Inc. and the El Segundo Unified School District, and to any other person requesting a copy.

SECTION 11: This Resolution becomes effective immediately upon adoption and constitutes the City Council's final decision. Note that persons dissatisfied with this decision may appeal it to a court of competent jurisdiction pursuant to Code of Civil Procedure §1094.6.

PASSED, APPROVED AND ADOPTED this 6th day of March, 2012.

_______________________
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 Resolution No. ____ was duly passed, approved and adopted by said City Council at a regular meeting held on the 6th day of March, 2012, approved and signed by the Mayor, and attested to by the City Clerk, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_______________________
Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

_______________________
Karl H. Berger, Assistant City Attorney
CITY COUNCIL RESOLUTION NO. _____

Exhibit A

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

After receiving, reviewing, and considering all the information in the administrative record for Environmental Assessment (EA) No. 890, General Plan Amendment No. 10-03, Specific Plan No. 10-03, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, and Subdivision No. 10-01 for Vesting Tentative Map (VTM) No. 71410 and VTM No. 71582, including, without limitation, the factual information and conclusions set forth in this Resolution and its attachment, the City Council finds, determines, and declares for the 540 East Imperial Avenue Specific Plan Project as follows:

I. FINDINGS REQUIRED BY CEQA

CEQA Guidelines § 15090 require the City to certify that:

1. The Final Environmental Impact Report (FEIR) has been completed in compliance with CEQA;

2. The FEIR was presented to the decision-making body of the lead agency and that that decision-making body reviewed and considered the information contained in the final EIR before approving the project; and

3. The FEIR reflects the lead agency’s independent judgment and analysis.

II. FINDINGS REGARDING THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROJECT

A. Impacts Found to Be Insignificant

The Initial Study for the 540 East Imperial Avenue Specific Plan Project, dated July 2011, identified the following environmental effects as not potentially significant. Accordingly, the City Council finds that the Initial Study, the FEIR, and the record of proceedings for the project do not identify or contain substantial evidence identifying significant environmental effects of the project with respect to the issue areas listed below.

- Agriculture/Forestry Resources (All thresholds)
- Aesthetics
  - Scenic Vistas
  - Scenic Resources within a State Scenic Highway
- Biological Resources
  - Riparian Habitat
  - Wetlands
  - Conflict with Policies or Ordinances Protecting Biological Resources
> Conflict with Habitat Conservation Plan

- Cultural Resources
  > Historical Resources

- Geology/Soils
  > Fault Rupture
  > Seismic-Related Ground Failure
  > Landslide
  > Wastewater Disposal Systems

- Hazards/Hazardous Materials
  > Emissions or Handling of Hazardous Materials Near Schools
  > Safety Hazards associated with Private Airstrip
  > Wildland Fires

- Hydrology/Water Quality
  > Housing within 100-year Flood Hazard Area
  > Structures within 100-year Flood Hazard Area
  > Levee or Dam Failure
  > Inundation

- Land Use/Planning
  > Division of Established Community
  > Conflict with Conservation Plan

- Mineral Resources
  > Loss of Delineated Mineral Resource Recovery Site

- Noise
  > Excessive Noise From a Private Airstrip

- Population/Housing
  > Displace Housing
  > Displace People

- Utilities/Service System
  > Solid Waste Statutes and Regulations Compliance

B. Impacts identified as Less Than Significant

The Initial Study and/or FEIR identified the following environmental effects as less than significant. Where the environmental issue area was discussed in the Initial Study, the FEIR, or both, is noted in parenthesis. Accordingly, the City Council finds that the Initial Study, the FEIR, and the record of proceedings for the 540 East Imperial Avenue Specific Plan Project do not identify or contain
substantial evidence identifying significant environmental effects of the project with respect to the issue areas listed below.

- Aesthetics
  - Visual Quality and Character (Initial Study)

- Air Quality
  - Conflict or Obstruction of Applicable Air Quality Plan (Construction and Operation) (DEIR)
  - Air Quality Standard Violations (Operation) (DEIR)
  - Expose Sensitive Receptors (Operation) (DEIR)
  - Objectionable Odors (Construction and Operation) (Initial Study and DEIR)

- Geology/Soils
  - Seismic Groundshaking (Initial Study)
  - Erosion or Loss of Topsoil (Initial Study)
  - Expansive Soils (Initial Study)

- Greenhouse Gases (All) (DEIR)

- Hazards/Hazardous Materials
  - Transport, Use or Disposal of Hazardous Materials (Initial Study)

- Hydrology/Water Quality
  - Violate Water Quality Standards/Waste Discharge Requirements (Initial Study)
  - Groundwater Supplies or Recharge (Initial Study)
  - Drainage Patterns (Initial Study)
  - Stormwater Runoff (Initial Study)
  - Degrade Water Quality (Initial Study)

- Land Use/Planning
  - Conflict with Land Use Plan, Policy, or Regulation (Initial Study)

- Mineral Resources
  - Valued Mineral Resources (Initial Study)

- Noise
  - Substantial Permanent Increase in Noise Levels (DEIR)

- Population/Housing
  - Population Growth (Initial Study)

- Public Services (All) (Initial Study)

- Recreation (All) (Initial Study and DEIR)
• Transportation/Traffic
  > Conflict with Performance Measures (Initial Study and DEIR)
  > Conflict with Congestion Management Plan (Initial Study and DEIR)
  > Air Traffic Patterns (Initial Study and DEIR)
  > Increase Hazards or Incompatible Uses (Initial Study and DEIR)
  > Conflict with Alternative Transportation Plans (Initial Study and DEIR)
• Utilities/Service Systems (All) (Initial Study)

C. Impacts Identified as Less-Than-Significant with Mitigation Incorporated

The City Council finds that the following environmental effects were identified as
Less Than Significant with Mitigation Incorporated in the Initial Study and/or
FEIR. Where the environmental issue area was discussed in the Initial Study, the
FEIR, or both, is noted in parenthesis. Implementation of the identified mitigation
measures would avoid or lessen the potential environmental effects listed below
to a level of significance.

1. Aesthetics (Initial Study)

   a) Facts/Effects:

      (1) New Sources of Light or Glare. Implementation of Option 1 or
      Option 2 of the proposed project would introduce new sources of
      light and glare at the project site that could be visible to light-
      sensitive receptors in the vicinity of the project site. Implementation of mitigation measure MM AES-1 for Option 1 or
      Option 2 would reduce potential impacts from daytime glare to a
      less-than-significant level by eliminating or minimizing increased
      glare through the use of nonreflective glass and non-reflective
      textured surfaces at the proposed development. Implementation of mitigation measure MM AES-2 would reduce off-site impacts from
      nighttime light and glare by requiring that exterior lighting be
      directed onto driveways, walkways, and public areas, and away
      from adjacent properties and public rights-of-way. Therefore, light
      and glare impacts would be less than significant with incorporation
      of mitigation measures MM AES-1 and MM AES-2.

   b) Mitigations:

      MM AES-1 Expansive areas of highly reflective materials, such as
      mirrored glass, must not be permitted. Nonreflective building
      materials must be used to the maximum extent possible to reduce
      potential glare impacts.

      MM AES-2 Exterior lighting must be designed to minimize off-site
      glare. This may include, without limitation, using shielded or
      recessed lighting fixtures.
c) Finding:

The City Council finds that with implementation of identified mitigation measures, potentially significant aesthetics impacts related to new sources of light and glare would be reduced to a less-than-significant level as identified in the Initial Study.

2. **Biological Resources** (Initial Study)

a) Facts/Effects:

(1) **Protected Birds.** Implementation of Option 1 or Option 2 of the proposed project would not result in any impacts to special-status species as the project site does not contain suitable habitat for any special-status plant or wildlife species and none have been reported as occurring on, or in the immediate vicinity of, the proposed project site. However, potential nesting habitat for common bird species protected under the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game (CFG) Code does occur within trees on, and in the immediate vicinity of, the proposed project site. Removal of on-site trees and construction-related activities resulting from implementation of Option 1 or Option 2 of the proposed project could violate the MBTA and CFG Code. To prevent potential impacts to nesting birds in violation of the MBTA and CFG Code, mitigation measure MM BIO-1 would be implemented before and during construction of the proposed project to avoid nesting birds. Therefore, a less-than-significant impact would occur with incorporation of mitigation measure MM BIO-1.

(2) **Migratory Birds.** Removing on-site trees and construction-related activities resulting from implementation of Option 1 or Option 2 of the proposed project could disturb migratory bird species protected under the MBTA that may use portions of the proposed project site for nesting during the breeding season. Implementation of MM BIO-1 which requires that surveys for nesting avian species are performed during the appropriate time of year and that nests are avoided, as well as adherence to all federal, state, and local laws and regulations would ensure that development of Option 1 or Option 2 of the proposed project does not interfere 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. Therefore, a less-than-significant impact would occur with incorporation of mitigation measure MM BIO-1.

b) Mitigation:

**MM BIO-1** Construction of either Option of the proposed project must avoid the February 1 through August 31 bird nesting season to the extent feasible. If it is not feasible to avoid the nesting period, a survey for nesting birds must be conducted by a qualified wildlife biologist no earlier than 14 days before construction. The
area surveyed must include all clearing/construction areas, as well as areas within 250 feet of the boundaries of these areas, or as otherwise determined by the biologist. If no active avian nests are identified on or within 250 feet of the limits of the proposed disturbance area, no further mitigation is necessary.

If active nests are found within 250 feet of the proposed disturbance area, clearing/construction activities must be postponed within 250 feet of the nest until a wildlife biologist has identified the nesting avian species. If the avian species is not protected under the MBTA or the California Fish and Game Code, no further action is required and construction activities may proceed.

If the avian species is protected under the MBTA or the California Fish and Game Code, no action other than avoidance of the active nest(s) may be taken without consultation with the California Department of Fish and Game (CDFG). In addition, a minimum 100-foot buffer zone surrounding the active nest(s) must be established until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts, as determined by the wildlife biologist. The size of the buffer area may be reduced if the wildlife biologist determines, upon consultation and concurrence from the CDFG, that the size of the buffer area would not be likely to have adverse effects on the particular species.

c) Finding:

The City Council finds that with implementation of identified mitigation measures, potentially significant biological resource impacts related to potential protected and migratory birds would be reduced to a less-than-significant level as identified in the Initial Study.

3. Cultural Resources (Initial Study)

a) Facts/Effects:

(1) Archeological and Paleontological Resources. Construction activities associated with implementation of Option 1 or Option 2 of the proposed project would have the potential to unearth and potentially damage or destroy undocumented cultural resources. Implementation of mitigation measure MM CR-1 would require the proper evaluation and treatment of cultural resources in the event that resources are discovered during construction, preventing an adverse change or destruction of a significant or unique resource. Therefore, a less-than-significant impact would occur with incorporation of mitigation measure MM CR-1.

(2) Human Remains. Construction activities associated with implementation of Option 1 or Option 2 of the proposed project would have the potential to disturb human remains underlying the
project site, which could violate provisions of the Public Resource Code, the Health and Safety Code, and CEQA provisions, as well as destroy the resource. Implementation of mitigation measure MM CR-2 would ensure that both Options of the proposed project comply with existing regulations related to the discovery of human remains. Therefore, a less-than-significant impact would occur with incorporation of mitigation measure MM CR-2.

b) Mitigations:

**MM CR-1** In the event that archaeological/paleontological resources are unearthed during project subsurface activities, all earth-disturbing work within a 100-meter radius must be temporarily suspended or redirected until a qualified archaeologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel must be informed that unauthorized collection of cultural resources is prohibited.

If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, must prepare a research design for recovery of the resources in consultation with the state Office of Historic Preservation that satisfies the requirements of Public Resources Code § 21083.2. The archaeologist or paleontologist must complete a report of the excavations and findings, and must submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the County must submit this report to the Los Angeles Archeological Information Center and keep the report on file at the County of Los Angeles. After the find has been appropriately mitigated, work in the area may resume.

**MM CR-2** If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 50 feet of the remains must be halted immediately, and the Los Angeles County coroner must be notified immediately, pursuant to Public Resources Code § 5097.98 and Health and Safety Code § 7050.5. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) must be notified within 24 hours, and the guidelines of the NAHC must be adhered to in the treatment and disposition of the remains. The project developer must also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains.
c) Finding:

The City Council finds that with implementation of identified mitigation measures, potentially significant cultural resource impacts related to potential archaeological/paleontological resources and human remains would be reduced to a less-than-significant level as identified in the Initial Study.

4. Geology/Soils (Initial Study)

a) Facts/Effects:

(1) Unstable Soils. In consideration of the sloped topography of the project site, proposed development could be located on a geologic unit or soil that is unstable and as a result on- or off-site ground failure could occur. To eliminate the potential for on- or off-site ground failure to occur, mitigation measure MM GEO-1 would be implemented, which requires that a site-specific geotechnical investigation be prepared that identifies seismic, geologic, soil, and groundwater conditions at the site and provides recommendations to be incorporated into the plans and specifications of the proposed project. Therefore, a less-than-significant impact would occur with incorporation of mitigation measure MM GEO-1.

b) Mitigation:

MM GEO-1 A California-licensed Civil Engineer (Geotechnical) must prepare and submit to the City, a detailed soils and geotechnical analysis of the proposed project before the commencement of any construction activities. The geotechnical report will include recommendations that must be implemented in the design of the proposed project, including without limitation measures associated with site preparation, fill placement, temporary shoring and permanent dewatering, groundwater seismic design features, excavation stability, foundations, soil stabilization, establishment of deep foundations, concrete slabs and pavements, surface drainage, cement type and corrosion measures, erosion control, shoring and internal bracing, and plan review.

c) Finding:

The City Council finds that with implementation of identified mitigation, potentially significant geology/soil impacts related to potentially unstable soils would be reduced to a less-than-significant level as identified in the Initial Study.

5. Greenhouse Gas Emissions (DEIR)

a) Facts/Effects:

(1) Greenhouse Gas Emissions (All). Construction and operation of Option 1 or Option 2 of the proposed project would emit
greenhouse gases (GHG). However, implementation of state-mandated regulations and South Coast Air Quality Management District (SCAQMD) regulations would reduce emissions to levels below the SCAQMD Residential Screening Threshold. To ensure that the proposed project’s long term operational GHG emissions is reduced to the lowest levels feasible and remains below the SCAQMD Residential Screening Threshold, mitigation measures MM4.2-1 through MM4.2-12 would be implemented, which require GHG reduction strategies be incorporated into the proposed project. As both Option 1 and Option 2 of the proposed project would generate emissions that are below the SCAQMD threshold, neither project Option would conflict with AB 32 and SB 375, the statewide policies for reducing GHG emissions. Therefore, impacts are less than significant with incorporation of MM4.2-1 through MM4.2-12.

b) Mitigations:

**MM4.2-1** Before the City issues a building permit, the developer must demonstrate that the design of the proposed buildings or structures meets or exceeds the most recent Title 24 Energy Efficiency Standards, subject to review by the Planning and Building Safety Department. Documentation of compliance with this measure must be provided to the Planning and Building Safety Department for review and approval before the City issues the permit. Installation of the identified design features or equipment will be confirmed by the Planning and Building Safety Department before it issues a certificate of occupancy. The following design features should be considered by the developer as a way to achieve Title 24 Energy Efficiency Standards compliance in excess of the minimum requirement:

- Increase in insulation such that heat transfer and thermal bridging is minimized
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption
- Incorporate dual-paned or other energy efficient windows
- Incorporate energy efficient space heating and cooling equipment
- Incorporate energy efficient light fixtures
- Incorporate energy efficient appliances
- Incorporate energy efficient domestic hot water systems
- Incorporate solar panels into the electrical system as feasible
- Incorporate cool roofs/light-colored roofing
- Or incorporate other measures that will increase the energy efficiency of building envelope in a manner that when combined with the other options listed above
exceeds current Title 24 Energy Efficiency Standards by a minimum of 20 percent

**MM4.2-2** Before the City issues a building permit, the developer must provide a landscape plan that includes shade trees around main buildings, particularly along southern elevations where practical, and will not interfere with constraints. Documentation of compliance with this measure must be provided to the Planning and Building Safety Department for review and approval.

**MM4.2-3** All showerheads, lavatory faucets, and sink faucets within the residential units, and where feasible within non-residential developments, must comply with the California Energy Conservation flow rate standards.

**MM4.2-4** Low-flush toilets must be installed within all Congregate Care units as specified in Health and Safety Code § 17921.3.

**MM4.2-5** The developer must ensure that landscaping of common areas for the proposed project uses drought-tolerant and smog-tolerant trees, shrubs, and groundcover to ensure long-term viability and to conserve water and energy.

**MM4.2-6** The developer must ensure that the landscape plan for the proposed project includes drought-resistant trees, shrubs, and groundcover within the parking lot and perimeter.

**MM4.2-7** The developer must ensure that designs for the proposed project include all illumination elements to have controls to allow selective use as an energy conservation measure.

**MM4.2-8** Before the City issues any certificate of occupancy, the developer must demonstrate that the proposed projects’ interior building lighting supports the use of compact fluorescent light bulbs or equivalently efficient lighting to the satisfaction of the Planning and Building Safety Department.

**MM4.2-9** The developer must consider providing preferential parking spaces for ultra-low-emission vehicles and alternative fueled vehicles to encourage the use of alternative fuels and ultra-low-emission vehicles. Documentation of compliance with this measure must be provided to the Planning and Building Safety Department for review and approval.

**MM4.2-10** Before the City issues a building permit, the developer must demonstrate that the proposed project is designed to incorporate exterior storage areas for recyclables and green waste and adequate recycling containers located in public/common areas. Installation of the identified design features or equipment will be reviewed and approved by the Planning and Building Safety Department before the City issues a certificate of occupancy.
MM4.2-11 All common-area irrigation areas for the proposed project must consider systems that are capable of being operated by a computerized irrigation system that includes an on-site weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain, and wind. In addition, the computerized irrigation system must also consider the ability to be equipped with flow-sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks, and eliminating over-watering and flooding due to pipe and/or head breaks. Documentation of compliance with this measure must be provided to the Planning and Building Safety Department for review and approval.

MM4.2-12 The developer must, where feasible, incorporate passive solar design features into the buildings, which may include roof overhangs or canopies that block summer shade, but that allow winter sun, from penetrating south facing windows.

c) Finding:

The City Council finds that with implementation of identified mitigation, potentially significant GHG impacts would be reduced to a less-than-significant level as identified in the FEIR.

6. Hazards/Hazardous Materials (Initial Study)

a) Facts/Effects:

(1) Exposure to Hazardous Materials. Construction activities associated with Option 1 or Option 2 of the proposed project could result in the exposure of construction personnel and the public to airborne lead-based paint, dust, asbestos fibers, mold, and/or other building contaminants, and unidentified hazardous substances in the soil. However, mitigation measure MM HAZ-1 would ensure that proper asbestos and lead abatement is conducted before demolition or construction activities occur at the proposed project site and mitigation measure MM HAZ-2 establishes procedures that must be adhered to in the event that unidentified contamination is encountered during construction at the project site. Therefore, impacts would be less than significant with incorporation of mitigation measures MM HAZ-1 and MM HAZ-2.

(2) Airport Hazards. The proposed project site is located within the LAX airport influence area (AIA)\(^1\) and could result in a safety hazard for people residing or working in the project area. However, implementation of mitigation measure MM HAZ-3 which

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\(^1\) Los Angeles County Airport Land Use Commission, LAX Airport Influence Area Map (May 13, 2003).
requires the developer to submit Form 7460-1 (Notice of Proposed Construction or Alteration) to the Federal Aviation Administration (FAA) and adherence to all local, state, and federal regulations would ensure that a safety hazard does not occur as a result of the proposed project. Therefore, this impact would be less than significant with the incorporation of mitigation measure MM HAZ-3.

(3) Emergency Plans. Construction activities associated with Option 1 or Option 2 could temporarily result in lane closures on adjacent roadways that could interfere with emergency plans. However, mitigation measure MM HAZ-4 would ensure that construction of the proposed project would not impede emergency evacuations that could occur within the City by requiring that emergency response teams for the City of El Segundo, including the ESPD and ESFD, are notified of lane closures during construction activities in the project area and that one lane would remain open at all times to provide adequate emergency access to the site and surrounding neighborhoods. Therefore, this impact would be less-than-significant with the incorporation of mitigation measure MM HAZ-4.

b) Mitigations:

MM HAZ-1 Before demolition and/or construction activities, the proposed project site must be tested for asbestos and lead by a licensed contractor. The contractor must follow all applicable local, state, and federal codes and regulations related to the treatment, handling, and disposal of asbestos and lead if the proposed project requires asbestos and/or lead abatement.

MM HAZ-2 In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction at the project site, construction activities in the immediate vicinity of the contamination must cease immediately. If contamination is encountered, a Risk Management Plan must be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers and the public from exposure to potential site hazards. Such measures could include a range of options, including, without limitation, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, regulatory agencies must be notified (e.g., El Segundo Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements must be prepared and in place before commencement of work in any contaminated area.
MM HAZ-3 Before project implementation, the developer must submit Form 7460-1 (Notice of Proposed Construction or Alternation) to the Federal Aviation Administration for project review and approval.

MM HAZ-4 To ensure adequate access for emergency vehicles when construction activities would result in temporary lane or roadway closures, the project developer must consult with the City of El Segundo Police and Fire Departments to disclose temporary lane or roadway closures and alternative travel routes. The project developer will be required to keep a minimum of one lane in each direction free from encumbrances at all times on perimeter streets accessing the project site. In the event any full road closure is required, the project developer's contractor must coordinate with the City of El Segundo Police and Fire Departments to designate proper detour routes and signage to appropriate proper access routes.

c) Finding:

The City Council finds that with implementation of identified mitigation, potentially significant hazard/hazardous materials impacts (as identified above) would be reduced to a less-than-significant level as identified in the Initial Study.

7. Noise (DEIR)

a) Facts/Effects:

(1) Construction-Related Temporary Noise. Construction-related noise associated with Option 1 or Option 2 of the proposed project could intermittently exceed the construction noise limits generally permitted by the El Segundo Municipal Code. However, implementation of MM4.3-1 through MM4.3-4 would reduce impacts associated with the exceedance of established noise limits. Mitigation measure MM4.3-1 requires the developer to apply for and obtain a noise permit from the City if construction-related noise levels exceed established standards. Mitigation measure MM4.3-2 requires implementation of noise attenuation measures, mitigation measure MM4.3-3 requires construction staging areas and earthmoving equipment be located as far away from noise and vibration-sensitive land uses as possible, and mitigation measure MM4.3-4 requires haul trucks to be routed away from residential streets. Even with implementation of mitigation measures MM4.3-1 through MM4.3-4, noise levels may occasionally exceed established noise limits; however, these impacts are temporary. Therefore, construction-related noise impacts are considered to be less than significant with incorporation of mitigation measures MM4.3-1 through MM4.3-4. This is MMNOI-1 as identified in the Initial Study.

(2) Generation and Interior Exposure of Excessive Noise (Operation). Operation of Option 1 or Option 2 of the proposed
project would result in increased noise levels at the project site compared to existing ambient noise levels at the project site due to the proposed increase in activities on the project site. However, noise generated by the proposed project would not be considered substantial as it would not exceed noise limits established by the El Segundo Municipal Code.

Because the proposed project would result in the construction of new residences on a site located within the noise impact boundary for LAX, the proposed project is subject to El Segundo Municipal Code § 13-1-4 (Residential Noise Insulation Standards) which requires that interior noise levels not exceed 45 dBA CNEL within new residences. To ensure that the project complies with the El Segundo Municipal Code, mitigation measure MM4.3-5 would be implemented, which requires the project applicant to submit architectural plans and a detailed acoustical analysis study (demonstrating that interior noise levels in all residential units are 45 dBA CNEL or less) for review and approval by the Planning and Building Safety Department. Therefore, the proposed project would not expose new residents to interior noise levels in excess of established standards and a less-than-significant impact would occur with incorporation of mitigation measure MM4.3-5.

(3) Groundborne Vibration and Noise (Construction and Operation). Temporary construction activities at the proposed project site could expose nearby off-site sensitive receptors (surrounding residential uses) to elevated levels of noise and groundborne vibration due to the use of heavy pieces of construction equipment. However, implementation of mitigation measures MM4.3-1 through MM4.3-4 described above would reduce the potential for significant levels of groundborne vibration and noise. Operation of Option 1 or Option 2 of the proposed project would not generate significant levels of groundborne vibration or noise in consideration of the types of uses proposed and operational activities, in general. Therefore, impacts would be less than significant with incorporation of mitigation measures MM4.3-1 through MM4.3-4.

b) Mitigations:

MM4.3-1 The developer's contractor must refrain from engaging in all construction-related activities, including the delivery of construction materials, the loading and unloading of construction equipment, starting the engine ignition, and the repair and servicing of construction equipment and vehicles between the hours of 6:00 PM and 7:00 AM Monday through Saturday, or at any time on Sunday or a federal holiday. Construction noise levels must not exceed the noise and vibration standard set in El Segundo Municipal Code §§ 7-2-4(C) and 7-2-10(D). If construction activities result in the generation of noise that exceeds the noise and vibration standards set forth in the El Segundo Municipal Code, a noise permit must be obtained from
the City of El Segundo before commencing any construction activities.

Mitigation Measure MMNOI-1 in the Initial Study became MM4.3-1 in the DEIR.

**MM4.3-2** The developer’s construction contracts must require implementation of the following construction best management practices (BMPs) by all construction contractors and subcontractors working in or around the project site to reduce construction noise levels:

- Not less than 10 days before the start of construction, the developer must mail a written notification to owners and occupants of all developed properties within 1,000 feet of the project site. The notification must provide a schedule of major construction activities that will occur throughout the duration of the construction period. In addition, the notification must include the identity and contact number of a designated community liaison and designated construction manager who will be available on site to monitor construction activities during regular working hours. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contact information for the community liaison and construction manager will be posted on the exterior of the construction office or trailer at the construction site, at City Hall, and at the City’s Police Department. The notification must also include the permitted hours of operation and all relevant information regarding limitations on noise-generating activities.

- The developer and its contractors and subcontractors must ensure that construction equipment is properly muffled according to industry standards or as required by the Planning and Building Safety Department, whichever is the more stringent.

- The developer and its contractors and subcontractors must place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible, to the satisfaction of the Planning and Building Safety Department.

- The developer and its contractors and subcontractors must implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets to the satisfaction of the Planning and Building Safety Department.

**MM4.3-3** The developer’s contracts with its construction contractors and subcontractors must include the requirement that construction staging areas, construction worker parking and the operation of earthmoving equipment within the project site, are located as far away from vibration- and noise-sensitive sites as
possible. Contract provisions incorporating the above requirements must be included as part of the project's construction documents, which must be reviewed and approved by the Planning and Building Safety Department.

**MM4.3-4** The developer must require by contract specifications that heavily loaded trucks used during construction must be routed away from residential streets to the extent possible. Contract specifications must be included in the proposed project construction documents, which must be reviewed by the City before grading permits are issued.

**MM4.3-5** Residential units must be designed and constructed to ensure that interior noise levels from exterior transportation sources—including aircraft and vehicles on adjacent roadways—cannot exceed 45 dBA CNEL. In order to ensure that all dwelling units achieve an adequate noise reduction to achieve an interior noise level of 45 dBA CNEL, the following features must be included in the building design and construction of all dwelling units: (1) upgraded dual-glazed windows, (2) mechanical ventilation/air conditioning, (3) exterior wall/roof assemblies free of cut-outs or openings, and (4) ceiling insulation in the top floor of each building to reduce aircraft noise by at least 20 dBA. Before a building permit is issued, the developer must submit architectural plans and a detailed acoustical analysis study prepared by a qualified acoustical consultant demonstrating that interior noise levels in all residential units would be 45 dBA CNEL or less to the Planning and Building Safety Department for review and approval.

c) Finding:

The City Council finds that with implementation of identified mitigation, potentially significant noise impacts (as identified above) would be reduced to a less-than-significant level as identified in the FEIR.

8. **Transportation/Traffic** (Initial Study and DEIR)

a) Facts/Effects:

(1) **Emergency Access.** Implementation of either Option of the proposed project would not result in inadequate emergency access. However, to ensure that either Option of the proposed project would not result in inadequate emergency access, site plans, site construction, and the actual structures would be subject to review and approval by the El Segundo Fire Department before building occupancy to ensure that required fire protection safety features, including building sprinklers and emergency access, are implemented. Additionally, implementation of mitigation measure MM HAZ-4 would ensure that emergency response teams for the City of El Segundo, including the El Segundo Police Department and El Segundo Fire Department, would be notified of lane closures during construction activities in the project area and that
one lane would remain open at all times to provide adequate emergency access to the site and surrounding neighborhoods. Therefore, Option 1 or Option 2 of the proposed project would not result in inadequate emergency access and impacts would be less-than-significant with incorporation of mitigation measure MM HAZ-4.

b) Mitigation:

**MM HAZ-4** To ensure adequate access for emergency vehicles when construction activities would result in temporary lane or roadway closures, the project developer must consult with the City of El Segundo Police, Fire, and Public Works Departments to disclose temporary lane or roadway closures and alternative travel routes. The project developer will be required to keep a minimum of one lane in each direction free from encumbrances at all times on perimeter streets accessing the project site. In the event any full road closure is required, the project developer's contractor must coordinate with the City of El Segundo Police, Fire, and Public Works Departments to designate proper detour routes and signage to appropriate proper access routes.

c) Finding:

The City Council finds that with implementation of identified mitigation, potentially significant transportation/traffic impacts related to emergency access would be reduced to a less-than-significant level as identified in the FEIR.

D. **Significant and Unavoidable Impacts That Cannot Be Mitigated to a Less-Than-Significant Level**

The City Council finds that the following environmental impacts were identified as Significant and Unavoidable in the FEIR. Implementation of the identified mitigation measures would reduce significant environmental effects to the extent feasible, but not to a less-than-significant level.

1. **Air Quality (DEIR)***

   a) **Facts/Effects:**

   (1) **Violate Air Quality Standards (Construction).** During certain phases of construction for Option 1 and Option 2 of the proposed project, maximum daily emissions of volatile organic compounds (VOC) would exceed SCAQMD significance thresholds, resulting in the violation of an air quality standard. SCAQMD significance thresholds for other criteria pollutants would not be exceeded. Mitigation measures MM4.1-1 to MM4.1-16 intended to improve air quality emissions generated by construction activities associated with the proposed project would reduce VOC emissions but not to levels below the SCAQMD significance threshold. Because VOC emissions, a precursor for ozone for which the Basin is currently in nonattainment, would exceed
SCAQMD significance thresholds during construction of Option 1 and Option 2 of the proposed project, the emissions generated by construction of the proposed project would be cumulatively considerable and would constitute a substantial contribution to an existing or projected air quality violation. Therefore, a significant and unavoidable project-level and cumulative impact would occur and no additional feasible mitigation is available.

b) Mitigations:

**MM4.1-1** The developer must require by contract specifications that all diesel-powered equipment used will be retrofitted with after-treatment products (e.g., engine catalysts and diesel particulate filters). The engine catalysts must achieve a minimum reduction of 15 percent for NOX. The diesel particulate filters must meet USEPA Tier 3 standards. Contract specifications must be included in project construction documents, which must be reviewed by the City of El Segundo before grading permits are issued.

**MM4.1-2** The developer must require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at the project site use low-NOX diesel fuel to the extent that it is readily available and cost effective (up to 125 percent of the cost of California Air Resources Board diesel) in the South Coast Air Basin (this does not apply to diesel-powered trucks traveling to and from the project site). Contract specifications must be included in project construction documents, which must be reviewed by the City of El Segundo before grading permits are issued.

**MM4.1-3** The developer must require by contract specification that all heavy-duty diesel-powered equipment operations at the project site utilize a phased-in emission control technology in advance of a regulatory requirement such that 30 percent of the fleet will meet USEPA Tier 4 engine standards for particulate matter control (or equivalent) starting in 2013 and for the duration of the project.

**MM4.1-4** The developer must require by contract specifications that construction equipment engines be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications must be included in project construction documents, which must be reviewed by the City of El Segundo before grading permits are issued.

**MM4.1-5** The developer must require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines. Contract specifications must be included in project construction documents, which must be reviewed by the City of El Segundo before grading permits are issued.
MM4.1-6 As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:

- Application of soil stabilizers to inactive construction areas
- Quick replacement of ground cover in disturbed areas
- Watering of exposed surfaces three times daily
- Watering of all unpaved haul roads three times daily
- Covering all stock piles with tarp
- Reduction of vehicle speed on unpaved roads
- Post signs on-site limiting traffic to 15 miles per hour or less
- Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads
- Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials before leaving the site to prevent dust from impacting the surrounding areas
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site for each trip

MM4.1-7 The developer must require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, be turned off when not in use for more than 30 minutes. Diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds must be turned off when not in use for more than 5 minutes. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.

MM4.1-8 The developer must require by contract specifications that construction parking be configured to minimize traffic interference during the construction period and, therefore, reduce idling of traffic. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.

MM4.1-9 The developer must require by contract specifications that temporary traffic controls are provided, such as a flag person, during all phases of construction to facilitate smooth traffic flow. Contract specifications must be included in the proposed project
construction documents, which must be approved by the City of El Segundo before grading permits are issued.

**MM4.1-10** The developer must require by contract specifications that construction activities that would affect traffic flow on the arterial system be scheduled to off-peak hours (9:00 AM to 4:00 PM). Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.

**MM4.1-11** The developer must require by contract specifications that dedicated on-site and off-site left-turn lanes on truck hauling routes be utilized for movement of construction trucks and equipment on site and off site to the extent feasible during construction activities. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.

**MM4.1-12** The developer must require by contract specifications that trackout roads will meet SCAQMD Table XI-C standards to achieve a 46% reduction in PM10. The construction contractor must install gravel bed trackout apron (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) to reduce mud/dirt trackout from unpaved truck exit routes. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.

**MM4.1-13** When the City issues building or grading permits, whichever is issued earlier, the developer must notify, by mail, owners and occupants of all developed land uses within 1,000 feet of a project site within the Specific Plan providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification will include the identification and contact number for a community liaison and designated construction manager that would be available on site to monitor construction activities. The construction manager is responsible for complying with all project requirements related to PM10 generation. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contract information for the community liaison and construction manager will be located at the construction office, City Hall, the police department, and a sign on site.

**MM4.1-14** The developer must require by contract specifications that the architectural coating (paint and primer) products used would have a VOC rating that reduces VOC content by 15 percent or more. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.
MM4.1-15 The developer must require by contract specifications that materials that do not require painting be used during construction to the extent feasible. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.

MM4.1-16 The developer must require by contract specifications that pre-painted construction materials be used to the extent feasible. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.

c) Finding:

The City Council finds that construction-related air quality environmental impacts cannot be mitigated below the threshold of significance for the proposed project and a significant and unavoidable impact would occur, as identified in the FEIR.

2. **Noise** (DEIR)

a) Facts/Effects:

(1) **Excessive Exterior Noise Levels (Operation).** Option 1 and Option 2 of the proposed project would result in the construction of noise-sensitive residential uses on a site where exterior noise levels currently exceed established noise standards considered normally or conditionally acceptable for residential uses due to the project site’s proximity to LAX. Mitigation measure MM4.3-6 would ensure that the existing aviation easement granted to the City of Los Angeles as proprietor of LAX would remain in place with implementation of the proposed project and MM4.3-7 would ensure that prospective owners and occupants of the project site were adequately informed of the potential annoyances associated with proximity to LAX. However, mitigation measures MM4.3-6 and MM4.3-7 would not reduce existing exterior noise levels to a level that would be considered normally acceptable for residential land uses. As such, the proposed project would expose persons to noise levels that exceed established standards. Therefore, impacts are significant and unavoidable and no additional feasible mitigation is available.

(2) **Airport Noise.** The proposed project site is located within the noise impact boundary for LAX and exterior noise levels at the project site currently exceed noise levels considered normally or conditionally acceptable for residential uses. Because the proposed project would result in the construction of new residences on a site within the noise impact boundary, the proposed project is subject to El Segundo Municipal Code § 13-1-4 (Residential Noise Insulation Standards) which requires that interior noise levels do not exceed 45 dBA CNEL within new residences. To ensure that the project complies with the El
Segundo Municipal Code, mitigation measure MM4.3-5 would be implemented, which requires the project applicant to submit architectural plans and a detailed acoustical analysis study (demonstrating that interior noise levels in all residential units would be 45 dBA CNEL or less) for review and approval by the City's Planning and Building Safety Department. Therefore, the proposed project would not expose new residents to interior noise levels in excess of established standards with implementation of mitigation measure MM4.3-5. However, no mitigation is available to reduce existing exterior noise levels to a level that would be considered acceptable for residential land uses. Implementation of mitigation measures MM4.3-6 and MM4.3-7 would ensure that the existing aviation easement remains in place and future residents are informed of the potential annoyances associated with proximity to LAX, respectively, but does not reduce excessive exterior noise levels. Therefore, this impact would be significant and unavoidable because the proposed project would expose future residents to excessive exterior noise levels due to the project site’s proximity to LAX.

b) Mitigations:

**MM4.3-5** Residential units must be designed and constructed to ensure that interior noise levels from exterior transportation sources—including aircraft and vehicles on adjacent roadways—cannot exceed 45 dBA CNEL. In order to ensure that all dwelling units achieve an adequate noise reduction to achieve an interior noise level of 45 dBA CNEL, the following features must be included in the building design and construction of all dwelling units: (1) upgraded dual-glazed windows, (2) mechanical ventilation/air conditioning, (3) exterior wall/roof assemblies free of cut-outs or openings, and (4) ceiling insulation in the top floor of each building to reduce aircraft noise by at least 20 dBA. Before a building permit is issued, the developer must submit architectural plans and a detailed acoustical analysis study prepared by a qualified acoustical consultant demonstrating that interior noise levels in all residential units would be 45 dBA CNEL or less to the Planning and Building Safety Department for review and approval.

**MM4.3-6** The ESUSD must make as a condition of sale of the proposed project site, that the future owner express acknowledgement and confirmation of the continuing applicability of the existing aviation easement for noise, vibrations, and fumes over the proposed project site property. Notice must include the following language:

"NOTICE OF AIR EASEMENTS – This property is subject to air easements that may affect your property rights. Such air easements are recorded with the Los Angeles County Recorder's Office as Document No. 80-55139."

**MM4.3-7** In accordance with the Business and Professions Code and Civil Code each prospective purchaser of residential property
within the Project and all subsequent purchasers must be notified as follows:

- **NOTICE OF AIRPORT IN VICINITY**— This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (e.g., noise, vibration, soot, or odors). Individual sensitivities to those annoyances can vary from person to person. The property is within the 65 db CNEL noise contour. The property is required to achieve an interior noise of not more than 45 db CNEL. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

In addition, although not required by Civil Code §§ 1103, et seq., each prospective tenant of leased residential property within the Project must also be notified as described above.

c) Finding:

The City Council finds that exterior noise environmental impacts cannot be mitigated below the threshold of significance for the proposed project and a significant and unavoidable impact would occur, as identified in the FEIR.

**E. Insignificant Cumulative Impacts.**

The City Council finds that the Initial Study, FEIR and the record of proceedings in this matter do not identify or contain substantial evidence which identifies significant adverse cumulative environmental effects associated with the 540 East Imperial Avenue Specific Plan Project with respect to the areas listed below:

- Aesthetics
- Agriculture/Forestry Resources
- Biological Resources
- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards/Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Population/Housing
- Public Services
- Recreation
F. Significant Cumulative Impacts

1. Air Quality (DEIR)
   a) Facts/Effects:

   (1) Emissions of Criteria Pollutants (Construction). During certain phases of construction of Option 1 and Option 2 of the proposed project, maximum daily emissions of volatile organic compounds (VOC) emissions would exceed SCAQMD significance thresholds, resulting in the violation of an air quality standard. SCAQMD significance thresholds for other criteria pollutants would not be exceeded. Mitigation measures MM4.1-1 to MM4.1-16 intended to improve air quality emissions generated by construction activities associated with the proposed project would reduce VOC emissions but not to levels below the SCAQMD significance threshold. Because VOC emissions, a precursor for ozone for which the Basin is currently in nonattainment, would exceed SCAQMD significance thresholds during construction of Option 1 and Option 2 of the proposed project, the emissions generated by construction of the proposed project would be cumulatively considerable and would constitute a substantial contribution to an existing or projected air quality violation. Therefore, a significant and unavoidable cumulative impact would occur and no additional feasible mitigation is available.

   b) Mitigations:

   Refer to mitigation measures MM4.1-1 through MM4.1-16 provided above.

   c) Finding:

   The City Council finds that the cumulative air quality impact cannot be mitigated to a less-than-significant level and a significant and unavoidable cumulative impact would occur, as identified in the FEIR.

2. Operational Noise (DEIR)

   a) Facts/Effects:

   (1) Excessive Exterior Noise Levels. The proposed project site and the surrounding area is located within the noise impact boundary for LAX. Consequently future residents of the proposed project would be exposed to existing exterior noise levels that exceed established standards for residential uses. Additional residential development within the noise impact boundary for LAX may occur in the future resulting in the exposure of additional residents to excessive exterior noise levels. No mitigation is
available to reduce existing exterior noise levels to a level that would be considered acceptable for residential land uses. Implementation of mitigation measures MM4.3-6 and MM4.3-7 would ensure that the existing aviation easement remains in place and future residents are informed of the potential annoyances associated with proximity to LAX, respectively, but does not reduce excessive exterior noise levels. Accordingly, the proposed projects contribution would be considered cumulatively significant.

(2) Airport Noise. The proposed project site and the surrounding area is located within the noise impact boundary for LAX and as a consequence future residents of the proposed project would be exposed to existing exterior noise levels that exceed established standards for residents. Future residential projects may also be located within noise impact boundary for LAX, exposing additional residential to noise levels that exceed the normally acceptable development standard due the proximity to the LAX. No mitigation is available to reduce existing exterior noise levels to a level that would be considered acceptable for residential land uses. Implementation of mitigation measures MM4.3-6 and MM4.3-7 would ensure that the existing aviation easement remains in place and future residents are informed of the potential annoyances associated with proximity to LAX, respectively, but does not reduce excessive exterior noise levels. As development of the proposed project would result in the exposure of on-site noise sensitive uses to an increase in noise levels, the contribution would be considered cumulatively significant.

b) Finding:

The City Council finds that the cumulative noise impacts cannot be mitigated to a less-than-significant level and a significant and unavoidable cumulative impact would occur, as identified in the FEIR.

G. Growth Inducing Impacts

The City Council finds on the basis of the Initial Study, FEIR, and the record of proceedings in this matter, that there are no growth inducing impacts.

H. Project Alternatives

1. Reasonable Range of Alternatives

The proposed project analyzes two project options in equal detail throughout the FEIR and analyzes two potential alternative designs and one no project alternative. Thus the analysis in the FEIR fulfills CEQA Guidelines § 15126.6 which requires that the FEIR "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."
a) Findings

The City Council finds that the FEIR and the record of proceedings in this matter describe a reasonable range of alternatives that could feasibly attain most of the basic objectives of the 540 East Imperial Avenue Specific Plan Project. The City Council also finds that the FEIR and record of proceedings in this matter contains sufficient information about each alternative to allow for meaningful evaluation, analysis and comparison of the alternatives.

2. No Project Alternative

a) No Project

The No Project Alternative represents the status quo; the project site would continue to remain developed with the unoccupied Imperial Avenue Elementary School and no improvements would be constructed at the site. No significant and adverse environmental impacts would occur as a result of the No Project Alternative.

b) Finding

The City Council finds that the No Project Alternative would fail to meet the objectives of the proposed project as stated in FEIR Section 2.0, Project Description, would not be consistent with the site’s zoning of PRD which encourages development of the site with high quality residential housing, and would not accommodate the housing needs of the City of El Segundo, as identified in the 2009 Housing Element.

3. Environmentally Superior Alternative

An EIR is required to identify the environmentally superior alternative from among the reasonable range of potentially feasible alternatives that are evaluated. In addition to the No Project Alternative, the EIR analyzed Alternative 1 (Senior Assisted Living Facility and Single-Family Alternative) and Alternative 2 (Senior Townhome and Single-Family Alternative).

The No Project Alternative was determined to be the environmentally superior alternative as it would eliminate all significant and unavoidable environmental effects; however, CEQA Guidelines Section 15126.6(e)(2) requires that if the No Project/No Development Alternative is determined to be the environmentally superior alternative, an environmentally superior alternative must be identified among the other alternatives. Accordingly, the environmentally superior alternative would be Alternative 2. While both Alternative 1 and Alternative 2 would achieve all of the stated project objectives, Alternative 2 would generate the fewest number of trips compared to project Options 1 and 2 and Alternative 1. As a result, although the impact conclusions would be the same under both project Options and Alternatives, Alternative 2 would reduce GHG
impacts, air quality impacts during operation, and traffic impacts as a result of the reduced number of vehicle trips associated with operation of Alternative 2. None of the significant and unavoidable impacts identified for the proposed project would be fully eliminated with development of Alternative 2; however, selection of Alternative 2 would still benefit the ESUSD and the City. In addition to the reduction of project-related impacts, Alternative 2 would result in the benefit of the construction of new senior housing, helping to achieve the objective of the City to provide this type of housing stock, although Option 1 of the proposed project would best satisfy the Housing Element needs.

Although Alternative 2 was determined to be the environmentally superior alternative, between project Option 1 and Option 2, Option 2 is considered to be the superior project option because project Option 2 would generate less average daily trips (ADT) than Option 1 (428 ADT vs. 926 ADT), and would therefore result in reduced operational air quality, GHG, and traffic impacts compared to Option 1. However, Option 2 of the proposed project would not result in the benefit of the construction of new senior housing and assisted living opportunities that would result from Option 1 of the proposed project.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council finds on the basis of the FEIR and the record of proceedings in this matter that the unavoidable significant impacts of the 540 East Imperial Avenue Specific Plan Project as discussed in Section II.D. above are acceptable when balanced against the benefits of the Project. This determination is based on the following substantial public and social factors as identified in the FEIR and the record of proceedings in the matter. Each benefit set forth below constitutes an overriding consideration warranting approval of the project.

- The proposed project would accommodate the housing needs of the City of El Segundo including senior and affordable housing as identified in the 2009 Housing Element.
- The proposed project would provide necessary income to the ESUSD from the unused school site.
- The proposed project would replace the vacant and deteriorating elementary school with well-designed residential development, improving the visual quality of the neighborhood.

IV. SUBSTANTIAL EVIDENCE

The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the FEIR, which is incorporated herein by this reference, and in the record of proceedings in the matter.

V. CERTIFICATION OF EIR

The City Council certifies that the Final Environmental Impact Report SCH #2011071019, dated February 2012, for the 540 East Imperial Avenue Specific Plan
Project was completed in compliance with the California Environmental Quality Act and Public Resources Code §§ 21000, *et seq.*
CITY COUNCIL RESOLUTION NO. ___ EXHIBIT B

CITY OF EL SEGUNDO
540 EAST IMPERIAL AVENUE
SPECIFIC PLAN PROJECT
Environmental Impact Report

SCH No. 2011071019
Project Case Nos. EA 890, DA10-02, SP10-03, SUB 10-01,
ZTA 10-06, ZC 10-01, GPA 10-03

Mitigation Monitoring and Reporting Program

Prepared for
City of El Segundo
Planning and Building and Safety Department
350 Main Street
El Segundo, California 90245

Prepared by
Atkins
12301 Wilshire Boulevard, Suite 430
Los Angeles, California 90025

January 2012
Mitigation Monitoring and Reporting Program

INTRODUCTION

The Final Environmental Impact Report for the 540 East Imperial Avenue Specific Plan Project (State Clearinghouse #2011071019) identified mitigation measures to reduce the adverse effects of the project in the areas of: air quality, greenhouse gas emissions, noise, and transportation. Additionally, the Initial Study for the 540 East Imperial Avenue Specific Plan Project identified mitigation measures to reduce adverse effects of the project in the areas of: aesthetics, biological resources, cultural resources, geology and soils, and hazards and hazardous materials.

The California Environmental Quality Act (CEQA) requires that agencies adopting environmental impact reports ascertain that feasible mitigation measures are implemented, subsequent to project approval. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during applicable project timing, such as design, construction, or operation (Public Resource Code Section 21081.6).

The Mitigation Monitoring and Reporting Program (MMRP) shall be used by the City El Segundo staff responsible for ensuring compliance with mitigation measures associated with the 540 East Imperial Avenue Specific Plan Project. Monitoring shall consist of review of appropriate documentation, such as plans or reports prepared by the party responsible for implementation, or by field observation of the mitigation measure during implementation.

The following table identifies the mitigation measures by environmental resource area. The table also provides the specific mitigation monitoring requirements, including implementation documentation, monitoring activity, timing and responsible monitoring party. Verification of compliance with each measure is to be indicated by signature of the mitigation monitor, together with date of verification. The Project Applicant and the Applicant's contractor shall be responsible for implementation of all mitigation measures, unless otherwise noted in the table.
## Mitigation Monitoring and Reporting Checklist

<table>
<thead>
<tr>
<th>Mitigation Measure/Condition of Approval</th>
<th>Monitoring and Reporting Process</th>
<th>Verification of Compliance</th>
<th>Monitoring Milestone</th>
<th>Party Responsible for Monitoring</th>
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<td>MM AES-1 Expansive areas of highly</td>
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<td>MM4.1-2</td>
<td>The developer must require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at the project site use low-NOx diesel fuel to the extent that it is readily available and cost effective (up to 125 percent of the cost of California Air Resources Board diesel) in the South Coast Air Basin (this does not apply to diesel-powered trucks traveling to and from the project site). Contract specifications must be included in project construction documents, which must be reviewed by the City of El Segundo before grading permits are issued.</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading and building plans for inclusion.</td>
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<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>MM4.1-3</td>
<td>The developer must require by contract specification that all heavy-duty diesel-powered equipment operations at the project site utilize a phased-in emission control technology in advance of a regulatory requirement such that 30 percent of the fleet will meet USEPA Tier 4 engine standards for particulate matter control (or equivalent) starting in 2013 and for the duration of the project.</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading and building plans for inclusion.</td>
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<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>MM4.1-4</td>
<td>The developer must require by contract specifications that construction equipment engines be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications must be included in project construction documents, which must be reviewed by the City of El Segundo before grading permits are issued.</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading and building plans for inclusion.</td>
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<td>MM4.1-5</td>
<td>The developer must require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines. Contract specifications must be included in project construction documents, which must be reviewed by the City of El Segundo before grading permits are issued.</td>
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<td>MM4.1-6</td>
<td>As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:</td>
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<td>Application of soil stabilizers to inactive construction areas</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>Quick replacement of ground cover in disturbed areas</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>Watering of exposed surfaces three times daily</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>Watering of all unpaved haul roads three times daily</td>
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<td>Covering all stock piles with tarp</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>Reduction of vehicle speed on unpaved roads</td>
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<td>Post signs on-site limiting traffic to 15 miles per hour or less</td>
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<td>Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>Cover or have water applied to the exposed soil</td>
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<td>MM4.1-7</td>
<td>The developer must require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, be turned off when not in use for more than 30 minutes. Diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds must be turned off when not in use for more than 5 minutes. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading and building plans for inclusion. Visual Inspection</td>
<td>Plan check prior to issuance of a grading permit. During Grading and Construction</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>MM4.1-8</td>
<td>The developer must require by contract specifications that construction parking be configured to minimize traffic interference during the construction period and, therefore, reduce idling of traffic. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading and building plans for inclusion. Visual Inspection</td>
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<td>MM4.1-11</td>
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<td>MM4.1-12</td>
<td>The developer must require by contract specifications that trackout roads will meet SCAQMD Table XI-C standards to achieve a 46% reduction in PM&lt;sub&gt;10&lt;/sub&gt;. The construction contractor must install gravel bed trackout apron (3 inches deep, 25 feet long, 12 feet wide per lane and edged by rock berm or row of stakes) to reduce mud/dirt trackout from unpaved truck exit routes. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.</td>
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<td>MM4.1-13</td>
<td>When the City issues building or grading permits, whichever is issued earlier, the developer must notify, by mail, owners and occupants of all developed land uses within 1,000 feet of a project site within the Specific Plan providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification will include the identification and contact number for a community liaison and designated construction manager that would be available on site to monitor construction activities. The construction manager is responsible for complying with all project requirements related to PM&lt;sub&gt;10&lt;/sub&gt; generation. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contract information for the community liaison and construction manager will be located at the construction office, City Hall, the police department, and a sign on site.</td>
<td>Proof of Notification mailers On-site Notice Posting</td>
<td>After the issuance of a grading or a building permit, whichever is issued earlier prior to start of construction activities. During Grading and Construction</td>
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<td>MM4.1-14</td>
<td>The developer must require by contract specifications that the architectural coating (paint and primer) products used would have a VOC rating that reduces VOC content by 15 percent or more. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading and building plans for inclusion.</td>
<td>Plan check prior to issuance of a grading permit.</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
</tr>
<tr>
<td>MM4.1-15</td>
<td>The developer must require by contract specifications that materials that do not require painting be used during construction to the extent feasible. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading and building plans for inclusion.</td>
<td>Plan check prior to issuance of a grading permit.</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<tr>
<td>MM4.1-16</td>
<td>The developer must require by contract specifications that pre-painted construction materials be used to the extent feasible. Contract specifications must be included in the proposed project construction documents, which must be approved by the City of El Segundo before grading permits are issued.</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading and building plans for inclusion.</td>
<td>Plan check prior to issuance of a grading permit.</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>MIL/Concl. No.</td>
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<tr>
<td>MM BIO-1</td>
<td>Construction of either Option of the proposed project must avoid the February 1 through August 31 bird nesting season to the extent feasible. If it is not feasible to avoid the nesting period, a survey for nesting birds must be conducted by a qualified wildlife biologist no earlier than 14 days before construction. The area surveyed must include all clearing/construction areas, as well as areas within 250 feet of the boundaries of these areas, or as otherwise determined by the biologist. If no active avian nests are identified on or within 250 feet of the limits of the proposed disturbance area, no further mitigation is necessary. If active nests are found within 250 feet of the proposed disturbance area, clearing/construction activities must be postponed within 250 feet of the nest until a wildlife biologist has identified the nesting avian species. If the avian species is not protected under the MBTA or the California Fish and Game Code, no further action is required and construction activities may proceed. If the avian species is protected under the MBTA or the California Fish and Game Code, no action other than avoidance of the active nest(s) may be taken without consultation with the California Department of Fish and Game (CDFG). In addition, a minimum 100-foot buffer zone surrounding the active nest(s) must be established until the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts, as determined by the wildlife biologist. The size of the buffer area may be reduced if the wildlife biologist determines, upon consultation and concurrence from the CDFG, that the size of the buffer area would not be likely to have adverse effects on the particular species.</td>
<td>Biological Resources (Initial Study)</td>
<td>Monitoring and Reporting Process</td>
<td>Monitoring Milestone</td>
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<td></td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading plans and building plans for inclusion. If necessary, bird nesting survey and consultation with CDFG.</td>
<td>Plan check prior to issuance of a grading permit and building permit.</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>City of El Segundo—Planning and Building Safety Department and California Department of Fish and Game</td>
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</table>
### Mitigation Monitoring and Reporting Checklist

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<tbody>
<tr>
<td>MM CR-1</td>
<td>In the event that archaeological/paleontological resources are unearthed during project subsurface activities, all earth-disturbing work within a 100-meter radius must be temporarily suspended or redirected until a qualified archeologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel must be informed that unauthorized collection of cultural resources is prohibited. If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, must prepare a research design for recovery of the resources in consultation with the state Office of Historic Preservation that satisfies the requirements of Public Resources Code § 21083.2. The archaeologist or paleontologist must complete a report of the excavations and findings, and must submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the County must submit this report to the Los Angeles Archeological Information Center and keep the report on file at the County of Los Angeles. After the find has been appropriately mitigated, work in the area may resume.</td>
<td>Contract language and notes on grading plans. Review and approve contract specifications and grading plans for inclusion. If necessary, assessment of resource by qualified archeologist. If necessary, preparation of a research design for recovery and approval of report of excavation and findings.</td>
<td>Plan check prior to issuance of a grading permit. During Grading Prior to recommencement of grading.</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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## Mitigation Monitoring and Reporting Checklist

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<tr>
<td>MM CR-2</td>
<td>If human remains are discovered during any demolition/construction activities, all ground-disturbing activity within 50 feet of the remains must be halted immediately, and the Los Angeles County coroner must be notified immediately, pursuant to Public Resources Code § 5097.98 and Health and Safety Code § 7050.5. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) must be notified within 24 hours, and the guidelines of the NAHC must be adhered to in the treatment and disposition of the remains. The project developer must also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains.</td>
<td>Contract language and notes on grading plans. Review and approve contract specifications and grading plans for inclusion. If necessary, NAHC notification, field investigation, and consultation with Most Likely Descendant.</td>
<td>Plan check prior to issuance of a grading permit.</td>
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<th>Monitoring Milestone</th>
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<td>During Grading.</td>
<td>City of El Segundo—Planning and Building Safety Department and Native American Heritage Commission</td>
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### Mitigation Monitoring and Reporting Checklist

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<tbody>
<tr>
<td><strong>GEOLOGY/SOILS (INITIAL STUDY)</strong>&lt;br&gt;MM GEO-1</td>
<td>A California-licensed Civil Engineer (Geotechnical) must prepare and submit to the City, a detailed soils and geotechnical analysis of the proposed project before the commencement of any construction activities. The geotechnical report will include recommendations that must be implemented in the design of the proposed project, including without limitation measures associated with site preparation, fill placement, temporary shoring and permanent dewatering, groundwater seismic design features, excavation stability, foundations, soil stabilization, establishment of deep foundations, concrete slabs and pavements, surface drainage, cement type and corrosion measures, erosion control, shoring and internal bracing, and plan review.</td>
<td>Approved Geotechnical Report. Review and approve grading plan and building plans for inclusion of recommendations.</td>
<td>Prior to issuance of grading permit.</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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### 4.2 GREENHOUSE GAS EMISSIONS (DEIR)

<p>| MM4.2.1 | Before the City issues a building permit, the developer must demonstrate that the design of the proposed buildings or structures meets or exceeds the most recent Title 24 Energy Efficiency Standards, subject to review by the Planning and Building Safety Department. Documentation of compliance with this measure must be provided to the Planning and Building Safety Department for review and approval before the City issues the permit. Installation of the identified design features or equipment will be confirmed by the Planning and Building Safety Department before it issues a certificate of occupancy. The following design features should be considered by the developer as a way to achieve Title 24 Energy Efficiency Standards compliance in excess of the minimum requirement: | Contract language and notes on building plans. Review and approve contract specifications and building plans for inclusion. Visual Inspection | Plan check prior to issuance of a building permit. | During Grading and Construction | City of El Segundo—Planning and Building Safety Department | City of El Segundo—Planning and Building Safety Department |</p>
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<tr>
<td>Increase in insulation such that heat transfer and thermal bridging is minimized</td>
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<td>Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption</td>
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<tr>
<td>Incorporate dual-pane or other energy efficient windows</td>
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<tr>
<td>Incorporate energy efficient space heating and cooling equipment</td>
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<td>Incorporate energy efficient light fixtures</td>
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<td>Incorporate energy efficient appliances</td>
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<td>Incorporate energy efficient domestic hot water systems</td>
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<td>Incorporate solar panels into the electrical system as feasible</td>
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<td>Incorporate cool roofs/colored roofing</td>
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<td>Or incorporate other measures that will increase the energy efficiency of building envelope in a manner that when combined with the other options listed above exceeds current Title 24 Energy Efficiency Standards by a minimum of 20 percent</td>
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**MM4.2.2** Before the City issues a building permit, the developer must provide a landscape plan that includes shade trees around main buildings, particularly along southern elevations where practical, and will not interfere with constraints. Documentation of compliance with this measure must be provided to the Planning and Building Safety Department for review and approval.

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<tbody>
<tr>
<td>Project landscaping and building plans. Review and approve landscaping and building plans for inclusion of features</td>
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<td>Plan check prior to issuance of building permit</td>
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<td>Project building plans. Review and approve building plans for inclusion of features</td>
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**MM4.2.3** All showerheads, lavatory faucets, and sink faucets within the residential units, and where feasible within non-residential developments, must comply with the California Energy Conservation flow rate standards.

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<thead>
<tr>
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City of El Segundo Planning and Building Safety Department
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<tbody>
<tr>
<td>MM4.2-4</td>
<td>Low-flush toilets must be installed within all Congregate Care units as specified in Health and Safety Code § 17921.3.</td>
<td>Project building plans. Review and approve building plans for inclusion of features</td>
<td>Plan check prior to issuance of building permit</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<tr>
<td>MM4.2-5</td>
<td>The developer must ensure that landscaping of common areas for the proposed project uses drought-tolerant and smog-tolerant trees, shrubs, and groundcover to ensure long-term viability and to conserve water and energy.</td>
<td>Project landscaping and building plans. Review and approve landscaping and building plans for inclusion of features</td>
<td>Plan check prior to issuance of building permit</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<tr>
<td>MM4.2-6</td>
<td>The developer must ensure that the landscape plan for the proposed project includes drought-resistant trees, shrubs, and groundcover within the parking lot and perimeter.</td>
<td>Project landscaping and building plans. Review and approve landscaping and building plans for inclusion of features</td>
<td>Plan check prior to issuance of building permit</td>
<td>City of El Segundo—Planning and Building Safety Department; Parks and Recreation Department</td>
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<tr>
<td>MM4.2-7</td>
<td>The developer must ensure that designs for the proposed project include all illumination elements to have controls to allow selective use as an energy conservation measure.</td>
<td>Project building plans. Review and approve building plans for inclusion of features</td>
<td>Plan check prior to issuance of building permit</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<tr>
<td>MM4.2-8</td>
<td>Before the City issues any certificate of occupancy, the developer must demonstrate that the proposed projects' interior building lighting supports the use of compact fluorescent light bulbs or equivalently efficient lighting to the satisfaction of the Planning and Building Safety Department.</td>
<td>Project building plans. Review and approve building plans for inclusion of features</td>
<td>Plan check prior to issuance of building permit</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<tr>
<td>MM4.2-9</td>
<td>The developer must consider providing preferential parking spaces for ultra-low-emission vehicles and alternative fueled vehicles to encourage the use of alternative fuels and ultra-low-emission vehicles. Documentation of compliance with this measure must be provided to the Planning and Building Safety Department for review and approval.</td>
<td>Project building plans. Review and approve building plans for inclusion of features</td>
<td>Plan check prior to issuance of building permit</td>
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<tr>
<td>MM4.2-10</td>
<td>Before the City issues a building permit, the developer must demonstrate that the proposed project is designed to incorporate exterior storage areas for recyclables and green waste and adequate recycling containers located in public/common areas. Installation of the identified design features or equipment will be reviewed and approved by the Planning and Building Safety Department before the City issues a certificate of occupancy.</td>
<td>Visual Inspection</td>
<td>Prior to issuance of certificate of occupancy</td>
<td>City of El Segundo—Planning and Building Safety Department; Public Works Department</td>
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<tr>
<td>MM4.2-11</td>
<td>All common-area irrigation areas for the proposed project must consider systems that are capable of being operated by a computerized irrigation system that includes an on-site weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain, and wind. In addition, the computerized irrigation system must also consider the ability to be equipped with flow-sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks, and eliminating over-watering and flooding due to pipe and/or head breaks. Documentation of compliance with this measure must be provided to the Planning and Building Safety Department for review and approval.</td>
<td>Project landscaping and building plans. Review and approve landscaping and building plans for inclusion of features</td>
<td>Plan check prior to issuance of building permit</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<tr>
<td>MM4.2-12</td>
<td>The developer must, where feasible, incorporate passive solar design features into the buildings, which may include roof overhangs or canopies that block summer shade, but that allow winter sun, from penetrating south facing windows.</td>
<td>Project building plans. Review and approve building plans for inclusion of features</td>
<td>Plan check prior to issuance of building permit</td>
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<td>MM HAZ-1 Before demolition and/or construction activities, the proposed project site must be tested for asbestos and lead by a licensed contractor. The contractor must follow all applicable local, state, and federal codes and regulations related to the treatment, handling, and disposal of asbestos and lead if the proposed project requires asbestos and/or lead abatement.</td>
<td>Testing for asbestos and lead and potential abatement.</td>
<td>Prior to issuance of demolition permit and grading permit.</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>MM HAZ-2 In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction at the project site, construction activities in the immediate vicinity of the contamination must cease immediately. If contamination is encountered, a Risk Management Plan must be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers and the public from exposure to potential site hazards. Such measures could include a range of options, including, without limitation, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, regulatory agencies must be notified (e.g., El Segundo Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements must be prepared and in place before commencement of work in any contaminated area.</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications grading plans, and building plans for inclusion.</td>
<td>Plan check prior to issuance of grading permit and building permit</td>
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City of El Segundo 540 East Imperial Avenue Specific Plan Project EIR MMRP
### Mitigation Monitoring and Reporting Checklist

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<tbody>
<tr>
<td>HAZ-3</td>
<td>Before project implementation, the developer must submit Form 7460-1 (Notice of Proposed Construction or Alteration) to the Federal Aviation Administration for project review and approval.</td>
<td>Submission of Form 7460-1 and project review and approval.</td>
<td>Prior to issuance of grading permit.</td>
<td>Federal Aviation Administration</td>
</tr>
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</table>

#### 4.3 Noise (BEIR)

| M#4.3-1 | The developer’s contractor must refrain from engaging in all construction-related activities, including the delivery of construction materials, the loading and unloading of construction equipment, starting the engine ignition, and the repair and servicing of construction equipment and vehicles between the hours of 6:00 AM and 7:00 AM Monday through Saturday, or at any time on Sunday or a federal holiday. Construction noise levels must not exceed the noise and vibration standard set in El Segundo Municipal Code §§ 7-2-4(C) and 7-2-10(D). If construction activities result in the generation of noise that exceeds the noise and vibration standards set forth by the El Segundo Municipal Code, a noise permit must be obtained from the City of El Segundo before commencing any construction activities. | Visual Inspection | During grading and construction | City of El Segundo—Planning and Building Safety Department |
| M#4.3-2 | The developer’s construction contracts must require implementation of the following construction best management practices (BMPs) by all construction contractors and subcontractors working in or around the project site to reduce construction noise levels:  
- Not less than 10 days before the start of construction, the developer must mail a written notification to owners and occupants of all developed properties within 1,000 feet of the project site. The notification must provide a schedule of major construction activities that will occur throughout the duration of the | Grading Plan and Building Plan Processing | Before issuance of grading permits | City of El Segundo—Planning and Building Safety Director |
Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Checklist

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<tr>
<td>construction period. In addition, the notification must include the identity and contact number of a designated community liaison and designated construction manager who will be available on site to monitor construction activities during regular working hours. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contact information for the community liaison and construction manager will be posted on the exterior of the construction office or trailer at the construction site, at City Hall, and at the City's Police Department. The notification must also include the permitted hours of operation and all relevant information regarding limitations on noise-generating activities.</td>
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<td>The developer and its contractors and subcontractors must ensure that construction equipment is properly muffled according to industry standards or as required by the Planning and Building Safety Department, whichever is the more stringent.</td>
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<td>The developer and its contractors and subcontractors must place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible, to the satisfaction of the Planning and Building Safety Department.</td>
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<td>The developer and its contractors and subcontractors must implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets to the satisfaction of the Planning and Building Safety Department.</td>
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<td>Mit./Cond. No.</td>
<td>Mitigation Measure/Condition of Approval</td>
<td>Monitoring and Reporting Process</td>
<td>Monitoring Milestone</td>
<td>Party Responsible for Monitoring</td>
<td>Initials</td>
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<tr>
<td>MM4.3-3</td>
<td>The developer’s contracts with its construction contractors and subcontractors must include the requirement that construction staging areas, construction worker parking and the operation of earthmoving equipment within the project site, are located as far away from vibration- and noise-sensitive sites as possible. Contract provisions incorporating the above requirements must be included as part of the project’s construction documents, which must be reviewed and approved by the Planning and Building Safety Department.</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading and building plans for inclusion. Visual inspection</td>
<td>Plan check prior to issuance of a grading permit.</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>During Grading and Construction</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>MM4.3-4</td>
<td>The developer must require by contract specifications that heavily loaded trucks used during construction must be routed away from residential streets to the extent possible. Contract specifications must be included in the proposed project construction documents, which must be reviewed by the City before grading permits are issued.</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading and building plans for inclusion. Visual inspection</td>
<td>Plan check prior to issuance of a grading permit.</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>During Grading and Construction</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>Mitigation Monitoring and Reporting Checklist</td>
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<td><strong>Mitigation Measure/ Condition of Approval</strong></td>
<td><strong>Monitoring and Reporting Process</strong></td>
<td><strong>Monitoring Milestone</strong></td>
<td><strong>Party Responsible for Monitoring</strong></td>
<td><strong>Verification of Compliance</strong></td>
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<tr>
<td><strong>MM4.3-5</strong></td>
<td>Residential units must be designed and constructed to ensure that interior noise levels from exterior transportation sources—including aircraft and vehicles on adjacent roadways—cannot exceed 45 dBA CNEL. In order to ensure that all dwelling units achieve an adequate noise reduction to achieve an interior noise level of 45 dBA CNEL, the following features must be included in the building design and construction of all dwelling units: (1) upgraded dual-glazed windows, (2) mechanical ventilation/air conditioning, (3) exterior wall/roof assemblies free of cut-outs or openings, and (4) ceiling insulation in the top floor of each building to reduce aircraft noise by at least 20 dBA. Before a building permit is issued, the developer must submit architectural plans and a detailed acoustical analysis study prepared by a qualified acoustical consultant demonstrating that interior noise levels in all residential units would be 45 dBA CNEL or less to the Planning and Building Safety Department for review and approval.</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading and building plans for inclusion.</td>
<td>Plan check prior to issuance of a grading permit.</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<tr>
<td><strong>MM4.3-6</strong></td>
<td>The ESUSD must make as a condition of sale of the proposed project site, that the future owner express acknowledgement and confirmation of the continuing applicability of the existing aviation easement for noise, vibrations, and fumes over the proposed project site property.</td>
<td>Proof of acknowledgement and confirmation to buyer</td>
<td>Prior to commencement of the project</td>
<td>City of El Segundo—Planning and Building Safety Department</td>
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<td>Mit./ Cond. No.</td>
<td>Mitigation Measure/ Condition of Approval</td>
<td>Monitoring and Reporting Process</td>
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<td>Party Responsible for Monitoring</td>
<td>Initials</td>
<td>Date</td>
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</table>
| MM4.3-7        | In accordance with the Business and Professions Code and Civil Code each prospective purchaser of residential property within the Project and all subsequent purchasers must be notified as follows:  
  - NOTICE OF AIRPORT IN VICINITY—This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (e.g., noise, vibration, soot, or odors). Individual sensitivities to those annoyances can vary from person to person. The property is within the 65 db CNEL noise contour. The property is required to achieve an interior noise of not more than 45 db CNEL. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.  
  In addition, although not required by Civil Code Sections 1103, et seq., each prospective tenant of leased residential property within the Project must also be notified as described above. | Proof of acknowledgement and confirmation to buyer                                | Prior to commencement of the project                                           | City of El Segundo—Planning and Building Safety Department                  |          |        |         |
<table>
<thead>
<tr>
<th>Mitigation Measure/Condition of Approval</th>
<th>Monitoring and Reporting Process</th>
<th>Monitoring Milestone</th>
<th>Party Responsible for Monitoring</th>
<th>Initials</th>
<th>Date</th>
<th>Remarks</th>
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<tbody>
<tr>
<td>MM HAZ-4</td>
<td>Contract language and notes on grading and building plans. Review and approve contract specifications, grading and building plans for inclusion. Visual inspection</td>
<td>Plan check prior to issuance of a grading permit. During Grading and Construction</td>
<td>City of El Segundo—Police, Fire, Public Works and Planning and Building Safety Department</td>
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</tbody>
</table>

To ensure adequate access for emergency vehicles when construction activities would result in temporary lane or roadway closures, the project developer must consult with the City of El Segundo Police, Fire, and Public Works Departments to disclose temporary lane or roadway closures and alternative travel routes. The project developer will be required to keep a minimum of one lane in each direction free from encumbrances at all times on perimeter streets accessing the project site. In the event any full road closure is required, the project developer’s contractor must coordinate with the City of El Segundo Police, Fire, and Public Works Departments to designate proper detour routes and signage to appropriate proper access routes.
City Council Resolution No. ____
Exhibit C

El Segundo General Plan Land Use Element Excerpt - Page 3-6

Residential Designations

Strike the following text on page 3-6:

**Planned Residential Development**
Permits a mixture of residential uses on the former Imperial School Site with a maximum of 29 single-family detached dwelling units and 36 multi-family dwelling units. This designation is intended to encourage design flexibility and provide transitional densities and uses that are compatible with surrounding land uses. This designation is not intended to be used elsewhere within the City.

And add the following text in a separate paragraph immediately below Multi-Family Residential on page 3-6:

"**540 East Imperial Avenue Specific Plan:** Permits a mix of residential uses with two possible development options. Option 1 would allow up to a maximum of 304 units in a Senior Housing Community with a Multi-Family Residential (R-3) component, or Option 2 would allow up to a maximum of 58 units in a Mixed Residential Development (single-family and multi-family units). This designation is intended to encourage design flexibility and provide transitional densities and uses that are compatible with surrounding land uses. This designation is not intended to be used elsewhere within the City."
City Council Resolution No. ____
Exhibit D

Excerpt from Page 3-9 of the El Segundo General Plan Land Use Element

Proposed Land Use Plan

The following text on page 3-9 should be revised as shown below

"Northwest Quadrant
The northwest quadrant of the City has the most varied mix of uses within the City. All of the City's residential units, the Downtown area, the Civic Center, and the older industrial area of Smoky Hollow, are located in this quadrant. The 1992 Plan retains the three residential designations found on the old Plan: single-family, two-family, and multi-family, plus a new designation of Planned Residential Development 540 East Imperial Avenue Specific Plan.¹ The Plan shows 357.2 acres of single-family, 57.4 acres of two-family, 119.3 acres of multi-family and 5.65 acres of Planned Residential Development 540 East Imperial Avenue Specific Plan. This includes the re-designation of Imperial Avenue School, which is no longer used for educational purposes, from Public Facility to Planned Residential Development Planned Residential Development to 540 East Imperial Avenue Specific Plan. The total number of dwelling units projected by the Plan is 7674 8,089². One of the major goals of the 1992 Plan is to preserve the residential neighborhoods."

All other text in this section will remain unchanged.

¹ The 540 East Imperial Avenue Specific Plan designation was added via General Plan Amendment 10-03.
² The new total of 8,089 represents the maximum number of units developed under Option 1 of the 540 East Imperial Avenue Specific Plan. This number will be lower (7,843 units) if Option 2 is developed with a maximum of 58 units.
### 1992 General Plan
#### Summary of Existing Trends Buildout

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Acres</th>
<th>Dwelling Units</th>
<th>Square Footage</th>
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<tbody>
<tr>
<td>Single-Family Residential</td>
<td>357.2</td>
<td>2,858</td>
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<tr>
<td>Two-Family Residential</td>
<td>57.4</td>
<td>934</td>
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<tr>
<td><strong>Planned Residential</strong></td>
<td><strong>6.7</strong></td>
<td><strong>65</strong></td>
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<tr>
<td><strong>540 East Imperial Avenue Specific Plan</strong></td>
<td><strong>5.65</strong></td>
<td><strong>304</strong></td>
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<tr>
<td>Multi-Family Residential</td>
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</tr>
<tr>
<td>Neighborhood Commercial</td>
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<td>89,110</td>
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<tr>
<td>Downtown Commercial</td>
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<td>18¹</td>
<td>383,328</td>
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<td>General Commercial</td>
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<tr>
<td>Corporate Office</td>
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<td>12,539,209</td>
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<td>Commercial Center</td>
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<tr>
<td>Smokey Hollow</td>
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<td>2,019,454</td>
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<td>Urban Mixed-Use North</td>
<td>232.5</td>
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<td>13,166,010</td>
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<tr>
<td>Urban Mixed-Use South</td>
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<td>124th Street Specific Plan</td>
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<td>Aviation Specific Plan</td>
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<td>Downtown Specific Plan</td>
<td>26.3</td>
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<td>Corporate Campus Specific Plan</td>
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<td>199 North Continental Boulevard</td>
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<td>Specific Plan</td>
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<td>Parking</td>
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<td>Heavy Industrial</td>
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<td>Federal Government</td>
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<td>Open Space</td>
<td>78.3</td>
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<td>Parks</td>
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<td>Street and Railroad R.O.W</td>
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<td><strong>Totals</strong></td>
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<td><strong>57,097,845</strong></td>
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<tr>
<td>Population Projection</td>
<td>17,287</td>
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</table>

1. Existing construction and recently constructed, renovated commercial centers and legal non-conforming residential uses at densities that are currently higher than allowed by the land use designations in this plan will not realistically be converted to mixed commercial/residential uses and these buildings are expected to remain for the life of the Plan.

2. The heavy industrial shown on this plan includes the Chevron Refinery and former Southern California Edison Generation Station. These facilities have processing equipment and tanks rather than buildings and are expected to remain for the life of the Plan. Therefore, no estimated building square footage is shown.

3. This number represents the maximum number of dwelling units that can be developed in Option 1 of the 540 East Imperial Avenue Specific Plan. If Option 1 is not built, the maximum number of units that can be developed in Option 2 of the 540 East Imperial Avenue Specific Plan is 58 residential dwelling units.
CONDITIONS OF APPROVAL

In addition to all applicable provisions of the El Segundo Municipal Code ("ESMC"), the El Segundo Unified School District, agrees to comply with the following provisions as conditions for the City of El Segundo’s approval of Environmental Impact Report for Environmental Assessment (EA No. 890), General Plan Amendment No. 10-03, Specific Plan No. 10-03, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, and Subdivision 10-01 for Vesting Tentative Map Nos. 71410 and 71582 ("Project Conditions").

Planning and Building Safety Department

1. Before building permits are issued, the applicant must submit plans demonstrating substantial compliance with the plans and conditions of approval on file with the Planning and Building Safety Department. Any subsequent modification to the project as approved, including the site plan, floor plan, elevations, landscaping and materials, must be referred to the Director of Planning and Building Safety to determine whether the Planning Commission should review the proposed modification.

2. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

3. The applicant must comply with all mitigation measures identified in the Final Environmental Impact Report prepared for the Project. A Mitigation Monitoring and Reporting Program (MMRP) was prepared as part of the environmental review for the project and is attached as Exhibit “B” to this Resolution. The mitigation measures of the MMRP are incorporated into these conditions of approval by reference. All mitigation measures and conditions of approval must be listed on the plans submitted for plan check and the plans for which a building permit is issued.

4. Any changes to the colors and materials of the exterior façade of the building must be in compliance with the 540 East Imperial Avenue Specific Plan Section 4.2(F) Development Standards and approved to the satisfaction of the Director of Planning and Building Safety.
5. Before the City issues a building permit, the applicant must submit final landscaping and irrigation plans to the Planning and Building Safety Department and the Parks and Recreation Department for review and approval to demonstrate compliance with the City's Water Conservation regulations and Guidelines for Water Conservation in Landscaping (ESMC §§ 10-2-1, et seq.). The plant materials used in landscaping must be compatible with the El Segundo climate pursuant to Sunset Western Garden Book’s Zone 24 published by Sunset Books, Inc., Revised and Updated 2001 edition, which is available for review at the Planning and Building Safety Department. Additionally, the landscaping and irrigation must be completely installed before the City issues a final Certificate of Occupancy. Additionally, the final landscaping and irrigation plans must comply with the following:

- Reclaimed water must be used as the water source to irrigate landscaped areas, if feasible. To that end, dual water connections must be installed to allow for landscaping to be irrigated by reclaimed water, if feasible.

- Efficient irrigation systems must be installed which minimize runoff and evaporation and maximize the water which will reach plant roots (e.g., drip irrigation, automatic sprinklers equipped with moisture sensors).

- Automatic sprinkler systems must be set to irrigate landscaping during early morning hours or during the evening to reduce water losses from evaporation. Sprinklers must also be reset to water less often in cooler months and during the rainfall season so that water is not wasted by excessive landscaping irrigation.

6. Selection of drought-tolerant, low-water consuming plant varieties must be used to reduce irrigation water consumption, in compliance with ESMC §§ 10-2-1, et seq.

7. The applicant must provide a sufficient number of bicycle racks to accommodate storing at least 8 bicycles.

8. Employees must be provided current maps, routes and schedules for public transit routes serving the site; telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators; ridesharing promotional materials; and bicycle route and facility information. Two kiosks with such information must be provided for Option 1 with one Kiosk located in the senior portion of the project and the
second kiosk located in the assisted living facility to the satisfaction of the Director of Planning and Building Safety. One kiosk must be provided in Option 2 in the senior housing/multi-family portion of the project site to the satisfaction of the Director of Planning and Building Safety.

9. Trash and recycling enclosures must be provided and shown on the site plan that are sufficiently large enough to store the necessary bins required for the regular collection of commercial solid waste and recyclable materials. The site plan with the location and dimensions of the trash and recycling enclosure and an elevation view of the enclosure must be provided to the Planning and Building Safety Department for review and approval before the City issues building permits. Separate trash and recycling facilities must be provided for each of the three components of Option 1 (senior housing, assisted living and multi-family). Separate trash and recycling enclosures must be provided for the multi-family portion of Option 2.

10. Ground level mechanical equipment, refuse collectors, storage tanks, generators, and other similar facilities must be screened from view with dense landscaping and walls of materials and finishes compatible with the overall design of the project and any ancillary buildings.

11. Exterior lighting must be designed to minimize off-site glare.

12. The building must be designed to comply with all ESMC standards for the attenuation of interior noise.

13. Before the City issues a Certificate of Occupancy the applicant must provide the Planning and Building Safety Department a status report on the Leadership in Energy and Environmental Design (LEED) certification process that includes the GBCI scorecard. The Director of Planning and Building Safety will determine if the items identified on the scorecard and report, show a good faith effort to obtain LEED certification and warrant release of this condition. Within one month of receiving LEED certification, the applicant must furnish proof of certification to the Planning and Building Safety Department.

14. The applicant agrees to set aside 15% of the total number of units constructed for Option 1. The units must be distributed as follows: 31% of the total 15% for the extremely low income senior household category; 31% of the 15% for the very low income senior household category; and 38% of the 15% for the low income senior
household category to be split equally between the assisted living and condominium/apartment units. Percentages for the total number of units and for each income category must be calculated by rounding to the nearest whole number not to exceed the maximum required percentage. The Developer must submit an income verification monitoring plan to the Director of Planning and Building Safety before issuance of Certificate of Occupancy.

15. The applicant agrees to set aside 10% of the total number of units constructed for Option 2. The units must be distributed as follows: 31% of the total 10% for the extremely low income senior household category; 31% of the 10% for the very low income senior household category; and 38% of the 10% for the low income senior household category to be split equally between the multi-family condominium/apartment units. Any affordable housing units that are required based on the single-family component of Option 2 may be satisfied by developing the requisite number of units in other components of the project. Percentages for the total number of units and for each income category must be calculated by rounding to the nearest whole number not to exceed the maximum required percentage. The Developer must submit an income verification monitoring plan to the Director of Planning and Building Safety before issuance of Certificate of Occupancy.

16. The applicant must provide a marketing implementation plan that includes, without limitation, notification to residents of El Segundo regarding the availability of affordable housing in the project, eligibility requirements, application requirements, and access to application materials to the satisfaction of the Director of Planning and Building Safety.

17. A minimum of two building materials must be provided in each component of each project option (Option 1 and Option 2) to the satisfaction of the Director of Planning and Building Safety.

18. The project must meet all design criteria of the Specific Plan to the satisfaction of the Director of Planning and Building Safety.

**Building Division Conditions**

19. Before building permits are issued, the applicant must submit a geotechnical/soils report, along with an associated grading plan that addresses the current code to the Planning and Building Safety Department for review and approval.
20. Before grading permits are issued, the applicant must submit a soils report to the Planning and Building Safety Department for review and approval.

21. Before grading permits are issued, the applicant must submit a grading plan to the Planning and Building Safety Department for review and approval. Before building permits are issued, plans must show conformance with the 2010 California Building Code, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Electrical Code, and 2010 California Energy Code, all as adopted by the ESMC.

22. Before building permits are issued, plans must show compliance with accessibility requirements per the 2010 California Building Code, as adopted by the ESMC.

23. The applicant must provide a complete pool enclosure that encompasses the pool per the 2010 California Building Code, as adopted by the ESMC.

24. The applicant must provide a disabled access lift to access the pool per the 2010 California Building Code, as adopted by the ESMC.

25. At least one stairway must access the roof per the 2010 California Building Code, as adopted by the ESMC.

26. The Applicant must execute a restrictive covenant, in a form approved by the City Attorney, subjecting development of the real property affected by the Project to the air easements imposed by the final judgment in Los Angeles Unified School District v. City of Los Angeles, et al., LASC Case No. 965,067 filed January 7, 1980 and recorded as Document No. 80-55139 with the Los Angeles County Recorder’s Office.

Fire Department Conditions

27. The project must comply with all applicable requirements in the 2010 California Building and Fire Codes, and the 2009 International Fire Code as adopted by the ESMC and El Segundo Fire Department regulations.

28. Construction of any cafeteria or kitchen facilities in the assisted living facility must include installation of a grease interceptor capable of removing fats, oils, and grease from the kitchen waste stream. If the Los Angeles County Health Department determines
that the food preparation area does not require the installation of grease interceptors, then this condition will not be required.

29. Construction activities must include a storm water pollution prevention plan addressing non-storm water run-off, debris removal, track-out and protection of storm water system.

30. Any diesel-powered generators must be approved by the Fire Department, Environmental Safety Division, and provide for secondary containment, placarding, spill detection and prevention. Underground tanks require additional environmental monitoring requirements.

31. The applicant must provide the Environmental Safety Division of the El Segundo Fire Department an inventory of any and all chemicals used for laundry, pool or house cleaning, emergency generators or other devices.

32. The applicant, or designee, must contact Underground Service Alert before digging or excavating.

33. Any demolition must be screened for asbestos and lead, with proper notifications to South Coast Air Quality Management District (SCAQMD).

**Public Works Department Conditions**

34. All onsite utilities including, without limitation, water, electricity, gas, sewer and storm drains, must be installed underground. Contact Southern California Edison for required service and underground requirements (Mr. John Deng at (310) 783-9305).

35. Before the City issues a Certificate of Occupancy, the applicant must ensure that all curb, gutters, asphalt and concrete pavement and driveway aprons fronting 540 East Imperial Avenue and the property frontage along Walnut Avenue will be replaced as required by the Public Works Department.

36. Before the City issues a Certificate of Occupancy, all damaged or off-grade curb, sidewalk and pavement must be removed and replaced as required by the Public Works Department.

37. The applicant must secure any required encroachment permits from the Public Works Department before commencing any work in the public right-of-way.
38. The project must comply with the latest National Pollution Discharge Elimination System (NPDES) requirements and provide Best Management Practices (BMPs) for sediment control, construction material control and erosion control.

39. Before the City issues a building permit, the location and sizes of all proposed water meters must be approved by the City's Water Division.

40. Before the City issues a building permit, the applicant must clean and inspect (via remote TV camera) the project sewer lateral. If found impaired, the applicant is responsible for the replacement of the lateral.

41. A registered civil engineer must provide storm (hydrologic and hydraulic) calculations for appropriate storm drain facilities to control on-site drainage and mitigate off-site impacts, as follows, subject to review and approval from the Public Works Department:

- The design must follow the criteria contained in both the Los Angeles County Department of Public Works Hydrology Manual 2006 and Standard Urban Storm Water Mitigation Plan or most recent editions. Flows must remain in their historical drainage pattern so as not to impact neighboring properties.

- New development must not increase the rate of flow (cubic feet per second) or velocity (feet per second) of site run-off water to any off-site drainage areas beyond the measured or calculated pre-project rate and velocity.

42. Construction related parking must be provided on-site.

43. All record drawings (as-built drawings) and supporting documentation must be submitted to the Public Works Department before scheduling the project's final inspection.

**Police Department Conditions**

44. Before the City issues a building permit, the applicant must submit a photometric light study to the Police Department for review and approval. A site plan must be provided showing buildings, parking areas, walkways, and the point-by-point photometric calculation of the required light levels. Foot candles must be measured on a horizontal plane and conform to a uniformity ratio of 4:1 average/minimum. The photometric study must be point-by-point and include the light loss factor (.7). Lighting levels must be
adjusted to meet the minimum foot candle requirements within each area of the site. All interior or exterior corridors, passageways and pedestrian walkways and open parking lot shall be illuminated at all times with a minimum maintained one foot-candle of light on the walking surface.

45. A schematic plan of the security camera system must be submitted and approved by the El Segundo Police Department before the City issues a building permit, and must be included as a page in the stamped approved set of plans.

46. Lighting devices must be enclosed and protected by weather and vandal resistant covers.

47. Stairways must be illuminated with a minimum maintained one foot-candle of light on all landings and stair treads at all times.

48. Recessed areas of building or fences, which have a minimum depth of two feet, a minimum height of five feet, and do not exceed six feet in width and are capable of human concealment, must be illuminated with a minimum maintained 0.25 foot-candies of light at ground level during the hours of darkness. This requirement applies to defined recessed areas which are within six feet of the edge of a designated walking surface with an unobstructed pathway to it, not hindered by walls or hedge row landscaping a minimum of two feet in height.

49. All types of exterior doors must be illuminated during the hours of darkness, with a minimum maintained one foot-candle of light measured within a five-foot radius on each side of the door at ground level. The light source must be controlled by a photocell device or a time-clock with an astronomical clock feature and capable of operating during a power outage.

50. The addressing, open parking lot and trash dumpster must be illuminated with a maintained minimum of one foot-candle of light on the ground surface during hours of darkness.

51. Street addressing must be a minimum of 6 inches high and must be visible from the street or driving surface, of contrasting color to the background and illuminated during hours of darkness. Addressing must also be shown on plan elevations.

52. All landscaping must be low profile around perimeter fencing, windows, doors and entryways so as not to limit visibility or provide
climbing access. Dense bushes cannot be clumped together in a manner that provides easy concealment.

53. Stairwell doors exiting onto the street must have a minimum 100-square inch vision panel, with a minimum five inch width, to provide visibility into the area being entered. Vision panels must meet the requirements of the California Building Code, as adopted by the ESMC. Vision panels must preclude manipulation of the interior locking device from the exterior.

54. Interior stairwell doors must have glazing panels a minimum of five inches wide and 20 inches in height and meet the requirements of the California Building Code, as adopted by the ESMC. Guest rooms must have a deadbolt lock, a secondary security latch and a wide angle (190-200 degree) door viewer, not to be mounted more than 58 inches from the bottom of the door.

55. Exterior mounted ladders are prohibited except: (1) ladders with a minimum 1/8 inch thick steel plate, securely attached to the ladders edge on each side, and extending to within two inches of the wall for a height of ten feet above ground level. A door and cover must be securely attached to the front of the ladder, and be constructed of minimum 1/8-inch steel, extending from ground level to at least ten feet high. The ladder must have non-removable hinge pins and be locked securely against the side wall by a locking mechanism with a minimum five pin tumbler operation; or (2) the bottom of the ladder must begin ten feet above the ground surface.

56. All pool entrances must be posted with “No Trespassing” signs.

57. Any pool restroom and shower doors must have access control as reviewed and approved by the El Segundo Police Department.

58. Exterior gates leading to the pool must be secured by electronic access control.

59. When a specific project option is selected, the ESPD may require the applicant to comply with more specific requirements as they pertain to: doors/hardware, windows, mailboxes, lighting, landscaping, addressing, stairwells, trash dumpsters, parking, other possible requirements they may pertain to a specific assisted living facility layout (access controls).
Construction Conditions

60. Before any construction occurs the perimeter of the property must be fenced with a minimum 6-foot high fence. The fence must be covered with a material approved by the Planning and Building Safety Department to prevent dust from leaving the site.

61. Public sidewalks must remain open at all times.

62. All haul trucks hauling soil, sand, and other loose materials must either be covered or maintain two feet of freeboard.

63. NOx emissions during construction must be reduced by limiting the operation of heavy-duty construction equipment to no more than 5 pieces of equipment at any one time.

64. Staging of construction vehicles and vehicle entry and egress to the site must be approved by the Public Works Department. Temporary construction driveways must be approved by the Public Works Department. Temporary construction driveways must be removed before the City issues a certificate of occupancy.

65. Construction vehicles cannot use any route except the City’s designated Truck Routes.

66. The applicant must develop and implement a construction management plan, as approved by the Public Works Department, which includes the following measures recommended by the SCAQMD:

- Configure construction parking to minimize traffic interference.
- Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
- Re-route construction trucks away from congested streets.
- Maintain equipment and vehicles engines in good condition and in proper tune as per manufacturer’s specifications and per SCAQMD rules, to minimize dust emissions.
- Suspend use of all construction equipment during second stage smog alerts. Contact SCAQMD at (800) 242-4022 for daily forecasts.
- Use electricity from temporary power poles rather than temporary diesel or gasoline-powered generators.
• Diesel-powered equipment such as booster pumps or generators should be replaced by electric equipment, if feasible.
• Catalytic converters must be installed, if feasible.
• Equipment must be equipped with two-to-four-degree engine time retard or pre-combustion chamber engines.
• Use methanol or natural gas powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
• Use propane or butane powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

67. During construction and operations, all waste must be disposed in accordance with all applicable laws and regulations. Toxic wastes must be discarded at a licensed, regulated disposal site by a licensed waste hauler.

68. All leaks, drips and spills occurring during construction must be cleaned up promptly and in compliance with all applicable laws and regulations to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

69. If materials spills occur, they must be cleaned up in a way that will not affect the storm drain system.

70. The project must comply with ESMC Chapter 5-4, which establishes storm water and urban pollution controls.

71. Before anticipated rainfall, construction dumpsters must be covered with tarps or plastic sheeting.

72. Inspections of the project site before and after storm events must be conducted to determine whether Best Management Practices have been implemented to reduce pollutant loadings identified in the Storm Water Prevention Plan.

73. The owner or contractor must conduct daily street sweeping and truck wheel cleaning to prevent dirt in the storm drain system.

74. Storm drain system must be safeguarded at all times during construction.

75. All diesel equipment must be operated with closed engine doors and must be equipped with factory-recommended mufflers.
76. Electrical power must be used to run air compressors and similar power tools.

77. The applicant must provide a telephone number for local residents to call to submit complaints associated with the construction noise. The number must be posted on the project site and must be easily viewed from adjacent public areas.

78. During construction, the contractor must store and maintain equipment as far as possible from adjacent residential property locations northwest of the site.

79. As stated in ESMC Chapter 7-2, construction related noise is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday, and prohibited at anytime on Sunday or a Federal holiday.

**Impact Fee Conditions**

80. Pursuant to ESMC §§ 15-27A-1, *et seq.*, and before building permits are issued, the applicant must pay a one-time library services mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No. 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.

81. Pursuant to ESMC §§ 15-27A-1, *et seq.*, and before building permits are issued, the applicant must pay a one-time fire services mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.

82. Pursuant to ESMC §§ 15-27A-1, *et seq.*, and before building permits are issued, the applicant must pay a one-time police services mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No. 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.

83. Pursuant to ESMC §§ 15-27A-1, *et seq.*, and before building permits are issued, the applicant must pay a one-time park services mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No. 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.
84. Before building permits are issued, the applicant must pay the required sewer connection fees (as specified in ESMC Title 12-3).

85. Pursuant to ESMC §§ 15-27A-1, et seq., and before the City issues a certificate of occupancy, the applicant must pay a one time traffic mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No. 4443.

86. Before building permits are issued, the applicant must pay the required School Fees. This condition does not limit the applicant's ability to appeal or protest the payment of these fees to the school districts(s).

Miscellaneous

87. The vesting tentative maps (VTM No. 71410 and VTM No. 71582) will expire pursuant to Government Code § 66452.6 and ESMC § 14-1-12. Only one VTM may be recorded.

88. The El Segundo Unified School District, agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. 890, General Plan Amendment No. 10-03, Specific Plan No. 10-03, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, and Subdivision No. 10-01. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of Environmental Assessment No. 890, the El Segundo Unified School District., agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.
By signing this document, Geoff Yantz on behalf of the El Segundo Unified School District, certifies that he read, understands, and agrees to the Project Conditions listed in this document.

Geoff Yantz, Superintendent
El Segundo Unified School District

P:\Planning & Building Safety\Planning Old\PROJECTS (Planning)\876-000\EA-390\City Council Mar2012\EA-890.CC.conditions of approval.03.06.12.doc
EXHIBIT 2

ORDINANCE NO. _____

AN ORDINANCE APPROVING ZONE CHANGE NO. 10-01; ZONE TEXT AMENDMENT NO. 10-06; SPECIFIC PLAN NO. 10-03; AND DEVELOPMENT AGREEMENT NO. 10-02; ADDING ESMC § 15-3-2(A)(7) AND AMENDING ESMC §§ 15-3-1 AND 15-3-2(A); APPROVING SUBDIVISION NO. 10-01 (VESTING TENTATIVE MAP NOS. 71410 AND NO. 71582) FOR THE 540 EAST IMPERIAL AVENUE SPECIFIC PLAN PROJECT AT 540 EAST IMPERIAL AVENUE.

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

SECTION 1: The City Council finds and declares that:

A. On September 9, 2010, Mar Ventures, Inc., filed an application on behalf of the El Segundo Unified School District, for an Environmental Assessment (EA No. 890); General Plan Amendment No. 10-03; Zone Change No. 10-01; Zone Text Amendment No. 10-06; Specific Plan No. 10-03; Development Agreement No. 10-02; and Subdivision No. 10-01 for Vesting Tentative Map (VTM) Nos. 71410 (7 lots) and 71582 (31 lots) to re-designate and rezone a 5.65 acre property at 540 East Imperial Avenue from Planned Residential Development (PRD) Zone to 540 East Imperial Avenue Specific Plan (EIASP) to allow construction of one of two possible options (a 304-unit senior housing community development with a multi-family component (Option 1) or a 58-unit mixed residential development of single-family and multiple-family uses (Option 2) (collectively, the “Project”);

B. The Project application was reviewed by the City of El Segundo Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the El Segundo Municipal Code (“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. An Initial Study was prepared pursuant to the requirements of CEQA. The Initial Study demonstrated that the project could cause
significant environmental impacts. Accordingly, a Draft Environmental Impact Report ("DEIR") was prepared and circulated for public review and comment between November 3, 2011 and December 19, 2011 in compliance with CEQA Guidelines § 15087;

E. An Environmental Impact Report (EIR) was prepared pursuant to CEQA Guidelines § 15161;

F. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for January 26, 2012. Following the January 26th public hearing, the Planning Commission adopted Resolution No. 2714 recommending that the City Council approve the Project including, without limitation, adopting this Ordinance;

The 540 East Imperial Avenue Specific Plan was considered by the Airport Land Use Commission ("ALUC") at its hearing on February 22, 2012. ALUC adopted a Resolution finding the 540 East Imperial Avenue Specific Plan consistent with the Airport Land Use Plan. ALUC expressed its preference that the applicant utilize Option 1 for developing the Project site and also requested that the City provide notice to successor landowners regarding the Project site's proximity to the airport; the air easement affecting the property; and that these factors may affect any successor's property interests.

G. On March 6, 2012 the City Council held a public hearing and considered the information provided by City staff, public testimony and representatives of Mar Ventures, Inc. and the El Segundo Unified School District;

H. On March 6, 2012 City Council introduced Ordinance No. _____ approving Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, and Subdivision No. 10-01 for Vesting Tentative Map (VTM) No. 71410 (7 lots) and VTM No. 71582 (31 lots) for the 540 East Imperial Avenue Specific Plan;

I. This Ordinance and its findings are made based upon testimony and evidence presented to the Council at its March 6, 2012 hearing including, without limitation, the staff report submitted by the Department of Planning and Building Safety.

SECTION 2: Environmental Assessment. Resolution No. _____ adopted a Final Environmental Impact Report (FEIR) and a Statement of Overriding Considerations (SOC) for this Project which, among other things, properly assesses the environmental impact of this Ordinance, and
the Project, in accordance with CEQA. This Ordinance incorporates by reference the environmental findings and analysis set forth in Resolution No. ____.

SECTION 3: Factual Findings and Conclusions. The City Council finds and declares that the factual findings and conclusions set forth in Resolution No. ____, adopted on March 6, 2012, are incorporated as if fully set forth.

SECTION 4: Zone Change Findings.

A. Based on the factual findings in Resolution No. ____, as incorporated into this Ordinance, the proposed Zone Change is necessary to carry out the proposed project because the proposed General Plan Amendment would change the land use classification of the project site from Planned Residential Development (PRD) to 540 East Imperial Avenue Specific Plan (EIASP). The proposed Zone Change is necessary to maintain consistency with the proposed General Plan land use designation of 540 East Imperial Avenue Specific Plan.

B. ESMC Title 15 is intended to be the primary tool for implementing the goals, objectives and policies of the El Segundo General Plan. The zone change will maintain consistency with the proposed change in General Plan land use designation to 540 East Imperial Avenue Specific Plan and is also consistent with the General Plan goals, objectives and policies set forth in Section 4 of Resolution No. ____. Those findings of consistency are incorporated by reference as if fully set forth below.

SECTION 5: Zone Text Amendment Findings.

A. Based on the factual findings in Resolution No. ____, as incorporated into this Ordinance, the proposed Zone Text Amendment is necessary to implement the Project and establish the proposed 540 East Imperial Avenue Specific Plan (EIASP) Zone. An amendment to ESMC § 15-3-1 to delete the Planned Residential (PRD) Zone and to list the 540 East Imperial Avenue Specific Plan (EIASP) Zone as a zoning classification within the City is necessary for consistency with the General Plan. An amendment to ESMC § 15-3-2(A)(7) to create the 540 East Imperial Avenue Specific Plan (EIASP) is necessary for consistency with the General Plan. Additionally, an amendment to delete ESMC § 15-4D-1 to delete the Planned Residential Development (PRD) Zone development standards in its entirety is necessary for consistency with the General Plan.
SECTION 6: Specific Plan Findings.

A. Based on the factual findings in Resolution No. ____, as incorporated into this Ordinance, the proposed creation of the 540 East Imperial Avenue Specific Plan (EIASP), which would allow an assisted living/senior housing development on the project site, is necessary to carry out the proposed project. Without amending the ESMC, the current zoning would not permit a senior housing use with a 0.75 Floor Area Ratio (FAR). An amendment to ESMC § 15-3-2(A) to create the 540 East Imperial Avenue Specific Plan (EIASP) is necessary for consistency with the General Plan. Additionally, an amendment to ESMC § 15-3-1 to list the 540 East Imperial Avenue Specific Plan (EIASP) Zone as a zoning classification with the City is necessary for consistency with the General Plan. The General Plan Land Use Designation of the project site is 540 East Imperial Avenue Specific Plan (EIASP). This designation is intended for senior housing consisting of apartments or condominiums, senior housing consisting of assisted and/or independent living units, single-family and/or multi-family housing units consisting of market rate apartments or condominiums. As conditioned, the proposed project Option 1 or Option 2 would be compatible with the General Plan.

SECTION 7: Development Agreement Findings. Pursuant to City Council Resolution No. 3268, adopted June 26, 1984, the City Council finds that:

A. The project is consistent with the objectives, policies, general land uses, and programs specified in the general plan and any applicable specific plan. The Development Agreement would provide the following public benefits in exchange for valuable development rights (ten-year entitlement with a five year option):

1. Development of a property that is currently vacant and underutilized.

2. Increase in employment opportunities for the City’s residents.

3. Increasing housing, in particular much needed senior housing for area residents.

4. Providing an option for an assisted living facility to meet community need.

5. Development of a project that is consistent with the Elements of the General Plan.

7. Developing a property that includes affordable housing for the community with a 15 percent housing set aside for low, very low, and extremely low income qualified senior households for Option 1 and a 10 percent set aside for Option 2.

B. The project is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located. The proposed project includes a new land use designation and zoning classification, which establishes the permitted uses and development standards that would apply to the project. These uses and development standards are similar and compatible with the other commercially zoned districts in the City.

C. The project will not adversely affect the orderly development of property or the preservation of property values. This project is surrounded by previously developed neighborhoods and will help improve the value of the neighboring properties. The proposed 540 East Imperial Avenue Specific Plan development standards and development agreement will ensure that the project will be developed in an orderly fashion. All mitigation measures will be implemented at the time and place impacts occur.

SECTION 8: Subdivision Findings.

A. The proposed map is consistent with applicable general and specific plans as specified in Government Code § 65451. As set forth in Section 4 of Resolution No. _______, as incorporated by this Ordinance, the Project meets the goals and objectives of the General Plan and it is consistent with the 540 East Imperial Avenue Specific Plan. Vesting Tentative Map (V TM) No.71410 for project Option 1 proposes seven new lots and VTM No. 71582 for project Option 2 proposes 31 new lots. The proposed lots vary in size and meet the minimum lot sizes stated in the 540 East Imperial Avenue Specific Plan.

B. The design of the proposed subdivision is consistent with applicable general and specific plans. As set forth in Section 4 of Resolution No. _______, as incorporated by this Ordinance, this project meets the goals and objectives of the General Plan.

C. The site is physically suitable for the proposed type of development in that, after the proposed grading, the areas outside the required setbacks on each individual lot will be relatively flat. The proposed
lots meet the size and dimension requirements to allow the subdivision of the existing parcel. The previous land use and zoning designation for the property was Planned Residential Development. The new 540 East Imperial Avenue Specific Plan continues the residential use at a mix that is more in line with the surrounding single-family and multi-family residential uses.

D. The site is physically suitable for the proposed density of development. The proposed project involves a subdivision of a 5.65 acre parcel into either a 7 lot subdivision (Option 1), or a 31 lot subdivision (Option 2). The proposed maximum density (53 DU/acre) is consistent with the 540 East Imperial Avenue Specific Plan. Each new lot will meet or exceed the minimum size and dimension requirements.

E. The design of the subdivision or the proposed improvements is unlikely to cause substantial damage or substantially and avoidably injure fish or wildlife or their habitat. The proposed project site is a former elementary school located in an urbanized area surrounded by existing single-family and multi-family residences. There are no fish or wildlife habitats on the site that could be damaged by the proposed subdivision or new development.

F. The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The proposed subdivision is not anticipated to conflict with any known easements located at, or near the property. No easements have been identified on the subject site.

SECTION 9: ESMC § 15-3-2(A) is amended to add subsection 7 to read as follows:

“7. 540 East Imperial Avenue Specific Plan

There is one zone intended to be used within the boundaries of the 540 East Imperial Avenue Specific Plan. The zone is:

EIASP -East Imperial Avenue Specific Plan”

SECTION 10: The current Zoning Map is amended by changing the Project site from Planned Residential Development to “540 East Imperial Avenue Specific Plan.” The corresponding changes to the Zoning Map are set forth in attached Exhibit “A,” which is incorporated into this Ordinance by reference.
SECTION 11: The "540 East Imperial Avenue Specific Plan" is adopted as set forth in attached Exhibit "B," which is incorporated into this Ordinance by reference.

SECTION 12: The Development Agreement by and between the City of El Segundo and the El Segundo Unified School District, as set forth in attached Exhibit "C," and incorporated into this Ordinance by reference, is approved. The Mayor is authorized to execute the Development Agreement in a form approved by the City Attorney.

SECTION 13: Additional Approvals. To the extent they are not otherwise adopted or approved by this Ordinance, and subject to the conditions listed on attached Exhibit "D," which are incorporated into this Ordinance by reference, the City Council approves Zone Change No. 10-01, Zone Text Amendment No. 10-06, Specific Plan No. 10-03, Development Agreement No. 10-02, and Subdivision No. 10-01.

SECTION 14: Reliance on Record. Each and every one of the findings and determinations in this Ordinance 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 City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 15: Limitations. The City Council'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 City Council's 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 16: Summaries of Information. All summaries of information in the findings which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding, is not based in part on that fact.

SECTION 17: Effectiveness of ESMC. Repeal or amendment of any provision of the ESMC will 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 18: Memorailzation: 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 19: Severability. 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 20: Effective Date. This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED, APPROVED AND ADOPTED this 6th day of March 2012.

______________________________________________
Eric Bush, 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 March 2012, 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 March 2012, 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
Proposed Change to:
540 E Imperial Ave Specific Plan

540 East Imperial Avenue
Proposed Zone Change
Zoning Map

City of El Segundo
CITY COUNCIL Ordinance ___ Exhibit B

540 East Imperial Avenue
Specific Plan

January 2012
540 EAST IMPERIAL AVENUE SPECIFIC PLAN

SPECIFIC PLAN NO. 10-03
EL SEGUNDO, CALIFORNIA

APPLICANT
EL SEGUNDO UNIFIED SCHOOL DISTRICT

PREPARED BY

LISA KRANITZ, ESQ, WALLIN, KRESS, REISMAN & KRANITZ, LLP
KIMBERLY CHRISTENSEN, AICP, PLANNING MANAGER, CITY OF EL SEGUNDO
TRAYCI NELSON, SENIOR CONTRACT PLANNER, CITY OF EL SEGUNDO

JANUARY, 2012
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540 EAST IMPERIAL AVENUE SPECIFIC PLAN

1.0 SUMMARY

This Specific Plan was prepared to provide guidance and to allow flexibility when developing a 5.65 acre parcel located on a former El Segundo School District Site at 540 East Imperial Avenue (the "Project Site") consistent with the adjoining uses.

Under this Specific Plan, the Project Site can be developed with one of the following conceptual project options a Senior Housing Community with a Multi-Family Residential (R-3) component, or a Mixed Residential Development, as further defined in Section 1.7 "PROJECT DESCRIPTION."

Detailed text and exhibits which more fully describe the conceptual options and improvements envisioned for construction are included in this Specific Plan. The Specific Plan will guide the build-out of the Project Site in a manner that is consistent with City and State policies and standards and ensures that the Project is developed in a coordinated manner.

1.1 PURPOSE AND AUTHORITY OF SPECIFIC PLAN

The purpose of this Specific Plan is to provide a foundation for the proposed land uses on the subject property through the application of regulations, standards and design guidelines. The 540 East Imperial Avenue Specific Plan provides text and exhibits which describe the proposed land uses and associated guidelines.

This Specific Plan has been adopted in accordance with the provisions of Government Code §§ 65450 through 65457 which grant local governments authority to prepare Specific Plans of development for any area regulated by a General Plan. These sections also identify the required contents of a Specific Plan and mandate consistency with the General Plan.

According to Government Code § 65450, a Specific Plan must include text and a diagram or diagrams which specify all of the following in detail:

- The distribution, location, and extent of the uses of land, including open space within the area covered by the plan.
- The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the land area covered by the plan and needed to support the land uses described in the plan.
- Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out the above items.
- A discussion of the relationship of the Specific Plan to the General Plan.
A thorough review of the El Segundo General Plan shows that this Specific Plan is compatible and consistent with the goals and policies outlined in the General Plan. This Specific Plan will further the goals and policies of the General Plan as more fully described below.

This Specific Plan was prepared to provide the essential relationship between the policies of the El Segundo General Plan and actual development in the project area. By functioning as a regulatory document, the 540 East Imperial Avenue Specific Plan provides a means of implementing and detailing the City of El Segundo's General Plan. All future development plans and entitlements within the Specific Plan boundaries must be consistent with the standards set forth in this document.
1.2 **PROJECT GOALS**

The goal of this Specific Plan is to develop housing within the City of El Segundo which will help the City achieve its Regional Housing Needs Allocation, including the opportunity to develop much needed senior housing and affordable housing.

1.3 **PROJECT LOCATION AND ADJACENT LAND USES**

Regionally, the Project Site is located in the northwest quadrant of the City of El Segundo, adjacent to the City’s northern border along Imperial Avenue. The Project Site is almost one mile east of Sepulveda Boulevard (Highway 1) and the entrance to the Century Freeway (Interstate 105), approximately 2.4 miles east of the San Diego Freeway (Interstate 405), and immediately south of Los Angeles International Airport (LAX).

Locally, the Project Site is located on the south side of East Imperial Avenue between Sheldon Avenue and McCarthy Court. Immediately to the west of the Project Site on Imperial Avenue is a mortuary in the Neighborhood Commercial (C-2) Zone; single-family residences abut the remainder of the western boundary of the Project Site. Immediately to the east of the Project Site are R3 lots with multi-family residences; a sump lies about half-way down along the eastern side of the property and single-family residences lie at the southeastern property line. The Project Site borders R-3 with multi-family residences on the southern property line (Exhibit 1).
1.4 Project Site History

The 5.65-acre 540 East Imperial Avenue Specific Plan site (project site) comprises six lots and is currently developed with the Imperial Avenue Elementary School. The elementary school was built in 1956. Because of declining enrollment in the El Segundo Unified School District (ESUSD), the school campus was closed in 1975 and in 1979 was declared Surplus Property by ESUSD. In 1984, it was used as an employee training facility for the Hughes Aircraft Company. In 1997, the school campus was re-opened under a lease to the Los Angeles Unified School District (LAUSD) as a special needs school, but was closed again a few years later. In 2007 the ESUSD Board of Education established a 7-11 Surplus Property Committee to determine what should be done with the site. The Committee work developed in three phases: information gathering; public input; and discussion. Based on the Committee’s work, in 2009 the District began the process to entitle the site for development, including the option of a senior housing community.

In September 2010 the District applied for various land use entitlements that would allow the site to be developed with a Senior Housing Community. In November 2010 the District revised its applications to provide for the option of building either a Senior Housing Community or a Mixed Residential development.

Before approving this Specific Plan and other related applications, the General Plan designation and the zoning of the site was Planned Residential Development (PRD) which allowed a maximum of 29 single-family units and 36 multi-family units to be built on the entire 5.65 acre site. The change of both the General Plan and zoning to 540 East Imperial Avenue Specific Plan allows for either option (discussed above) to be developed.

1.5 Existing Site

The proposed Project Site is currently developed with eight (8) single-story structures (totaling 22,488 square feet) that served as administrative offices and classrooms. Existing structures at the Project Site extend from the northern to the southern portion of the site, along the eastern property line. Development on the Project Site also includes open space and recreational facilities in the form of playground equipment and an approximately 0.50-acre baseball field on the west-northwest portion of the property. While the school has remained unoccupied, the baseball field is currently utilized for little league baseball on weekends between January and June. Several scattered trees line the western portion of the project site with ground cover near the baseball field. Generally, the project site slopes from a high point at the northwest corner of the site, along East Imperial Avenue, to a low point at the southeast corner of the site along Walnut Avenue. The site is graded into two pads with a 2:1 slope separating them. The overall slope of the site from northwest to southeast is roughly 5 percent. Impermeable surfaces on the site consist of asphalt parking areas and building roofs. Pervious surfaces on the proposed project site consist of open space and a ball field.

The Specific Plan area will encompass the entire 5.65 acre site.

1.6 CEQA Compliance

In compliance with CEQA an EIR was prepared for this Project. The EIR analyzed two separate Options: a Senior Housing Community consisting of 150 assisted living units and 150 senior
apartments/townhomes with four townhomes built on the southern portion of the property; and a mixed residential development consisting of 24 single-family homes and 34 multi-family homes.

In accordance with Government Code § 65457, any residential development that is developed consistent with this Specific Plan is exempt from further CEQA analysis unless an event specified in Public Resources Code § 21166 occurs as to the Specific Plan.

1.7 PROJECT DESCRIPTION

The 540 East Imperial Avenue site will be developed in substantial conformance with one of the Options described below.

Senior Housing Community/Multi-Family Residential (R-3) Option (Specific Plan Option 1)

The Senior Housing Community/Multi-Family Residential (R-3) Option (Specific Plan Option 1) would consist of the following types of development, with the assisted living and senior residential both restricted to individuals fifty-five (55) years or older:

- On 5.32 acres: an assisted living development consisting of dwelling units made up of: assisted and/or independent living units which will provide common facilities such as a common kitchen and dining room, game playing area, library, exercise room, pool and restrooms, as well as individual kitchenettes which at a minimum will include a refrigerator, sink and microwave; and a senior residential development consisting of apartments and/or condominiums. The development would include a maximum of 150 assisted/independent living units and 150 senior apartments/townhomes.

- The southern .33 acres of the Project Site which fronts on Walnut Avenue would be developed under Multi-Family Residential (R-3) standards. Four (4) townhomes would be built on the remaining 0.33-acre parcel, located at the southern end of the project site. While the four townhomes are part of the 540 East Imperial Avenue Specific Plan development, they would be re-zoned and developed separately from the larger assisted/independent living complex and senior apartments/townhomes, pursuant to the Multi-Family Residential (R-3) development standards.

Mixed Residential Development Option (Specific Plan Option 2)

Under the Mixed Residential Development Option (Specific Plan Option 2) the property could be developed with a maximum of twenty-four (24) single-family and thirty-four (34) multi-family units on private streets. The multiple-family units would front East Imperial Avenue on the northern portion of the project site. The single-family residences would be located on the southern portion of the project site.

1.8 ENTITLEMENTS

The following entitlements were granted in conjunction with this Specific Plan:

- General Plan Amendment changing the land use designation from Planned Residential Development (PRD) to 540 East Imperial Avenue Specific Plan.
• Zone Text Amendment to: 1) delete the Planned Residential (PRD) Zone from El Segundo Municipal Code ("ESMC") § 15-3-1; 2) add 540 East Imperial Avenue Specific Plan to ESMC § 15-3-1; 3) add a new ESMC § 15-3-2(A)(7) "540 East Imperial Avenue Specific Plan"; and 4) delete ESMC Chapter 15-4D (Planned Residential Development (PRD) in its entirety.

• Zone Change to rezone Property from Planned Residential Development (PRD) to 540 East Avenue Imperial Specific Plan.

• Development Agreement between the City of El Segundo and the El Segundo Unified School District.

• Vesting Tentative Map No. 71410 - dividing the Specific Plan Area into seven (7) new parcels or Vesting Tentative Map No. 71582 dividing the Specific Plan Area into thirty one (31) new parcels.
2.0 CONSISTENCY WITH THE GENERAL PLAN

Government Code § 65454 requires that the Specific Plan be consistent with the General Plan. Government Code § 65451 requires a statement of relationship between the Specific Plan and the General Plan. As documented by the EIR, the Specific Plan is consistent with the General Plan. The two elements that are most related to the Project are the Land Use Element and the Housing Element; the consistency with these two elements is discussed below.

2.1 LAND USE ELEMENT

The City amended the General Plan designation and zoning of the Project Site to 540 East Imperial Avenue Specific Plan to allow the development options set forth in this Specific Plan of either a Senior Housing Community with a multi-family component or a Mixed Residential development.

The Senior Housing Community/Multi-Family Residential (R-3) Option (Option 1) may consist of an Assisted Living development and/or a Senior Residential development. Although the Senior Housing Community would allow the opportunity for more development than the previous zoning, senior housing does not generate significant noise, traffic or other impacts that would be detrimental to neighboring residential uses. Due to the size and slope of the property, the Senior Housing Community would be designed in such a way so as to minimize the visual impacts on the surrounding residential uses.

The Specific Plan also provides that the Mixed Development Option (Option 2) will be limited to not more than twenty-four (24) single-family units and not more than thirty-four (34) multi-family units. This is very similar to what was previously allowed and therefore this use remains consistent with the General Plan Land Use Element.

Like the previous Planned Residential Development (PRD) zoning on the property, the Specific Plan will allow design flexibility and will continue to provide transitional uses that are consistent with the surrounding residential uses which will help protect one of the City’s greatest attributes, its residential area.

More specifically, the Specific Plan promotes the following from the Land Use Element of the City’s General Plan:

- **Goal LU3: Proper Distribution of Residential Land Uses** – Promote the health, safety and well being of the people of El Segundo by adopting standards for the proper balance, relationship, and distribution of the residential land uses.

- **Objective LU3-2** – Preserve and maintain the City’s low-medium density residential nature, with low building height profile and character, and minimum development standards.

- **Policy LU3-2.1** - Promote construction of high quality Multi-Family Residential developments with ample open space, leisure and recreational facilities.
• **Policy LU3-2.2** - Multi-family developments will be located only in appropriate places and evaluated carefully to insure that these developments are not detrimental to the existing single-family character.

• **Policy LU3-2.3** - Appropriate buffers such as walls, landscaping, or open space, shall be provided between residential and non-residential uses.

• **Policy LU3-2.4** - Low density areas shall be preserved and zone changes to higher density shall be carefully investigated for compatibility to existing uses.

### 2.2 Housing Element

The City of El Segundo currently has a larger proportion of seniors than the County of Los Angeles as a whole (12.3% vs. 9.7%).¹ In 2009, the City adopted the most current version of its Housing Element which recognizes this trend in population growth of the senior community and the need for expanded housing programs for seniors, including assisted living facilities. The Housing Element also recognizes the Project Site as an underutilized site, development of which will help satisfy the City’s housing needs. The Specific Plan will allow the opportunity for even more housing of a much needed type to be built than the 65 units previously allowed under the Planned Residential Development (PRD) zoning. More specifically the Specific Plan implements the following goals of the Housing Element (as adopted in 2009):

• **Goal 2:** Provide sufficient new, affordable housing opportunities in the City to meet the needs of groups with special requirements, including the needs of lower and moderate-income households.

  • **Policy 2.1** - Establish and maintain land use controls to accommodate the housing needs of elderly, disabled and other special needs households.

• **Goal 3:** Provide opportunities for new housing construction in a variety of locations and a variety of densities in accordance with the land use designations and policies in the Land Use Element.

  • **Policy 3.1** – Provide for the construction of 168 new housing units during the 2006-2014 planning period in order to meet the goals of the Regional Housing Needs Assessment (RHNA).

  • **Policy 3.3** – Permit vacant and underdeveloped property designated as residential to develop with a diversity of types, prices and tenure.

  • **Policy 3.4** – Encourage new housing to be developed within the Smoky Hollow Mixed-Use district, and on the Imperial School site.

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¹ The reference noted here is taken from the City of El Segundo Housing Element (2009) which defines seniors as age 65 and older. This project will provide senior housing for persons age 55 and older which increases the percentage and the total number of seniors in El Segundo as noted in § 4.2 (Affordability) of this Specific Plan.
3.0 PHYSICAL DEVELOPMENT

3.1 CIRCULATION

Senior Housing Community/Multi-Family Residential (R-3) Option (Option 1)

In order to reduce traffic impacts along Walnut Avenue, a .33 acre lot on the southerly side of the Project Site will be created for multi-family housing which will be physically separated from the rest of the Project Site. Access to the remaining 5.32 acres, which will house the Senior Housing Community, will be via two driveways on East Imperial Avenue which will provide circulation and emergency access throughout that portion of the Project Site.

Mixed Residential Development Option (Option 2)

The Mixed Residential Development will provide for the multi-family units to front and take access from East Imperial Avenue and the single-family units to take access from Walnut Avenue which will minimize traffic impacts on the surrounding streets. The circulation system for the single-family homes will be developed so as to be adequate for emergency vehicles.

3.2 UTILITIES AND INFRASTRUCTURE

A. Water Service

Water service is provided by the City of El Segundo and is currently available within the Specific Plan Area. The site is currently served by connections to an existing 6" diameter main in Walnut Avenue and 10" main in Imperial Avenue. The Project would maintain these connections, add connections as necessary and provide for on-site domestic and fire water services.

B. Sewer Service

Sewer service within the project area, which is west of Sepulveda Boulevard, is provided by underground sewers maintained by the City of El Segundo. The site is currently served by an 8" sewer running along the easterly property line, which drains to an existing 8" main in Walnut Avenue. The Project would continue to drain to Walnut Avenue.

C. Solid Waste Disposal

Solid waste disposal is provided to commercial users by a variety of private haulers and to residential users by Consolidated Waste Disposal. The Assisted Living development within the Specific Plan area would contract with a provider. Landfill capacity is adequate for the assumed population and commercial growth within Los Angeles County. The 540 East Imperial Avenue Specific Plan would not exceed any assumptions for either population or commercial growth in the region.

D. Gas Service

Gas service is provided by Southern California Gas Company. A 2" service line is available in Walnut Avenue.
E. Electric/Telephone and Cable Service

Electric service is provided by Southern California Edison. Telephone service is provided by AT&T, Verizon and Sprint via existing lines in adjacent streets and cable service is provided by Time Warner Cable, Direct TV and Dish Network.

F. Fire Suppression

The El Segundo Fire Department (ESFD) provides fire protection services and emergency medical service to the City. The Specific Plan area is approximately 1 mile from Station 1 located at 314 Main Street in Downtown El Segundo and approximately 1.8 miles from Fire Station 2 located at 2261 Mariposa Avenue. Water for fire suppression is available from existing water lines via hydrants adjacent to the Project Site. Private hydrants will be installed if required to provide coverage for approved structures.

G. Police Services

The El Segundo Police Department provides police protection services to the City. The Specific Plan area is approximately 1 mile from the police station located at 348 Main Street.

H. Drainage

On-site drainage must comply with National Pollution Discharge Elimination System (NPDES) requirements.
4.0 LAND USE AND DEVELOPMENT STANDARDS

4.1 DISTRIBUTION AND LOCATION OF LAND USE

SENIOR HOUSING COMMUNITY/MULTI-FAMILY RESIDENTIAL (R-3) OPTION (OPTION 1)

Under this option, the southern .33 acre "tail" of the property which fronts on Walnut Avenue will be developed in accordance with the provisions of the R-3 (multi-family) zone and will be physically separated from the remainder of the Project Site.

There are two types of housing that will be developed under the Senior Housing Community: Assisted Living and Senior Residential which may be placed on the remaining 5.32 acres in substantial conformance with the approved concept site plan provided that the overall development does not exceed the total square footage and FAR set forth below and meets all of the other Development Standards set forth in Section 4.2.

The following graphical depiction provides a concept for the Senior Housing Community with Senior Housing that provides for 150 assisted and/or independent living units on the northern portion of the Project Site and 150 Senior Dwellings on the southern portion of the Project Site. The .33 acre R-3 (multi-family) "tail" piece is also shown (Exhibit 2). This concept may be modified in accordance with the procedures for minor and major modifications set forth in Section 4.3 below.
MIXED RESIDENTIAL DEVELOPMENT OPTION (OPTION 2)

Under this development option, multi-family lots would be created fronting East Imperial Avenue. The remainder of the property to the south would be developed with single-family lots that would be accessed from Walnut Avenue.

The following provides a concept of the Mixed Residential Unit Development. This concept may be modified in accordance with the procedures for minor and major modifications set forth in Section 4.3 below.
4.2 Development Standards

Except as otherwise provided, this Specific Plan must be administered pursuant to the ESMC. The development standards set forth herein for both development options are intended to provide flexibility in the development while providing consistency with adjacent uses.

Where this Specific Plan does not specifically regulate, development must comply with the ESMC.

Affordability

The City of El Segundo 2009 Housing Element identified a need for affordable housing to provide for a growing senior population. As envisioned in the element, based on that need Option 1 would set aside fifteen (15) percent of the total units as affordable units for extremely low, very low and low income senior households and Option 2 would set aside ten (10) percent of the total units as affordable units. The set aside is characteristic of the 55 and older senior population in the City of El Segundo which (based on the 2000 Census) represents 15.7 percent (2,519) of the total 16,033 population. Based on the Regional Housing Needs Assessment (RHNA), El Segundo is required to provide 168 additional housing units during the current housing cycle (2006-2014). The allocation of the 168 units is broken down into five categories as follows: 22 extremely low income households, 22 very low income households, 27 low income households, 28 moderate income households, and 69 above moderate income households. The City has a total of 43 units that can be credited toward the above moderate income requirements for the current 2006-2014 planning period.

The units in this project will be used to meet a portion of the need in the extremely low, very low, and low income household category which represent a proportional total of 31 percent, 31 percent, and 38 percent respectively, of the total RHNA allocation for the lower income categories. These same percentages were applied to the unit totals for this project. Thus, if 304 units are built under Option 1, a total of 46 units would be required as follows: 14 units (31% of the total 15%) for the extremely low income senior household category; 14 units (31% of the total 15%) for the very low income senior household category; and 18 units (38% of the total 15%) for the low income senior household category to be split equally between the assisted living and townhome/apartment units. If all 58 units are built under Option 2, a total of 6 units comprised of 2 units in each income category would be required (extremely low – 31% of the total 10%; very low – 31% of the total 10%; and low – 38% of the total 10%). Developer must still provide 15% set aside for the total number of units constructed for Option 1 and 10% set aside for the total number of units constructed for Option 2 should fewer units than the maximum allowed be constructed. The units must be distributed in the same percentage ratios as specified above in the low, very low, and extremely low income categories. Percentages for the total number of units and for each income category must be calculated by rounding to the nearest whole number not to exceed the maximum required percentage. Any affordable housing units that are required based on the single-family component of Option 2 may be satisfied by developing the requisite number of units in other components of the project.

The developer must submit an income and verification monitoring plan to the Director of Planning and Building Safety before building permits are issued.
Senior Housing Community/Multi-Family Residential (R-3) Option (Option 1)

The southern .33 acre "tail" of the Project Site will be developed in accordance with the existing provisions of the Multi-Family Residential (R-3) Zone. The remaining 5.32 acres will be developed in accordance with the following:

A. Permitted Uses

1. Senior Dwellings consisting of apartments or condominiums.
2. Senior Housing consisting of assisted and/or independent living units.
3. Other similar uses approved by the Director of Planning and Building Safety, as provided by ESMC Chapter 15-22.

B. Permitted Accessory Uses

1. Wireless communication facilities subject to ESMC Chapter 15-19.
2. Any use customarily incidental to a permitted use.
3. Other similar uses approved by the Director of Planning and Building Safety, as provided by ESMC Chapter 15-22.

C. Site Development Standards

1. Lot Coverage/Density

   The Senior Housing Community development on the 5.32 acre parcel cannot exceed a total of 175,000 square feet combined, with a 0.75 total FAR. The exact mix of housing options is determined through the Site Plan Review application procedure submitted in accordance with the Specific Plan but the development totals cannot exceed the maximum density analyzed in the EIR.

2. Lot Area

   The minimum lot area is 15,000 gross square feet.

3. Height

   No building or structure can exceed thirty-five (35) feet in height, with the exceptions of parapets and other auxiliary structures that cannot exceed forty-five (45) feet in height.

4. Setbacks

   a. Front Yard along East Imperial Avenue: 20-foot minimum.

   b. Side Yard: 40-foot minimum.

   c. Rear Yard: 40-foot minimum between the southern side of the Specific Plan area and the R-3 uses to the south.
d. *Between Uses:* The minimum setback between the Assisted Living on the north and the Senior Residential on the south side of the Specific Plan area is 10 feet to each property line.

5. **Lot Frontage**

Each Lot must have a minimum frontage on a street of 75 feet.

6. **Building Area/Floor Area Ratio (FAR)**

The total net floor area of all buildings cannot exceed the total square footage of the property multiplied by 0.75.

7. **Off-Street Parking and Loading Spaces**

Off-street parking and loading spaces, including parking for employees and visitors must be provided as follows:

Senior Dwellings (Market Rate):
- 1 space per studio/1 bedroom units
- 2 spaces per 2 bedroom units

Senior Dwellings (Affordable):
- 0.5 space per studio/1 bedroom units
- 1 spaces per 2 bedroom units

Senior Housing Assisted Living Units (Market Rate):
- 1 space per 2 units/2 beds

Senior Housing Assisted Living Units (Affordable):
- 1 space per 3 units/3 beds

D. **Design Features**

Assisted Living facilities will contain the following design features:

- Kitchen
- Dining Room
- Library
- Restrooms
- Exercise Area
- Recreational Facilities consisting of:
  - Game Playing Area
  - Pool
  - Open Space consisting of: landscaped courtyards and other passive recreational areas
  - Within each individual dwelling unit a kitchenette consisting of a minimum of refrigerator, sink and microwave
Senior Residential facilities will contain the following design features:

- Pool
- Community Room
- Lobby
- Mail Room

**MIXED RESIDENTIAL DEVELOPMENT OPTION (OPTION 2)**

**A. Permitted Uses**

1. Single-Family units and/or multi-family housing units consisting of apartments, townhomes, or condominiums.

2. Other similar uses approved by the Director of Planning and Building Safety, as provided by ESMC Chapter 15-22.

**B. Permitted Accessory Uses**

1. Any use customarily incidental to a permitted use.

2. Detached accessory buildings and structures, including private garages.

3. Other similar uses approved by the Director of Planning and Building Safety, as provided by ESMC Chapter 15-22.

**C. Site Development Standards**

1. **Density**

   The Mixed Unit Development cannot exceed a maximum of twenty-four (24) single-family units and thirty-four (34) multi-family units. The exact mix and layout of housing is determined through the Site Plan Review application procedure submitted in accordance with the Specific Plan.

2. **Lot Area**

   The minimum lot area for single family residential is 5,000 gross square feet.

   The minimum lot area for multi-family residential is 7,000 gross square feet.

3. **Height**

   Single-family residential dwelling units must comply with the existing height standards set forth in ESMC Chapter 15-4A.

   Multi-family residential dwelling units cannot exceed thirty-five (35) feet in height.
4. **Setbacks**

Setbacks for single-family residential dwelling units, in accordance with ESMC Chapter 15-4A for multi-family residential dwelling units, in accordance with ESMC Chapter 15-4B.

5. **Lot Frontage**

Each lot developed with multi-family residential dwellings must have a minimum frontage on a street of 50 feet.

Each lot developed with single-family residential dwellings must have a minimum frontage on a street of 50 feet.

6. **Building Area/Floor Area Ratio (FAR)**

The maximum net floor area permitted for single-family residential buildings and multi-family residential building must comply with ESMC Chapters 15-4A and 15-4C, respectively.

7. **Off-Street Parking and Loading Spaces**

Off-street parking and loading spaces must be provided in accordance with ESMC Chapter 15-15.

**GENERAL DEVELOPMENT STANDARDS FOR EITHER DEVELOPMENT OPTION**

A. **Landscaping**

Landscaping must be provided as required by the existing provisions of ESMC Chapters 10-2 and 15-2.

B. **Walls and Fences**

All walls and fences must comply with ESMC § 15-2-4, Decorative masonry, open work wrought iron and similar materials are permitted. The use of chain link and razor wire is prohibited.

C. **Access**

All development projects must provide adequate access for emergency vehicles. In addition, all development projects must provide pedestrian access between buildings and transit facilities located on site and/or off site, if within adjoining public rights-of-way.

D. **Signs**

Signs located in the Specific Plan area must comply with the requirements of ESMC Chapter 15-18.
E. **Energy Standards**

The development must be built to a minimum of LEED Certified standard or such other equivalent standard determined by the Director of Planning and Building Safety. LEED stands for the Leadership in Energy and Environmental Design (LEED) Green Building Rating System developed by the United States Green Building Council (USGBC) and provides a suite of standards for environmentally sustainable construction.

F. **Design Standards**

The following minimum design standards must be incorporated in all projects within the Plan area:

1. All colors, textures, and materials on exterior elevation(s) must be coordinated to achieve a continuity of design throughout the 5.32 acre portion of the Project Site, regardless of whether the units are developed at the same time.

2. The buildings must have contrasting accent features that use at least two primary exterior building materials (including, without limitation, stucco, stone, rock, and brick) and/or two exterior colors.

3. Building materials must be of non-reflective coatings and glazings and windows must use low-reflectivity glass.

4. Plans must be reviewed and approved by the Director of Planning and Building Safety for compliance with these Design Standards. If the Director finds that such plans are non-compliant, an applicant may appeal that decision in accordance with the ESMC.

G. **Phasing**

The housing on the entire 5.65 acre Project Site may be developed in one or more phases.

H. **Transportation Demand Management (TDM)**

Option 1, the Senior Housing Community/Multi-Family Residential (R-3) project, must provide two bulletin boards, display cases or kiosks displaying transportation information located where it is visible to the greatest number of residents and employees (one within the assisted living development and one within the senior residential development). Information in the area must include, without limitation, the following:

1. Current maps, routes and schedules for public transit routes serving the site;

2. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;

3. Ridesharing promotional material supplied by commuter-oriented organizations;
4. Bicycle route and facility information including regional/local bicycle maps and bicycle safety information; and

5. A list of facilities available for carpoolers, vanpoolers, bicyclists, transit riders, residents and pedestrians at the site.

4.3 MODIFICATIONS

The following requirements apply to Option 1 and to Option 2:

A. Minor Modifications/Administrative Approvals

The Developer may make minor changes to the Project and Project Approvals ("Minor Modifications") without amending this Specific Plan upon the administrative approval of the Director of Planning and Building Safety or designee, provided that such modifications are consistent with the Development Standards, Applicable Rules and Project Approvals.

B. Major Modifications

Unless such modification is approved in accordance with subsection A above or is a use approved subject to an Administrative Use Permit, any proposed modification to the Project which results in any of the following do not constitute a Minor Modification but constitute a Major Modification and require an amendment to this Specific Plan:

1. Any decrease in the required building setbacks;

2. Any increase in the total developable square footage or FAR of the entire Property for either project option;

3. Any increase in height of buildings or structures on the Property above thirty-five (35) feet with the exception of parapets and other auxiliary structures that cannot exceed forty-five (45) feet in height;

4. Any decrease in the minimum required lot area;

5. Any decrease in the minimum required lot frontage;

6. Any change in use to a use which is not permitted herein;

7. Any deviation from the uses and development standards or limitations set forth in Section 4.1 and Section 4.2 of this Specific Plan, except to the extent these Sections specifically provide for the Council or the Director to approve of such changes;

8. Any material modification to Developer's obligation to provide LEED certification, or such other equivalent standard as determined by the Director of Planning and Building Safety for the Project; or
9. Any material modification that requires modifications to the EIR other than an Addendum.

10. Other than the Major Modifications listed above, all other modifications to the Project are considered "Minor Modifications."
5.0 Implementation and Administration

5.1 Overview

In order to develop a project that is in conformance with the uses, density and FAR approved in this Specific Plan, a Site Plan Review ("SPR") application must be filed with the Department of Planning and Building Safety. The plans must be in substantial conformance with the approved conceptual plans.

5.2 Application for Site Plan Review - Contents

The Site Plan Review Application must be submitted in conformance with applicable City application requirements and must include all information deemed necessary by the Director of Planning and Building Safety to address site plan review criteria. The plans must be in substantial conformance with the approved conceptual plans.

5.3 Site Plan Review – Procedure

A. The Director of Planning and Building Safety must review an application to ensure there is consistency with the Specific Plan within 30 days after it is submitted.

B. CEQA Review, if required, must be conducted within the time frames set forth in the Public Resources Code and the California Code of Regulations.

C. The Site Plan Review must be timely scheduled for public hearing before the Planning Commission, which date cannot exceed 30 days after the completion of the public review period of the environmental documentation, if any, or within 30 days from the date the application is deemed complete if no further environmental review is required. The Planning Commission must render its decision in writing, either approving, approving with conditions, or denying the Site Plan Review application, stating the reasons for such action. The decision of the Planning Commission is final unless appealed to the City Council.

D. Any aggrieved person may appeal the Planning Commission's decision to the City Council. Such appeal must be filed in writing with the Department of Planning and Building Safety within ten days after the date of the written decision by the Planning Commission. Upon receiving such an appeal and the payment of the appropriate filing fee, the matter must be scheduled for consideration by the City Council not more than 45 days after the date of receipt of the appeal.

E. The Site Plan is valid for two years from the date of approval. If construction has not commenced within such time, but the applicant has diligently pursued the project plan review process, the Director of Planning and Building Safety may extend the precise plan of design for up to one additional year.

F. Subsequent to the approval of the Site Plan, the Director of Planning and Building Safety may approve minor changes in the Site Plan or the conditions thereof if he finds that there are practical reasons for such changes, that such changes do not substantially vary from the previously approved site plan and applicable City codes and that such changes do not involve deviations from the design's intent.
5.4 SITE PLAN REVIEW CRITERIA

The purpose of the Site Plan Review procedure is to ensure that the development provides a cohesive visual identity and coordinated design character for the Specific Plan area of high quality. The overall coordinated design character must be expressed in the site planning, architecture, landscaping, lighting, and signage. The architectural design is to be compatible in character, massing and materials consistent with the conceptual plan depicted in this Plan. The architectural design must provide a residential character that complements the surrounding uses and integrates the residential uses with the neighborhood to ensure that the project does not have the appearance of a suburban subdivision with a single uniform architectural building design. A minimum of two distinct architectural styles and building designs must be used for the single-family uses in Option 2 and two distinct architectural style and building designs must be used for the multi-family uses in Option 2. The site design should maximize setback distances of buildings and parking spaces from the existing surrounding residential development to the east, west and south to the extent feasible, minimize the reduction of on-street parking in relationship to driveway placement, and distribute the placement of required landscaping throughout parking areas.

In approving the Site Plan Review the Planning Commission, or City Council on appeal, must consider the following factors:

A. The dimensions, shape and orientation of the parcel;
B. The placement of buildings and structures on the parcel;
C. The height, setbacks and bulk of buildings;
D. The building materials and design;
E. The distance between buildings or structures;
F. The location, number and layout of off-street parking and loading spaces;
G. The internal traffic patterns and pedestrian safety features;
H. The location, distribution, amount and type of landscaping materials and the sustainability of the landscaping material with the El Segundo climate in compliance with the applicable climate zone;
I. The placement, height and direction of illumination of light standards;
J. The location, number, size and height of signs;
K. The location, height and materials of walls, fences or hedges; and
L. The location and method of screening refuse and storage areas, roof equipment, pipes, vents, utility equipment and all equipment not contained in the main buildings of the development.
5.5 Approval Criteria

The Planning Commission, or City Council on appeal, will approve the Site Plan if it finds that the site plan, architecture and landscape design, with conditions if necessary are consistent with the Project Description and development standards set forth herein.

5.6 General Administration

Unless regulated by this Specific Plan, development will be administered and enforced by the City in accordance with the ESMC. This Specific Plan supersedes any conflicts with ESMC zoning regulations.

A. The Director of Planning and Building Safety may grant administrative use permits in accordance with ESMC Chapter 15-22.

B. The Director of Planning and Building Safety may make other administrative determinations using the same procedures set forth in ESMC Chapter 15-22.

C. The Director of Planning and Building Safety may grant adjustments and administrative adjustments in accordance with ESMC Chapter 15-24.

5.7 Amendment

In accordance with the Government Code §§ 65450-65457, Specific Plans must be prepared, adopted and amended in the same manner as General Plans except that Specific Plans may be adopted by resolution or by ordinance.

This plan may be amended as necessary by ordinance. Said amendment or amendments do not require a concurrent General Plan amendment unless the Director of Planning and Building Safety determines that the proposed amendment would substantially affect General Plan goals, policies, objectives or programs.
DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF EL SEGUNDO
AND EL SEGUNDO UNIFIED SCHOOL DISTRICT

(540 E. IMPERIAL AVENUE SITE)

THIS AGREEMENT SHALL BE RECORDED WITHIN TEN DAYS OF EXECUTION BY ALL PARTIES HERETO PURSUANT TO THE REQUIREMENTS OF GOVERNMENT CODE §65868.5
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DEVELOPMENT AGREEMENT

This Development Agreement is made and entered into by and between the CITY OF EL SEGUNDO ("City"), a municipal corporation and the EL SEGUNDO UNIFIED SCHOOL DISTRICT ("District" or "Developer"), as of this ___ day of __________, 2012. City and Developer are referred to hereinafter individually as "Party" and collectively as "Parties." In consideration of the mutual covenants and agreements contained in this Agreement, City and Developer agree as follows:

1. **Definitions.** For the purposes of this Development Agreement, the following definitions shall apply:

   "Agreement" means this Development Agreement between the City and the Developer.

   "Applicable Rules" means:

   - The General Plan, as it existed on the Effective Date, as modified by the Project Approvals;
   - The El Segundo Municipal Code, as it existed on the Effective Date, as modified by the Project Approvals;
   - The 540 East Imperial Avenue Specific Plan as approved;
   - Such other laws, ordinances, rules, regulations, and official policies governing permitted uses of the Property, density, design, improvement, development fees, and construction standards and specifications applicable to the development of the Property in force at the time of the Effective Date, which are not in conflict with this Agreement.

   "Approved Plans" means a plan for any aspect of the Project, including, without limitation, the Site Plan, signage plans, and landscaping and irrigation plans, which have been approved by City in accordance with the Development Standards, Applicable Rules and Project Approvals.

   "Assisted Living Development" means assisted and/or independent living units restricted to individuals fifty-five (55) years of age or older and which will provide common facilities, such as a common kitchen and dining room, game playing area, library, exercise room, pool and restrooms, as well as a minimum of individual kitchenettes in each dwelling unit as defined by ESMC § 15-1-6, consisting of a sink, microwave and refrigerator.


   "City" means the City of El Segundo and every successor in interest thereto.

   "City Council" means the City Council of the City of El Segundo.


“Developer” means the El Segundo Unified School District and every successor in interest thereto.

“Development Standards” means the design and development standards that are applicable to the Project.

“Director” means the Director of Planning and Building Safety of the City of El Segundo.

“Discretionary Actions; Discretionary Approvals” are actions which require the exercise of judgment or a decision, and which contemplate and authorize the imposition of revisions or conditions, by the City, including any board, commission, or department of the City and any officer or employee of the City, in the process of approving or disapproving a particular activity, as distinguished from an activity which merely requires the City, including any board, commission, or department of the City and any officer or employee of the City, to determine whether there has been compliance with applicable statutes, ordinances, regulations, or conditions of approval. The Project Approvals are included with these terms.

“District” means the El Segundo Unified School District.

“Effective Date” means the date on which the Enabling Ordinance becomes effective in accordance with Government Code § 36937.

“Enabling Ordinance” means Ordinance No. ____, approving this Development Agreement.

“Future Approvals” means such other discretionary and ministerial entitlements, including permits, which are required to develop the Project in addition to the Project Approvals, and which are applied for by Developer and approved by City.

“Minor Modification” means a minor change to the Project or Project Approvals that is consistent with the Development Standards, Applicable Rules and Project Approvals.

“Major Modification” means a major change to the Project or Project Approvals as defined in Section 4.6.3 of this Agreement.

“Project” means either the Senior Housing Community consisting of an Assisted Living Development and/or a Senior Residential Development, or the Mixed Residential Development whichever the Developer decides to construct.

“Project Approvals” means:

- Final Environmental Impact Report No. EA-890 (or Mitigated Negative Declaration No. ____) as approved by Resolution No. ____;
- Mitigation Monitoring Program for Final Environmental Impact Report No. EA-890, as approved by Resolution No. ____;
- General Plan Amendment No. 10-03, as approved by Resolution No. ____;
- 540 East Imperial Avenue Specific Plan (SP No. 10-03, as approved by Ordinance No. ____);
Zone Change No. (10-01), as approved by Ordinance No.____;
Zone Text Amendment No. (10-06), as approved by Ordinance No.____;
Vesting Tentative Map No.71410 for 7 new parcels or Vesting Tentative Map No.71582 for 31 new parcels (SUB No. 10-01), as approved by Resolution No.___; and
Development Agreement No. (10-02), as approved by Ordinance No.____.

"Person" means a natural person or any entity.

"Property" means that 5.65 acre property located at 540 East Imperial Avenue in El Segundo, California more particularly described in attached Exhibit "A," which is incorporated by reference.

"Senior Residential Development" means apartments and/or condominium restricted to individuals fifty-five (55) years of age or older.

"Subsequent Rules" means any changes to the Applicable Rules, including, without limitation, any change by means of an ordinance, initiative, resolution, policy, order or moratorium, initiated or instituted for any reason whatsoever and adopted by the City Council, the Planning Commission or any other board, agency, commission or department of the City, or any officer or employee thereof, or by the electorate, which would, absent this Agreement, otherwise be applicable to the Property.

"Transferee" means a Person which assumes the rights and obligations under this Agreement with respect to all or a portion of the Property.

2. Recitals. This Agreement is made with respect to the following facts and for the following purposes, each of which is acknowledged as true and correct by the Parties:

2.1 Pursuant to Government Code §§ 65865, et seq., City is authorized to enter into a binding contractual agreement with any person having a legal or equitable interest in real property for the development of such property.

2.2 Developer is the owner of the Property.

2.3 Developer desires to develop the Property in accordance with the 540 East Imperial Avenue Specific Plan.

2.4 By this Agreement, City desires to obtain the binding agreement of Developer to develop the Property in accordance with the Project Approvals and Applicable Rules. In consideration thereof, City agrees to limit the future exercise of certain of its governmental and proprietary powers to the extent specified in this Agreement.

2.5 By this Agreement, Developer desires to obtain the binding agreement of City to permit the development of the Property in accordance with the Project Approvals and Applicable Rules. In consideration thereof, Developer agrees to waive its rights to challenge legally the restrictions and obligations set forth in this Agreement.
2.6 City and Developer acknowledge and agree that the consideration that is to be exchanged pursuant to this Agreement is fair, just and reasonable.

2.7 This Agreement is intended to provide flexible entitlements, within the parameters set forth herein and subject to the terms and conditions hereof, to meet the changing market demands that are likely to occur throughout the life of this Agreement.

2.8 The Project uses are consistent with the City’s General Plan, as amended through General Plan Amendment No. 10-03.

2.9 Development of the Project will further the comprehensive planning objectives contained within the General Plan, and will result in public benefits, including, among others, the provision of needed affordable housing and senior housing within the corporate limits of the City at a location that is designated in the City’s Housing Element for residential development as specified in Section 5.3 below.

2.10 All of the Property is subject to this Agreement.

3. **Binding Effect.** The burdens of this Agreement are binding upon, and the benefits of the Agreement inure to, each Party and each successive successor in interest thereto and constitute covenants that run with the Property.

3.1 **Constructive Notice and Acceptance.** Every Person who acquires any right, title or interest in or to any portion of the Property in which Developer has a legal interest is conclusively deemed to have consented and agreed to be bound by this Agreement, whether or not any reference to this Agreement is contained in the instrument by which such person acquired such right, title or interest.

3.2 **Rights to Transfer.** Developer may assign or transfer its rights and obligations under this Agreement with respect to the Property, or any portion thereof, to any Transferee at any time during the term of this Agreement without approval of City, including through provision of a long-term ground lease. For purposes of this Agreement, the Transferee is considered the “owner” of that portion of the Property which is covered by such transfer.

3.3 **Liabilities Upon Transfer.** Upon the delegation of the duties and obligations under this Agreement and the sale, transfer or assignment of all or any portion of the Property, Developer will be released from its obligations under this Agreement with respect to the Property, or portion thereof, so transferred arising subsequent to the effective date of such transfer, if: (i) Developer has provided to City prior or subsequent written notice of such transfer; and (ii) Transferee has agreed in writing to be subject to all of the provisions hereof applicable to the portion of the Property so transferred by executing an Assignment and Assumption Agreement in the form of attached Exhibit “B.” Upon any transfer of any portion of the Property and the express assumption of Developer's obligations under this Agreement by such Transferee, City agrees to look solely to Transferee for compliance by such Transferee with the provisions of this Agreement as such provisions relate to the portion of the Property acquired by such Transferee. Any such Transferee is entitled to the benefits of this Agreement as “Developer” and is subject to the obligations of this Agreement applicable to the parcel(s) transferred. A default by any Transferee only affects that portion of the Property owned by such
Transferee and does not cancel or diminish in any way Developer’s rights with respect to any portion of the Property not owned by such Transferee. Transferees are responsible for satisfying the good faith compliance requirements set forth in Section 8 below relating to the portion of the Property owned by a Transferee, and any amendment to this Agreement between the City and a Transferee only affects the portion of the Property owned by such Transferee.

3.4 Reassumption of Rights. If Transferee defaults with respect to any provision of this Agreement, Developer may reassume Transferee’s obligations upon written notification to City.

4. Development of the Property. The following provisions govern the development and use of the Property.

4.1 Entitlement to Develop. Developer is granted the vested right to develop the Project on the Property subject to the Applicable Rules, the Project Approvals and any Future Approvals.

4.2 Permitted Uses, Density, Height and Dedication of Land for Public Purposes. The permitted and conditionally permitted uses of the Property as well as the density or intensity of use, the maximum height and size of buildings and provisions for reservation or dedication of land for public purposes are set forth in the Project Approvals and Applicable Rules.

4.3 Development Standards. The Development Standards applicable to the Property are set forth in the Project Approvals and Applicable Rules.

4.4 Building Regulations. Nothing in this Agreement precludes City from applying changes occurring from time to time in the Building Regulations, provided that such changes (a) are found by City to be necessary to the health or safety of the citizens of the City, (b) are generally applicable to all similar types of property in the City, and (c) do not prevent or unreasonably delay development of the Project in accordance with this Agreement.

4.5 Subsequent Rules. Subsequent Rules cannot be applied by City to any part of the Property unless Developer gives City written notice of its election to have such Subsequent Rule applied to the Property, in which case such subsequent change is deemed to be an Applicable Rule.

4.6 Future Approvals.

4.6.1 Minor Modifications to Project. Developer may make minor changes to the Project and Project Approvals (“Minor Modifications”) without amending this Agreement upon the administrative approval of the Director or designee, provided that such modifications are consistent with the Development Standards, Applicable Rules and Project Approvals. The City cannot unreasonably withhold or delay approval of any Minor Modification. The City has the right to impose reasonable conditions in connection with Minor Modifications, provided, however, such conditions cannot: (i) be inconsistent with the Applicable Rules, the Project Approvals or with the development of the Project as contemplated by this Agreement; (ii) directly or indirectly, unreasonably hinder, delay, impede, obstruct, interfere with, or place unreasonably burdensome or restrictive measures or requirements upon development of the
Project or the Property or any portion thereof; or (iii) impose additional dedications, infrastructure or public improvement obligations, fees, costs or exactions exceeding those identified in the Applicable Rules, the Project Approvals, or this Agreement.

4.6.2 Modification of Project Approvals. The Parties contemplate that Developer may, from time to time, pursuant to Section 4.6.1 seek Minor Modifications to the Project or one or more of the Project Approvals. Any such Minor Modifications are contemplated by the Parties as being within the scope of this Agreement as long as they are authorized pursuant to this Section 4.6.2 and must, upon approval by City, continue to constitute the Project Approvals as referenced herein. The Parties agree that any such amendments do not constitute an amendment to this Agreement nor require an amendment to this Agreement.

4.6.3 Modifications Requiring Amendment to this Agreement. Any proposed modification to the Project which is not authorized by Section 4.6.2 and results in any of the following does not constitute a Minor Modification but constitutes a Major Modification and requires an amendment to this Agreement pursuant to Section 14 below:

(a) Any decrease in the required building setbacks as set forth in the 540 East Imperial Avenue Specific Plan;

(b) Any increase in the total developable square footage or FAR of the entire Property for either project option;

(c) Any increase in height of buildings or structures on the Property above thirty-five (35) feet with the exception of parapets and other auxiliary structures that cannot exceed forty-five (45) feet in height;

(d) Any decrease in the minimum required lot area as set forth in the 540 East Imperial Avenue Specific Plan;

(e) Any decrease in the minimum required lot frontage as set forth in the 540 East Imperial Avenue Specific Plan;

(f) Any change in use to a use which is not permitted under this Agreement;

(g) Any deviation from the uses and development standards or limitations set forth in Sections 4.1 through Section 4.3 of this Agreement, except to the extent these Sections specifically provide for the Council or the Director to approve of such changes;

(h) Any material modification to Developer’s obligation to provide LEED certification for the Project or such equivalent standard as approved by the Director; or

(i) Any material modification that requires modification to the EIR, other than an Addendum.

(j) Other than the Major Modifications listed above, all other modifications to the Project are considered “Minor Modifications.”
4.6.4 Site Plan Review Approval. The Site Plan Review which must be submitted pursuant to the Specific Plan is not considered a Minor Modification to the Project or modification to the Project Approvals, provided it substantially conforms to the approved conceptual plans, and shall be processed in accordance with the provisions set forth in the Specific Plan.

4.7 Plan Review. The Director will review plans for each building on the Property for which a Site Plan is approved, as well as plans for signage, trash enclosures and screening and landscaping. After such review, the Director may issue a building permit, provided, however, that, notwithstanding anything to the contrary contained in the Applicable Rules, the sole purpose of such review is to verify consistency with the Development Standards, Applicable Rules and Project Approvals. The Director must approve all features which are consistent with the Development Standards, Applicable Rules, Project Approvals, and Future Approvals and does not have authority to disapprove or conditionally approve any features or matters which are consistent with or otherwise which have been specifically approved by this Agreement.

4.8 Fees, Exactions, Mitigation Measures, Conditions, Reservations and Dedications. All fees, exactions, mitigation measures, conditions, reservations and dedications of land for public purposes that are applicable to the Project or the Property are set forth in the Project Approvals, the Applicable Rules and this Agreement. Except as otherwise provided in this Agreement, and specifically excluding fees set by entities not controlled by City that are collected by City, City can only charge and impose those fees and exactions, including, without limitation, dedications and any other fee or tax (including excise, construction or any other tax) relating to development or the privilege of developing, which are in effect on a City-wide basis as of the Effective Date. This Section cannot be construed to limit the authority of City to charge normal and customary application, processing, and permit fees for land use approvals, building permits and other similar permits, for Future Approvals, which fees are designed to reimburse City’s actual expenses attributable to such application, processing and permitting and are in force and effect on a City-wide basis at such time as applications for such approvals are filed with City. Developer shall not be required to pay any City development impact fees for any of the affordable units.

4.9 Use of Easements. Notwithstanding the provisions of the Applicable Rules, easements dedicated for vehicular and pedestrian use are permitted to include easements for underground drainage, water, sewer, gas, electricity, telephone, cable, environmental remediation and other utilities and facilities so long as they do not unreasonably interfere with pedestrian and/or vehicular use.

4.10 Timing of Development. In Pardee Construction Co. v. City of Camarillo (Pardee), 37 Cal.3d 465 (1984), the California Supreme Court held that the failure of the parties therein to provide for the timing or rate of development resulted in a later-adopted initiative restricting the rate of development to prevail against the parties’ agreement. City and Developer intend to avoid the result in Pardee by acknowledging and providing that Developer has the right, without obligation, to develop the Property in such order and at such rate and times as Developer deems appropriate within the exercise of its subjective business judgment subject to the term of this Agreement.
In furtherance of the Parties’ intent, as set forth in this Section, no future amendment of any existing City ordinance or resolution, or future adoption of any ordinance, resolution or other action, that purports to limit the rate or timing of development over time or alter the sequencing of development phases, whether adopted or imposed by the City Council or through the initiative or referendum process, applies to the Property. However, nothing in this Section may be construed to limit City’s right to enforce Developer's obligation pursuant to this Agreement to provide all infrastructure required by the Project Approvals and this Agreement.

4.11 Moratorium. No City-imposed moratorium or other limitation (whether relating to the rate, timing or sequencing of the development or construction of all or any part of the Property, whether imposed by ordinance, initiative, resolution, policy, order or otherwise, and whether enacted by the City Council, an agency of City, the electorate, or otherwise) affecting parcel or subdivision maps (whether tentative, vesting tentative or final), building permits, occupancy certificates or other entitlements to use or service (including, without limitation, water and sewer) approved, issued or granted within City, or portions of City, applies to the Property to the extent such moratorium or other limitation is in conflict with this Agreement. However, the provisions of this Section do not affect City’s compliance with moratoria or other limitations mandated by other governmental agencies or court-imposed moratoria or other limitations.

4.12 Infrastructure.

4.12.1 Infrastructure Capacity. Subject to Developer’s installation of infrastructure in accordance with the requirements of the Project Approvals and any Future Approvals, City acknowledges that it will have sufficient capacity in its infrastructure, services and utility systems, including, without limitation, traffic circulation, storm drainage, flood control, electric service, sewer collection, sewer treatment, sanitation service and, except for reasons beyond City’s control, water supply, treatment, distribution and service, to accommodate the Project. To the extent that City renders such services or provides such utilities, City agrees that it will serve the Project and that there is no restriction on hookups or service for the Project except for reasons beyond City’s control.

4.12.2 Infrastructure Phasing Flexibility. Notwithstanding the provisions of any phasing requirements in the Project Approvals or any Future Approvals, Developer and City recognize that economic and market conditions may necessitate changing the order in which the infrastructure is constructed. Therefore, City and Developer agree that should it become necessary or desirable to develop any portion of the Project's infrastructure in an order that differs from the order set forth in this Agreement, Developer and City will collaborate and City will permit any modification requested by Developer so long as the modification continues to ensure adequate infrastructure is available to serve that portion of the Project being developed and is in compliance with Section 4.14 of this Agreement.

4.12.3 Infrastructure Completion. No building permit, final inspection or Certificate of Occupancy will be unreasonably withheld, conditioned, or delayed by City if all infrastructure required to serve the portion of the Property covered by the building permit, final inspection or Certificate of Occupancy is in place or is suitably guaranteed to be completed (by covenant, bond, letter of credit or otherwise) to the reasonable satisfaction of the City before
completion of construction and all of the other relevant provisions of the Project Approvals and any Future Approvals are satisfied.

4.12.4 **Prevailing Wages.** In the event any infrastructure improvements are paid for in whole or in part out of public funds, as contemplated by Labor Code § 1720, Developer agrees to pay prevailing wages for the construction of such improvements to the extent required by Applicable Law.

4.13 **Term.** The term of this Agreement is ten (10) years from the Effective Date. However, Developer or City is entitled to, by written notice to the other Party before the Agreement’s expiration, one (1) five (5)-year extension, provided that the requesting Party is not in material default of this Agreement at such time. Before the expiration of such five (5)-year extension, the Parties may mutually agree to further extensions. In the event of litigation challenging this Agreement, the Term is automatically suspended for the duration of such litigation and resumes upon final disposition of such challenge and any appeal thereof upholding the validity of this Agreement. In the event that a referendum petition concerning this Agreement is duly filed in such a manner that the ordinance approving this Agreement is suspended, then the Term is deemed to commence upon City Council certification of the results of the referendum election approving this Agreement.

4.14 **Satisfaction of Mitigation Measures and Conditions.** In the event that any of the mitigation measures or conditions required of Developer are implemented by others, Developer is conclusively deemed to have satisfied such mitigation measures or conditions, consistent with CEQA. If any such mitigation measures or conditions are rejected by a governmental agency with jurisdiction, Developer may implement reasonably equivalent substitute mitigation, consistent with CEQA, to the City’s satisfaction, in lieu of the rejected mitigation measures or conditions. Such substitution is deemed to be a Minor Modification pursuant to Section 4.6 above.

4.15 **In Lieu Credits.** Developer shall be granted in lieu credits for any off-site improvements relating to street improvements or traffic measures which Developer may be required to construct as part of this Project.

4.16 **Performance of Director Duties.** If City determines at any time during the term of this Agreement that the duties to be performed by the Director under this Agreement will be performed by one or more staff members other than the Director, City will endeavor to notify Developer of such change. The City must ensure that a person or persons are designated at all times to carry out the duties of the Planning and Building Safety Director set forth in this Agreement.

5. **Developer Agreements**

5.1 **General.** Developer must comply with: (i) this Agreement; (ii) the Project Approvals including, without limitation, all mitigation measures required by the determination made pursuant to CEQA; and (iii) all Future Approvals for which it is the applicant or a successor in interest to the applicant.
5.2 Development Fees. Subject to the provisions of Section 4.8 above, Developer must pay the development fee amounts identified in attached Exhibit "C," which is incorporated by reference.

5.3 Affordable Housing. Developer must provide for a 15% set aside for low (38% of the total 15%), very low (31% of the total 15%) and extremely low (31% of the total 15%) income qualified, senior households for Option 1, and a 10% set aside for low (38% of the total 10%), very low (31% of the total 10%) and extremely low (31% of the total 10%) income qualified households for Option 2 as represented in Exhibit D. Nothing herein requires Developer to build the exact amount of housing, including affordable housing, set forth in Exhibit D. Developer must provide 15% set aside for the total number of units constructed for Option 1 and 10% set aside for the total number of units constructed Option 2 should fewer units than the maximum allowed be constructed. The units must be distributed in the same percentage ratios as specified above in the low, very low and extremely low income categories. Percentages for the total number of units and for each income category must be calculated by rounding to the nearest whole number not to exceed the maximum required percentage.

5.3.1 If Developer builds a combination of Options 1 and 2, Developer shall provide the 15% set aside for the Option 1 components and a 10% set aside for the Option 2 components.

5.3.2 Affordable housing units that are required based on the single-family dwelling component of Option 2 may be satisfied by developing the requisite number of units in other components of the Project.

5.4 Processing Fees. Subject to the provisions of Section 4.8 above, on the Effective Date of this Agreement, Developer must pay all reasonable and outstanding City processing, legal and environmental processing costs related to the Project and the preparation of this Agreement, if any.

5.5 Maintenance Obligations. Developer must maintain all portions of the Property in its possession or control, and any improvements thereon, in a clean, neat and orderly manner. Developer’s maintenance obligations survive any termination or expiration of this Agreement.

5.6 Term of Map(s) and Other Project Approvals. Pursuant to Government Code §§ 66452.6(a) and 65863.9, the term of any subdivision or parcel map that has been or in the future may be processed on all or any portion of the Property and the term of each of the Project Approvals will be extended for a period of time through the scheduled termination date of this Agreement as set forth in Section 4.13 above.

5.7 Sales and Use Tax.

5.7.1 In the event the contract price for any work on the Project is valued at five million dollars ($5,000,000) or more, Developer agrees to report, on a State Board of Equalization Tax Return, any purchases of tangible personal property made in connection with the finishing of and/or installation of materials, or fixtures for the Project, when such purchases were made without sales or use tax due. Developer must indicate the City as a registered job site location on the State Board of Equalization Tax Return. In such event, Developer must also
obtain a permit or a sub-permit from the State Board of Equalization indicating the City as the registered job site location, in accordance with State Board of Equalization Operations Memorandum No. 1023.

5.7.2 Developer further agrees that if Developer retains contractors or subcontractors to perform a portion of work in the Project, and said contracts or subcontracts are valued at five million dollars ($5,000,000) or more, said contracts or subcontracts must contain the provisions set forth in Section 5.7.1 above.

5.7.3 The Director of Finance of the City is authorized to relieve Developer, and Developer’s contractors and subcontractors, from the requirements set forth in this Section 5.7 upon proof to the reasonable satisfaction of the Director of Finance that Developer and/or its contractors or subcontractors have made good faith efforts to obtain said permit or sub-permits, but were denied the same by the State Board of Equalization.

5.8 LEED Certification. Developer’s Project must be, at a minimum, LEED Certified in compliance with the U.S. Green Building Council standards in effect as of the Effective Date, or such equivalent standard as determined by the Director.

6. City Agreements

6.1 Expedited Processing The City must process in an expedited manner all plan checking, excavation, grading, building, encroachment and street improvement permits, Certificates of Occupancy, utility connection authorizations, and other ministerial permits or approvals necessary, convenient or appropriate for the grading, excavation, construction, development, improvement, use and occupancy of the Project in accordance with City’s accelerated plan check process under the Applicable Rules. Without limiting the foregoing, if requested by Developer, City agrees to utilize private planners and plan checkers (upon Developer’s request and at Developer’s cost) and any other available means to expedite the processing of Project applications, including concurrent processing of such applications by various City departments.

6.2 Processing Cooperation and Assistance. To the extent permitted by law, City must reasonably cooperate with Developer in securing any and all entitlements, authorizations, permits or approvals which may be required by any other governmental or quasi-governmental entity in connection with the development of the Project or the Property. Without limiting the foregoing, City must reasonably cooperate with the Developer in any dealings with federal, state and other local governmental and quasi-governmental entities concerning issues affecting the Property. City must keep Developer fully informed with respect to its communications with such agencies which could impact the development of the Property.

6.3 Processing During Third Party Litigation. The filing of any third party lawsuit(s) against City or Developer relating to this Agreement, the Project Approvals, any Future Approvals or to other development issues affecting any portion of the Property or the Project will not hinder, delay or stop the development, processing or construction of the Project, approval of applications for any Future Approvals, or issuance of ministerial permits or approvals, unless the
third party obtains a court order preventing the activity. City shall not stipulate to or cooperate in
the issuance of any such order.

7. **Modification/Suspension.** Pursuant to Government Code § 65869.5, in the event that any
state or federal law or regulation, enacted after the Effective Date, precludes compliance with
any provision of this Agreement, such provision will be deemed modified or suspended to the
extent practicable to comply with such state or federal law or regulation, as reasonably
determined necessary by City. Upon repeal of said law or regulation or the occurrence of any
other event removing the effect thereof upon the Agreement, the provisions hereof will be
restored to their full original effect.

8. **Demonstration of Good Faith Compliance.**

8.1 **Review of Compliance.** In accordance with Government Code § 65865.1, this
Section 8 and the Applicable Rules, once each year, on or before each anniversary of the
Effective Date ("Periodic Review"), the Director will review the extent of Developer’s good
faith substantial compliance with the terms and provisions of this Agreement as well as the
performance by the City of its obligations under this Agreement.

8.2 **Good Faith Compliance.** During each Periodic Review, Developer must
demonstrate that, during the preceding twelve (12) month period, that it has been in good faith
compliance with this Agreement. For purposes of this Agreement, the phrase "good faith
compliance" means that Developer has demonstrated that it acted in a commercially reasonable
manner (taking into account the circumstances which then exist) and in good faith in and has
substantially complied with Developer’s material obligations under this Agreement.

8.3 **Information to be Provided to Developer.** At least fourteen (14) days before the
annual Effective Date the City must deliver to Developer a copy of all staff reports prepared in
connection with a Periodic Review, any prior staff reports generated during the review period,
written comments from the public and, to the extent practical, all related exhibits concerning
such Periodic Review.

8.4 **Developer’s Report.** No later than the annual Effective Date, Developer shall
submit a written status report to the Director addressing the good faith compliance issue and any
issues raised by the Information provided to Developer.

8.5 **Notice Of Non-Compliance; Cure Rights.** If, after reviewing the Developer’s
Report, the Director reasonably concludes on the basis of substantial evidence that as to any
parcel or parcels comprising the Property Developer has not demonstrated that it is in good faith
compliance with this Agreement, the Director may issue and deliver to Developer a written
Notice of Violation as set forth in Section 10 below.

8.6 **Public Notice of Finding.** Any appeal of the Director’s determination (including
any appeal by Developer) must be filed within twenty (20) days following such decision. Filing
such an appeal tolls the cure period specified in the Notice of Violation. Notwithstanding section
13.1, an appeal regarding the Notice of Violation shall be heard directly by the City Council at a
duly-noticed public hearing and the City Council must issue a final decision. Not in limitation of
the forgoing, Developer retains the right to challenge City’s issuance of any final decision
pursuant to Code of Civil Procedure § 1094.5 without complying with the procedures set forth in Section 10.4 below.

8.7 **Failure of Periodic Review.** The City's failure to review, at least annually, compliance by Developer with the terms and conditions of this Agreement does not constitute nor can it be asserted by any Party as a breach by any other Party of this Agreement. If the City fails to provide a Review Letter within sixty (60) days of the annual Effective Date, Developer will be deemed to be in good faith compliance with this Agreement.

9. **Excusable Delays.** Performance by any Party of its obligations in this Agreement is excused during any period of "Excusable Delay," as defined, provided that the Party claiming the delay gives notice of the delay to the other Party as soon as reasonably possible after the same has been ascertained. For purposes hereof, Excusable Delay means delay that directly affects, and is beyond the reasonable control of, the Party claiming the delay, including without limitation: (a) civil commotion; (b) riot; (c) strike, picketing or other labor dispute; (d) shortage of materials or supplies; (e) damage to work in progress or delays by reason of fire, flood, including flood due to rains, earthquake, windstorm, or other casualty; (f) reasonably unforeseeable delay caused by a reasonably unforeseeable restriction imposed or mandated by a governmental entity other than City; (g) litigation brought by a third party attacking the validity of a Project Approval, a Future Approval or any other action necessary for development of the Property; (h) delays caused by any default by the other Party; or (i) delays due to the presence or remediation of hazardous materials. The Term of this Agreement, including any extensions, will automatically be extended by any period of Excusable Delay.

10. **Default Provisions.**

10.1 **Default.** Either Party to this Agreement will have breached this Agreement if it materially breaches any of the provisions of this Agreement and the same is not cured within the time set forth in a written notice of violation (the "Notice of Violation") from the non-breaching Party to the breaching Party, which period of time is not less than ten (10) days for monetary defaults, and not less than sixty (60) days for non-monetary defaults from the date that the notice is deemed received, provided if the breaching Party cannot reasonably cure a non-monetary default within the time set forth in the notice, then the breaching Party will not be in default if it commences to cure the default within such time limit and diligently effects such cure thereafter. If City determines that a default may have occurred, City may choose to terminate this Agreement in which case it must give written notice to Developer of its intention to terminate and comply with the notice and public hearing requirements of Government Code §§ 65867 and 65868. At the time and place set for the hearing on termination, Developer will be given an opportunity to be heard. If the City Council finds based upon the evidence that Developer is in breach of this Agreement, the City Council may modify or terminate this Agreement; provided, however, if Developer initiates a resolution of dispute in accordance with the provisions of Section 10.4 below within sixty (60) days following the City Council's determination that Developer is in breach of this Agreement, the City Council's decision to modify or terminate this Agreement is stayed until the issue has been resolved through informal procedures, mediation, or court proceedings.
10.2 **Content of Notice of Violation.** Every Notice of Violation must state with specificity that it is given pursuant to this Section of the Agreement, the nature of the alleged breach, (including references to the pertinent provisions of this Agreement), the portion of the Property involved, and the manner in which the breach may be satisfactorily cured. Notice shall be given in accordance with Section 18 hereof.

10.3 **Remedies for Breach.** The Parties agree that the remedies for breach of this Agreement are limited to the remedies expressly set forth in this subsection. The remedies for breach of this Agreement by Developer are limited to injunctive relief and/or specific performance; the remedies by City are limited to injunctive relief and/or specific performance, or termination of this Agreement in accordance with Section 10.1 above.

10.4 **Resolution of Disputes.**

City and Developer agree to attempt to settle any claim, dispute or controversy arising from this Agreement through consultation and negotiation in good faith and in a spirit of mutual cooperation. If those attempts fail, the dispute may be mediated by a mediator chosen jointly by City and Developer within thirty (30) days after notice by one of the parties demanding non-binding mediation. Neither party may unreasonably withhold consent to the selection of a mediator, and City and Developer will share the cost of the mediation equally. The parties may agree to engage in some other form of non-binding alternate dispute resolution (“ADR”) procedure in lieu of mediation. Any dispute that cannot be resolved between the parties through negotiation or mediation within two months after the date of the initial demand for non-binding mediation may then be submitted to a court of competent jurisdiction in the County of Los Angeles, California.

10.5 **Attorneys Fees and Costs.**

Each party to this Agreement agrees to waive any entitlement of attorneys’ fees and costs incurred with respect to any dispute arising from this Agreement. The parties will each bear their own attorneys’ fees and costs in the event of any dispute.

11. **Mortgagee Protection.** This Agreement does not prevent or limit the Developer, in any manner, at Developer’s sole discretion, from encumbering the Property or any portion thereof or any improvements thereon by any mortgage, deed of trust or other security device. City acknowledges that the lender(s) providing such financing (“Mortgagee”) may require certain Agreement interpretations and agrees, upon request, from time to time, to meet with Developer and representatives of such lender(s) to provide within a reasonable time period City’s response to such requested interpretations. City will not unreasonably withhold its consent to any such requested interpretation, provided that such interpretation is consistent with the intent and purposes of this Agreement. Any Mortgagee of a mortgage or a beneficiary of a deed of trust or any successor or assign thereof including, without limitation, the purchaser at a judicial or non-judicial foreclosure sale or a person or entity who obtains title by deed-in-lieu of foreclosure on the Property shall be entitled to the following rights and privileges:

11.1 **Mortgagee Not Rendered Invalid.** Neither entering into this Agreement nor a breach of this Agreement will defeat, render invalid, diminish, or impair the priority of the lien
of any mortgage or deed of trust on the Property made in good faith and for value. No Mortgagee has an obligation or duty under this Agreement to perform Developer's obligations, or to guarantee such performance, before taking title to all or a portion of the Property.

11.2 Request for Notice to Mortgagee. The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, who has submitted a request in writing to the City in the manner specified herein for giving notices, is entitled to receive a copy of any Notice of Violation delivered to the Developer.

11.3 Mortgagee's Time to Cure. City must provide a copy of any Notice of Violation to the Mortgagee within ten (10) days of sending the Notice of Violation to Developer. The Mortgagee has the right, but not the obligation, to cure the default for a period of thirty (30) days after receipt of such Notice of Violation or such longer period of time as may be specified in the Notice. Notwithstanding the foregoing, if such default is a default which can only be remedied by such Mortgagee obtaining possession of a Property, or any portion thereof, and such Mortgagee seeks to obtain possession, such Mortgagee has until thirty (30) days after the date of obtaining such possession to cure or, if such default cannot reasonably be cured within such period, to commence to cure such default, provided that such default is cured no later than one (1) year after Mortgagee obtains such possession.

11.4 Cure Rights. Any Mortgagee who takes title to all of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or a deed in lieu of foreclosure, will succeed to the rights and obligations of Developer under this Agreement as to the Property or portion thereof so acquired; provided, however, in no event is such Mortgagee liable for any defaults or monetary obligations of Developer arising before acquisition of title to the Property by such Mortgagee, except that any such Mortgagee is not entitled to a building permit or occupancy certificate until all delinquent and current fees and other monetary or non-monetary obligations due under this Agreement for the Property, or portion thereof acquired by such Mortgagee, have been satisfied.

11.5 Bankruptcy. If any Mortgagee is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature of foreclosure by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceedings involving Developer, the times specified in Section 11.3 above will be extended for the period of the prohibition, except that any such extension cannot extend the term of this Agreement.

11.6 Disaffirmation. If this Agreement is terminated as to any portion of the Property by reason of (i) any default or (ii) as a result of a bankruptcy proceeding, this Agreement is disaffirmed by a receiver, liquidator, or trustee for Developer or its property, City, if requested by any Mortgagee, will negotiate in good faith with such Mortgagee for a new development agreement for the Project as to such portion of the Property with the most senior Mortgagee requesting such new agreement. This agreement does not require any Mortgagee or the City to enter into a new development agreement pursuant to this Section.

12. Estoppel Certificate. At any time and from time to time, Developer may deliver written notice to City and City may deliver written notice to Developer requesting that such Party certify
in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or if amended, the identity of each amendment; and (iii) the requesting Party is not in breach of this Agreement, or if in breach, a description of each such breach. The Party receiving such a request must execute and return the certificate within twenty-one (21) days following receipt of the notice. The failure of City to deliver such a written notice within such time constitutes a conclusive presumption against City that, except as may be represented by Developer, this Agreement is in full force and effect without modification, and that there are no uncured defaults in the performance of the Developer. The Director is authorized to execute, on behalf of City, any Estoppel Certificate requested by Developer. City acknowledges that a certificate may be relied upon by successors in interest to Developer who requested the certificate and by holders of record of deeds of trust on the portion of the Property in which that Developer has a legal interest.

13. **Administration of Agreement.**

13.1 **Appeal of Determinations.** Any decision by City staff concerning the interpretation or administration of this Agreement or development of the Property in accordance herewith may be appealed by Developer to the Planning Commission, and thereafter, if necessary, to the City Council pursuant to the El Segundo Municipal Code. Developer cannot seek judicial review of any staff decision without first having exhausted its remedies pursuant to this Agreement. Final determinations by the City Council are subject to judicial review subject to the restrictions and limitations of California law.

13.2 **Operating Memoranda.** The provisions of this Agreement require a close degree of cooperation between City and Developer. During the Term of this Agreement, clarifications to this Agreement and the Applicable Rules may be appropriate with respect to the details of performance of City and Developer. If and when, from time to time, during the terms of this Agreement, City and Developer agree that such clarifications are necessary or appropriate, they will effectuate such clarification through Operating Memoranda approved in writing by City and Developer, which, after execution, will be attached hereto and become part of this Agreement and the same may be further clarified from time to time as necessary with future written approval by City and Developer. Operating Memoranda are not intended to and do not constitute an amendment to this Agreement but are mere ministerial clarifications, therefore public notices and hearings are not required. The City Attorney is authorized, upon consultation with, and approval of, the Developer, to determine whether a requested clarification may be effectuated pursuant to this Section or whether the requested clarification is of such character to constitute an amendment hereof which requires compliance with the provisions of Section 14 below. The authority to enter into such Operating Memoranda is hereby delegated to the Director, and the Director is hereby authorized to execute any Operating Memoranda hereunder without further City Council action.

13.3 **Certificate of Performance.** Upon the completion of the Project, or the completion of development of any parcel within the Project, or upon completion of performance of this Agreement or its earlier revocation and termination, City must provide Developer, upon Developer’s request, with a statement (“Certificate of Performance”) evidencing said completion or revocation and the release of Developer from further obligations hereunder, except for any
ongoing obligations hereunder. The Certificate of Performance must be signed by the appropriate agents of Developer and City and be recorded in the official records of Los Angeles County, California. Such Certificate of Performance is not a notice of completion as referred to in Civil Code § 3093.

14. **Amendment or Termination by Mutual Consent.** Except as otherwise set forth herein, this Agreement may only be amended or terminated, in whole or in part, by mutual consent of City and Developer, and upon compliance with the provisions of Government Code §§ 65867 and 65867.5.

15. **Indemnification/Defense.**

15.1 **Indemnification.** Developer agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney’s fees), injuries, or liability, arising from the City’s approval of Project, this Agreement, Developer’s performance of this Agreement, and all procedures with approving this Agreement (collectively, “Discretionary Approvals”), except to the extent such is a result of the City’s sole negligence or intentional misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the Discretionary Approvals, Developer agrees to defend the City (at the City’s request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this Section “the City” includes the City of El Segundo’s elected officials, appointed officials, officers, and employees.

15.2 **Defense of Agreement.** If City accepts Developer’s indemnification and defense as provided in Section 15.1 above, City agrees to and must timely take all actions which are necessary or required to uphold the validity and enforceability of this Agreement, the Discretionary Approvals, Project Approvals, Development Standards and the Applicable Rules. This Section 15 will survive the termination of this Agreement.

16. **Time of Essence.** Time is of the essence for each provision of this Agreement of which time is an element.

17. **Effective Date.** This Agreement becomes operative on the Effective Date.

18. **Notices.** Any notice that a party is required or may desire to give the other must be in writing and may be sent by: i) personal delivery; or ii) by deposit in the United States mail, postage paid, registered or certified mail, return receipt requested; or iii) by overnight delivery using a nationally recognized overnight courier, providing proof of delivery; or iv) by facsimile, evidenced by confirmed receipt, addressed as follows (subject to the right of a party to designate a different address for itself by notice similarly given):

If to City:
City of El Segundo
350 Main Street
El Segundo, California 90245
Attention: City Manager

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With a Copy to: City of El Segundo
            350 Main Street
            El Segundo, California 90245
            Attention: Director of Planning and Building Safety

With a Copy to: Jenkins & Hogin, LLP
            1230 Rosecrans Ave, Suite 110
            Manhattan Beach, California 90266
            Attention: Mark D. Hensley, Esq.

If to Developer: El Segundo Unified School District
            641 Sheldon Street
            El Segundo, California 90245
            Attention: Superintendent

Any notice given by mail is deemed to have been given as of the date of delivery (whether accepted or refused) established by United States Post Office, return receipt, or the overnight carrier’s proof of delivery, as the case may be. Notices given in any other manner are effective only if and when received by the party to be notified between the hours of 8:00 a.m. and 5:00 p.m., local time of the recipient, of any business day with delivery made after such hours deemed received the following business day. A party’s address may be changed by written notice to the other party effective upon actual receipt of such notice. After a transfer of all or a portion of the Property pursuant to Sections 3.2 and 3.3, District shall be copied on all correspondence whether by City or Transferee relating to such transferred property.

19. **Entire Agreement.** This Agreement contains the entire agreement between the Parties regarding the subject matter hereof, and supersedes in its entirety all prior agreements or understandings, oral or written. This Agreement cannot be amended, except as expressly provided herein.

20. **Waiver.** No waiver of any provision of this Agreement constitutes a waiver of any other provision, whether or not similar; nor shall any such waiver constitute a continuing or subsequent waiver of the same provision. No waiver is binding, unless it is executed in writing by a duly authorized representative of the Party against whom enforcement of the waiver is sought.

21. **Severability.** If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement is effective to the extent the remaining provisions are not rendered impractical to perform, taking into consideration the purposes of this Agreement.

22. **Relationship of the Parties.** Each Party acknowledges that, in entering into and performing under this Agreement, it is acting as an independent entity and not as an agent of any other Party in any respect. Nothing contained herein or in any document executed in connection herewith shall be construed as creating the relationship of partners, joint ventures or any other association of any kind or nature between City and Developer, jointly or severally.
23. **No Third Party Beneficiaries.** This Agreement is made and entered into for the sole benefit of the Parties and their successors in interest. No other person or party shall have any right of action based upon any provision of this Agreement.

24. **Recordation of Agreement and Amendments.** This Agreement and any amendment thereof shall be recorded with the County Recorder of the County of Los Angeles by the City Clerk of City.

25. **Cooperation Between City and Developer.** City and Developer will execute and deliver to the other all such other and further instruments and documents as may be reasonably necessary to carry out the purposes of this Agreement. Upon satisfactory performance by Developer, and subject to the continuing cooperation of the Developer, City will commence and in a timely manner proceed to complete all steps necessary for the implementation of this Agreement and development of the Project or Property in accordance with the terms of this Agreement.

26. **Rules of Construction.** The captions and headings of the various sections and subsections of this Agreement are for convenience of reference only, and they do not constitute a part of this Agreement for any other purpose or affect interpretation of the Agreement. Should any provision of this Agreement be found to be in conflict with any provision of the Applicable Rules or the Project Approvals or any Future Approvals, the provisions of this Agreement control.

27. **Joint Preparation.** This Agreement is deemed to have been prepared jointly and equally by the Parties, and it cannot be construed against any Party on the ground that the Party prepared the Agreement or caused it to be prepared.

28. **Governing Law and Venue.** This Agreement is made, entered into, and executed in the County of Los Angeles, California, and the laws of the State of California govern its interpretation and enforcement. Any action, suit or proceeding related to, or arising from, this Agreement must be filed in the appropriate court having jurisdiction in the County of Los Angeles.

29. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which constitute one and the same instrument.

30. **Weekend/Holiday Dates.** Whenever any determination is to be made or action to be taken on a date specified in this Agreement, if such date falls upon a Saturday, Sunday or other holiday specified in Government Code § 6700, the date for such determination or action shall be extended to the first business day immediately thereafter.

31. **Not a Public Dedication.** Except as otherwise expressly provided herein, nothing herein contained is a gift or dedication of the Property, or of the Project, or any portion thereof, to the general public, for the general public, or for any public use or purpose whatsoever, it being the intention and understanding of the Parties that this Agreement be strictly limited to and for the purposes herein expressed for the development of the Project as private property. Developer has the right to prevent or prohibit the use of the Property, or the Project, or any portion thereof, including common areas and buildings and improvements located thereon, by any person for any purpose which is not consistent with the development of the Project. Any portion of the Property conveyed to the City by the Developer as provided herein can be held and used by the City only
for the purposes contemplated herein or otherwise provided in such conveyance, and the City
will not take or permit to be taken (if within the power or authority of the City) any action or
activity with respect to such portion of the Property that would deprive the Developer of the
material benefits of this Agreement, or would in any manner interfere with the development of
the Project as contemplated by this Agreement.

32. Releases. City agrees that upon written request of Developer and payment of all fees and
performance of the requirements and conditions required by Developer by this Agreement, the
City must execute and deliver to Developer appropriate release(s) of further obligations imposed
by this Agreement in form and substance acceptable to the Los Angeles County Recorder’s
Office or as otherwise may be necessary to effect the release.

33. Consent. Where the consent or approval of City or Developer is required or necessary
under this Agreement, the consent or approval will not be unreasonably withheld, delayed or
conditioned.

34. Exhibits. All exhibits attached hereto are incorporated by this reference.

IN WITNESS WHEREOF, Developer and City of El Segundo have executed this Development
Agreement on the date first above written.

CITY:

CITY OF EL SEGUNDO, a municipal corporation

By: _______________________________

____________, Mayor

ATTEST:

______________________________
Cindy McRtesen
City Clerk

APPROVED AS TO FORM:

By: ______________________________

Mark D. Hensley, City Attorney
DEVELOPER:
EL SEGUNDO UNIFIED SCHOOL DISTRICT

By: ____________________________

Its: ____________________________
EXHIBIT A

PROPERTY DESCRIPTION
EXHIBIT B

Recording Requested By and
When Recorded Mail To:
El Segundo Unified School District
641 Sheldon Street
El Segundo, California 90245
Attention: Superintendent

ASSIGNMENT AND ASSUMPTION AGREEMENT

This ASSIGNMENT AND ASSUMPTION AGREEMENT ("Agreement") is made and entered into by and between the El Segundo School District, ("Assignor"), and __________________________, a ________________ ("Assignee").

RECITALS

A. The City of El Segundo ("City") and Assignor entered into that certain Development Agreement dated _____________, 2012 (the "Development Agreement"), with respect to the real property located in the City of El Segundo, State of California more particularly described in Exhibit "A" attached hereto (the "Project Site"), and

B. Assignor has obtained from the City certain development approvals and permits with respect to the development of the Project Site, including without limitation, approval of __________________________ for the Project Site (collectively, the "Project Approvals")

C. Assignor intends to sell, and Assignee intends to purchase that portion, of the Project Site more particularly described in Exhibit "B" attached hereto (the "Transferred Property").

D. In connection with such purchase and sale, Assignor desires to transfer all of the Assignor's right, title, and interest in and to the Development Agreement and the Project Approvals with respect to the Transferred Property. Assignee desires to accept such assignment from Assignor and assume the obligations of Assignor under the Development Agreement and the Project Approvals with respect to the Transferred Property.

THEREFORE, the parties agree as follows:

1. Assignment. Assignor hereby assigns and transfers to Assignee all of Assignor's right, title, and interest in and to the Development Agreement and the Project Approvals with respect to the Transferred Property. Assignee hereby accepts such assignment from Assignor.

2. Assumption. Assignee expressly assumes and agrees to keep, perform, and fulfill all the terms, conditions, covenants, and obligations required to be kept, performed, and fulfilled by Assignor under the Development Agreement and the Project Approvals with respect to the Transferred Property, including without limitation those obligations specifically allocated to the Transferred Parcel as set forth on Exhibit "C" attached hereto.
3. **Effective Date.** The execution by City of the attached receipt for this Agreement shall be considered as conclusive proof of delivery of this Agreement and of the assignment and assumption contained herein. This Agreement shall be effective upon its recordation in the Official Records of Los Angeles County, California, provided that Assignee has closed the purchase and sale transaction and acquired legal title to the Transferred Property.

4. **Remainder of Project.** Any and all rights or obligations pertaining to such portion of the Project Site other than the Transferred Property are expressly excluded from the assignment and assumption provided in Sections 1 and 2 above.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates set forth next to their signatures below.

**“ASSIGNOR”**  
EL SEGUNDO UNIFIED SCHOOL DISTRICT

Date: _______________  
By: ____________________________  
Its: ____________________________

By: ____________________________  
Its: ____________________________

Date: _______________  
By: ____________________________  
Its: ____________________________

**“ASSIGNEE”**  
______________________________  
a ______________________________

Date: _______________  
By: ____________________________  
Its: ____________________________
RECEIPT BY CITY

The attached ASSIGNMENT AND ASSUMPTION AGREEMENT is received by the City of El Segundo on this ___ day of ________________, ________.

CITY OF EL SEGUNDO

By: ____________________________
   Director of Planning and Building Safety

STATE OF CALIFORNIA   )
   ) SS:
   COUNTY OF ___________)

   On _________________, 20___, before me, ________________________, a Notary Public, personally appeared ____________________________, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

   I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

   WITNESS my hand and official seal.

   Signature ____________________________
      (Seal)

STATE OF CALIFORNIA   )
   ) SS:
   COUNTY OF ___________)

   On _________________, 20___, before me, ________________________, a Notary Public, personally appeared ____________________________, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.
I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature __________________________

(Seal)
EXHIBIT C

DEVELOPMENT FEE SCHEDULE

City of El Segundo Fees:

1. Police Service Mitigation Fee
   October 5, 2010.

2. Fire Service Mitigation Fee
   October 5, 2010.

3. Library Service Mitigation Fee
   October 5, 2010.

4. Parks Mitigation Fee
   October 5, 2010.

5. Traffic Mitigation Fee
   November 15, 2005.

6. Water Meter Installation Fees
   Per City Council Resolution No. 4687 adopted on
   Per City Council Resolution No. 4687 adopted on
   Per City Council Resolution No. 4687 adopted on
   Per City Council Resolution No. 4443 adopted on
   Per Title 11 of ESMC.
## 540 East Imperial Avenue Specific Plan

### Housing Set Aside

<table>
<thead>
<tr>
<th>OPTION 1 (304 Total Units)</th>
<th>OPTION 2 (58 Total Units)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted Living</td>
<td>Units Required</td>
</tr>
<tr>
<td>1. Extremely Low</td>
<td>7</td>
</tr>
<tr>
<td>2. Very Low</td>
<td>7</td>
</tr>
<tr>
<td>3. Low</td>
<td>9</td>
</tr>
<tr>
<td>Total 15% Set Aside</td>
<td>23 Units</td>
</tr>
</tbody>
</table>

### Senior Condominums/Apartments

<table>
<thead>
<tr>
<th>Units Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Extremely Low</td>
</tr>
<tr>
<td>2. Very Low</td>
</tr>
<tr>
<td>3. Low</td>
</tr>
<tr>
<td>Total 15% Set Aside</td>
</tr>
</tbody>
</table>

The unit totals shown by income category in this table represent the proportional percentage of the City's total Regional Housing Needs Assessment (RHNA) allocation for the lower income categories shown. In this case, the RHNA allocation for the combined lower income categories is 71 total units. The Extremely Low income category represents 31 percent of the total allocation; the Very Low income category represents 31 percent of the total allocation and the Low Income category represents 38 percent of the total RHNA allocation. These same percentages were applied to the unit totals for this project.
CONDITIONS OF APPROVAL

In addition to all applicable provisions of the El Segundo Municipal Code ("ESMC"), the El Segundo Unified School District, agrees to comply with the following provisions as conditions for the City of El Segundo's approval of Environmental Impact Report for Environmental Assessment (EA No. 890), General Plan Amendment No. 10-03, Specific Plan No. 10-03, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, and Subdivision 10-01 for Vesting Tentative Map Nos. 71410 and 71582 ("Project Conditions").

Planning and Building Safety Department

1. Before building permits are issued, the applicant must submit plans demonstrating substantial compliance with the plans and conditions of approval on file with the Planning and Building Safety Department. Any subsequent modification to the project as approved, including the site plan, floor plan, elevations, landscaping and materials, must be referred to the Director of Planning and Building Safety to determine whether the Planning Commission should review the proposed modification.

2. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

3. The applicant must comply with all mitigation measures identified in the Final Environmental Impact Report prepared for the Project. A Mitigation Monitoring and Reporting Program (MMRP) was prepared as part of the environmental review for the project and is attached as Exhibit "B" to this Resolution. The mitigation measures of the MMRP are incorporated into these conditions of approval by reference. All mitigation measures and conditions of approval must be listed on the plans submitted for plan check and the plans for which a building permit is issued.

4. Any changes to the colors and materials of the exterior façade of the building must be in compliance with the 540 East Imperial Avenue Specific Plan Section 4.2(F) Development Standards and approved to the satisfaction of the Director of Planning and Building Safety.
5. Before the City issues a building permit, the applicant must submit final landscaping and irrigation plans to the Planning and Building Safety Department and the Parks and Recreation Department for review and approval to demonstrate compliance with the City's Water Conservation regulations and Guidelines for Water Conservation in Landscaping (ESMC §§ 10-2-1, et seq.). The plant materials used in landscaping must be compatible with the El Segundo climate pursuant to Sunset Western Garden Book's Zone 24 published by Sunset Books, Inc., Revised and Updated 2001 edition, which is available for review at the Planning and Building Safety Department. Additionally, the landscaping and irrigation must be completely installed before the City issues a final Certificate of Occupancy. Additionally, the final landscaping and irrigation plans must comply with the following:

- Reclaimed water must be used as the water source to irrigate landscaped areas, if feasible. To that end, dual water connections must be installed to allow for landscaping to be irrigated by reclaimed water, if feasible.

- Efficient irrigation systems must be installed which minimize runoff and evaporation and maximize the water which will reach plant roots (e.g., drip irrigation, automatic sprinklers equipped with moisture sensors).

- Automatic sprinkler systems must be set to irrigate landscaping during early morning hours or during the evening to reduce water losses from evaporation. Sprinklers must also be reset to water less often in cooler months and during the rainfall season so that water is not wasted by excessive landscaping irrigation.

6. Selection of drought-tolerant, low-water consuming plant varieties must be used to reduce irrigation water consumption, in compliance with ESMC §§ 10-2-1, et seq.

7. The applicant must provide a sufficient number of bicycle racks to accommodate storing at least 8 bicycles.

8. Employees must be provided current maps, routes and schedules for public transit routes serving the site; telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators; ridesharing promotional materials; and bicycle route and facility information. Two kiosks with such information must be provided for Option 1 with one Kiosk located in the senior portion of the project and the
second kiosk located in the assisted living facility to the satisfaction of the Director of Planning and Building Safety. One kiosk must be provided in Option 2 in the senior housing/multi-family portion of the project site to the satisfaction of the Director of Planning and Building Safety.

9. Trash and recycling enclosures must be provided and shown on the site plan that are sufficiently large enough to store the necessary bins required for the regular collection of commercial solid waste and recyclable materials. The site plan with the location and dimensions of the trash and recycling enclosure and an elevation view of the enclosure must be provided to the Planning and Building Safety Department for review and approval before the City issues building permits. Separate trash and recycling facilities must be provided for each of the three components of Option 1 (senior housing, assisted living and multi-family). Separate trash and recycling enclosures must be provided for the multi-family portion of Option 2.

10. Ground level mechanical equipment, refuse collectors, storage tanks, generators, and other similar facilities must be screened from view with dense landscaping and walls of materials and finishes compatible with the overall design of the project and any ancillary buildings.

11. Exterior lighting must be designed to minimize off-site glare.

12. The building must be designed to comply with all ESMC standards for the attenuation of interior noise.

13. Before the City issues a Certificate of Occupancy the applicant must provide the Planning and Building Safety Department a status report on the Leadership in Energy and Environmental Design (LEED) certification process that includes the GBCI scorecard. The Director of Planning and Building Safety will determine if the items identified on the scorecard and report, show a good faith effort to obtain LEED certification and warrant release of this condition. Within one month of receiving LEED certification, the applicant must furnish proof of certification to the Planning and Building Safety Department.

14. The applicant agrees to set aside 15% of the total number of units constructed for Option 1. The units must be distributed as follows: 31% of the total 15% for the extremely low income senior household category; 31% of the 15% for the very low income senior household category; and 38% of the 15% for the low income senior
household category to be split equally between the assisted living and condominium/apartment units. Percentages for the total number of units and for each income category must be calculated by rounding to the nearest whole number not to exceed the maximum required percentage. The Developer must submit an income verification monitoring plan to the Director of Planning and Building Safety before issuance of Certificate of Occupancy.

15. The applicant agrees to set aside 10% of the total number of units constructed for Option 2. The units must be distributed as follows: 31% of the total 10% for the extremely low income senior household category; 31% of the 10% for the very low income senior household category; and 38% of the 10% for the low income senior household category to be split equally between the multi-family condominium/apartment units. Any affordable housing units that are required based on the single-family component of Option 2 may be satisfied by developing the requisite number of units in other components of the project. Percentages for the total number of units and for each income category must be calculated by rounding to the nearest whole number not to exceed the maximum required percentage. The Developer must submit an income verification monitoring plan to the Director of Planning and Building Safety before issuance of Certificate of Occupancy.

16. The applicant must provide a marketing implementation plan that includes, without limitation, notification to residents of El Segundo regarding the availability of affordable housing in the project, eligibility requirements, application requirements, and access to application materials to the satisfaction of the Director of Planning and Building Safety.

17. A minimum of two building materials must be provided in each component of each project option (Option 1 and Option 2) to the satisfaction of the Director of Planning and Building Safety.

18. The project must meet all design criteria of the Specific Plan to the satisfaction of the Director of Planning and Building Safety.

**Building Division Conditions**

19. Before building permits are issued, the applicant must submit a geotechnical/soils report, along with an associated grading plan that addresses the current code to the Planning and Building Safety Department for review and approval.
20. Before grading permits are issued, the applicant must submit a soils report to the Planning and Building Safety Department for review and approval.

21. Before grading permits are issued, the applicant must submit a grading plan to the Planning and Building Safety Department for review and approval. Before building permits are issued, plans must show conformance with the 2010 California Building Code, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Electrical Code, and 2010 California Energy Code, all as adopted by the ESMC.

22. Before building permits are issued, plans must show compliance with accessibility requirements per the 2010 California Building Code, as adopted by the ESMC.

23. The applicant must provide a complete pool enclosure that encompasses the pool per the 2010 California Building Code, as adopted by the ESMC.

24. The applicant must provide a disabled access lift to access the pool per the 2010 California Building Code, as adopted by the ESMC.

25. At least one stairway must access the roof per the 2010 California Building Code, as adopted by the ESMC.

26. The Applicant must execute a restrictive covenant, in a form approved by the City Attorney, subjecting development of the real property affected by the Project to the air easements imposed by the final judgment in Los Angeles Unified School District v. City of Los Angeles, et al., LASC Case No. 965,067 filed January 7, 1980 and recorded as Document No. 80-55139 with the Los Angeles County Recorder's Office.

Fire Department Conditions

27. The project must comply with all applicable requirements in the 2010 California Building and Fire Codes, and the 2009 International Fire Code as adopted by the ESMC and El Segundo Fire Department regulations.

28. Construction of any cafeteria or kitchen facilities in the assisted living facility must include installation of a grease interceptor capable of removing fats, oils, and grease from the kitchen waste stream. If the Los Angeles County Health Department determines
that the food preparation area does not require the installation of grease interceptors, then this condition will not be required.

29. Construction activities must include a storm water pollution prevention plan addressing non-storm water run-off, debris removal, track-out and protection of storm water system.

30. Any diesel-powered generators must be approved by the Fire Department, Environmental Safety Division, and provide for secondary containment, placarding, spill detection and prevention. Underground tanks require additional environmental monitoring requirements.

31. The applicant must provide the Environmental Safety Division of the El Segundo Fire Department an inventory of any and all chemicals used for laundry, pool or house cleaning, emergency generators or other devices.

32. The applicant, or designee, must contact Underground Service Alert before digging or excavating.

33. Any demolition must be screened for asbestos and lead, with proper notifications to South Coast Air Quality Management District (SCAQMD).

Public Works Department Conditions

34. All onsite utilities including, without limitation, water, electricity, gas, sewer and storm drains, must be installed underground. Contact Southern California Edison for required service and underground requirements (Mr. John Deng at (310) 783-9305).

35. Before the City issues a Certificate of Occupancy, the applicant must ensure that all curb, gutters, asphalt and concrete pavement and driveway aprons fronting 540 East Imperial Avenue and the property frontage along Walnut Avenue will be replaced as required by the Public Works Department.

36. Before the City issues a Certificate of Occupancy, all damaged or off-grade curb, sidewalk and pavement must be removed and replaced as required by the Public Works Department.

37. The applicant must secure any required encroachment permits from the Public Works Department before commencing any work in the public right-of-way.
38. The project must comply with the latest National Pollution Discharge Elimination System (NPDES) requirements and provide Best Management Practices (BMPs) for sediment control, construction material control and erosion control.

39. Before the City issues a building permit, the location and sizes of all proposed water meters must be approved by the City's Water Division.

40. Before the City issues a building permit, the applicant must clean and inspect (via remote TV camera) the project sewer lateral. If found impaired, the applicant is responsible for the replacement of the lateral.

41. A registered civil engineer must provide storm (hydrologic and hydraulic) calculations for appropriate storm drain facilities to control on-site drainage and mitigate off-site impacts, as follows, subject to review and approval from the Public Works Department:

- The design must follow the criteria contained in both the Los Angeles County Department of Public Works Hydrology Manual 2006 and Standard Urban Storm Water Mitigation Plan or most recent editions. Flows must remain in their historical drainage pattern so as not to impact neighboring properties.

- New development must not increase the rate of flow (cubic feet per second) or velocity (feet per second) of site run-off water to any off-site drainage areas beyond the measured or calculated pre-project rate and velocity.

42. Construction related parking must be provided on-site.

43. All record drawings (as-built drawings) and supporting documentation must be submitted to the Public Works Department before scheduling the project’s final inspection.

**Police Department Conditions**

44. Before the City issues a building permit, the applicant must submit a photometric light study to the Police Department for review and approval. A site plan must be provided showing buildings, parking areas, walkways, and the point-by-point photometric calculation of the required light levels. Foot candles must be measured on a horizontal plane and conform to a uniformity ratio of 4:1 average/minimum. The photometric study must be point-by-point and include the light loss factor (.7). Lighting levels must be
adjusted to meet the minimum foot candle requirements within each area of the site. All interior or exterior corridors, passageways and pedestrian walkways and open parking lot shall be illuminated at all times with a minimum maintained one foot-candle of light on the walking surface.

45. A schematic plan of the security camera system must be submitted and approved by the El Segundo Police Department before the City issues a building permit, and must be included as a page in the stamped approved set of plans.

46. Lighting devices must be enclosed and protected by weather and vandal resistant covers.

47. Stairways must be illuminated with a minimum maintained one foot-candle of light on all landings and stair treads at all times.

48. Recessed areas of building or fences, which have a minimum depth of two feet, a minimum height of five feet, and do not exceed six feet in width and are capable of human concealment, must be illuminated with a minimum maintained 0.25 foot-candles of light at ground level during the hours of darkness. This requirement applies to defined recessed areas which are within six feet of the edge of a designated walking surface with an unobstructed pathway to it, not hindered by walls or hedge row landscaping a minimum of two feet in height.

49. All types of exterior doors must be illuminated during the hours of darkness, with a minimum maintained one foot-candle of light measured within a five-foot radius on each side of the door at ground level. The light source must be controlled by a photocell device or a time-clock with an astronomic clock feature and capable of operating during a power outage.

50. The addressing, open parking lot and trash dumpster must be illuminated with a maintained minimum of one foot-candle of light on the ground surface during hours of darkness.

51. Street addressing must be a minimum of 6 inches high and must be visible from the street or driving surface, of contrasting color to the background and illuminated during hours of darkness. Addressing must also be shown on plan elevations.

52. All landscaping must be low profile around perimeter fencing, windows, doors and entryways so as not to limit visibility or provide
climbing access. Dense bushes cannot be clumped together in a manner that provides easy concealment.

53. Stairwell doors exiting onto the street must have a minimum 100-square inch vision panel, with a minimum five inch width, to provide visibility into the area being entered. Vision panels must meet the requirements of the California Building Code, as adopted by the ESMC. Vision panels must preclude manipulation of the interior locking device from the exterior.

54. Interior stairwell doors must have glazing panels a minimum of five inches wide and 20 inches in height and meet the requirements of the California Building Code, as adopted by the ESMC. Guest rooms must have a deadbolt lock, a secondary security latch and a wide angle (190-200 degree) door viewer, not to be mounted more than 58 inches from the bottom of the door.

55. Exterior mounted ladders are prohibited except: (1) ladders with a minimum 1/8 inch thick steel plate, securely attached to the ladders edge on each side, and extending to within two inches of the wall for a height of ten feet above ground level. A door and cover must be securely attached to the front of the ladder, and be constructed of minimum 1/8-inch steel, extending from ground level to at least ten feet high. The ladder must have non-removable hinge pins and be locked securely against the side wall by a locking mechanism with a minimum five pin tumbler operation; or (2) the bottom of the ladder must begin ten feet above the ground surface.

56. All pool entrances must be posted with “No Trespassing” signs.

57. Any pool restroom and shower doors must have access control as reviewed and approved by the El Segundo Police Department.

58. Exterior gates leading to the pool must be secured by electronic access control.

59. When a specific project option is selected, the ESPD may require the applicant to comply with more specific requirements as they pertain to: doors/hardware, windows, mailboxes, lighting, landscaping, addressing, stairwells, trash dumpsters, parking, other possible requirements they may pertain to a specific assisted living facility layout (access controls).
Construction Conditions

60. Before any construction occurs the perimeter of the property must be fenced with a minimum 6-foot high fence. The fence must be covered with a material approved by the Planning and Building Safety Department to prevent dust from leaving the site.

61. Public sidewalks must remain open at all times.

62. All haul trucks hauling soil, sand, and other loose materials must either be covered or maintain two feet of freeboard.

63. NOx emissions during construction must be reduced by limiting the operation of heavy-duty construction equipment to no more than 5 pieces of equipment at any one time.

64. Staging of construction vehicles and vehicle entry and egress to the site must be approved by the Public Works Department. Temporary construction driveways must be approved by the Public Works Department. Temporary construction driveways must be removed before the City issues a certificate of occupancy.

65. Construction vehicles cannot use any route except the City's designated Truck Routes.

66. The applicant must develop and implement a construction management plan, as approved by the Public Works Department, which includes the following measures recommended by the SCAQMD:

- Configure construction parking to minimize traffic interference.
- Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
- Re-route construction trucks away from congested streets.
- Maintain equipment and vehicles engines in good condition and in proper tune as per manufacturer's specifications and per SCAQMD rules, to minimize dust emissions.
- Suspend use of all construction equipment during second stage smog alerts. Contact SCAQMD at (800) 242-4022 for daily forecasts.
- Use electricity from temporary power poles rather than temporary diesel or gasoline-powered generators.
• Diesel-powered equipment such as booster pumps or generators should be replaced by electric equipment, if feasible.
• Catalytic converters must be installed, if feasible.
• Equipment must be equipped with two-to-four-degree engine time retard or pre-combustion chamber engines.
• Use methanol or natural gas powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
• Use propane or butane powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

67. During construction and operations, all waste must be disposed in accordance with all applicable laws and regulations. Toxic wastes must be discarded at a licensed, regulated disposal site by a licensed waste hauler.

68. All leaks, drips and spills occurring during construction must be cleaned up promptly and in compliance with all applicable laws and regulations to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

69. If materials spills occur, they must be cleaned up in a way that will not affect the storm drain system.

70. The project must comply with ESMC Chapter 5-4, which establishes storm water and urban pollution controls.

71. Before anticipated rainfall, construction dumpsters must be covered with tarps or plastic sheeting.

72. Inspections of the project site before and after storm events must be conducted to determine whether Best Management Practices have been implemented to reduce pollutant loadings identified in the Storm Water Prevention Plan.

73. The owner or contractor must conduct daily street sweeping and truck wheel cleaning to prevent dirt in the storm drain system.

74. Storm drain system must be safeguarded at all times during construction.

75. All diesel equipment must be operated with closed engine doors and must be equipped with factory-recommended mufflers.
76. Electrical power must be used to run air compressors and similar power tools.

77. The applicant must provide a telephone number for local residents to call to submit complaints associated with the construction noise. The number must be posted on the project site and must be easily viewed from adjacent public areas.

78. During construction, the contractor must store and maintain equipment as far as possible from adjacent residential property locations northwest of the site.

79. As stated in ESMC Chapter 7-2, construction related noise is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday, and prohibited at anytime on Sunday or a Federal holiday.

**Impact Fee Conditions**

80. Pursuant to ESMC §§ 15-27A-1, *et seq.*, and before building permits are issued, the applicant must pay a one-time library services mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No. 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.

81. Pursuant to ESMC §§ 15-27A-1, *et seq.*, and before building permits are issued, the applicant must pay a one-time fire services mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.

82. Pursuant to ESMC §§ 15-27A-1, *et seq.*, and before building permits are issued, the applicant must pay a one-time police services mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No. 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.

83. Pursuant to ESMC §§ 15-27A-1, *et seq.*, and before building permits are issued, the applicant must pay a one-time park services mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No. 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.
84. Before building permits are issued, the applicant must pay the required sewer connection fees (as specified in ESMC Title 12-3).

85. Pursuant to ESMC §§ 15-27A-1, et seq., and before the City issues a certificate of occupancy, the applicant must pay a one time traffic mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No. 4443.

86. Before building permits are issued, the applicant must pay the required School Fees. This condition does not limit the applicant’s ability to appeal or protest the payment of these fees to the school districts(s).

Miscellaneous

87. The vesting tentative maps (VTM No. 71410 and VTM No. 71582) will expire pursuant to Government Code § 66452.6 and ESMC § 14-1-12. Only one VTM may be recorded.

88. The El Segundo Unified School District, agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney’s fees), injuries, or liability, arising from the City’s approval of Environmental Assessment No. 890, General Plan Amendment No. 10-03, Specific Plan No. 10-03, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, and Subdivision No. 10-01. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of Environmental Assessment No. 890, the El Segundo Unified School District., agrees to defend the City (at the City’s request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section “the City” includes the City of El Segundo’s elected officials, appointed officials, officers, and employees.
By signing this document, Geoff Yantz on behalf of the El Segundo Unified School District, certifies that he read, understands, and agrees to the Project Conditions listed in this document.

Geoff Yantz, Superintendent
El Segundo Unified School District

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EXHIBIT 3

RESOLUTION NO. 2714

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE ENVIRONMENTAL ASSESSMENT NO. 890 FOR THE 540 EAST IMPERIAL AVENUE SPECIFIC PLAN PROJECT; ADOPT GENERAL PLAN AMENDMENT NO. 10-03, SPECIFIC PLAN NO. 10-03, ZONE CHANGE NO. 10-01, AND ZONE TEXT AMENDMENT NO. 10-06; APPROVE DEVELOPMENT AGREEMENT NO. 10-02; AND APPROVE SUBDIVISION NO 10-1 FOR VESTING TENTATIVE MAP NO. 71410 OR VESTING TENTATIVE MAP NO. 71582.

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

SECTION 1: The Planning Commission finds and declares that:

A. On September 9, 2010, Mar Ventures, Inc., filed an application on behalf of the El Segundo Unified School District for an Environmental Assessment (EA No. 890), General Plan Amendment No. 10-03, Specific Plan No. 10-03, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, and Subdivision No. 10-01 for Vesting Tentative Map No's 71410 for seven lots, or 71582 for 31 lots to re-designate and rezone an approximate 5.65 acre property at 540 East Imperial Avenue from Planned Residential Development (PRD) Zone to 540 East Imperial Avenue Specific Plan (EIASP) to allow construction of a either a 304-unit senior housing community development with a multi-family component (Option 1) or a 58-unit mixed residential development (Option 2);

B. The applications were reviewed by the City of El Segundo Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the El Segundo Municipal Code (“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. An Environmental Impact Report (EIR) was prepared pursuant to the requirements of CEQA Guidelines § 15161;

E. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before the Planning
F. On January 26, 2012, the Commission held a public hearing to receive public testimony and other evidence regarding the applications including, without limitation, information provided to the Commission by City staff and public testimony, and representatives of Mar Ventures, Inc. and the El Segundo Unified School District; and

G. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its January 26, 2012 hearing including, without limitation, the staff report submitted by the Planning and Building Safety Department.

SECTION 2: Factual Findings and Conclusions. The Commission finds that the following facts exist:

A. The subject property is located at 540 East Imperial Avenue in the northwest portion of the City of El Segundo;

B. The property is comprised of six lots and the total site area is on the block bounded by East Imperial Avenue to the north; Walnut Avenue to the south, Sheldon Street to the west, and McCarthy Court to the east;

C. The surrounding land uses are primarily single-family and multi-family residential uses in the Single-Family Residential (R-1) and Multi-Family Residential (R-3) Zones to the east, west and south, with a mortuary located on one parcel in the Neighborhood Commercial (C-2) Zone located at the northeast corner of East Imperial Avenue and Sheldon Street, west of the site. Land uses north of the site include a community dog park within the corporate boundary of the City of El Segundo and LAX across Imperial Avenue in the City of Los Angeles;

D. The proposed project for the property at 540 East Imperial Avenue consists of two possible development options. Option 1 is a 304-unit senior housing community with a multi-family component. Option 2 consists of a 58-unit mixed residential development;

E. The subject site is irregular in shape with 455 feet of street frontage on East Imperial Avenue and a total lot area of 5.65 acres;

F. The subject site is developed with eight single-story brick buildings (22,488 square-feet total) that once served as administrative offices and classrooms for the former Imperial Avenue Elementary School;

G. Vehicular access to the proposed facility would be provided from two driveway entrances; primary access would be from East Imperial Avenue
for the senior housing community (Option 1) and the multi-family portion of the mixed residential project (Option 2). Primary access for the multi-family portion of Option 1 and the single-family portion of Option 2 would be from Walnut Avenue;

H. The proposed General Plan re-designation and rezoning of the Project Site would change the General Plan land use designation from Planned Residential Development to the 540 East Imperial Avenue Specific Plan (EIASP) designation and rezone the area from the Planned Residential Development (PRD) Zone to the 540 East Imperial Avenue Specific Plan (EIASP) Zone; and

I. The re-zoning and General Plan re-designation would increase the residential density allowed on the site from 11.5 dwelling units per acre, to a maximum of 53.8 dwelling units per acre in Option 1 or a maximum of 10.27 dwelling units per acre in Option 2. The total maximum development that would be permitted with the proposed General Plan re-designation and re-zoning is 175,000 square feet (0.75 FAR).

**SECTION 3: Environmental Assessment.** The Planning Commission makes the following environmental findings:

A. The City completed a Draft Environmental Impact Report (DEIR) for this project. A noticed Public Scoping meeting was held on Thursday July 14, 2011 pursuant to 14 Cal Code of Regulations ("CEQA Guidelines") §15083. A Notice of Preparation of the DEIR was circulated for public review from July 7 to August 6, 2011 pursuant to CEQA Guidelines §15082. A Notice of Completion for the DEIR was filed with the State Office of Planning and Research on November 3, 2011 pursuant to CEQA Guidelines §15085. The public comment and review period for the DEIR was open between November 3, 2011 and December 19, 2011 in compliance with CEQA Guidelines §15087;

B. The Final EIR will be presented to the City Council, which will review and consider information contained in the Final EIR before approving or denying the project in accordance with CEQA Guidelines §15090;

C. Pursuant to CEQA Guidelines §15090 the Final EIR will reflect the City’s independent judgment and analysis. The Planning Commission has independently reviewed and analyzed the Draft EIR prepared for the Project. The Draft EIR is an accurate and complete statement of the potential environmental impacts of the project. The Final EIR was prepared under the direction of the City of El Segundo Planning and Building Safety Department and will reflect the independent judgment and analysis of the environmental impacts and comments received on the Draft EIR;
D. The Draft EIR generally identifies, for each potentially significant impact of the project, one or more corresponding mitigation measures to reduce impacts to a level of insignificance, with the exception of air quality and noise impacts. The Planning Commission finds that nearly all of the potentially significant impacts identified in the Draft EIR are mitigated by corresponding mitigation measures to the extent set forth in the Draft EIR;

E. In accordance with CEQA Guidelines §15091, the City Council will consider written findings regarding each of the significant environmental effects identified in the DEIR before certifying the Final EIR. Each finding will be a rationale of how mitigation measures have lessened identified significant environmental effects to a less than significant level for those effects that have been identified as mitigable. For the two environmental effects that have been identified in the DEIR as not mitigable to a less than significant level (Air Quality and Noise), the findings will provide a rationale on how proposed mitigation measures have substantially lessened these two environmental effects;

F. The DEIR states that the City Council must adopt a Statement of Overriding Consideration if it wishes to approve the project. In accordance with CEQA Guidelines §15093 a Statement of Overriding Consideration will be included in the project’s record for City Council consideration. This statement will identify specific reasons why to support approval of the project based on information in the EIR and in the project’s record; and

G. The Planning Commission recommends that specific issues that should be included in the Statement of Overriding Consideration prepared for the City Council are: a) Providing new housing is a public benefit as the need for new housing for all income levels, in particular for extremely low, very low, and low income senior households is identified in the City’s Housing Element (2009); b) A proposed assisted living facility is a public benefit that meets a community need; c) The long-term housing benefit to the City of this type of project outweighs the significant short-term construction air quality impacts and long-term operational noise impacts of the Project; and, d) Improving a partially vacant and underutilized site with a new residential project serving the housing needs of the community outweigh the preservation of a dilapidated, underutilized, and unused school.

SECTION 4: General Plan and Specific Plan. If approved, the proposed project conforms to the City’s General Plan and the 540 East Imperial Avenue Specific Plan as follows:

A. Following a General Plan Amendment, the General Plan Land Use Designation of the project site would be 540 East Imperial Avenue Specific Plan (EIASP). This designation is intended for senior housing consisting of
apartments or condominiums, senior housing consisting of assisted and/or independent living units, single-family and/or multi-family housing units consisting of market rate apartments or condominiums. As conditioned, the proposed project Option 1 or Option 2 would be compatible with the General Plan.

B. The General Plan contains a number of relevant Goals, Objectives, and Policies in the Land Use Element. Implementation of the proposed project is consistent with Land Use Element Policy LU3-2.1 to "promote high quality Multi-Family Residential developments with ample open space, leisure and recreational facilities." If approved, the development will be built and maintained in accordance with these requirements and regulations and the requirements and regulations of the 540 East Imperial Avenue Specific Plan.

C. The proposed project is consistent with Land Use Element Objective LU3-3 to "encourage the development of viable attractive neighborhoods, free from blight and deterioration" in that the project will provide a new housing development on a site that is currently developed with eight vacant and deteriorating single-story brick structures formerly used as classrooms and offices for the Imperial Avenue Elementary School.

D. The proposed project is consistent with Land Use Element Policy LU5-2.2 that "all outdoor storage shall be properly screened by masonry walls and landscaping." Masonry walls will be utilized for all trash enclosure and equipment areas.

E. The proposed project is consistent with Housing Element Goal 2 to "Provide sufficient new, affordable housing opportunities in the City to meet the needs of groups with special requirements, including the needs of lower and moderate income households," Housing Element Policy 2.1 to "establish and maintain land use controls to accommodate the housing needs of the elderly, disabled, and other special needs households; and Housing Element Policy 2.2 to "facilitate the creation of affordable home ownership opportunities for extremely low, very low, and low income households; in that the project will provide much need housing for all income levels with a 15 percent set aside for extremely low, very low and low income households in Option 1, and a 10% set aside for Option 2.

F. The proposed project is consistent with certain Circulation Element Objectives and Policies based upon a Traffic Study performed for the project. The Traffic Study determined that the proposed project Option 1 would generate 956 daily trips with 46 morning peak hour, and 83 evening peak hour trips. Option 2 would generate 428 daily trips, 34 in the morning peak hour and 42 in the evening peak hour. Additional trips generated by the project will be mitigated by a traffic mitigation fee. The Traffic Study
found that neither Option 1 nor Option 2 of the proposed project would significantly impact any study intersections in the anticipated Opening Year (2013) of the General Plan Build-out scenarios. Therefore, no mitigation measures are required or proposed for the project. Consequently, the project is consistent with the following Circulation Element Objectives and Policies:

1. C1-1 to “provide a roadway system that accommodates the City’s existing and projected land use and circulation needs.”

2. C1-1.2 to “pursue implementation of all Circulation Element policies such that all Master Plan roadways are upgraded and maintained at acceptable levels of service.”

3. C1-1.14 to “require a full evaluation of potential traffic impacts associated with proposed new development prior to project approval. Further, require the implementation of appropriate mitigation measures prior to, or in conjunction with, project development. Mitigation measures may include new roadway links on segments that would connect the new development to the existing roadway system, intersection improvements, and other measures. Mitigation measures shall be provided by or paid for by the project developer.”

4. C2-1.3 to “encourage new developments in the City to participate in the development of the citywide system of pedestrian walkways and require participation funded by the project developer where appropriate.” Full sidewalk and curb and gutter to City Standards are incorporated into the design of this project.

5. C2-1.4 to “ensure the installation of sidewalks on all future arterial widening or new construction projects, to establish a continuous and convenient link for pedestrians. Full sidewalk and curb and gutter to City standards are incorporated into the design of this project as required by the Department of Public Works.

6. 3-1.1 to “require all new development to mitigate project-related impacts on the existing and future circulation system such that all Master Plan roadways and intersections are upgraded and maintained at acceptable levels of service through implementation of all applicable Circulation Element policies. Mitigation measures shall be provided by or paid for by the project developer.”

7. C3-1.8 to “require the provision of adequate pedestrian and bicycle access for new development projects through the development review process.” Full sidewalk and curb and gutter to City
standards are incorporated into the design of this project that will provide adequate pedestrian access. Adequate bicycle access will be available to the site.

8. C3-2.1 to “ensure the provision of sufficient on-site parking in all new development.” The proposed project is required to provide on-site parking at the following ratios: 1) 1 space per studio/1 bedroom unit and 2 spaces per 2 bedroom unit for the senior market rate dwelling units; 2) 0.5 spaces per studio/1 bedroom unit and 1 space per 2 bedroom unit for the senior affordable units; 3) 1 space per 2 units/2 beds for the market rate senior housing assisted living units; 4) 1 space per 3 units/beds for the affordable senior housing assisted living units.

G. The proposed project is consistent with Noise Element Policy N1-1.9 that requires “review of all new development projects in the City for conformance with California Airport Noise Regulations and California Noise Insulation Standards (Code of California Regulations, Title 24) to ensure interior noise will not exceed acceptable levels” and Program N1-1.9A that requires “all new habitable residential construction in areas of the City with an annual CNEL of 60 dBA or higher shall include all mitigation measures necessary to reduce interior noise levels to minimum state standards. Post construction acoustical analysis shall be performed to demonstrate compliance.”

H. The proposed project is consistent with Noise Element Policy N1-2.1 that requires “all new projects to meet the City’s Noise Ordinance Standards as a condition of building permit approval” and Program N1-2.1A that “addresses noise impacts in all environmental documents for discretionary approval projects, to ensure that noise sources meet City Noise Ordinance standards” in that the DEIR addressed noise sources that include: mechanical and electrical equipment and truck loading areas as specified in Program N1-2.1A.

I. The proposed project is consistent with Recreation Element Goal OS1 in that the project provides and maintains high quality open space and recreational facilities that meet the needs of the existing and future residents within the City of El Segundo. The proposed project is also consistent with Recreation Element Policy OS1-2.4 which requires “all new residential developments with more than 20 units to provide on-site recreational open space” in that the senior multi-family housing and assisted living uses will include open space and recreational amenities such as common open space and pools.

J. The proposed project is consistent with Conservation Element Policy CN5-1 in that the project will preserve the character and quality of existing
neighborhood; Conservation Element Policy CN5-6 to encourage that any new landscaped areas respect and incorporate distinctive elements of the community landscape; Conservation Element Policy CN5-8 to increase the quantity of plant material; and Conservation Element Policy CN5-9 to increase the diversity of plant species.

SECTION 5: Zone Change Findings.

A. Based on the factual findings of this Resolution, the proposed Zone Change is necessary to carry out the proposed project because the proposed General Plan Amendment would change the land use classification of the project site from Planned Residential Development to 540 East Imperial Avenue Specific Plan (EIASP). The proposed Zone Change is necessary to maintain consistency with the proposed General Plan land uses designation of 540 East Imperial Avenue Specific Plan (EIASP).

B. The purpose of ESMC Title 15 is to implement the goals, objectives and policies of the El Segundo General Plan. The zone change is consistent with the General Plan goals, objectives and policies discussed in Section 4 of this resolution.

SECTION 6: Zone Text Amendment Findings. Based on the factual findings of this Resolution, the proposed Zone Text Amendment is necessary to carry out the proposed project to establish the proposed 540 East Imperial Avenue Specific Plan (EIASP) Zone An amendment to ESMC § 15-3-1 to delete the Planned Residential (PRD) Zone and to list the 540 East Imperial Avenue Specific Plan (EIASP) Zone as a zoning classification within the City is necessary for consistency with the General Plan. An amendment to ESMC § 15-3-2(A)(7) to create the 540 East Imperial Avenue Specific Plan (EIASP) is necessary for consistency with the General Plan. Additionally, an amendment to delete ESMC § 15-4D-1 to delete the Planned Residential Development (PRD) Zone development standards in its entirety is necessary for consistency with the General Plan.

SECTION 7: Development Agreement Findings. Pursuant to City Council Resolution No. 3268, adopted June 26, 1984, the Planning Commission finds that:

A. The project is consistent with the objectives, policies, general land uses, and programs specified in the general plan and any applicable specific plan. The Development Agreement would provide the following public benefits in exchange for valuable development rights (ten-year entitlement with a five year option):

1. Development of real property with vacant improvements and underutilized land uses.
2. Increase in employment opportunities for the City's residents.

3. Increasing housing, in particular much needed senior housing for area residents.

4. Providing an option for an assisted living facility to meet community needs.

5. Developing a project that is consistent with the General Plan.

6. Developing a Leadership in Energy and Environmental Design (LEED) Certified project or equivalent.

7. Developing a property that includes affordable housing for the community with a 15 percent set aside for low, very low, and extremely low income qualified senior households for Option 1 and a 10 percent set aside for Option 2.

B. The project is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located. The proposed project includes a new land use designation and zoning classification, which establishes the permitted uses and development standards that would apply to the project. These uses and development standards are similar and compatible with the other residentially zoned districts in the City.

C. The project will not adversely affect the orderly development of property or the preservation of property values. This project is surrounded by previously developed neighborhoods and will help improve the value of neighboring properties. The proposed 540 East Imperial Avenue Specific Plan development standards and development agreement will ensure that the project will be developed in an orderly fashion. All mitigation measures will be implemented at the time and place impacts occur.

SECTION 8: Subdivision. The Planning Commission cannot make any of the findings for denial set forth in ESMC § 14-1-6 for the following reasons:

A. The proposed map is consistent with applicable general and specific plans as specified in Government Code § 65451. As set forth in Section 4 of this Resolution, this project meets the goals and objectives of the General Plan and it is consistent with the 540 East Imperial Avenue Specific Plan. Vesting Tentative Map (VTM) No.71410 for project Option 1 proposes seven new lots and VTM No. 71582 for project Option 2 proposes 31 new lots. The proposed lots vary in size and meet the minimum lot sizes stated in the 540 East Imperial Avenue Specific Plan.
B. The design of the proposed subdivision is consistent with applicable general and specific plans. As set forth in Section 4, this project meets the goals and objectives of the General Plan.

C. The site is physically suitable for the proposed type of development in that, after the proposed grading, the areas outside the required setbacks on each individual lot will be relatively flat. The proposed lots meet the size and dimension requirements to allow the subdivision of the existing parcel. The previous land use and zoning designation for the property was Planned Residential Development. The new 540 East Imperial Avenue Specific Plan continues the residential use at a mix that is more in line with the surrounding single-family and multi-family residential uses.

D. The site is physically suitable for the proposed density of development. The proposed project involves a subdivision of a 5.65 acre parcel into either a 7 lot subdivision (Option 1), or a 31 lot subdivision (Option 2). The proposed maximum density (53 DU/acre) is consistent with the 540 East Imperial Avenue Specific Plan. Each new lot will meet or exceed the minimum size and dimension requirements.

E. The design of the subdivision or the proposed improvements is unlikely to cause substantial damage or substantially and avoidably injure fish or wildlife or their habitat. The proposed project site is a former elementary school located in an urbanized area surrounded by existing single-family and multi-family residences. There are no fish or wildlife habitats on the site that could be damaged by the proposed subdivision or new development.

F. The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The proposed subdivision is not anticipated to conflict with any known easements located at, or near the property. No easements have been identified on the subject site.

SECTION 9: Recommendations. The Planning Commission makes the following recommendations:

A. Subject to the conditions listed on the attached Exhibit “A,” which are incorporated into this Resolution by reference, the City Council should certify a Final Environmental Impact Report of Environmental Impacts for Environmental Assessment No. 890; adopt a Statement of Overriding Considerations; and approve General Plan Amendment No. 10-03, Specific Plan No. 10-03, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, and Subdivision No. 10-01 for Vesting Tentative Map Nos. 71410 and 71582.
B. The City Council should amend the proposed Land Use Plan ("Land Use Designations – Residential Designations: Planned Residential Development" subsection) of the Land Use Element of the General Plan to reflect the deletion of the Planned Residential land use designation and the addition of the 540 East Imperial Avenue Specific Plan, including a description of the allowed uses and the maximum land use density allowed, to the Residential Designations: Planned Residential Development subsection. The corresponding changes are set forth in attached Exhibit B, which is incorporated into this Resolution by reference.

C. The City Council should amend the proposed Land Use Plan ("Northwest Quadrant" subsection) of the Land Use Element of the General Plan to reflect the change of the Project area which is the former Imperial Avenue Elementary School at 540 East Imperial Avenue from Planned Residential Development to 540 East Imperial Avenue Specific Plan. The corresponding changes as set forth in attached Exhibit C, which is incorporated into this Resolution by reference.

D. The City Council should amend the 1992 General Plan Summary of Existing Trends Buildout (Exhibit LU-3) of the Land Use Element to reflect the change of the Project area which is the former Imperial Avenue Elementary School at 540 East Imperial Avenue from Planned Residential Development to 540 East Imperial Avenue Specific Plan. The corresponding changes to the Land Use Element are set forth in attached Exhibit D, which is incorporated into this Resolution by reference.

E. The City Council should amend the General Plan Land Use Map to reflect the change of the Project area which is the former Imperial Avenue Elementary School at 540 East Imperial Avenue from Planned Residential Development to 540 East Imperial Avenue Specific Plan. The corresponding changes to the Land Use Map are set forth in attached Exhibit E, which is incorporated into this Resolution by reference.

F. The City Council should amend the current Zoning Map to reflect a change of the Project area which is the former Imperial Avenue Elementary School at 540 East Imperial Avenue from Planned Residential Development to 540 East Imperial Avenue Specific Plan. The corresponding changes to the Zoning Map are set forth in attached Exhibit F, which is incorporated into this Resolution by reference.

G. The City Council should adopt the 540 East Imperial Avenue Specific Plan, as set forth in attached Exhibit G, which is incorporated into this Resolution by reference.

H. The City Council should adopt the Development Agreement by and between the City of El Segundo and the El Segundo Unified School
District, as set forth in attached Exhibit H, which is incorporated into this Resolution by reference.

I. The City Council should, in accordance with the requirements of Public Resources Code §§21081(a) and 21081.6, adopt a Mitigation Monitoring and Reporting Program (MMRP) as set forth in attached Exhibit I, which is incorporated into this Resolution by reference. The City Council adopts each of the mitigation measures expressly set forth in the MMRP as conditions of approval of the project.

J. The City Council should add ESMC § 15-3-2(A)(7) to read as follows:

"7. 540 East Imperial Avenue Specific Plan

There is one zone intended to be used within the boundaries of the 540 East Imperial Avenue Specific Plan. The zone is:

EIASP -540 East Imperial Avenue Specific Plan"

SECTION 10: Reliance on Record. Each and every one of the findings and determinations 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 11: 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 12: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 13: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 14: A copy of this Resolution must be mailed to Mar Ventures, Inc. and the El Segundo Unified School District, and to any other person requesting a copy.
SECTION 15: This Resolution is the Planning Commission’s final decision and will become effective immediately upon adoption.

PASSED, APPROVED AND ADOPTED this 26th day of January 2012.

______________________________________
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
PLANNING COMMISSION RESOLUTION NO. 2714

Exhibit A

CONDITIONS OF APPROVAL

In addition to all applicable provisions of the El Segundo Municipal Code ("ESMC"), the El Segundo Unified School District, agrees to comply with the following provisions as conditions for the City of El Segundo's approval of Environmental Impact Report for Environmental Assessment (EA No. 890), General Plan Amendment No. 10-03, Specific Plan No. 10-03, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, and Subdivision 10-01 for Vesting Tentative Map Nos. 71410 and 71582 ("Project Conditions").

Planning and Building Safety Department

1. Before building permits are issued, the applicant must submit plans demonstrating substantial compliance with the plans and conditions of approval on file with the Planning and Building Safety Department. Any subsequent modification to the project as approved, including the site plan, floor plan, elevations, landscaping and materials, must be referred to the Director of Planning and Building Safety to determine whether the Planning Commission should review the proposed modification.

2. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

3. The applicant must comply with all mitigation measures identified in the Final Environmental Impact Report prepared for the Project. A Mitigation Monitoring and Reporting Program (MMRP) was prepared as part of the environmental review for the project and is attached as Exhibit "H" to this Resolution. The mitigation measures of the MMRP are incorporated into these conditions of approval by reference. All mitigation measures and conditions of approval must be listed on the plans submitted for plan check and the plans for which a building permit is issued.

4. Any changes to the colors and materials of the exterior façade of the building must be in compliance with the 540 East Imperial Avenue Specific Plan Section 4.2(F) Development Standards and approved to the satisfaction of the Director of Planning and Building Safety.
5. Before the City issues a building permit, the applicant must submit final landscaping and irrigation plans to the Planning and Building Safety Department and the Parks and Recreation Department for review and approval to demonstrate compliance with the City's Water Conservation regulations and Guidelines for Water Conservation in Landscaping (ESMC §§ 10-2-1, et seq.). The plant materials used in landscaping must be compatible with the El Segundo climate pursuant to Sunset Western Garden Book's Zone 24 published by Sunset Books, Inc., Revised and Updated 2001 edition, which is available for review at the Planning and Building Safety Department. Additionally, the landscaping and irrigation must be completely installed before the City issues a final Certificate of Occupancy. Additionally, the final landscaping and irrigation plans must comply with the following:

- Reclaimed water must be used as the water source to irrigate landscaped areas, if feasible. To that end, dual water connections must be installed to allow for landscaping to be irrigated by reclaimed water, if feasible.

- Efficient irrigation systems must be installed which minimize runoff and evaporation and maximize the water which will reach plant roots (e.g., drip irrigation, automatic sprinklers equipped with moisture sensors).

- Automatic sprinkler systems must be set to irrigate landscaping during early morning hours or during the evening to reduce water losses from evaporation. Sprinklers must also be reset to water less often in cooler months and during the rainfall season so that water is not wasted by excessive landscaping irrigation.

6. Selection of drought-tolerant, low-water consuming plant varieties must be used to reduce irrigation water consumption, in compliance with ESMC §§ 10-2-1, et seq.

7. The applicant must provide a sufficient number of bicycle racks to accommodate storing at least 8 bicycles.

8. Employees must be provided current maps, routes and schedules for public transit routes serving the site; telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators; ridesharing promotional materials; and bicycle route and facility information. Two kiosks with such information must be provided for Option 1 with one Kiosk located in the senior portion of the project and the
second kiosk located in the assisted living facility to the satisfaction of the Director of Planning and Building Safety. One kiosk must be provided in Option 2 in the senior housing/multi-family portion of the project site to the satisfaction of the Director of Planning and Building Safety.

9. Trash and recycling enclosures must be provided and shown on the site plan that are sufficiently large enough to store the necessary bins required for the regular collection of commercial solid waste and recyclable materials. The site plan with the location and dimensions of the trash and recycling enclosure and an elevation view of the enclosure must be provided to the Planning and Building Safety Department for review and approval before the City issues building permits. Separate trash and recycling facilities must be provided for each of the three components of Option 1 (senior housing, assisted living and multi-family). Separate trash and recycling enclosures must be provided for the multi-family portion of Option 2.

10. Ground level mechanical equipment, refuse collectors, storage tanks, generators, and other similar facilities must be screened from view with dense landscaping and walls of materials and finishes compatible with the overall design of the project and any ancillary buildings.

11. Exterior lighting must be designed to minimize off-site glare.

12. The building must be designed to comply with all ESMC standards for the attenuation of interior noise.

13. Before the City issues a Certificate of Occupancy the applicant must provide the Planning and Building Safety Department a status report on the Leadership in Energy and Environmental Design (LEED) certification process that includes the GBCI scorecard. The Director of Planning and Building Safety will determine if the items identified on the scorecard and report, show a good faith effort to obtain LEED certification and warrant release of this condition. Within one month of receiving LEED certification, the applicant must furnish proof of certification to the Planning and Building Safety Department.

14. The applicant agrees to set aside 15% of the total number of units constructed for Option 1. The units must be distributed as follows: 31% of the total 15% for the extremely low income senior household category; 31% of the 15% for the very low income senior household category; and 38% of the 15% for the low income senior
household category to be split equally between the assisted living and condominium/apartment units. Percentages for the total number of units and for each income category must be calculated by rounding to the nearest whole number not to exceed the maximum required percentage. The Developer must submit an income verification monitoring plan to the Director of Planning and Building Safety before issuance of Certificate of Occupancy.

15. The applicant agrees to set aside 10% of the total number of units constructed for Option 2. The units must be distributed as follows: 31% of the total 10% for the extremely low income senior household category; 31% of the 10% for the very low income senior household category; and 38% of the 10% for the low income senior household category to be split equally between the multi-family condominium/apartment units. Any affordable housing units that are required based on the single-family component of Option 2 may be satisfied by developing the requisite number of units in other components of the project. Percentages for the total number of units and for each income category must be calculated by rounding to the nearest whole number not to exceed the maximum required percentage. The Developer must submit an income verification monitoring plan to the Director of Planning and Building Safety before issuance of Certificate of Occupancy.

16. The applicant must provide a marketing implementation plan that includes, without limitation, notification to residents of El Segundo regarding the availability of affordable housing in the project, eligibility requirements, application requirements, and access to application materials to the satisfaction of the Director of Planning and Building Safety.

17. A minimum of two building materials must be provided in each component of each project option (Option 1 and Option 2) to the satisfaction of the Director of Planning and Building Safety.

18. The project must meet all design criteria of the Specific Plan to the satisfaction of the Director of Planning and Building Safety.

**Building Division Conditions**

19. Before building permits are issued, the applicant must submit a geotechnical/soils report, along with an associated grading plan that addresses the current code to the Planning and Building Safety Department for review and approval.
20. Before grading permits are issued, the applicant must submit a soils report to the Planning and Building Safety Department for review and approval.

21. Before grading permits are issued, the applicant must submit a grading plan to the Planning and Building Safety Department for review and approval. Before building permits are issued, plans must show conformance with the 2010 California Building Code, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Electrical Code, and 2010 California Energy Code, all as adopted by the ESMC.

22. Before building permits are issued, plans must show compliance with accessibility requirements per the 2010 California Building Code, as adopted by the ESMC.

23. The applicant must provide a complete pool enclosure that encompasses the pool per the 2010 California Building Code, as adopted by the ESMC.

24. The applicant must provide a disabled access lift to access the pool per the 2010 California Building Code, as adopted by the ESMC.

25. At least one stairway must access the roof per the 2010 California Building Code, as adopted by the ESMC.

Fire Department Conditions

26. The project must comply with all applicable requirements in the 2010 California Building and Fire Codes, and the 2009 International Fire Code as adopted by the ESMC and El Segundo Fire Department regulations.

27. Construction of any cafeteria or kitchen facilities in the assisted living facility must include installation of a grease interceptor capable of removing fats, oils, and grease from the kitchen waste stream. If the Los Angeles County Health Department determines that the food preparation area does not require the installation of grease interceptors, then this condition will not be required.

28. Construction activities must include a storm water pollution prevention plan addressing non-storm water run-off, debris removal, track-out and protection of storm water system.

29. Any diesel-powered generators must be approved by the Fire Department, Environmental Safety Division, and provide for
secondary containment, placarding, spill detection and prevention. Underground tanks require additional environmental monitoring requirements.

30. The applicant must provide the Environmental Safety Division of the El Segundo Fire Department an inventory of any and all chemicals used for laundry, pool or house cleaning, emergency generators or other devices.

31. The applicant, or designee, must contact Underground Service Alert before digging or excavating.

32. Any demolition must be screened for asbestos and lead, with proper notifications to South Coast Air Quality Management District (SCAQMD).

Public Works Department Conditions

33. All onsite utilities including, without limitation, water, electricity, gas, sewer and storm drains, must be installed underground. Contact Southern California Edison for required service and underground requirements (Mr. John Deng at (310) 783-9305).

34. Before the City issues a Certificate of Occupancy, the applicant must ensure that all curb, gutters, A.C. pavement and driveway aprons fronting 540 East Imperial Avenue and the property frontage along Walnut Avenue will be replaced as required by the Public Works Department.

35. Before the City issues a Certificate of Occupancy, all damaged or off-grade curb, sidewalk and pavement must be removed and replaced as required by the Public Works Department.

36. The applicant must secure any required encroachment permits from the Public Works Department before commencing any work in the public right-of-way.

37. The project must comply with the latest National Pollution Discharge Elimination System (NPDES) requirements and provide Best Management Practices (BMPs) for sediment control, construction material control and erosion control.

38. Before the City issues a building permit, the location and sizes of all proposed water meters must be approved by the City's Water Division.
39. Before the City issues a building permit, the applicant must clean and inspect (via remote TV camera) the project sewer lateral. If found impaired, the applicant is responsible for the replacement of the lateral.

40. A registered civil engineer must provide storm (hydrologic and hydraulic) calculations for appropriate storm drain facilities to control on-site drainage and mitigate off-site impacts, as follows, subject to review and approval from the Public Works Department:

- The design must follow the criteria contained in both the Los Angeles County Department of Public Works Hydrology Manual 2006 and Standard Urban Storm Water Mitigation Plan or most recent editions. Flows must remain in their historical drainage pattern so as not to impact neighboring properties.

- New development must not increase the rate of flow (cubic feet per second) or velocity (feet per second) of site run-off water to any off-site drainage areas beyond the measured or calculated pre-project rate and velocity.

41. Construction related parking must be provided on-site.

42. All record drawings (as-built drawings) and supporting documentation must be submitted to the Public Works Department before scheduling the project's final inspection.

Police Department Conditions

43. Before the City issues a building permit, the applicant must submit a photometric light study to the Police Department for review and approval. A site plan must be provided showing buildings, parking areas, walkways, and the point-by-point photometric calculation of the required light levels. Foot candles must be measured on a horizontal plane and conform to a uniformity ratio of 4:1 average/minimum. The photometric study must be point-by-point and include the light loss factor (.7). Lighting levels must be adjusted to meet the minimum foot candle requirements within each area of the site. All interior or exterior corridors, passageways and pedestrian walkways and open parking lot shall be illuminated at all times with a minimum maintained one foot-candle of light on the walking surface.

44. A schematic plan of the security camera system must be submitted and approved by the El Segundo Police Department before the City
issues a building permit, and must be included as a page in the stamped approved set of plans.

45. Lighting devices must be enclosed and protected by weather and vandal resistant covers.

46. Stairways must be illuminated with a minimum maintained one foot-candle of light on all landings and stair treads at all times.

47. Recessed areas of building or fences, which have a minimum depth of two feet, a minimum height of five feet, and do not exceed six feet in width and are capable of human concealment, must be illuminated with a minimum maintained 0.25 foot-candles of light at ground level during the hours of darkness. This requirement applies to defined recessed areas which are within six feet of the edge of a designated walking surface with an unobstructed pathway to it, not hindered by walls or hedge row landscaping a minimum of two feet in height.

48. All types of exterior doors must be illuminated during the hours of darkness, with a minimum maintained one foot-candle of light measured within a five-foot radius on each side of the door at ground level. The light source must be controlled by a photocell device or a time-clock with an astronomic clock feature and capable of operating during a power outage.

49. The addressing, open parking lot and trash dumpster must be illuminated with a maintained minimum of one foot-candle of light on the ground surface during hours of darkness.

50. Street addressing must be a minimum of 6 inches high and must be visible from the street or driving surface, of contrasting color to the background and illuminated during hours of darkness. Addressing must also be shown on plan elevations.

51. All landscaping must be low profile around perimeter fencing, windows, doors and entryways so as not to limit visibility or provide climbing access. Dense bushes cannot be clumped together in a manner that provides easy concealment.

52. Stairwell doors exiting onto the street must have a minimum 100-square inch vision panel, with a minimum five inch width, to provide visibility into the area being entered. Vision panels must meet the requirements of the California Building Code, as adopted by the ESMC. Vision panels must preclude manipulation of the interior locking device from the exterior.
53. Interior stairwell doors must have glazing panels a minimum of five inches wide and 20 inches in height and meet the requirements of the California Building Code, as adopted by the ESMC. Guest rooms must have a deadbolt lock, a secondary security latch and a wide angle (190-200 degree) door viewer, not to be mounted more than 58 inches from the bottom of the door.

54. Exterior mounted ladders are prohibited except: (1) ladders with a minimum 1/8 inch thick steel plate, securely attached to the ladders edge on each side, and extending to within two inches of the wall for a height of ten feet above ground level. A door and cover must be securely attached to the front of the ladder, and be constructed of minimum 1/8-inch steel, extending from ground level to at least ten feet high. The ladder must have non-removable hinge pins and be locked securely against the side wall by a locking mechanism with a minimum five pin tumbler operation; or (2) the bottom of the ladder must begin ten feet above the ground surface.

55. All pool entrances must be posted with “No Trespassing” signs.

56. Any pool restroom and shower doors must have access control as reviewed and approved by the El Segundo Police Department.

57. Exterior gates leading to the pool must be secured by electronic access control.

58. When a specific project option is selected, the ESPD may require the applicant to comply with more specific requirements as they pertain to: doors/hardware, windows, mailboxes, lighting, landscaping, addressing, stairwells, trash dumpsters, parking, other possible requirements they may pertain to a specific assisted living facility layout (access controls).

Construction Conditions

59. Before any construction occurs the perimeter of the property must be fenced with a minimum 6-foot high fence. The fence must be covered with a material approved by the Planning and Building Safety Department to prevent dust from leaving the site.

60. Public sidewalks must remain open at all times.

61. All haul trucks hauling soil, sand, and other loose materials must either be covered or maintain two feet of freeboard.
62. NOx emissions during construction must be reduced by limiting the operation of heavy-duty construction equipment to no more than 5 pieces of equipment at any one time.

63. Staging of construction vehicles and vehicle entry and egress to the site must be approved by the Public Works Department. Temporary construction driveways must be approved by the Public Works Department. Temporary construction driveways must be removed before the City issues a certificate of occupancy.

64. Construction vehicles cannot use any route except the City's designated Truck Routes.

65. The applicant must develop and implement a construction management plan, as approved by the Public Works Department, which includes the following measures recommended by the SCAQMD:

- Configure construction parking to minimize traffic interference.
- Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
- Re-route construction trucks away from congested streets.
- Maintain equipment and vehicles engines in good condition and in proper tune as per manufacturer's specifications and per SCAQMD rules, to minimize dust emissions.
- Suspend use of all construction equipment during second stage smog alerts. Contact SCAQMD at (800) 242-4022 for daily forecasts.
- Use electricity from temporary power poles rather than temporary diesel or gasoline-powered generators.
- Diesel-powered equipment such as booster pumps or generators should be replaced by electric equipment, if feasible.
- Catalytic converters must be installed, if feasible.
- Equipment must be equipped with two-to-four-degree engine time retard or pre-combustion chamber engines.
- Use methanol or natural gas powered mobile equipment and pile drivers instead of diesel if readily available at competitive prices.
- Use propane or butane powered on-site mobile equipment instead of gasoline if readily available at competitive prices.

66. During construction and operations, all waste must be disposed in accordance with all applicable laws and regulations. Toxic wastes
must be discarded at a licensed, regulated disposal site by a licensed waste hauler.

67. All leaks, drips and spills occurring during construction must be cleaned up promptly and in compliance with all applicable laws and regulations to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

68. If materials spills occur, they must be cleaned up in a way that will not affect the storm drain system.

69. The project must comply with ESMC Chapter 5-4, which establishes storm water and urban pollution controls.

70. Before anticipated rainfall, construction dumpsters must be covered with tarps or plastic sheeting.

71. Inspections of the project site before and after storm events must be conducted to determine whether Best Management Practices have been implemented to reduce pollutant loadings identified in the Storm Water Prevention Plan.

72. The owner or contractor must conduct daily street sweeping and truck wheel cleaning to prevent dirt in the storm drain system.

73. Storm drain system must be safeguarded at all times during construction.

74. All diesel equipment must be operated with closed engine doors and must be equipped with factory-recommended mufflers.

75. Electrical power must be used to run air compressors and similar power tools.

76. The applicant must provide a telephone number for local residents to call to submit complaints associated with the construction noise. The number must be posted on the project site and must be easily viewed from adjacent public areas.

77. During construction, the contractor must store and maintain equipment as far as possible from adjacent residential property locations northwest of the site.

78. As stated in ESMC Chapter 7-2, construction related noise is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through
Saturday, and prohibited at anytime on Sunday or a Federal holiday.

Impact Fee Conditions

79. Pursuant to ESMC §§ 15-27A-1, et seq., and before building permits are issued, the applicant must pay a one-time library services mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No. 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.

80. Pursuant to ESMC §§ 15-27A-1, et seq., and before building permits are issued, the applicant must pay a one-time fire services mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.

81. Pursuant to ESMC §§ 15-27A-1, et seq., and before building permits are issued, the applicant must pay a one-time police services mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No. 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.

82. Pursuant to ESMC §§ 15-27A-1, et seq., and before building permits are issued, the applicant must pay a one-time park services mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No. 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.

83. Before building permits are issued, the applicant must pay the required sewer connection fees (as specified in ESMC Title 12-3).

84. Pursuant to ESMC §§ 15-27A-1, et seq., and before the City issues a certificate of occupancy, the applicant must pay a one time traffic mitigation fee in accordance with Section 5.4 of the Development Agreement and Resolution No. 4443.

85. Before building permits are issued, the applicant must pay the required School Fees. This condition does not limit the applicant's ability to appeal or protest the payment of these fees to the school districts(s).
86. The tentative map will expire pursuant to Government Code § 66452.6 and ESMC § 14-1-12.

87. The El Segundo Unified School District, agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney’s fees), injuries, or liability, arising from the City’s approval of Environmental Assessment No. 890, General Plan Amendment No. 10-03, Specific Plan No. 10-03, Zone Change No. 10-01, Zone Text Amendment No. 10-06, Development Agreement No. 10-02, and Subdivision No. 10-01. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of Environmental Assessment No. 890, the El Segundo Unified School District, agrees to defend the City (at the City’s request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo’s elected officials, appointed officials, officers, and employees.

By signing this document, Geoff Yantz on behalf of the El Segundo Unified School District., certifies that they have read, understood, and agree to the Project Conditions listed in this document.

Geoff Yantz, Superintendent
El Segundo Unified School District
City Council Exhibit 4

Fourth Quarter 2009 LAX Noise Contour Map
Los Angeles Unified School District, Plaintiff

vs.

CITY-OF LOS ANGELES, and DOES 1 through 100, inclusive, Defendants
ATTORNEYS FOR DEFENDANT, CITY OF LOS ANGELES

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

LOS ANGELES UNIFIED SCHOOL DISTRICT,

Plaintiff,

vs.

CITY OF LOS ANGELES, and DOES 1 through 100, inclusive,

Defendants.

INGLEWOOD UNIFIED SCHOOL DISTRICT,

Plaintiff,

vs.

CITY OF LOS ANGELES, and DOES 1 through 100, inclusive,

Defendants.

CENTINELA VALLEY UNION HIGH SCHOOL DISTRICT,

Plaintiff,

vs.

CITY OF LOS ANGELES, and DOES 1 through 100, inclusive,

Defendants.

AMENDED JUDGMENT AND FINAL ORDER IN CONDEMNATION

NO. 965,067

RECORDED IN OFFICIAL RECORDS OF LOS ANGELES COUNTY, CALIF.

27 Min. Past 11 A.M. JAN 15 1980

Registrator-Recorder

NO. 986,447

NO. 986,442
WHEREAS, the plaintiffs Los Angeles Unified School District, Inglewood Unified School District, Centinela Valley Union High School District, El Segundo Unified School District and Lennox School District have brought these consolidated actions under the theories of inverse condemnation, trespass, nuisance, dangerous condition of public property and negligence against the defendant City of Los Angeles seeking damages for the alleged injuries to plaintiffs' real property and interference with plaintiffs' educational programs caused by noise, vibrations and fumes emanating from the jet aircraft using defendant's Los Angeles International Airport facility; and

WHEREAS, the plaintiffs allege that the landing and takeoff operations of the jet aircraft using the Los Angeles International Airport facility have caused substantial levels of noise, vibrations and fumes to enter and interfere with the quiet enjoyment of
plaintiffs' parcels of real property and the school operations conducted on those certain parcels of plaintiffs' real property set forth in paragraph 1 below; and

WHEREAS, since the year 1970 and for some time prior thereto and continuing to the present, the defendant City of Los Angeles, has owned, operated and maintained the Los Angeles International Airport, and that such ownership, operation and maintenance of said Los Angeles International Airport facility has annually resulted in the landing and takeoff of a substantial number of jet aircraft; and

WHEREAS, disposition is now to be made of all claims in this action arising from the alleged taking and damaging of plaintiffs' said parcels of real property by the defendant City of Los Angeles and that the defendant City of Los Angeles is to acquire air easements in plaintiffs' certain parcels of real property; and

WHEREAS, the purpose of the air easements granted hereunder for noise, vibrations and fumes over plaintiffs' certain parcels of real property running to the benefit of defendant City of Los Angeles is for the purpose of resolving all questions between the parties arising out of the defendant City of Los Angeles' operation of that certain facility known as the Los Angeles International Airport and of the consequent overflight or fly-by of jet aircraft with the attendant consequences of noise, vibrations and fumes interfering with plaintiffs' certain parcels of real property; and

WHEREAS, a written stipulation having been duly executed
and filed herein by and between the plaintiffs, LOS ANGELES UNIFIED
SCHOOL DISTRICT, INGLEWOOD UNIFIED SCHOOL DISTRICT, CENTINELA VALLEY
UNION HIGH SCHOOL DISTRICT, EL SEGUNDO UNIFIED SCHOOL DISTRICT and
LENNOX SCHOOL DISTRICT, by and through John H. Larson, County Counsel
and Charles Vinson Tackett, Deputy County Counsel, attorneys of
record for said plaintiffs, and the defendant CITY OF LOS ANGELES, by
and through Burt Fines, City Attorney, Milton N. Sherman, Chief
Assistant City Attorney - Airports Division, and James H. Pearson,
Assistant City Attorney, attorneys of record for said defendant, and
the court being fully advised in the premises;

NOW, THEREFORE, in accordance with said stipulation,
records and files herein, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The plaintiff Los Angeles Unified School District is
the owner of certain parcels of real property operated for school
purposes and commonly described as:

Airport Junior High School 9000 Airport Boulevard
Century Park School Los Angeles, California
Emerson Manor School 10935 South Spinning Avenue
Figueroa Street School Los Angeles, California
John C. Fremont High School 8810 Emerson Avenue
Samuel Gompers Junior High School Los Angeles, California
School

80- 55139 -4-
Bret Harte Junior High School
9301 South Hoover Street
Los Angeles, California

Kentwood School
8401 Emerson Avenue
Los Angeles, California

La Salle Avenue School
8715 La Salle Avenue
Los Angeles, California

Alain Leroy Locke High School
325 East 111th Street
Los Angeles, California

Loyola Village School
8821 Villanova Avenue
Los Angeles, California

Manchester Avenue School
661 West 87th Street
Los Angeles, California

Manhattan Place School
1850 West 96th Street
Los Angeles, California

Horace Mann Junior High School
7001 St. Andrews Place
Los Angeles, California

McKinley Avenue School
14431 Stanford Avenue
Compton, California

Loren Miller School
830 West 77th Street
Los Angeles, California

Ninety-Fifth Street School
1101 West 96th Street
Los Angeles, California

Ninety-Eighth Street School
5431 West 98th Street
Los Angeles, California

Ninety-Ninth Street School
920 East 99th Street
Los Angeles, California

Ninety-Second Street School
9211 Grape Street
Los Angeles, California

Ninety-Seventh Street School
400 West 97th Street
Los Angeles, California

Ninety-Sixth Street School
1477 East 96th Street
Los Angeles, California

Ninety-Third Street School
330 East 93rd Street
Los Angeles, California

One Hundred Ninth Street School
10911 McKinley Avenue
Los Angeles, California

One Hundred Seventh Street School
147 East 107th Street
Los Angeles, California

80-55139
Parmelee Avenue School  
1330 East 76th Place  
Los Angeles, California

Paseo Del Rey School  
7751 Paseo Del Rey  
Playa Del Rey, California

Raymond Avenue School  
7511 Raymond Avenue  
Los Angeles, California

Seventy-Fifth Street School  
142 West 75th Street  
Los Angeles, California

Seventy-Fourth Street School  
2132 West 74th Street  
Los Angeles, California

South Park School  
430 East 85th Street  
Los Angeles, California

George Washington High School  
10860 Denker Avenue  
Los Angeles, California

Westchester High School  
7400 West Manchester Avenue  
Los Angeles, California

Woodcrest School  
1151 West 109th Street  
Los Angeles, California

and legally described as set forth in Exhibit "A" attached hereto and incorporated by reference herein.

The plaintiff Inglewood Unified School District is the owner of certain parcels of real property operated for school purposes and commonly described as:

Hudnall Elementary School  
331 West Olive Street  
Inglewood, California

Inglewood High School  
231 South Grevillea Avenue  
Inglewood, California

William E. Kelso Elementary School  
809 East Kelso Street  
Inglewood, California

Kelso Children Center  
817 East Kelso Street  
Inglewood, California
Crozier Junior High School 151 North Gravillea Avenue Inglewood, California
Center Park School 11101 Yukon Avenue Inglewood, California
Warren Lane Elementary School 9330 South Eighth Avenue Inglewood, California
Monroe Junior High School 10711 Tenth Avenue Inglewood, California
Morningside High School 10500 South Yukon Avenue Inglewood, California
Oak Street Elementary School 633 South Oak Street Inglewood, California
Payne Elementary School 215 West Ninety-Fourth Street Inglewood, California
Woodworth Elementary School 3200 West 104th Street Inglewood, California
Orthopedic Unit 10409 Tenth Avenue Inglewood, California
Education Center 401 South Inglewood Avenue Inglewood, California

and legally described as set forth in Exhibit "B" attached hereto and incorporated by reference herein.

The plaintiff Centinela Valley Union High School District is the owner of a certain parcel of real property operated for school purposes and commonly described as:

Lennox High School 11033 South Buford Avenue
Lennox, California

and legally described as set forth in Exhibit "C" attached hereto and incorporated by reference herein.
The plaintiff El Segundo Unified School District is the owner of certain parcels of real property operated for school purposes and commonly described as:

Administrative Office
Center Street School
Imperial School
Richmond Street School
Junior High School
High School
Ada L. Jones Work Training Center
Development Center for Handicapped Minors
Curriculum Materials Laboratory

203 Richmond Street
El Segundo, California
700 Center Street
El Segundo, California
540 Imperial Avenue
El Segundo, California
615 Richmond Street
El Segundo, California
332 Center Street
El Segundo, California
640 Main Street
El Segundo, California
901 Hillcrest Street
El Segundo, California
√759 Acacia Street
El Segundo, California
219 Franklin Avenue
El Segundo, California

and legally described as set forth in Exhibit "D" attached hereto and incorporated by reference herein.

The plaintiff Lennox School District is the owner of certain parcels of real property operated for school purposes and commonly described as:

Buford Avenue School
Felton Avenue Intermediate School

4919 West 109th Street
Inglewood, California
10417 Felton Avenue
Inglewood, California
Jefferson School
10322 Condon Avenue
Inglewood, California

Larch Avenue School
11200 Larch Avenue
Inglewood, California

Whelan School
4125 West 105th Street
Inglewood, California

and legally described as set forth in Exhibit "E" attached hereto and incorporated by reference herein.
2. The defendant City of Los Angeles is the owner of certain parcels of real property operated by it for airport purposes under the name Los Angeles International Airport, and bearing the commonly known address for administrative purposes of 1 World Way, Los Angeles, California.

3. In determining the nature and extent of the air easements to be granted to defendant pursuant to this Judgment and Final Order, it is necessary that the description of such air easements be made in quantitative engineering terms setting forth specific levels of noise exposure that will be permitted within the scope of the air easements. The criterion or quantitative measure of noise exposure used for the purpose of describing and establishing the air easements granted herein shall be the Community Noise Equivalent Level (CNEL) methodology as authorized by Article 3, Chapter 4, Part 1, Division 9, Public Utilities Code of the State of California and as contained in the California Administrative Code, Title 4, Subchapter 6, Noise Standards. Said noise standards are those in effect on June 2nd, 1975. The CNEL values for the air easements shall be measured, calculated and established by the procedures contained in the "Statement of Procedures for Determining CNEL and any Surcharge Thereon" which is attached hereto as Exhibit "F" and made a part hereof. Further, the procedures and information that are to be used to determine actual CNEL values at each of the individual parcels of real property are set forth in said Exhibit "F." In the event there is a claimed surcharge on one or more of the easements granted herein, the parties shall use only the procedures set forth in Exhibit "F" to determine the
validity of such claim. Vibration and fume levels are not quantitatively described for the purpose of the distribution of the air easements but it is agreed that those levels of vibration and fumes which accompany the agreed-to CNEL values shall not be a burden of the easements.

4. The defendant City of Los Angeles does acquire by this Judgment and Final Order air easements as follows:

a. An air easement for the use of all of the air space over or through each of the parcels of real property of the plaintiffs as set forth in Paragraph 1 of this Judgment and Final Order and legally described in Exhibits "A" through "E" attached hereto and made a part hereof. Such air easements shall be for air navigation purposes including landing and takeoff operations such that the Community Noise Equivalent Levels experienced at the site of each of the several parcels of property of the plaintiffs shall not exceed the respective values set forth in the fourth column entitled Maximum CNEL, db, of Table I attached to and made a part of Exhibit "F" or as modified by those values contained in Table II of said Exhibit "F" should the defendant exercise the option set forth below in this subparagraph a. If the defendant burdens or surcharges the easement at any given site of plaintiffs' properties, it shall only be a surcharge to that individual site. However, the defendant may in the future deem it necessary to modify the distribution of aircraft operations between the two runway complexes.
(South Complex Runways 25L/7R and 25R/7L and North Complex Runways 24L/6R and 24R/6L) by attempting more evenly to balance the number of such operations conducted to and from each runway complex. The defendant shall have the option to so modify its operations in the future and shall be awarded the easements necessary to accommodate such more balanced operations. In the event the defendant exercises this option, the air easements at each of the several parcels of property of the plaintiffs shall not exceed the respective values set forth in the fourth column, entitled Maximum CNEL, db, of Table II attached to and made a part of Exhibit "F." Defendant shall give plaintiffs sixty (60) days' notice in writing of its intention to exercise this option. If the defendant exercises the option as set forth above, that exercise shall represent an irrevocable determination of the easements granted herein and defendant shall not be allowed to return to the easements as set forth in Table I attached to and made a part of Exhibit "F."

b. The easements granted herein specifically exclude the operation at Los Angeles International Airport of (1) supersonic transport category aircraft; and (2) any new type or class of aircraft manufactured after January 1, 1974 that exceed the noise standards in effect on June 24, 1975 for the issuance of type certificates for subsonic transport category aircraft in Title 14, Code of Federal Regulations, Chapter 1, Part 36, or in the International Standards and Recommended Practices - Aircraft Noise pursuant to Annex 16,
Part II of the International Civil Aviation Organization (ICAO).

If such type or class of aircraft is authorized to operate at Los Angeles International Airport without approval of the defendant, plaintiffs prior to initiating any action alleging a surcharge of the easements granted herein shall join defendant in seeking to bar such operations by all appropriate judicial means. Further, the parties shall seek indemnification and/or damages from the authorizing authority prior to resolving any claims for alleged surcharge.

5. The fair market value of the air easements being acquired by the defendant City of Los Angeles over plaintiffs' certain parcels of real property is $20,942,298.00.

6. The air easements acquired herein by defendant City of Los Angeles are to be interpreted, for purposes of any claimed surcharge of the air easements, using the standard of reasonableness. Exhibit "F" attached hereto establishes 0.5 db as the minimum deviation necessary to be exceeded before a surcharge can be claimed.

7. From time to time, repairs, improvements and construction on the Airport site and other operational requirements may cause deviations from the easements granted herein. Such deviations are to be temporary and not permanent and any and all repairs, improvements and construction or other operational requirements shall be carried on in a diligent manner so as to minimize any temporarily increased noise impact resulting from such repairs, improvements and construction or other operational
requirements. It is anticipated that the defendant will in the future perform extensive construction modifications to the south runways (Runways 25L/7R and 25R/7L) and the Sepulveda tunnel. Such construction will require the closure of both runways, however not at the same time. While each of the south runways is closed, additional traffic by necessity will be placed upon the north runways (Runways 24L/6R and 24R/6L). The overall construction period is scheduled to encompass several months and shall be recognized as a deviation within the provisions of this Judgment and Final Order.

8. The air easements awarded herein to the City of Los Angeles shall extend to any new schools constructed or additions to existing schools by the various school districts represented in the suit and the respective plaintiff school districts have the responsibility to so construct such new facilities in such a manner as to exclude in the classroom any objectionable levels of noise created by the operation of the defendant's Los Angeles International Airport to the extent of the easements granted herein. The extent of any such air easements applicable to such new schools shall be mutually determined by the parties hereto using the procedures set forth in Exhibit "F."

9. Upon payment of the total sum of $20,942,298.00 to the Clerk of this Court for the benefit of the plaintiffs, the defendant City of Los Angeles shall be awarded the air easements described herein. Said total sum shall be distributed by the Clerk of the Court in warrants as follows:
TO: LOS ANGELES UNIFIED SCHOOL DISTRICT
    c/o John H. Larson, County Counsel and Charles
    Vinson Tackett, Deputy County Counsel the
    sum of $10,257,957.40.

TO: INGLEWOOD UNIFIED SCHOOL DISTRICT
    c/o John H. Larson, County Counsel and Charles
    Vinson Tackett, Deputy County Counsel the
    sum of $5,884,733.66.

TO: CENTINELA VALLEY UNION HIGH SCHOOL DISTRICT
    c/o John H. Larson, County Counsel and Charles
    Vinson Tackett, Deputy County Counsel the
    sum of $789,918.91.

TO: EL SEGUNDO UNIFIED SCHOOL DISTRICT
    c/o John H. Larson, County Counsel and Charles
    Vinson Tackett, Deputy County Counsel the
    sum of $1,480,923.36.

TO: LENNOX SCHOOL DISTRICT
    c/o John H. Larson, County Counsel and Charles
    Vinson Tackett, Deputy County Counsel the
    sum of $2,528,764.67.

10. The money paid by the City of Los Angeles for
    the air easements awarded herein shall only be used by the respective
    school districts to complete necessary construction or structural
11. Upon payment of said sum into Court for the benefit of the plaintiffs, all of the claims made by said plaintiffs for property damage and/or the taking of an interest in their respective properties in this action are fully satisfied.

12. The school districts herein are barred forever from bringing additional suits against the City of Los Angeles arising from the use of the air easements respecting operations of jet aircraft to and from and at Los Angeles International Airport under any theory of recovery so long as the City of Los Angeles does not exceed the air easements granted herein.

13. The purpose for which said air easements are condemned is for an airport, a public use authorized by law, and a taking of said property is necessary for such use.

14. The amount to be deposited into Court for the benefit of the plaintiffs as described herein and through the procedures as set forth herein includes all of plaintiffs' attorney fees, litigation costs and interest granted for the plaintiffs and totally satisfies plaintiffs' claim as to property damage or the taking of an interest therein.
15. The date of the taking of the air easements awarded herein shall be deemed to have been on December 8, 1969.

16. The legal descriptions contained in Exhibits "A" through "E" attached hereto are presumed to be correct. If after entry and recordation of this Judgment and Final Order, discrepancies in any legal description are found, this Order may be modified by an order nunc pro tunc to correct the error or errors.

Dated: 1-7-80

WILLIAM P. HOGOBON
Judge of the Superior Court

THIS CERTIFIED COPY IS GIVEN FREE OF CHARGE PURSUANT TO LAW SOLELY UPON THE CONDITION THAT IT IS TO BE USED FOR OFFICIAL BUSINESS AND/OR TO DETERMINE ELIGIBILITY FOR VETERANS BENEFITS.

THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE AND ON RECORD IN MY OFFICE SAME HAVING BEEN FILED AND ENTERED JUDGMENT BOOK PAGE 19 ATTEST JAN 16, 1980

John J. Coughlan, Clerk of the Superior Court for the County of Los Angeles
BY DEPUTY
EXHIBIT 7

RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:

City Clerk
City of El Segundo
350 Main Street
El Segundo, CA

(For benefit of City of El Segundo; No fee
per Government Code § 27383)

DECLARATION OF CONDITIONS AND
RESTRICTIONS AFFECTING REAL PROPERTY

In accordance with Government Code § 27281.5 and other applicable law, the City of El Segundo (“City”) imposes the following conditions(s) and restrictions on the real property owned by _____ (“Owner”) more specifically described in attached Exhibit “A,” which is incorporated by reference (the “Property”):

Use of the Property is burdened by the air easements imposed by Los Angeles Unified School District v. City of Los Angeles, et al., LASC Case No. 965,067 filed January 7, 1980 and recorded as Document No. 80-55139 with the Los Angeles County Recorder’s Office. This restriction runs with the land and binds the Owner and all future purchasers, optionees, lessees and other transferees of the Property, or any subdivision thereof, and their respective successors and assigns.

This restriction is part of and must be inserted into the covenants, conditions and restrictions (“CC&Rs”) affecting the Property required as part of City’s approval of any project constructed on the Property. In addition, although not required by Civil Code §§ 1103, et seq., each prospective tenant of leased residential property within the Project must also be notified as required by this condition and restriction.

All notices must provide as follows:

“NOTICE OF AIR EASEMENTS – This property is subject to air easements that may affect your property rights. Such air easements are recorded with the Los Angeles County Recorder’s Office as Document No. 80-55139.”
NOTICE OF AIRPORT IN VICINITY – This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (e.g., noise, vibration, soot, or odors). Individual sensitivities to those annoyances can vary from person to person. The property is within the 65 db CNEL noise contour. The property is required to achieve an interior noise of not more than 45 db CNEL. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.”

Owner(s) hereby agree(s) to this condition being recorded.

OWNER(s)

______________________________

By: ______________________________

(Print name here)

Date: ____________________________

By: ______________________________

______________________________

(Print name here)

Date: ____________________________

CITY OF EL SEGUNDO

By: ______________________________

Greg Carpenter,
Interim City Manager

Date: ____________________________

(*Note: All signatures to be notarized)
EXHIBIT "A"

(complete legal description)
EXHIBIT 8

El Segundo City Council

El Segundo Unified School District

Re: Key card study

Park Vista Senior Facility

We have listened to a lot of discussion about our new key card system and read many letters with various complaints. It is to be expected that when there is change issues will arise that we "didn't" anticipate. In this case there were many so we were asked to re-think the policy the board adopted.

There are many issues associated with the change that we reviewed but our recommendation was made primarily on the basis of our desire to be understanding of the feelings and fears of the residents of Park Vista.

Having said that we would like to express a STRONG opinion about a need we believe our senior community has. It is evident to us on the board that this key issue was motivated to a large degree by the need for many of the residents to have additional assistance on a regular basis from family and friends. We are not in a position to judge whether that need goes beyond the need in an "active" verses "assisted" senior living situation. We would like to believe that the desire to help by these family members is the same kind of caring that the citizens of our community showed when they built this facility in 1982!

That belief doesn't change our opinion that we need to step up to the plate as a community AGAIN and build additional senior housing and some assisted living units in El Segundo. Our population has grown about 20% since this facility was approved and we now have 12% of our residents over 65 and these statistics are probably going to get worse not better.
The best estimate we have from management is that future residents of Park Vista have at least a 3 year wait for an open unit! Our STRONG recommendation is that we get moving on this "yesterday" so that we can provide for the needs of other seniors in our community that now have NOWHERE TO GO!

Thank You,

El Segundo Senior Citizens Housing Corporation

Peter Freeman, President
John Misley, Vice President
Carol Wingate, Secretary
Paula Rotolo, CFO
Robert Widen, Board Member
Martin Stone, Board Member
Samantha Lee, Board Member

Ad-Hoc Committee

Robert A. Widen

Martin Stone

Letter authorized by Senior Housing Board
Wednesday, Oct 20, 2010
City of El Segundo

540 EAST IMPERIAL AVENUE
SPECIFIC PLAN PROJECT

Environmental Impact Report
SCH No. 2011071019

Project Case Nos. EA 890, DA10-02, SP10-03, SUB 10-01, ZTA 10-06, ZC 10-01, GPA 10-03

Final EIR

Prepared for
City of El Segundo
Planning and Building and Safety Department
350 Main Street
El Segundo, California 90245

Prepared by
Atkins
12301 Wilshire Boulevard, Suite 430
Los Angeles, California 90025

February 2012
EXHIBIT 9

CITY OF EL SEGUNDO
540 EAST IMPERIAL AVENUE
SPECIFIC PLAN PROJECT
Environmental Impact Report

SCH No. 2011071019
Project Case Nos. EA 890, DA10-02, SP10-03, SUB 10-01,
ZTA 10-06, ZC 10-01, GPA 10-03

Errata

Prepared for
City of El Segundo
Planning and Building and Safety Department
350 Main Street
El Segundo, California 90245
The Draft Environmental Impact Report (DEIR) for the 540 East Imperial Avenue Specific Plan Project (Proposed Project) was circulated for public review from November 3, 2011 through December 19, 2011. During public review, the City of El Seguno received one written comment letter on the DEIR from a public agency, the State of California Native American Heritage Commission (NAHC). The agency did not challenge the environmental findings or the recommended mitigation measures of the DEIR. As required by CEQA a full response to all public comments received during the comment period was prepared as part of the Final Environmental Impact Report (FEIR). Subsequent to the preparation of the FEIR, in accordance with the Public Utilities Code (PUC) §21676, the proposed project went before the Airport Land Use Commission (ALUC) (the LA County Planning Commission) to determine compatibility with the adopted Airport Land Use Plan and on February 22, 2012, the ALUC adopted a resolution making findings of consistency with the Airport Land Use Plan. Although the findings of consistency were adopted, the ALUC expressed concerns about potential litigation relating to the adoption of the proposed resolution and potential existing and future noise impacts. The Commission asked for a waiver for the right to sue, however, the City of El Segundo cannot legally require successors in interest to waive their rights to sue. In an effort to provide greater clarification in the documents of record, the El Segundo Unified School District (ESUSD), their representatives, and City of El Segundo staff agreed to provide greater clarification within mitigation measure MM 4.3-7 regarding disclosure of noise impacts, the mitigation of interior noise levels to 45 db CNEL, and the applicability of restrictive covenants that are binding to the property and transferable to all subsequent purchasers.

Based on the whole record, it is found that the comments received do not raise any new potentially significant environmental impacts. However, in response to the comments received, the City of El Segundo, ESUSD and their representatives have decided to provide clarification to mitigation measure MM 4.3-7 as follows:

**MM4.3-7**

In accordance with the Business and Professions Code and Civil Code each prospective purchaser of residential property within the Project and all subsequent purchasers must be notified as follows:

- NOTICE OF AIRPORT IN VICINITY—This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (e.g., noise, vibration, spot, or odors). Individual sensitivities to those annoyances can vary from person to person. The property is within the 65 db CNEL noise contour. The property is required to achieve an interior noise of not more than 45 db CNEL. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

In addition, although not required by Civil Code Sections 1103, et seq., each prospective tenant of leased residential property within the Project must also be notified as described above.
This Errata document has been prepared to address necessary changes to the EIR as a result of the change in mitigation measure MM4.3-7. No new significant impacts were identified as a result of the comments received or the changes to mitigation addressed during preparation of this Errata.
EXHIBIT 10 – PROJECT PLANS

AVAILABLE IN THE CITY CLERK’S OFFICE