



PLANNING COMMISSION AGENDA

DATE: Thursday, January 9, 2020

TIME: 5:30 p.m.

PLACE: City Council Chambers, City Hall
350 Main Street
El Segundo, California 90245-0989

VIDEO: El Segundo Cable Channel 3 (Live).
Replayed Friday following Thursday's meeting
at 1:00 pm and 7:00 pm on Channel 3.
(Schedule subject to change)

All files related to this agenda are available for public review in the Planning Division office, Monday through Thursday 7:00 am to 5:00 pm and alternating Fridays until 4:00 pm beginning at 7:00 am Monday prior to the Planning Commission meeting.

The Planning Commission, with certain statutory exceptions, can only take action upon properly posted and listed agenda items.

Unless otherwise noted in the Agenda, the public can only comment on City-related business that is within the subject-matter jurisdiction of the Planning Commission and items listed on the Agenda during the Public Communications portion of the meeting. Additionally, the public can comment on any public hearing item on the Agenda during the public hearing portion of such item. The time limit for comments is generally five minutes per person.

Playing of video tapes or use of visual aids may be permitted during meetings if they are submitted to the Planning and Building Safety Director a minimum of two working days before the meeting and they do not exceed five minutes in length. Written materials distributed to the Planning Commission within 72 hours of the Planning Commission meeting are available for public inspection immediately upon distribution in the City Clerk's office and on the City's website, www.elsegundo.org.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact City Clerk, (310) 524-2307. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

- A. **Call to Order**
- B. **Pledge of Allegiance**
- C. **Roll Call**
- D. **Public Communications** (Related to City Business only and for which the Planning Commission is responsible—5 minutes per person; 30 minutes total).

Individuals who received value of \$50 or more to communicate to the Planning Commission on another's behalf, and employees speaking on their employer's behalf, must so identify themselves before addressing the Commission. Failure to do so is a misdemeanor. While all comments are welcome, the Brown Act does not allow the Commission to take action on any item not on the agenda. The Commission may respond to comments after public communications is closed.

E. **Consent Calendar**

All items are to be adopted by one motion without discussion. If a request for discussion of an item is made, the items should be considered individually under the next Agenda heading.

None.

F. **Call items from Consent Calendar**

G. **Written Communications** (other than what is included in Agenda packets)

H. **New Business—Public Hearing**

1. **EA 1207 – Tentative Map Extension**

Project Address: 224 Whiting Street

Applicant: Stacy Straus on behalf of Debra L Kordner for LCAP II, LLC

Project Description: A request for a one-year extension of Tentative Map No. 74692 involving the construction of three residential condominium units.

Environmental Determination: The project is categorically exempt from the requirements of the California Environmental Quality Act as a Class 3 exemption (New Construction) involving new construction of a multifamily residential structure totaling not more than four dwelling units, and as a Class 32 exemption (Infill Development) for infill projects consistent with the applicable General Plan designation and General Plan policies as well as the applicable zoning designation and regulations on a site that is less than 5 acres in size.

RECOMMENDED ACTION: That the Planning Commission: (1) open the public hearing and take documentary and testimonial evidence; (2) after considering the evidence adopt Resolution No. 2879; and/or (3) discuss and take any other action related to this item.

2. EA 1154 – Amendment to Specific Plan, Conditions of Approval, and Development Agreement.

Project Address: 540 E. Imperial Highway

Applicant: D. R. Horton CA2, Inc.

Project Description: Request for approval of approval of an amendment to 540 East Imperial Specific Plan (SP 16-01), the conditions of approval, and a Second Amendment to Development Agreement DA 16-01, amending the requirement that the developer provide six affordable units within the residential development by allowing the developer to pay an in-lieu fee of \$5.3 million dollars to the City for affordable housing purposes.

Environmental Determination: An Addendum to the Environmental Impact Report (EIR) for the development project was certified by the City Council on September 28, 2016. The requested revision to the affordable housing requirement does not introduce new significant environmental effects or substantially increase the severity of the environmental impacts that previously were identified and analyzed in the certified EIR Addendum. Additionally, the project does not include changed circumstances or new information, which were not known when the EIR was certified, that would require the preparation of a subsequent environmental analysis pursuant to CEQA Guidelines.

RECOMMENDED ACTION: That the Planning Commission: (1) open the public hearing and take documentary and testimonial evidence; (2) after considering the evidence adopt Resolution No. 2880; and/or (3) discuss and take any other action related to this item.

I. Continued Business—Public Hearing.

None.

J. Election of Officers for 2020

K. Report from Planning and Building Safety Director or designee

L. Planning Commissioners' Comments

M. Adjournment—next meeting scheduled for January 23, 2020, 5:30 pm.

POSTED: _____
(Signature) (Date and time)

**EL SEGUNDO PLANNING COMMISSION
AGENDA STATEMENT**

MEETING DATE: January 9, 2020
AGENDA HEADING: New Business


A request for a one-year extension of Tentative Map No. 74692 involving the construction of three residential condominium units. The project site is at 224 Whiting Street, in the Multi-Family Residential (R-3) zone. The applicant is: Stacy Straus on behalf of Debra L. Kordner for LCAP II, LLC.

RECOMMENDATION

Adopt Resolution No. 2879 (Exhibit A) approving a one-year time extension for previously-approved Environmental Assessment No. EA-1207, Adjustment No. ADJ 17-06, Subdivision No. SUB 17-05 for Vesting Tentative Parcel Map No. VTPM 74692.

PREPARED BY: Maria Baldenegro, Assistant Planner 

REVIEWED BY: Gregg McClain, Planning Manager 

APPROVED BY: Sam Lee, Director of Planning and Building Safety 

INTRODUCTION

On December 14, 2017, the Planning Commission approved EA-1207, Adjustment No. 17-06, and Subdivision No. SUB 17-05 for Vesting Tentative Parcel Map No.74692 to allow the construction of three residential condominium units with a semi-subterranean parking level at 224 Whiting Street.

Under the City’s code and state law, the City’s approval of a Tentative Map expires two years after the date the map was approved (ESMC § 14-1-12). If a Tentative Map expires before a final map is approved, then the developer’s development rights also expire (ESMC § 14-2-3). The City’s code allows developers to request extensions of time for their approved tentative maps up to one year (for a maximum total of five years), provided they submit their extension application before the map expires (ESMC § 14-1-12). The expiration date was on December 14, 2019, and the request for an extension was submitted on October 29, 2019. The City may condition or deny an extension if:

1. The proposed map is not consistent with applicable general and specific plans as specified in section 65451 of the California Government Code.
2. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. The site is not physically suitable for the type of development.
4. The site is not physically suitable for the proposed density of development.

5. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the subdivision or type of improvements are likely to cause serious public health problems.
7. The design of the subdivision or type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Because the applicant submitted a request for an extension before the map was due to expire, and staff is not aware of any reason under the City's code for denial of the extension, staff recommends the Planning Commission approve a one-year extension.

INTER-DEPARTMENTAL COMMENTS

The original project application and plans were circulated to all departments and all comments were incorporated as conditions of approval in Resolution No. 2879. Staff has circulated this extension-request to all departments and no additional comments were received.

ENVIRONMENTAL REVIEW

The proposed project was analyzed for its environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, "CEQA Guidelines"). The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15303 as a Class 3 exemption (New Construction) involving new construction of a multifamily residential structure totaling not more than four dwelling units, and § 15332 as a Class 32 exemption (Infill Development) for infill projects consistent with the applicable General Plan designation and General Plan policies as well as the applicable zoning designation and regulations on a site that is less than 5 acres in size. The proposed project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality and the site has no value as habitat for endangered, rare, or threatened species. Additionally, there are adequate utilities, public services and facilities available to serve the project.

ATTACHMENTS

1. Draft Planning Commission Resolution No. 2879
2. Planning Commission Staff Report Dated December 14, 2017
3. Planning Commission Resolution No. 2832
4. Approval Letter for Adjustment No. ADJ 17-06.
5. Vesting Tentative Parcel Map No. VTPM 74692

RESOLUTION NO. 2879

A RESOLUTION APPROVING A ONE-YEAR EXTENSION TO VESTING TENTATIVE PARCEL MAP NO. 74692 TO ALLOW THE CONSTRUCTION OF A THREE-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 224 WHITING STREET (PREVIOUSLY APPROVED AS EA-1207 AND SUBDIVISION NO. SUB 17-05).

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

SECTION 1: The Planning Commission finds and declares that:

- A. On December 14, 2017 the Planning Commission approved Vesting Tentative Parcel Map No. 74692 to allow the construction of a three-unit residential condominium development at 224 Whiting Street;
- B. Per the Subdivision Map Act, the tentative map for the Project was due to expire on December 14, 2019;
- C. On October 29, 2019, Stacy Straus on behalf of LCAP II, LLC, filed an application for an extension for a one-year extension of Vesting Tentative Parcel Map No. 74692;
- D. The application was reviewed by the City's Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the El Segundo Municipal Code ("ESMC");
- E. In addition, the City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), and regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines");
- F. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before this Commission for January 9, 2020; and
- G. On January 9, 2020, the Commission held a public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Planning Commission by City staff, public testimony, the applicant.

SECTION 2: *Factual Findings.* The Commission finds that the following facts exist:

- A. The project site is located in the Multi-Family Residential (R-3) zone;

- B. The site is approximately 5,722 square feet (40.04 feet by 142.90 feet);
- C. The site currently contains two residential dwelling units and a detached accessory structure;
- D. The surrounding land uses consist of multi-family residential, service, office and retail;
- E. The proposed project consists of one building consisting of three residential dwelling units with six fully-enclosed parking spaces and one visitor parking space;
- F. Vehicular access to the proposed semi-subterranean parking level is from the alley on the east side of the property. An enclosed two-car garage is provided for each residential condominium unit and one visitor parking space is provided adjacent to the alley; and
- G. Each residential dwelling unit will have its own rooftop open space.

SECTION 3: *Environmental Assessment.* The proposed project was analyzed for its 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.*, and “CEQA Guidelines”). The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15303 as a Class 3 exemption (New Construction) involving new construction of a multifamily residential structure totaling not more than 4 dwelling units, and § 15332 as a Class 32 exemption (Infill Development) for infill projects consistent with the applicable General Plan designation and General Plan policies as well as the applicable zoning designation and regulations on a site that is less than 5 acres in size. The project will allow the construction of four residential condominium units and will result in a net increase of three additional residential dwelling units at the site. The proposed project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality and the site has no value as habitat for endangered, rare, or threatened species. Additionally, there are adequate utilities, public services and facilities available to serve the project.

SECTION 4: *General Plan and Zoning.* The proposed project is consistent with the City’s General Plan and the zoning regulations in the ESMC as follows:

- A. The Land Use Designation of the project site is Multi-Family Residential. The Project conforms with Goal 3 of the Housing Element which seeks to provide housing opportunities through new construction, in a variety of locations and densities in accordance with the Land Use Element. The project conforms with Land Use Element Objective LU 3-2, which designates the site for multi-family residential use. Policy 3.1 of the

Housing Element specifies providing for the construction of 69 new housing units during the 2014-2021 timeframe in order to meet the goals of the Regional Housing Needs Assessment. This Project will help facilitate the achievement of this goal by providing a net of three new residential units. The Project is also consistent with Housing Element Goal 4 to remove governmental constraints on housing development and in turn improve the overall quality of housing through the private sector.

- B. The ESMC zoning classification for the project is Multi-Family Residential (R-3), which allows condominium developments in conformance with ESMC Chapter 15-4(C).
- C. The proposed project meets all the site development standards of Chapter 15-4(C) of the ESMC.
- D. The proposed project complies with the applicable provisions of ESMC Chapter 14-1, since proper notification and a public hearing were provided, proper hearing decision and records will be complied with and the required findings will be considered.

SECTION 5: Findings and Approval. The Planning Commission finds that none of the findings stated in Government Code § 66474 that would warrant denial of the extension apply to the present application. Therefore, the Planning Commission approves the first extension to Vesting Tentative Parcel Map No. 74692 so that it will expire on December 14, 2020, subject to the conditions of approval stated in Resolution No. 2832 (adopted by the Planning Commission on January 23, 2020).

SECTION 6: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 7: The Commission Secretary is directed to mail a copy of this Resolution to the applicant and to any other person requesting a copy.

SECTION 8: This Resolution may be appealed within 10 calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 9: Except as provided in Section 8, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

PASSED AND ADOPTED this 9th day of January 2020.

Ryan Baldino, Chairman
City of El Segundo Planning Commission

ATTEST:

Sam Lee, Secretary to the
Planning Commission

Baldino -
Newman -
Wingate -
Hoeschler -
Keldorf -

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

By: _____
David King, Assistant City Attorney

RESOLUTION NO. 2832

TO APPROVE ENVIRONMENTAL ASSESSMENT NO. EA-1207: SUBDIVISION NO. 17-05 FOR VESTING TENTATIVE PARCEL MAP NO. 74692 TO ALLOW THE CONSTRUCTION OF A THREE-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT IN THE MULTI-FAMILY RESIDENTIAL (R-3) ZONE LOCATED AT 224 WHITING STREET.

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 14, 2017, Al Loera, of Loera Designs filed an application for Environmental Assessment No. EA-1207: Subdivision No. 17-05 for Vesting Tentative Parcel Map No. VTPM 74692 to allow the construction of three residential condominium units.
- B. The application was reviewed by the City's 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. On December 14, 2017, the Commission held a public hearing to receive public testimony and other evidence regarding the application; and
- E. The Commission considered the information provided by City staff, public testimony, and the applicant. This Resolution and its findings are made based upon the evidence presented to the Commission at its December 14, 2017 hearing.

SECTION 2: *Factual Findings.* The Commission finds that the following facts exist:

- A. The subject site is located in the Multi-Family Residential (R-3) Zone.
- B. The subject site is approximately 5,722 square feet (40.04 feet by 142.90 feet).

- C. The site currently contains two residential dwelling units and a detached accessory structure.
- D. The surrounding land uses consist of multi-family residential, service, office and retail.
- E. The proposed project consists of one building consisting of three residential dwelling units with six fully-enclosed parking spaces and one visitor parking space.
- F. Vehicular access to the proposed semi-subterranean parking level is from the alley on the east side of the property. An enclosed two-car garage is provided for each residential condominium unit and one visitor parking space is provided adjacent to the alley.
- G. Each residential dwelling unit will have its own rooftop open space.

SECTION 3: Environmental Assessment. Based upon the facts identified in Section 2 of this Resolution and the evidence presented to the Planning Commission at its December 14, 2017 hearing, the proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations Section 15303 as a Class 3 exemption (New Construction) involving new construction of a multifamily residential structure totaling no more than 6 dwelling units in an urbanized area, and Section 15332 as a Class 32 exemption (Infill Development) for infill projects consistent with the applicable General Plan designation and General Plan policies as well as the applicable zoning designation and regulations on a site that is less than 5 acres surrounded by urban uses. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. Furthermore, the site has no value as habitat for endangered, rare, or threatened species, and there are adequate utilities, public services and facilities available to serve the project.

SECTION 4: General Plan and Zoning. The proposed project conforms with the City's General Plan and the zoning regulations in the ESMC as follows:

- A. The Land Use Designation of the project site is Multi-Family Residential. The Project conforms with Goal 3 of the Housing Element which seeks to provide opportunities for new housing construction in a variety of locations and densities in accordance with the Land Use Element. Policy 3.1 of the Housing Element specifies the provision of the construction of 69 new housing units during the 2014-2021 timeframe in order to meet the goals of the Regional Housing Needs Assessment. This Project will help facilitate the achievement of this goal by providing an additional residential unit.

- B. The ESMC zoning classification for the project is Multi-Family Residential (R-3), which allows condominium developments in conformance with ESMC Chapter 15-4(C).
- C. The proposed project complies with the applicable provisions of ESMC Chapter 14-1, since proper notification and a public hearing were provided, proper hearing decision and records will be complied with and the required findings will be considered.
- D. The project is proposed meets all the development standards of Chapter 15-4(C) of the ESMC.

SECTION 5: Subdivision. The Planning Commission cannot make any of the required findings for denial set forth in ESMC §14-1-6 for the following reasons:

1. The proposed map is consistent with the General Plan as specified in Government Code § 65451. As set forth in Section 4, this project meets the goals and objectives of the General Plan.
2. The design of the improvement of the proposed subdivision is consistent with the General Plan. As set forth in Section 4, this project meets the development standards established in the ESMC and the goals and objectives of the General Plan.
3. The site is physically suitable for the type of development and is in the Multi-Family Residential zone. The proposed development meets the zoning development standards, which include but are not limited to, setbacks, height, and landscaping. As set forth in Section 4, this project is suitable for the type of development.
4. The site is physically suitable for the proposed density of development. The proposed project involves the construction of three condominium units. The proposed density is one-unit per 1,907 square feet, which is less than the maximum allowed density of 1,613 square feet per unit in the Multi-Family Residential R-3 Zone.
5. 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 project site is in an urbanized area.
6. The design of the subdivision or type of improvements is unlikely to cause serious public health problems. There is no evidence demonstrating that the proposed development is likely to cause any serious public health problem.

7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The subdivision of the three residential condominium units will not conflict with any known easements located at, or near the property.

SECTION 6: Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Environmental Assessment No. EA-1207: Subdivision No. 17-05 (VTPM 74692).

SECTION 7: Notice of Exemption. The Planning and Building Safety Director or designee, is directed to file a Notice of Exemption in accordance with Public Resources Code §§ 21152 and 21167(f); CEQA Guidelines § 15094; and any other applicable law.

SECTION 8: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 9: The Commission Secretary is directed to mail a copy of this Resolution to Debra L. Korduner of LCAP II, LLC, and to any other person requesting a copy.


SECTION 10: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 11: Except as provided in Section 10, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

PASSED AND ADOPTED this 14th day of December 2017.



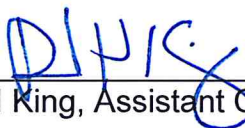
Ryan Baldino, Chairperson
City of El Segundo Planning Commission

ATTEST:


Sam Lee, Secretary

- Baldino - Aye
- Newman - Aye
- Nicol - Aye
- Wingate - Aye
- Hoeschler - Aye

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

By: 

David King, Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO. 2832

Exhibit A

CONDITIONS OF APPROVAL

In addition to all applicable provisions of the El Segundo Municipal Code ("ESMC"), LCAP II, LLC agrees to comply with the following provisions as conditions for the City of El Segundo's approval of Environmental Assessment No. 1207: Subdivision No. 17-05 for Vesting Tentative Map No. 74692, ("Project Conditions"):

Planning Division Conditions

1. Before the City issues a building permit, the applicant must submit plans which show that the Project substantially complies with plans and conditions approved and on file with the Planning and Building Safety Department.
2. Any subsequent modification to the approved Project must be referred to the Planning and Building Safety Director to determine whether Planning Commission approval is required for the proposed modification.
3. All exterior mechanical equipment, including Southern California Edison transformers, must be screened from public view with landscaping or behind a solid material screen.
4. All fire sprinkler system risers, bollards for gas meters and other equipment within front yard area must be fully screened from public view with landscaping. The equipment cannot be placed within the driveway visibility triangle area.
5. The plans must be designed to provide sufficient space to store the necessary containers required for the regular collection of residential solid waste and recyclable materials in multiple bins for each residential dwelling unit. Any cleaning and/or maintenance of refuse at the site must be described within the Project's Covenants, Conditions and Restrictions (CC&R's).
6. A complete Landscape and Irrigation Plan must be submitted for review and approval to the City. The Landscape and Irrigation Plan must have a planting schedule, proposed water budget for the project, and a description of the irrigation system. The proposed Landscape and Irrigation Plan must meet the requirements of ESCMC Section 15-4C-6 regarding Open Space, Section 15-4C-5(I) regarding Landscaping, and Section 15-15A regarding Water Conservation in Landscaping.
7. Prior to the issuance of a Certificate of Occupancy for the project, the applicant must submit to the City a draft copy of the CC&Rs for review by the Planning and

Building Safety Director and the City Attorney. A final conforming copy of the recorded CC&Rs must be submitted to the Planning and Building Safety Director before requesting a Final Certificate of Occupancy for the project from the City.

8. The applicant must incorporate the following items into the Project's CC&Rs, to the satisfaction of the Planning and Building Safety Director, and approved as to form by the City Attorney:
 - a. Any leaks or spills on project driveways must be cleaned on a regular basis from all pavement and landscaped areas;
 - b. Any hazardous waste generated by the project must be removed and disposed of in accord with Los Angeles County requirements.
 - c. CC&Rs must address the project conditions of approval, the management and maintenance of the property, and must specify that no storage is permitted within the required parking spaces and common open space areas consistent with the ESMC.
 - d. The CC&Rs must include a provision notifying dwelling unit residents that a permit is required by the City for operating any home security alarm system, whether audible or monitored by a security company and False Alarm regulations are enforced by the City.

Police Department Conditions

Addressing

9. The street and individual unit addressing shall be a minimum of 4 inches high, visible from the street or driving surface, of contrasting color to the background and directly lit or back lit during hours of darkness.
10. If the addressing has multiple numerical addresses this shall be reflected in the numbering street side.
11. All addressing locations and sizes shall be depicted on the elevation pages and note in the plans how addresses will be illuminated.

Lighting

12. The driveway, driving surface, street addressing, trash dumpsters and guest parking shall be illuminated with a maintained minimum of 1 foot-candle of light on the ground surface during hours of darkness.

13. The front entry doors, mailboxes, aisles, passageways and recesses related to and within all sides of the complex shall be illuminated with a maintained minimum of .25 foot-candles on the ground surface during hours of darkness.
14. Lighting devices shall be enclosed and protected by weather and vandal resistant covers.
15. A photometric study, which includes all of the above, shall be provided prior to issuing the Building Permit.
16. A site plan shall be provided showing buildings, parking areas, walkways, and the point-by-point photometric calculation of the required light levels. Foot-candles shall be measured on a horizontal plane and conform to a uniformity ratio of 4:1 average/minimum.
17. Street lighting shall not be included in the calculations.

Security gates

18. Wrought iron/tubular steel security gates, a minimum of six feet high street side, shall be installed at all pedestrian access points enclosing the walkway/common areas, and have an electric mechanical access control system.
19. There shall be a mesh backing to prevent persons from reaching in and unlocking the door manually.

Mailboxes

20. The mailboxes shall be placed in a secured, central location (i.e. behind the security gate) to provide for natural surveillance. Mailboxes and mail receptacles shall both be locking.

Landscaping

22. All landscaping shall be low profile around perimeter fencing, windows, doors and entryways taking special care not to limit visibility or provide climbing access. Floral or grass ground cover is recommended. Bushes shall be trimmed to 2 to 3 feet and away from buildings. Dense bushes shall not be clumped together; this provides a hiding place for criminal activity. Trees shall be trimmed up to 7 feet.
23. Trees/bushes/shrubs shall not be planted next to or near any light fixture or light standard. When grown to maturity this landscaping will block the light and reduce lighting on the ground surface.

Doors/hardware

24. All entry doors (including entry doors from the garage into the residence) shall be of solid core construction with a minimum thickness of 1 3/4 inches.
25. Front entry doors constructed of glass shall not be permitted in residential applications. Glass panels in the top eighth of the door may be permitted upon submission and review by the Police Department.
26. Front entry doors where windows are set alongside the entry door shall either reverse the swing of the door, OR reverse the position of the window to be opposite the locking mechanism.
27. All entry doors shall have a deadbolt locking device. The deadbolt throw shall have a 1 inch projection. The cylinder guard shall be of case hardened steel, with the outer edge angled or tapered and free spinning. The exterior part of the lock shall be connected to the inside portion of the lock with bolts at least 1/4 inch in diameter and constructed of steel. The locking mechanism shall contain a minimum of a 5-pin tumbler.
28. Front entry doors shall be equipped with a wide-angle (190-200 degrees) door viewer, mounted no more than fifty eight inches from the bottom of the door.
29. Strike plates shall be made with a minimum 16 U.S. gauge steel, bronze or brass and secured to the jamb by a minimum of two screws, off-set and which must penetrate at least 2-3 inches into solid backing beyond the surface to which the strike plate is attached.
30. Double or French doors shall have a secondary locking device, such as a cane or flush bolt in addition to a deadbolt. The inactive leaf of double door(s) shall be equipped with metal flush bolts having a minimum embedment of 5/8 inch into the head and threshold of the door frame.

Building Division Conditions

31. All projects shall comply with the El Segundo Municipal Code, and the 2016 editions of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, and the California Green Building Standards Code.
32. Construction projects must comply with Best Management Practices for construction and storm-water runoff requirements of the National Pollutant Discharge Elimination System MS4 Permit. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger common plan of development or sale must obtain the (SWPPP) Construction Activities Storm Water General Permit.

33. A site-specific soils and geotechnical report must be submitted to Building and Safety Division for review and approval. The report shall comply with the minimum requirements of Chapter 18 of the CBC and shall address the possible sulfate content of the soils.
34. A stamped setback certification by a Licensed Surveyor will be required to certify the location of the new construction in relation to the setbacks prior to the first foundation inspection. A stamped setback certification by a Licensed Surveyor will be required to certify the height of the structures prior to issuance of Certificate of Occupancy.
35. Plans submitted for plan check must be stamped by a State-licensed architect or engineer and shall include:
 - Complete structural calculations, details, notes and material specifications.
 - A stamped and signed Boundary and Topographic survey by a California licensed Land Surveyor.
 - A complete grading and drainage plan showing compliance with the Los Angeles Regional Water Quality Control Board (LARWQCB) Low Impact Development (LID) requirement. The Los Angeles County LID Manual may be used as a guideline for preparing the LID report.
 - Hydrology report along with hydraulic calculations.
 - Complete energy calculations and compliance certificates, details, notes, and material specifications.
 - Plans showing compliance with California Green Building Standards Code requirements including but not limited to: Indoor and Outdoor water use and light pollution reduction.
36. Prior to issuance of permits, the 30-day excavation notification to adjacent property owners shall be provided as required by California Civil Code Section 832.
37. A Maintenance of Building Covenant, recorded at the Los Angeles County Registrar-Recorder may be required for proposed subterranean walls providing support to structures on adjacent properties.
38. Shoring plans prepared by a California licensed Civil or Structural Engineer shall be submitted for a separate plan check. The plans shall detail methods for performing and supporting temporary excavations in accordance with the geotechnical report referenced above. All shoring and sub drain elements shall be located solely on the subject side of adjacent property lines.

39. Applicant shall submit a request to the Planning Division for issuance of new street addresses. Approved building addresses to be labeled on the plans submitted for plan check.
40. Applicant shall pay all development fees, including school district developer fees, prior to issuance of building permits.

Public Works Department Conditions

41. The applicant shall ensure that encroachment permits required by the City are secured from the Public Works Department before commencing any and all work in the public right-of-way (ROW), including lane closures.
42. Construction inspection shall be coordinated with the Public Works inspector and no construction shall deviate from the approved plans without City approval. If plan deviations are necessary, the applicant shall provide a revised plan or details of the proposed change for review by the Public Works Department. Changes shall be made in the field only after approval by the City Engineer.
43. Prior to issuing of the certificate of occupancy, the applicant shall ensure installation of all improvements required by the Public Works Department, including but not limited to streets and utilities, are complete and inspected by the Public Works inspector.
44. All construction-related parking shall be accommodated on-site. No construction related parking shall be permitted off-site.
45. A grading and drainage plan shall be provided and stamped by a registered civil engineer as part of the Building permit process.
46. A utility plan shall be provided that shows all existing and proposed utility lines and their sizes (sewer, water, gas, storm drain, electrical, etc.) including easements, around the project site.

Street Improvements & Traffic Control

47. All new sidewalk shall be constructed per the latest Standard Plans for Public Works Construction (SPPWC) and City standards. New sidewalk width to match adjacent sidewalk width.
48. All unused driveways shall be closed off with full-height curb and sidewalk per SPPWC standards and City standards.

49. PG-64-10 tack coat and hot mix asphalt shall be used for all slot paving required next to new concrete installations. Slot paving shall be 3 feet wide and 1 foot deep, consisting of 6 inches of asphalt over 6 inches of base.
50. The work schedule on major arterial streets shall be Monday through Friday from 9am to 3pm, except holidays. Work schedule in all other areas shall be Monday through Friday from 7am to 4pm, except holidays. Contractor shall obtain prior approval from the city for performing night work. No weekend work is allowed unless given prior approval from the City.
51. Once the improvements are accepted by the City as public rights-of-way, they are not to be used for staging building construction activities, including but not limited to, storage of construction materials and equipment. The street and sidewalks shall be kept free of construction debris, mud and other obstacles and shall remain open to traffic at all times. The applicant shall bear the entire cost of replacement or repair to any damage to improvements caused by its use, or its Contractors' and Subcontractors' use, of the improvements after acceptance by the City.

Sewer

52. The sewer connection fee for this project must be paid to the City of El Segundo Public Works Department.
53. Any unused sanitary sewer laterals shall be abandoned and properly capped at the City main. The Contractor is to obtain necessary permits and licenses, and provide traffic control plans and shoring plans.

Fire Department Conditions

54. The applicant must comply with the applicable requirements of the 2016 California Building and Fire Codes and the 2015 International Fire Code as adopted by the City of El Segundo and El Segundo Fire Department Regulations.

Service Fees

55. Pursuant to ESMC §§ 15-27A-1, *et seq.*, and before building permits are issued, the applicant must pay the Development Impact Fees adopted by the City for police, fire, library and park facilities, in accordance with Resolution No. 4687. The fee amount must be based upon the adopted fee at the time the building permit is issued.
56. Pursuant to ESMC §§ 15-27A-1, *et seq.*, and before requesting a final for the building permit the applicant must pay a one-time traffic mitigation fee in accordance with Resolution No. 4443.

57. Before building permits are issued, the applicant must pay the required sewer connection fees for the increase in dwelling units on the property (as specified in ESMC Title 12-3).
58. 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 district(s).

Construction Conditions

59. The applicant must keep soil stockpiled for two days or more covered, moist, or treated with soil binders to prevent dust generation.
60. The applicant must cover or maintain two feet of free board on any stock pile of debris, dirt or rusty materials on-site.
61. All haul trucks hauling soil, sand, and other loose materials must either be covered or maintain two feet of freeboard.
62. The owner or contractor must conduct daily street sweeping and truck wheel cleaning to prevent dirt in the storm drain system.
63. During clearing, grading, earth moving, excavation or transportation of cut or fill materials, streets and sidewalks within 150 feet of the site perimeter must be swept and cleaned a minimum of twice weekly.
64. All diesel equipment must be operated with closed engine doors and must be equipped with factory-recommended mufflers.
65. 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.
66. All construction related parking must be accommodated on-site. No construction parking will be permitted off-site.

Miscellaneous Conditions

67. The vesting tentative parcel map expires 24 months after approval or conditional approval, but may be extended for a period not to exceed 12 months pursuant to Government Code § 66452.6 and ESMC § 14-2-3. The development rights expire when the vesting tentative map expires unless a final map is approved before the expiration date. Once the final map is approved, the development rights remain

valid for one year pursuant to ESMC § 14-2-3(B) and may be extended for one year pursuant to ESMC § 14-2-3(D).

68. Before recordation of the Final Map, the applicant must submit the Covenants, Conditions and Restrictions (CC&R's) to the City for review. The CC&Rs must be approved by the Planning and Building Safety Director and approved as to form by the City Attorney and the Final Map requires City Council approval before recordation with the Los Angeles County Department of Public Works. The Applicant must pay for all fees incurred by the City as a result of the City Attorney's review of the CC&Rs before the Final map is approved for recordation with the Los Angeles County Department of Public Works, and before the City issues a certificate of occupancy.
69. The owner 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. EA-1207 and Subdivision No. 17-05 (VTPM 74692). 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. EA-1207 and Subdivision No. 17-05 (VTPM 74692). The owner 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, Debra L. Korduner, on behalf of LCAP II, LLC ("owner"), certifies that she has read, understood, and agreed to the Project Conditions listed in this document.

Debra L. Korduner 2/22/18
Debra L. Korduner, Manager Date
LCAP II, LLC

Hal Lashlee 2/22/18
Hal Lashlee, Manager Date
LCAP II, LLC



City of El Segundo

Planning & Building Safety Department

Elected Officials:

*Suzanne Fuentes,
Mayor*

*Drew Boyles,
Mayor Pro Tem*

*Michael Dugan,
Council Member*

*Carol Pirsztuk,
Council Member*

*Dr. Don Brann,
Council Member*

*Tracy Weaver,
City Clerk*

*Crista Binder,
City Treasurer*

Appointed Officials:

*Greg Carpenter,
City Manager*

*Mark D. Hensley,
City Attorney*

Department Directors:

*Joseph Lillio,
Finance*

*Chris Donovan,
Fire Chief*

*Mayra Houston,
Interim Human Resources*

*Debra Brighton,
Library Services*

*Sam Lee,
Planning and
Building Safety*

*Bill Whalen,
Police Chief*

*Ken Berkman,
Interim Public Works*

*Meredith Petit,
Recreation & Parks*

November 14, 2017

LCAP II, LLC
Attn: Debra L. Korduner
8391 Beverly Blvd. Suite 467
Los Angeles, CA 90048

RE: Environmental Assessment No. EA-1207: Subdivision No
SUB 17-05 and Adjustment No. ADJ 17-06.

Dear Ms. Korduner:

In accordance with El Segundo Municipal Code (ESMC) Sections 15-24-3, the Director of Planning and Building Safety held a hearing on November 14, 2017 to consider an Adjustment request for:

1. A reduction in required width for six on-site parking spaces— from 9'-0" to 8'-6"; and
2. A reduction in required width for the driveway—from 12'-0" to 11'-3"

Your request for an Adjustment was **APPROVED** subject to the attached conditions and based on the attached findings:

Please be advised that this **does not** conclude the review process. This determination will be transmitted to the Planning Commission at its December 14, 2017, meeting with the recommendation that the Planning Commission receive and file the determination. If you have any questions regarding this project, please contact project planner Russell Toler at (310) 524-2371.

Sincerely,



Sam Lee, Director
Planning & Building Safety Department


CONDITIONS OF APPROVAL FOR ADJUSTMENT ADJ 17-06

Based on the attached findings and facts, the Director of Planning and Building Safety APPROVES the Administrative Adjustment, subject to the following conditions:

1. Before the City issues a building permit, the applicant must submit plans, showing that the project substantially complies with the approved adjustment request, the ESMC, and conditions of approval on file with the Planning and Building Safety Department. Any subsequent modification to the project as approved must be referred to the Director of the Planning and Building Safety for review and approval.
2. This Adjustment does not become effective until ten days from the date of this letter or, if an appeal is filed or review called, until final determination is made of the appeal or review.
3. This Adjustment becomes null and void if the privileges granted in this letter are not utilized within 180 days from the effective date of this approval.
4. LCAP II, LLC ("property owner") 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 Adjustment No. 17-06. 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 Adjustment No. 17-06, LCAP II, LLC ("property owner"), 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, Debra Korduner, on behalf of LCAP II, LLC, certifies that she has read, understood, and agrees to the Project Conditions listed in this document.


Debra L. Korduner, Manager
LACAP II, LLC


Date

FINDINGS FOR ADJUSTMENT ADJ 17-06

Finding 1: The proposed adjustment would not be detrimental to the neighborhood or district in which the property is located.

1. The project complies with all of the applicable development standards of Title 15, with the exception of the minimum parking space width found in ESMC Section 15-15-5(I)(1) and the minimum driveway width found in 15-5-5(O)(1). The required number of spaces will be provided.
2. The project will result in a new street parking space by the closure of an existing curb cut.

Finding 2: The proposed adjustment is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of his property.

1. The lot is 40.06' wide. If it were less than 40'-0" wide, the required width of parking spaces would be 8'-6", rather than 9'-0" (ESMC Section 15-15-5(I)(1)) and the parking-space-width Adjustment would not be necessary. Because the width of the lot is only slightly above the said threshold, the provision of full-sized parking spaces, along with the other required elements of a developed lot, is difficult.
2. Strict adherence to the minimum requirements for parking space width and driveway width pose unreasonable hardship for the property owner because it precludes the development of the R-3 property with number of units allowed for the site by ESMC 15-4C-5(F)(1).

Finding 3: The proposed adjustment is consistent with the legislative intent of the zoning regulations.

1. The proposed adjustments are consistent with the General Plan goals, objectives, and policies. Specifically Goal 3 of the Housing Element seeks to provide opportunities for new housing construction in a variety of locations and densities in accordance with the Land Use Element. Policy 3.1 of the Housing Element specifies providing for the construction of 69 new housing units during the 2014-2021 timeframe in order to meet the goals of the Regional Housing Needs Assessment. This Project will help facilitate the achievement of this goal by providing an additional residential unit.
2. The ESMC zoning classification for the project is Multi-Family Residential (R-3), which allows condominium developments in conformance with ESMC Chapter 15-4C. The proposed project complies with the applicable provisions of ESMC Chapter 14-1, since proper notification and a public hearing were provided, proper hearing decision and records will be complied with and the required findings will be considered. The project is proposed meets all but the above-mentioned development standards of ESMC Title 15.

Environmental Assessment: After considering the above facts and findings, the Director finds this project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations §15303 as a Class 32 categorical exemption (Infill development). The project is (a) consistent with the general plan designation and policies as well as with the zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of less than five acres substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services.

SCALE: 1" = 10'

VESTING TENTATIVE

SHEET 1 OF 1 SHEET

PARCEL MAP NO.74692

IN THE CITY OF EL SEGUNDO
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

FOR CONDOMINIUM PURPOSES

SUBDIVIDER
DONALD DEISER
5155 WEST ROSECRANS AVENUE, #238
HAWTHORNE, CA 90250
PHONE 310-644-3600 x103

LEGAL DESCRIPTION
LOT 3, BLOCK 19,
EL SEGUNDO
M.B. 18-69
APN 4136-022-003

JOB ADDRESS
224 WHITING STREET
EL SEGUNDO, CA 90245

NOTES

1. ALL EXISTING STRUCTURES TO BE REMOVED UNLESS OTHERWISE NOTED.
2. ALL UTILITIES ARE LOCATED IN ADJACENT STREETS.
3. THIS IS A 3 UNIT CONDOMINIUM PROJECT.

* BLOCK 19,
EL SEGUNDO
M.B. 18-69



ENGINEER
DENN ENGINEERS
3914 DEL AMO BLVD., STE. 921
TORRANCE, CA 90503
310-542-9433

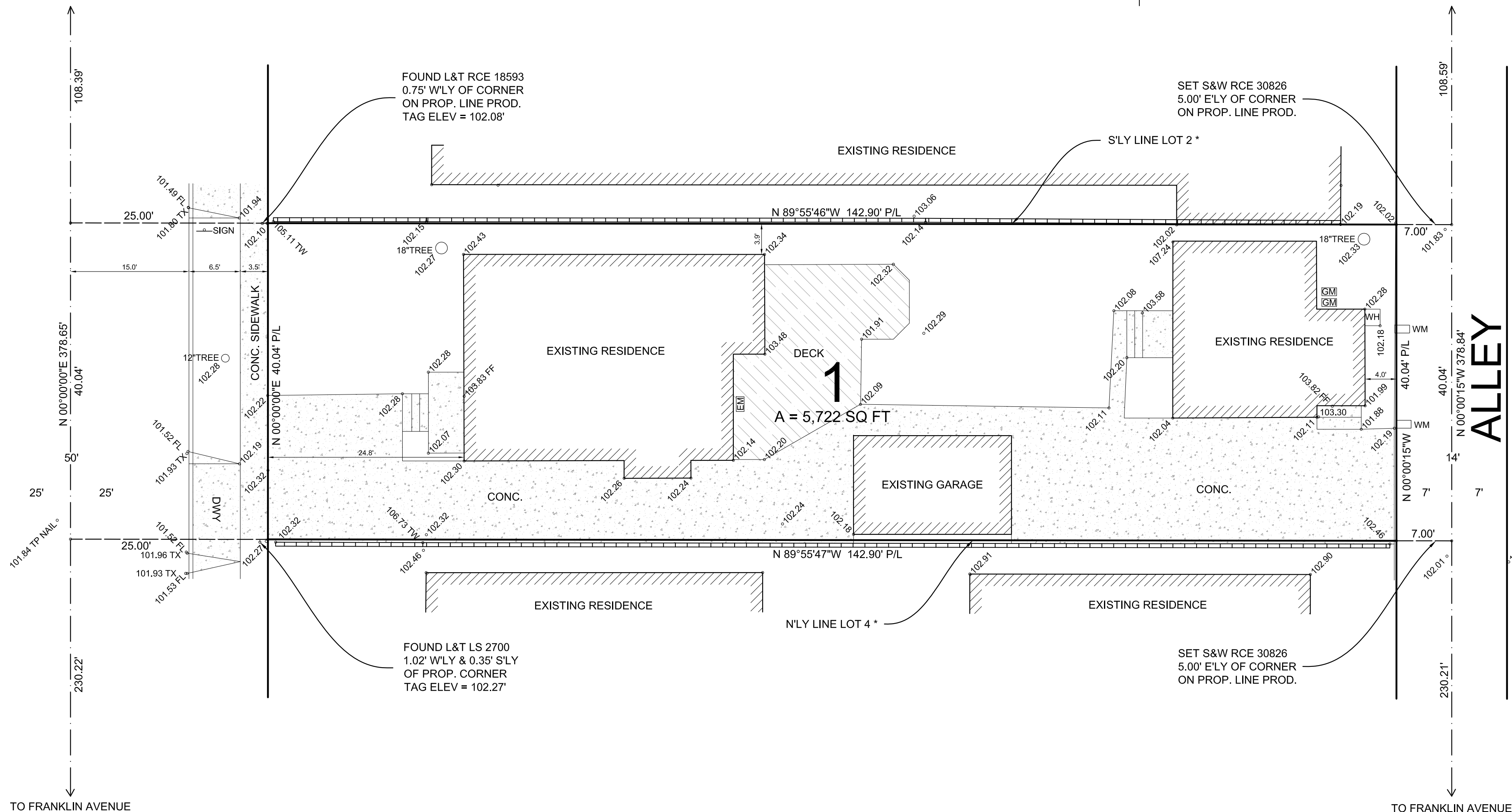
DATE 11/4/2016
GARY J. ROEHL R.C.E. 30826

TO FOUND PM'S ON MH RIM @ GRAND AVENUE
PER PARCEL MAP NO. 62674
P.M.B. 343-77-78

TO C/L GRAND AVENUE
ESTAB. PER TIES

WHITING STREET

ALLEY



LEGEND

- EXISTING BUILDING
- CONCRETE
- BRICK
- WOOD DECK
- EXISTING ELEVATION
- EXISTING CONTOUR
- BLOCK WALL
- EXISTING FENCE
- BCR BEGINNING OF CURB RET
- ELY EASTERLY
- FD FOUND
- FF FINISH FLOOR
- FL FLOW LINE
- GFF GARAGE FINISH FLOOR
- GW GUY WIRE
- L&T LEAD AND TAG
- MH MANHOLE
- NLY NORTHERLY
- PC PROPERTY CORNER
- PL, P/L PROPERTY LINE
- PP POWER POLE
- S&W SPIKE AND WASHER
- S'LY SOUTHERLY
- SPK SPIKE
- STK STAKE
- TC TOP OF CURB
- TW TOP OF WALL
- TX TOP OF DWVY APRON
- W'LY WESTERLY
- WM WATER METER

NOTE: ALL SETBACK DIMENSIONS SHOWN ARE MEASURED TO EXTERIOR SURFACE OF BUILDINGS UNLESS OTHERWISE NOTED.

BOUNDARY MONUMENTS ARE NOT NECESSARILY SET ON PROPERTY CORNERS. PLEASE REFER TO THE NOTATION ON THE PLANS FOR OFFSET DISTANCES. IF THERE ARE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT DENN ENGINEERS FOR CLARIFICATION AT: (310) 542-9433, M-F 8:00 AM TO 5:00 PM.

16-464

16-464

AGENDA DESCRIPTION:

Request for approval of an amendment to the 540 East Imperial Avenue Specific Plan (SP 16-01), conditions of approval, and a Second Amendment to Development Agreement (DA 16-01), amending the requirement that the developer provide six affordable units within the residential development by allowing the developer to pay an in-lieu fee of \$5.3 million dollars to the City for affordable housing purposes.

An Addendum to the Environmental Impact Report (EIR) for the development project was certified by the City Council on September 28, 2016. The requested revision to the affordable housing requirement does not introduce new significant environmental effects or substantially increase the severity of the environmental impacts that previously were identified and analyzed in the certified EIR Addendum. Additionally, the project does not include changed circumstances or new information, which were not known when the EIR was certified, that would require the preparation of a subsequent environmental analysis pursuant to CEQA Guidelines.

Applicant: DR Horton CA2, Inc.

RECOMMENDED PLANNING COMMISSION ACTION: It is recommended that the Planning Commission adopt Resolution No. 2880, recommending the City Council adopt an ordinance amending the affordable housing requirement portion of the development agreement to allow for a \$5.3 million in-lieu payment by the developer to the City for affordable housing purposes.

ATTACHED SUPPORTING DOCUMENTS:

1. Planning Commission Resolution No. 2880
 - a. Draft Ordinance
2. Updated Amendment Request, dated December 30, 2019
3. Staff Reports to the Planning Commission, dated January 24, 2019 and February 28, 2019 (without attachments)
4. Staff Reports to the City Council, dated June 18, 2019, and July 16, 2019 (without attachments)

ORIGINATED BY: City Attorney's Office
REVIEWED BY: Gregg McClain, Planning Manager
APPROVED BY: Sam Lee, Director of Planning and Building Safety

BACKGROUND

On May 16, 2017, the City Council approved a Final Vesting Map for residential development at 540 East Imperial Avenue Specific Plan site. The approved map showed 24 single-family dwellings and 34 multi-family dwelling units (condominiums). This affirmed that Option 2 of the specific plan was being implemented. Pursuant to Option 2 requirements, as described in the specific plan's conditions of approval, the developer (D. R. Horton) agreed to set aside six multi-

family units as affordable units, for sale to qualified affordable households. Specifically, two units must be affordable to extremely low income households, two affordable to very low income households, and two affordable to low income households. The City Council also directed the applicant and staff to ensure that members of the military be given priority for the affordable housing units.

In September 2018, the applicant submitted a request to amend the project, which was augmented in December 2018. Specifically, the developer requested the City eliminate the requirement to provide six affordable units within the residential development, and instead allow the developer to pay the City an in lieu payment of \$3,341,400. This original amendment request would have removed the requirement that the developer provide any affordable condominium units, thereby allowing the developer to sell the six designated affordable units at market rate, and no longer being responsible for providing affordable housing. In response, staff prepared a report for the January 24, 2019, Planning Commission hearing recommending that the Planning Commission not support the proposed amendment and recommended adjusting the affordable housing requirement to allow the six units to be purchased by qualified moderate income households. Prior to the January 24 meeting, however, the applicant submitted a request to continue the item so that they could meet with staff and modify the amendment.

On February 11, 2019, the applicant submitted a revised amendment, requesting that the project's affordable housing requirement be adjusted to provide for a total of eight affordable units and that all eight be available for moderate income households. Since the requirement to provide six affordable units is contained in the project's conditions of approval, specific plan, and Development Agreement, the City Council has the ultimate authority to approve changes to the approvals. However, according to the conditions of approval and pursuant to state law, the Planning Commission is tasked with reviewing modifications, before forwarding a recommendation to the City Council.

On February 28, 2019, the matter was heard before the Planning Commission, and the Commission adopted a resolution recommending the City Council approve the proposed amendment providing for eight affordable units at the moderate income category.

On June 18, 2019, the matter was heard before the City Council, and the City Council adopted a resolution approving revised conditions of approval. At that meeting the Council also introduced an ordinance to amend the Development Agreement and Specific Plan providing for eight affordable units at the moderate income category. On July 16, 2019, the City Council did not adopt the ordinance so the applicant's proposed amendment to the affordable housing requirement was not approved, and the June 18 resolution was nullified and did not take effect.

Since July 2019, the applicant has met with City Manager to revisit its proposed amendment in hopes of bringing it back to the Planning Commission and the City Council. In November of last year the applicant filed a lawsuit against the City in which the applicant claimed that the July 16, 2019, City Council meeting violated the applicant's constitutional right of due process (L.A. Superior Court case no. 19STCP04857). On December 30, 2019, the applicant's modified

application, which staff supports, was submitted to the City and is attached as an exhibit to this report.

ANALYSIS

As specified in the January 24, 2019, staff report, the developer retained the affordable housing consultant, DRA, to assess the financial viability of having extremely low, very low and low income households purchase the affordable units. Since the price of the affordable units are based upon the amount for which the household can qualify, DRA conducted a cost analysis for each income category, which took into account other housing expenses in addition to mortgage loan payments, such as HOA fees, property taxes, essential housing maintenance costs, etc. Although DRA determined that the two units identified for extremely low income households would have to be sold for nothing, an extremely low income household cannot afford to pay basic housing maintenance costs, including HOA fees, property taxes or other property expenses. Further, although very low and low-income households could afford to pay a nominal mortgage, households in these income categories would be challenged in paying essential housing maintenance costs beyond mortgage loan payments and would likely default on their loans. For these reasons, affordable housing programs in other cities that are geared towards lower income households are rentals, not for-sale units.

Staff provided the DRA analysis to the City's affordable housing consultant, Michael Baker International (MBI), who agreed with DRA's analysis. MBI and City staff agree that the financial viability of households in these income categories is not sustainable since the households would not have the financial resources to pay for basic housing costs in addition to any mortgage. The financial viability of households in the low income and lower categories are not sustainable for ownership opportunities in the El Segundo housing market.

Given that the project was designed, approved, and built for 100% owner units, as opposed to rental units. D. R. Horton's current proposal is to provide to the City a payment in lieu of affordable units. Although this would remove affordable units from the 540 East Imperial Avenue Specific Plan areas, the in lieu fee would expand the range and number of choices to provide affordable housing to those in need of it (including extremely low, very low and low income households). Additionally, this presents an opportunity for the City to create a flexible and well-funded vehicle for underwriting financially viable affordable housing programs and other rental housing opportunities.

The City will need to revise its affordable housing program to delineate that it will be providing affordable units at various affordability levels through another program. The City is exploring working with an experienced affordable housing corporation that can leverage the City's \$5.3 million contribution to purchase a multi-family apartment building for this purpose. This removes the City from having to administer the program as the housing corporation would administer it as part of the agreement to use the City's funding. Additionally given the 30 year affordability period on ownership units, this rental unit-oriented approach removes what staff sees as future issues relating to affordable owners being frustrated in the lack of equity accumulation over three decades.

RHNA AND AFFORDABILITY REQUIREMENTS

State law requires the City to provide an adequate number of sites to allow for and facilitate production of the City's regional share of housing needs for each income category, which includes Very Low, Low, Moderate, and Above Moderate categories. The City's regional share is a total of 69 units affordable to households in the following income categories:

- 18 Very Low Income (which includes extremely low incomes)
- 11 Low Income
- 12 Moderate Income
- 28 Above Moderate Income

With approval of the proposed amendments, the City is still falling short with fewer units by income category being achieved than those identified in the Housing Element. The City does not find that the remaining sites in the Housing Element are adequate to accommodate the City's share of the regional housing need by income level. Accordingly, pursuant to state law, the City needs to review and identify additional adequate sites to accommodate the City's share of the regional housing need by income level.

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY)

Legislative: The recommended action is a resolution recommending the City Council approve and adopt a proposed ordinance amending the 540 East Imperial Avenue Specific Plan and a Second Amendment to Development Agreement No. 16-01. In considering such action, the Planning Commission makes a recommendation to the City Council acting in its legislative capacity, and must find that (1) the proposed Ordinance is consistent with the General Plan and (2) that the Amendment to the Development Agreement meets the following findings:

Amendment to Development Agreement Findings

- That the proposed amendment to the Development Agreement is consistent with the objectives, policies, general land uses, and programs specified in the General Plan as described above and the 540 Imperial Avenue Specific plan as amended by this ordinance.
- That the proposed amendment to the Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.
- That the proposed amendment to the Development Agreement conforms with public convenience, general welfare and good land use practice.
- That the proposed amendment to the Development Agreement will not be detrimental to the health, safety and general welfare. The Development Agreement includes reimbursement to the City for its set up and oversight of the affordable housing component.

- That the proposed amendment to the Development Agreement will not adversely affect the orderly development of property or preservation of property values.

Staff believes that the necessary findings can be made for Planning Commission approval and such findings are discussed in the proposed Ordinance.

CONCLUSION

Staff believes that the developer's request for an amendment is in the City's best interest as it allows the City to assist in affordable housing rental units, as opposed to only for sale units, therefore giving the City greater flexibility in meeting its RHNA goals. Thus, for the reasons stated above, it is staff's recommendation that the Planning Commission recommend to the City Council that the affordable housing requirement be amended to allow the developer to pay \$5.3 million in lieu of providing affordable housing at the 540 Imperial Avenue Specific Plan area, and for the City to use the payment for affordable housing purposes.

P.C RESOLUTION NO. _____

A RESOLUTION OF THE EL SEGUNDO PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO EA-1154, THE 540 EAST IMPERIAL SPECIFIC PLAN, AND A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT, TO ELIMINATE THE AFFORDABLE HOUSING REQUIREMENT AND TO ALLOW THE DEVELOPER TO PAY AN IN-LIEU FEE TO THE CITY.

(EA No. 1154, 540 East Imperial Avenue Specific Plan and Development Agreement No. 16-01)

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 28, 2016, the El Segundo City Council adopted Resolution No. 4999, approving Environmental Assessment No. EA 1154, the 540 East Imperial Avenue Specific Plan, and Development Agreement No. 16-01 for the development of 34-multi-family dwelling units and 24 single-family dwelling units at 540 East Imperial Avenue;
- B. Pursuant to the conditions of approval contained in Resolution No. 4999, which were agreed to by D.R. Horton CA2, Inc. (either the “Applicant” or “Developer”), the approved residential development must set aside six multi-family units as affordable units, for sale to qualified lower income households. Specifically, two units must be affordable to extremely low income households, two units affordable to very low income households, and two units affordable to low income households;
- C. On February 11, 2019, the Applicant submitted a letter to amend the affordable housing requirement for the residential development, requesting that the affordability be changed to provide eight units at the moderate income level;
- D. On February 14, 2019, a notice was provided to 119 property owners within a 300-foot radius of the 540 East Imperial Avenue project site, and a notice was also published in the *El Segundo Herald* on February 14, 2019, indicating that a public hearing was scheduled with the Planning Commission on February 28, 2019;
- E. The Planning Commission conducted a public hearing on February 28, 2019, at which time all interested parties were given an opportunity to be heard and present evidence regarding said amendments as set forth in the Planning Commission Staff Report of that date and to receive public testimony and other evidence regarding the proposed amendments, including, without limitation,

information provided to the Planning Commission by City staff and public testimony;

- F. On February 28, 2019, the Planning Commission reviewed and considered the proposed amendments, and adopted PC Resolution No. 2858 recommending the City Council approve this ordinance amending Environmental Assessment No. EA-1054, 540 East Imperial Avenue Specific Plan and Development Agreement No. 16-01;
- G. On June 18, 2019, the City Council conducted a public hearing 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 the applicant;
- H. On June 18, 2019, the City Council adopted a resolution approving revised conditions of approval and introduced the proposed ordinance amending the Development Agreement and Specific Plan providing for a total of eight affordable units at the moderate income category;
- I. On July 16, 2019, the City Council did not adopt the ordinance, so that the applicant's proposed amendment to the affordable housing requirement was not approved, and the resolution adopted on June 18 was nullified and did not take effect;
- J. On December 30, 2019, the Applicant's submitted a modified application to amend the affordable housing requirement for the residential development, requesting either that the affordability be changed to provide eight units at the moderate income level or to allow the Applicant to pay an in-lieu fee of \$5.3 million to the City for affordable housing purposes;
- K. On [REDACTED], 2019, a notice was provided to 119 property owners within a 300-foot radius of the 540 East Imperial Avenue project site, and a notice was also published in the *El Segundo Herald* on December 26, 2019, indicating that a public hearing was scheduled with the Planning Commission on January 9, 2020;
- L. The Planning Commission conducted a public hearing on January 9, 2020, at which time all interested parties were given an opportunity to be heard and present evidence regarding said amendments as set forth in the Planning Commission Staff Report of that date and to receive public testimony and other evidence regarding the proposed amendments, including, without limitation, information provided to the Planning Commission by City staff and public testimony;
- M. On January 9, 2020, the Planning Commission reviewed and considered the proposed amendments, and adopted PC Resolution No. [REDACTED]

recommending the City Council approve this ordinance amending Environmental Assessment No. EA-1054, 540 East Imperial Avenue Specific Plan and Development Agreement No. 16-01.

SECTION 2: *Environmental Assessment.* An Addendum to the Environmental Impact Report (EIR) for the development project was certified by the City Council on September 28, 2016. The requested amendment to the affordable housing requirement does not introduce new significant environmental effects or substantially increase the severity of the environmental impacts that previously were identified and analyzed in the certified EIR Addendum. Further, the project does not include changed circumstances or new information, which were not known at the time the EIR was certified, that would require the preparation of a subsequent environmental analysis pursuant to CEQA Guidelines.

SECTION 3: *General Plan and Specific Plan Findings.* After considering the above facts, the Planning Commission finds as follows:

- A. Following a Specific Plan Amendment, the General Plan Land Use Designation of the project site will remain unchanged; 540 East Imperial Avenue Specific Plan (EIASP). This designation is intended for multi-family housing units consisting of market rate and affordable apartments or condominiums.
- 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 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,” in that the developer is proposing to pay the City an in-lieu fee of \$5.3 million to be used for affordable housing purposes.

SECTION 4: *Amendment to Development Agreement Findings.* Pursuant to City Council Resolution No. 3268 and Government Code §§ 65857.5 and 65858, the Planning Commission finds that:

- A. The proposed amendment to the Development Agreement is consistent with the objectives, policies, general land uses, and programs specified in the General Plan as described above and the 540 East Imperial Avenue Specific Plan (540EIASP), as amended by this ordinance.
- B. The proposed amendment to the Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district

in which the real property is located.

- C. The proposed amendment to the Development Agreement conforms with public convenience, general welfare and good land use practice. The Development Agreement, as amended, would require the Applicant to pay the City \$5.3 million dollars to be used for affordable housing purposes throughout the City.
- D. The proposed amendment to the Development Agreement will not be detrimental to the health, safety and general welfare.
- E. The proposed amendment to the Development Agreement 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 Development Agreement, as amended, will ensure that the project will be developed in an orderly fashion.

SECTION 5: *Specific Plan.* The Planning Commission makes the following findings:

- A. Specific Plans create “mini-zoning” regulations for land uses within particular areas of the City. All future development plans and entitlements within the Specific Plan boundaries must be consistent with the standards set forth in the adopted Specific Plan, even when they may be different from the general regulations within the ESMC.
- B. The proposed specific plan amendment is in the public interest, and there will be a community benefit resulting from the specific plan. The Specific Plan will continue to require that six affordable housing units be provided at the development, but affordable to qualified moderate income households.

SECTION 6: *Recommendations.* The Planning Commission recommends that the City Council adopt an ordinance substantially in the form attached as Exhibit “A,” eliminating the affordable housing requirement in the Development Agreement and 540 East Imperial Avenue Specific Plan and instead allowing the developer to pay an in-lieu fee of \$5.3 million dollars to the City to be used for affordable housing purposes. In addition, the Planning Commission recommends that Condition of Approval no. 15 contained in Resolution No. 4999 be amended as indicated in Exhibit “B,” attached hereto and made part of this resolution by this reference.

SECTION 7: *Reliance On Record.* Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: 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 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: The Commission secretary is directed to mail a copy of this Resolution to any person requesting a copy.

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

PASSED, APPROVED AND ADOPTED this 9th day of January, 2020.

Ryan Baldino, Chairperson
City of El Segundo Planning Commission

ATTEST:

Sam Lee, Secretary

Baldino -
Newman -
Hoeschler -
Keldorf -
Wingate -

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

By: _____
David King, Assistant City Attorney

Exhibit A
(ORDINANCE)

Exhibit B

AMENDED CONDITION OF APPROVAL NO. 15

Condition No. 15, approved as part of City Council Resolution No. 4999, is modified as indicated below. The proposed revisions to these conditions of approval are illustrated with ~~strikethrough~~ for existing language that is proposed for elimination and underlined for proposed new language. Except as otherwise modified below, the conditions of approval attached to Resolution No. 4999 remain unchanged and in effect.

15. In lieu of providing affordable housing units on the project site, Developer agrees to pay the City Five Million, Three Hundred Thousand U.S. Dollars (\$5,300,000.00), to be paid within [REDACTED] days of approval of the second amendment to the Development Agreement.

~~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 and the City must enter into an Affordable Housing Agreement, which will include an income verification monitoring plan, before issuance of Certificate of Occupancy. The project will fulfill the affordability requirements set forth in the Specific Plan by providing a total of 6 affordable units to qualified households, which represents 10% of the total 58 units. The units will be provided in the multi-family section of the project and will be evenly distributed throughout the entire project by providing one unit in each multi-family building. The "affordable" units must be similar in exterior appearance, interior appointments, and configuration and basic amenities (such as storage space and outdoor living areas) to the "market rate" units in the proposed project. Further, covenants and agreements must be recorded as to the affordable units, which would ensure the units remain affordable for a term of 20 years, concurrently with the recordation of the final map or the issuance of the first certificate of occupancy of the building.~~

EXHIBIT A

DRAFT ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE 540 EAST IMPERIAL AVENUE SPECIFIC PLAN AND A SECOND AMENDMENT TO DEVELOPMENT AGREEMENT NO. 16-01, TO ELIMINATE THE AFFORDABLE HOUSING REQUIREMENT AND TO ALLOW DEVELOPER PAY AN IN-LIEU FEE TO THE CITY.

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

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

- A. On September 28, 2016, the El Segundo City Council adopted Resolution No. 4999, approving Environmental Assessment No. EA 1154, the 540 East Imperial Avenue Specific Plan, and Development Agreement No. 16-01 for the development of 34-multi-family dwelling units and 24 single-family dwelling units at 540 East Imperial Avenue;
- B. Pursuant to the conditions of approval contained in Resolution No. 4999, which were agreed to by D.R. Horton CA2, Inc. (the "Applicant"), the approved residential development must set aside six multi-family units as affordable units, for sale to qualified lower income households. Specifically, two units must be affordable to extremely low income households, two units affordable to very low income households, and two units affordable to low income households;
- C. On February 11, 2019, the Applicant submitted a letter to amend the affordable housing requirement for the residential development, requesting that the affordability be changed to provide eight units at the moderate income level;
- D. On February 14, 2019, a notice was provided to 119 property owners within a 300-foot radius of the 540 East Imperial Avenue project site, and a notice was also published in the *El Segundo Herald* on February 14, 2019, indicating that a public hearing was scheduled with the Planning Commission on February 28, 2019;
- E. The Planning Commission conducted a public hearing on February 28, 2019, at which time all interested parties were given an opportunity to be heard and present evidence regarding said amendments as set forth in the Planning Commission Staff Report of that date and to receive public testimony and other evidence regarding the proposed amendments,

including, without limitation, information provided to the Planning Commission by City staff and public testimony;

- F. On February 28, 2019, the Planning Commission reviewed and considered the proposed amendments, and adopted PC Resolution No. 2858 recommending the City Council approve this ordinance amending Environmental Assessment No. EA-1054, 540 East Imperial Avenue Specific Plan and Development Agreement No. 16-01;
- G. On June 18, 2019, the City Council conducted a public hearing 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 the applicant;
- H. On June 18, 2019, the City Council adopted a resolution approving revised conditions of approval and introduced the proposed ordinance amending the Development Agreement and Specific Plan providing for a total of eight affordable units at the moderate income category;
- I. On July 16, 2019, the City Council did not adopt the ordinance, so that the applicant's proposed amendment to the affordable housing requirement was not approved, and the resolution adopted on June 18 was nullified and did not take effect;
- J. On December 30, 2019, the Applicant's submitted a modified application to amend the affordable housing requirement for the residential development, requesting either that the affordability be changed to provide eight units at the moderate income level or to allow the Applicant to pay an in-lieu fee of \$5.3 million to the City for affordable housing purposes;
- K. On [REDACTED], 2019, a notice was provided to 119 property owners within a 300-foot radius of the 540 East Imperial Avenue project site, and a notice was also published in the El Segundo Herald on December 26, 2019, indicating that a public hearing was scheduled with the Planning Commission on January 9, 2020;
- L. The Planning Commission conducted a public hearing on January 9, 2020, at which time all interested parties were given an opportunity to be heard and present evidence regarding said amendments as set forth in the Planning Commission Staff Report of that date and to receive public testimony and other evidence regarding the proposed amendments, including, without limitation, information provided to the Planning Commission by City staff and public testimony;
- M. On January 9, 2020, the Planning Commission reviewed and considered

the proposed amendments, and adopted PC Resolution No. [REDACTED] recommending the City Council approve this ordinance amending Environmental Assessment No. EA-1054, 540 East Imperial Avenue Specific Plan and Development Agreement No. 16-01.

SECTION 2: Environmental Assessment. An Addendum to the Environmental Impact Report (EIR) for the development project was certified by the City Council on September 28, 2016. The requested amendment to the affordable housing requirement does not introduce new significant environmental effects or substantially increase the severity of the environmental impacts that previously were identified and analyzed in the certified EIR Addendum. Further, the project does not include changed circumstances or new information, which were not known at the time the EIR was certified, that would require the preparation of a subsequent environmental analysis pursuant to CEQA Guidelines.

SECTION 3: General Plan and Specific Plan Findings. After considering the above facts, the City Council finds as follows:

- A. Following a Specific Plan Amendment, the General Plan Land Use Designation of the project site will remain unchanged; 540 East Imperial Avenue Specific Plan (EIASP). This designation is intended for multi-family housing units consisting of market rate and affordable apartments or condominiums.
- 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.
- D. 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,” in that the developer is proposing to pay the City an in-lieu fee of \$5.3 million to be used for affordable housing purposes.

SECTION 4: Amendment to Development Agreement Findings. Pursuant to City Council Resolution No. 3268 and Government Code §§ 65857.5 and 65858, the City Council finds that:

- A. The proposed amendment to the Development Agreement is

consistent with the objectives, policies, general land uses, and programs specified in the General Plan as described above and the 540 East Imperial Avenue Specific Plan (540EIASP), as amended by this ordinance.

- B. The proposed amendment to the Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.
- C. The proposed amendment to the Development Agreement conforms with public convenience, general welfare and good land use practice. The Development Agreement, as amended, would require the Applicant to pay the City \$5.3 million dollars to be used for affordable housing purposes throughout the City.
- D. The proposed amendment to the Development Agreement will not be detrimental to the health, safety and general welfare.
- E. The proposed amendment to the Development Agreement 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 Development Agreement, as amended, will ensure that the project will be developed in an orderly fashion.

SECTION 5: *Specific Plan.* The City Council makes the following findings:

- A. Specific Plans create “mini-zoning” regulations for land uses within particular areas of the City. All future development plans and entitlements within the Specific Plan boundaries must be consistent with the standards set forth in the adopted Specific Plan, even when they may be different from the general regulations within the ESMC.
- B. The proposed specific plan amendment is in the public interest, and there will be a community benefit resulting from the specific plan. The Specific Plan will continue to require that six affordable housing units be provided at the development, but affordable to qualified moderate income households.

SECTION 6: *Approvals and Authorization.* The City Council hereby approves the amendments to 540 East Imperial Avenue Specific Plan, as set forth in the attached Exhibit “A-1”; and the Second Amendment to Development Agreement No. 16-01, substantially in the form attached to this ordinance as Exhibit “A-2”. Upon the effective date of this Ordinance, the Mayor is authorized to execute the

amendment on behalf of the City. The City Manager is hereby authorized and directed to perform all acts and execute all documents needed to effectuate this Ordinance.

SECTION 7: *Technical Corrections.* The City Manager, or designee, is authorized to make technical corrections, in a form approved by the City Attorney, to maps, diagrams, tables, and other, similar, documents (collectively, "Maps") that may be required to reconcile the changes made by this Ordinance with amendments made to the Zoning Map by other City Council action in unrelated land use applications.

SECTION 8: *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 9: *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 10: *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 11: *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 12: *Recordation.* The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 13: 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 14: Effective Date. This Ordinance will go into effect and be in full force and effect on the thirty-first (31st) day after its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2020.

Drew Boyles, Mayor

ATTEST:

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

I, Tracy Weaver, 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 _____, 2020, 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 _____, 2020, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley, City Attorney

DRAFT ORDINANCE NO. _____

Exhibit A-1

AMENDMENT TO 540 EAST IMPERIAL AVENUE SPECIFIC PLAN

Section 4.2 (Development Standards) and the paragraph titled “Affordability” on Page 17 of the 540 East Imperial Avenue Specific Plan is modified as follows. The proposed revisions to these conditions of approval are illustrated with ~~strikethrough~~ for existing language that is proposed for elimination and underlined for proposed new language. Except as otherwise modified below, the Plan remains unchanged and in effect:

AFFORDABILITY

In lieu of providing affordable housing units on the project site, Developer agrees to pay the City Five Million, Three Hundred Thousand U.S. Dollars (\$5,300,000.00), to be paid within [REDACTED] days of approval of the second amendment to the Development Agreement.

~~The City of El Segundo 2013 Housing Element identified a need for affordable housing to provide for low and moderate income first-time homebuyers, senior citizens on fixed incomes, extremely low, very low, low, and moderate income residents, the disabled, military personnel, and the homeless segments of the population. As envisioned in the element and based on that need, for Option 1, fifteen (15) percent of the total units will be set aside as affordable units; for Option 2, ten (10) percent of the total units will be set aside as affordable units. Based on the Regional Housing Needs Assessment (RHNA), El Segundo is required to provide 69 additional housing units during the current housing cycle (2013-2021). The allocation of the 69 units is broken down into five categories as follows: 9 extremely low income households, 9 very low income households, 11 low income households, 12 moderate income households, and 28 above moderate income households.~~

~~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 (29 units). 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%). 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 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 or designee before building permits are issued.~~

DRAFT ORDINANCE NO. _____

Exhibit A-2

Second Amendment to the Development Agreement