



# PLANNING COMMISSION AGENDA

## March 25, 2021

**PURSUANT TO EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020, THE FOLLOWING MEETING WILL TAKE PLACE SOLELY BY TELECONFERENCE / VIDEOCONFERENCE.**

---

### ***How Can Members of the Public Observe the Meeting?***

The meeting may be viewed via Spectrum Channel 3 and 22, AT&T U-verse Channel 99, and/or El Segundo TV at YouTube.com.

---

### ***How Can Members of the Public Participate in the Meeting and/or Provide Public Comments?***

Join via Zoom from a PC, Mac, iPad, iPhone, or Android device, or by phone.

Please use this URL

<https://zoom.us/j/96239428369?pwd=VldlcjJpeWhUanhyUVRESWVJcDFZUT09>

If you do not wish for your name to appear on the screen, then use the drop down menu and click on “rename” to rename yourself to be anonymous.

OR

Join by phone: **1-669-900-9128 US**

Enter Meeting ID: **962 3942 8369**

Passcode: **773437**

Your phone number is captured by the zoom software and is subject to the Public Records Act unless you first dial “\*67” before dialing the number as shown above to remain anonymous.

*The time limit for comments is five (5) minutes per person. Before speaking to the Commission, please state: your name and residence or the organization you represent. Please respect the time limits.*

Members of the public may also provide comments electronically by sending an email to the following address prior to the start of the meeting: [planning@elsegundo.org](mailto:planning@elsegundo.org). **Please include the meeting date and item number in the subject line.** If you would like to request that your emailed comment be read into the record, please include that request at the top of your email, limit your comments to 150 words or less, and email your comments at least 30 minutes prior to the start of the meeting. Depending on the volume of communications, the emails may be read to Commission at the appropriate time. Please note that all emailed comments are public records subject to disclosure under the Public Records Act.

---

*Additional Information:*

**Unless otherwise noted in the agenda, the public can only comment on City-related**

**business that is within the jurisdiction of the Planning Commission and/or items listed on the agenda during the public communications portions of the meeting. Additionally, the public can comment on any public hearing item on the agenda during the public hearing portion of such item. The time limit for comments is five (5) minutes per person. *Before speaking to the Planning Commission, please state your name and residence and the organization you represent, if desired. Please respect the time limits.***

---

DATE: Thursday, March 25, 2021

TIME: 5:30 p.m.

PLACE: Teleconference/Videoconference

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 by appointment 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 on the 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](http://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.

- F. **Call items from Consent Calendar – N/A**

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

- H. **New Business – Public Hearing**

None.

- I. **Continued Business – Public Hearing**

- 1. **EA-1240 – Zone Text Amendment to update and streamline the review and approval processes for various discretionary planning permits. (PS)**

**Project Address:** Citywide  
**Applicant:** City of El Segundo

**Project Description:** A proposed ordinance amending the El Segundo Municipal Code to update the planning permit review processes (Environmental Assessment No. EA-1240 and Zone Text Amendment No. ZTA 18-07).

**Environmental Determination:** The proposed zone text is exempt from review under the California Environmental Quality Act (California Public Resources Code §§21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations §§15000, *et seq.*, the “State CEQA Guidelines”) because it consists only of minor revisions and clarifications to existing zoning regulations and related procedures.

**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. 2863; and/or (3) discuss and take any other action related to this item.

- J. Report from Director of Development Services or designee
- K. Other Business
- L. Report from the City Attorney's office
- M. Planning Commissioners' Comments
- N. Adjournment—next meeting scheduled for April 08, 2021, 5:30 pm.

POSTED:           *Venus Wesson*            
                  (Signature)

                                  *March 22, 2021*                                    
                                  (Date and time)



## Planning Commission Agenda Statement

Meeting Date: March 25, 2021

Agenda Heading: Public Hearing.

---

### **TITLE:**

Amendments to various chapters in Title 15 (Zoning Code) of the El Segundo Municipal Code (ESMC) to update and streamline the planning permit review processes. (Fiscal Impact: None)

Case numbers: Environmental Assessment No. EA-1240 and Zone Text Amendment No. ZTA 18-07

### **RECOMMENDATION:**

Adopt resolution No. 2863 recommending that the City Council approve the proposed Zoning Code amendments.

### **INTRODUCTION:**

The proposed Zoning Code amendments are part of staff's efforts to continuously improve the City's development review process. In the past five years, staff has made substantial progress at simplifying and streamlining the review of planning permits –discretionary and ministerial. The proposed ordinance (Exhibit No. 1) takes a further step by clarifying and consolidating the review processes. Exhibit No. 2 is an outline of the proposed ordinance, which provides an overview of the changes made in each affected Zoning Code chapter.

### **BACKGROUND:**

The Zoning Code was last updated in a comprehensive manner in 1993. Since 1993, it was amended several times to address specific issues or to update specific chapters, such as an update to the City's off-street parking regulations in 2011, updates to the R-1 zone regulations and a "clean-up" ordinance in 2017. It is time that we begin updating the Zoning Code to meet today's expectations. Staff is proposing that we begin a several phase program to update the Zoning Code.

Our first priority is to update how we process the various permit types. Over time the processes we use for the various permit types have become too varied. The proposed ordinance is intended to simplify the processes, making it easier for all to understand.

Another reason to update the existing planning/zoning permit processes is to improve customer service. Providing clear and simple processes will improve the customer experience, which is consistent with the City Council's Strategic Goal No. 1 to enhance customer service and engagement. Furthermore, the proposed improvements will provide a more predictable development process, which is consistent with the City Council's Strategic Goal No. 5 to champion economic development and fiscal sustainability.

Finally, the proposed process improvements will facilitate the process of updating the City's permit software system. The new software system will have several features that will facilitate the

permit process including integration with the City’s accounting software, web-based permit processing and tracking, and process flow/work management functions. The process flow functions will enable tracking of planning permits at each stage, including the submittal, review, department comment, report writing, public notification, approval, and post approval stages. Clearly defining and standardizing the processes in the code will help feed needed information in the new permit software system to better track permit processing, maintain better records, and produce data to help improve performance. The proposed ordinance is therefore consistent with the City Council’s Strategic Goal No. 4 to develop and maintain quality infrastructure and technology.

**DISCUSSION:**

The proposed amendments generally fall into three categories:

1. Those permits heard and determined by the Development Services Director.
2. Those permits heard and determined by the Planning Commission. Legislative items, that is those items determined by the City Council, are not affected by these revisions. That includes General Plan Amendments, Specific Plans and their amendments, and rezonings, both to the Zoning Code text and maps. In those cases, the Planning Commission is advisory to the City Council.
3. The third section includes some general clean-up items, such as references to the Department’s name change.

**1. Development Services Director Permits**

Table 1 below describes the six types of permits that are heard by Development Services Director and the process criteria.

<b>Table 1: Summary of Existing Administrative Discretionary Permits</b>						
<b>Permit type</b>	<b>Findings</b>	<b>Director Hearing</b>	<b>Public Notification</b>	<b>Notification Radius</b>	<b>Planning Commission Review</b>	<b>City Council Review</b>
Administrative Adjustment	Yes	No	No	None	Receive and File only	No
Adjustment	Yes	Yes	Yes	Abutting Owners	Yes	No
Administrative Use Permit	Yes	No	Yes	Owners - 300'	Yes	No
Administrative Use Permit (alcohol)	Yes	No	Yes	Owners - 300'	Yes	Yes
Minor Coastal Development permits	Yes	No	Yes	Owners & Occupants - 100'	Upon request	No
Off-site Parking Covenants (Director)	Yes	No	No	None	No	No

As can be seen in Table 1 there are six different processes for the six types of Director permits. Table 2, below, shows how the proposed ordinance would consolidate the six processes into one.

<b>Table 2: Summary of <u>Proposed</u> Administrative Discretionary Permits</b>						
<b>Permit type</b>	<b>Findings</b>	<b>Director Hearing</b>	<b>Public Notification</b>	<b>Notification Radius</b>	<b>Planning Commission Review</b>	<b>City Council Review</b>
Adjustment	Yes	No	Yes	Owners & occupants - 150'	Yes	No
<i>Administrative Adjustment*</i>						
Administrative Use Permit						
Administrative Use Permit (alcohol)**						
<i>Minor Coastal Development Permits***</i>						
Off-site Parking Covenants (Director)						

\*The Administrative Adjustment application type is eliminated by the proposed ordinance and any exceptions currently subject to an Administrative Adjustment would be subject to an Adjustment.

\*\*Pursuant to City Council direction in 1995, Administrative Use Permits involving alcohol sales currently have to be reviewed by the City Council, which is not required for other Administrative Use Permits. Staff recommends that the City Council change that requirement, so that requests involving alcohol sales do not have that extra step in the process.

\*\*\*The Minor Coastal Development Permit type is eliminated by the proposed ordinance and any requests currently subject to one would be subject to a Major Coastal Development Permit.

While there are numerous small updates that are proposed in the Director Review process, there are several key items that should be pointed out:

- a) The proposed ordinance eliminates administrative adjustments, because they are a redundant exception process. Instead, a single ‘adjustment’ process is maintained, which will be consistent with the other administrative applications covered in this new chapter.
- b) Planning Commission review. As is currently the case, the new process will continue to require the director’s decisions to be reviewed by the Planning Commission. The Planning Commission will have the option to receive and file the decisions or discuss them and reach an alternative decision.
- c) Notification. As is currently the case, the new process will continue to require public notification of the director’s decisions before Planning Commission review. However, there is a difference between the existing and the proposed. The existing process requires notification of property owners only. The proposed process requires notification of both owners and occupants of properties around the subject site.

- d) Off-site parking covenants. Currently, the Zoning Code authorizes the Director to approve at a ministerial level off-site parking covenants for up to 20 spaces or 20 percent of the required number of spaces, whichever is more. Staff believes that off-site parking covenant review involves substantial discretion and should more appropriately be subject to the proposed director discretionary decision review level.

As a result of the above-described changes to the Zoning Code, “Director Discretionary Decisions” will be consolidated into a single process for all the above Director-level applications types. Staff believes a single well-defined process will make application processing more efficient overall and more predictable for residents and businesses.

## 2. Planning Commission Permits

To some extent, the same issue affects discretionary permits that are decided at the Planning Commission or City Council level. Again, there is a range of processes involved depending on the permit type, as shown in Table 3.

Table 3: Summary of <u>Existing</u> Planning Commission Discretionary Permits						
Permit type	Findings	Director Hearing	Public Notification	Notification Radius	Planning Commission Decision	City Council Review
Conditional Use Permit	Yes	No	Yes	Owners – 300'	Yes	No
Conditional Use Permit for bars	Yes	No	Yes	Owners – 300'	No	Yes
Variance	Yes	No	Yes	Owners – 300'	Yes	No
Off-site covenant (Planning Commission)	Yes	No	No	None	Yes	No
Coastal Development Permit (Major)	Yes	No	Yes	Owners & occupants – 100'	Yes	No

As can be seen in Table 3 above, there are four different processes for the application types listed. Table 4, below, shows how the proposed ordinance would consolidate the four processes into one Planning Commission Discretionary Permit process.



<b>Table 4: Summary of <u>Proposed</u> Planning Commission Discretionary Permits</b>						
<b>Permit type</b>	<b>Findings</b>	<b>Director Hearing</b>	<b>Public Notification</b>	<b>Notification Radius</b>	<b>Planning Commission Review</b>	<b>City Council Review</b>
Conditional Use Permits	Yes	No	Yes	Owners – 300’ and occupants – 150’	Yes	No
<i>Conditional Use Permit for bars*</i>						
Variances						
Off-site covenants (PC)						
Coastal Development Permits						

\* Conditional Use Permits for bars currently have to be reviewed by the City Council, which is not required for other Conditional Use Permits. Staff recommends that the City Council change that requirement, so that requests involving bars do not have that extra step in the process.

There are a few other key items in the proposed Planning Commission review process that should be pointed out:

- a) Public hearings. The chapter updates the existing public notification provisions to reflect current state law and to incorporate notification of property occupants in addition to owners. As drafted, the chapter would continue to require notification of owners of property within 300 feet, but also require notification of occupants of property within 150 feet of a property subject to a hearing.
- b) Alcohol permits for bars. Currently a CUP for alcohol service at bars must be reviewed and approved by both the Planning Commission and the City Council. The proposed ordinance would eliminate the additional City Council step. The Council will still be able to consider the projects if there is an appeal, as is the case with all Planning Commission decisions.
- c) Parking reductions. Currently, the Zoning Code (15-15-6C) authorizes the Director to approve parking reductions up to 10 percent of the required number of parking spaces through an administrative adjustment process, and the Planning Commission can approve reductions up to 20 percent of the required number of parking spaces. The proposed ordinance would authorize the Director to approve adjustments for up to 20 percent of the required number of parking spaces. Under both the existing and proposed ordinances, the Variance process allows a reduction of more than 20 percent by the Planning Commission, if the proper findings can be made.
- d) Off-site parking covenants. Currently, the Zoning Code authorizes the Planning Commission to approve off-site parking covenants for more than 20 spaces or 20 percent of the required number of spaces. However, the review process is not defined in the Zoning Code. Staff believes that off-site parking covenant review involves substantial discretion and should more appropriately be subject to the proposed Planning Commission discretionary review process.

- e) Minor/Major Coastal Development Permits. Currently, the Zoning Code authorizes the Director to approve certain minor coastal development permits. The current process requires notification of neighboring property owners and occupants within 100 feet of the subject site, but a public hearing is not required unless a property owner or resident requests it. The proposed ordinance would require all projects subject to a coastal development permit to go through a Planning Commission hearing as outlined in proposed Zoning Code Chapter 15-28.

As a result of the above-described changes to the Zoning Code, Planning Commission Discretionary Permits will be consolidated into a single process. Staff believes a single well-defined process will make application processing more efficient overall and more predictable for residents and businesses.

### **3. Clarifications and miscellaneous edits.**

This section of the report summarizes certain text clarifications and miscellaneous edits made in the proposed ordinance.

- Delegation of authority. The proposed ordinance delegates authority for approval of conditional use permits for bars from the City Council to the Planning Commission. In addition, it delegates authority for approval of parking reductions up to 20 percent of the required parking from the Planning Commission to the Director.
- Positions and titles. The proposed ordinance replaces references to the Community Development Director with Director.
- Chapter 15-14 (Historic Preservation). In Zoning Code Chapter 15-14, the proposed ordinance amends the procedures for designations of cultural resources and certificates of appropriateness to make them consistent with the discretionary process in proposed Chapter 15-28.
- Chapter 15-15 (Off-street parking and loading). In Zoning Code Chapter 15-15, the proposed ordinance removes references to the administrative adjustment application type, because it is eliminated in the revised Zoning Code Chapters 15-22 and 15-23.
- Re-ordering of chapters. The ordinance re-orders several chapters in the Zoning Code. Exhibit No. 2 (Ordinance outline) provides an overview of the existing and proposed locations of individual chapters in the Zoning Code. However, it should be noted that in the proposed chapters 15-30 through 15-33 only minor, non-substantive edits are proposed.
- Cross-referencing. References throughout the Zoning Code are updated to refer to the new and renumbered chapters in the proposed ordinance.

As a result of the changes outlined in this section, staff believes that the discretionary review process will become more streamlined and the Zoning Code more user-friendly.

### **Future updates**

Staff plans to bring forth additional ordinances starting in early Summer to further streamline the standards and processes in the Zoning Code. Some of the topics to be covered in future ordinance updates include:

*Simplify development standards.* The Zoning Code establishes development standards for buildings and uses in the various residential and nonresidential zones of the City. Some standards are unnecessarily complicated and sometimes located in obscure locations within the Code. A future ordinance would simplify those standards and locate them in intuitive places in the Code thereby facilitating its administration and the development process.

*Standardize permitted uses.* A future Zoning Code amendment will standardize the lists of permitted uses using consistent terminology and incorporate use tables showing the permitted uses in all residential, commercial, and industrial zones in the City. The absence of integrated uses tables has been a significant deficiency in the current Code, causing delays and frustration for both the public and staff. A future ordinance with integrated use tables would make the Code more user-friendly and improve customer service.

*Outdoor dining areas.* Currently, the Zoning Code requires a Conditional Use Permit for outdoor dining in all nonresidential zones, except for the C-4 and M-1 zones. A future ordinance would make outdoor dining areas a permitted accessory use in each of the City's nonresidential zones.

*Temporary uses and special events.* Events on private property are not clearly addressed in the Zoning Code. The lack of a defined process and specificity on the types of events requiring a permit, have caused confusion, delays and frustration for both the public and staff. A future ordinance would establish a clear process and standards for temporary uses and special events that is predictable and efficient for both the public and staff.

### **GENERAL PLAN CONSISTENCY:**

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

### **ENVIRONMENTAL CONSIDERATION:**

The proposed zone text is exempt from review under the California Environmental Quality Act (California Public Resources Code §§21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§15000, et seq., the "State CEQA Guidelines") because it consists only of minor revisions and clarifications to existing zoning regulations and related procedures. It does not have the effect of deleting or substantially changing any regulatory

standards or findings required thereof. The proposed Ordinance is an action that does not have the potential to cause significant effects on the environment. In addition, any environmental impacts associated with this ordinance are adequately addressed in the General Plan FEIR. Accordingly, this ordinance is consistent with the General Plan FEIR and is exempt from further environmental review requirements under the California Environmental Quality Act. Furthermore, this ordinance constitutes a component of the El Segundo Municipal Code which the Planning Commission determined to be consistent with the FEIR for the City of El Segundo General Plan on December 1, 1992. Accordingly, no further environmental review is required pursuant to 14 Cal. Code Regs. §15168(c)(2).

### CONCLUSION/RECOMMENDATION

Staff believes that the proposed ordinance will streamline and simplify the planning discretionary permit process and improve customer service, by the following:

1. Creating a single, standard process for Director Discretionary Decisions.
2. Creating a single, standard process for Planning Commission Discretionary Decisions.
3. Delegating decision-making authority where appropriate and re-organizing the Zoning Code.

In addition, the proposed ordinance is consistent with the General Plan and the purpose of the Zoning Code. The proposed ordinance is exempt from environmental review under CEQA. Therefore, staff recommends that the Planning Commission adopt Resolution No. 2863 recommending that the City Council adopt the proposed Ordinance.


### CITY STRATEGIC PLAN COMPLIANCE:

Goal 1: Enhance customer service and engagement

Objective A: El Segundo provides unparalleled service to internal and external customers

Goal 4: Develop and Maintain Quality Infrastructure and Technology

Goal 5: Champion Economic Development and Fiscal Sustainability

**PREPARED BY:** Paul Samaras, Principal Planner <sup>AS</sup>  
**REVIEWED BY:** Denis Cook, Planning Consultant <sup>DC</sup>  
**APPROVED BY:** Sam Lee, Director of Planning and Building Safety 

### ATTACHED SUPPORTING DOCUMENTS:

1. Planning Commission Resolution No. 2863
2. Draft ordinance
3. Ordinance outline

## RESOLUTION NO. 2863

### **A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE ENVIRONMENTAL ASSESSMENT NO. EA-1240 AND ZONE TEXT AMENDMENT NO. ZTA 18-07 AMENDING EL SEGUNDO MUNICIPAL CODE (ESMC) TITLE 15 (ZONING CODE) TO REORGANIZE CHAPTERS AND STREAMLINE THE REVIEW AND APPROVAL PROCESSES FOR DISCRETIONARY APPLICATIONS.**

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 18, 2018, the City initiated the process to amend various chapters of ESMC Title 15.
- B. 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");
- C. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for March 25, 2021;
- D. On March 25, 2021, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the application including, information provided to the Planning Commission by city staff; and, adopted Resolution No. 2863 recommending that the City Council approve the proposed zone text amendment;
- E. This Resolution and its findings are made based upon the evidence presented to the Commission at its March 25, 2021, hearing including the staff report submitted by the Planning and Building Safety Department and the totality of the evidence in the administrative record.

#### SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that implementing the proposed ordinance would result in the following:

- A. Sections 3(H), 3(J), 5, 6, and 7 of Chapter 15-15 regarding Off Street Parking and Loading are amended to establish new processes for various parking-related application requests;
- B. Section 15-18-5(B) regarding sign regulations is amended to update references to other ESMC chapters;
- C. Chapters 15-12, 15-23, 15-24A, 15-27A, 15-28, 15-29, and 15-30 are renumbered without substantial modification to the text;

- D. Chapters 15-22, 15-24, 15-25, 15-26, and 15-27 regarding administrative determinations, administrative use permits, adjustments, appeals, amendments, and public hearings are reorganized, and application approval processes amended.

SECTION 3: *General Plan Consistency Findings.* As required under Government Code Section 65860, the Planning Commission finds that the ESMC amendments proposed by the ordinance are consistent with the El Segundo General Plan in that they establish new and streamline existing processes for the review and approval of ministerial and discretionary planning permits. As such, the ordinance is not anticipated to adversely impact the General Plan goals, objectives, and policies.

SECTION 4: *Zone Text Amendment Findings.* In accordance with ESMC Chapter 15-26 (Amendments), and based on the findings set forth in Section 2, the proposed ordinance is consistent with and necessary to carry out the purpose of the ESMC as follows:

- A. The ordinance is consistent with the purpose of the ESMC, which is to serve the public health, safety, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources.
- B. The ordinance is necessary to facilitate the development process and ensure the orderly development of buildings, parking areas, landscaping, and the location of uses in the City. The intent of the ordinance is to establish new and streamline existing processes for the review and approval of ministerial and discretionary planning permits, which will facilitate and expedite the development process and provide economic and social benefits resulting from the orderly planned use of land resources.

SECTION 5: *Environmental Assessment.* The proposed zone text is exempt from review under the California Environmental Quality Act (California Public Resources Code §§21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§15000, et seq., the "State CEQA Guidelines") because it consists only of minor revisions and clarifications to existing zoning regulations and related procedures. It does not have the effect of deleting or substantially changing any regulatory standards or findings required thereof. The proposed Ordinance is an action that does not have the potential to cause significant effects on the environment. In addition, any environmental impacts associated with this ordinance are adequately addressed in the General Plan FEIR. Accordingly, this ordinance is consistent with the General Plan FEIR and is exempt from further environmental review requirements under the California Environmental Quality Act. Furthermore, this ordinance constitutes a component of the El Segundo Municipal Code which the Planning Commission determined to be consistent with the FEIR for the City of El Segundo General Plan on December 1, 1992. Accordingly, no further environmental review is required pursuant to 14 Cal. Code Regs. §15168(c)(2).

SECTION 6: Recommendations. The Planning Commission recommends that the City Council adopt the Ordinance attached as Exhibit "A" which would implement the Zone Text Amendment.

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 information available at the time of the decision. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. In all instances, best efforts have been made to form accurate assumptions.

SECTION 9: This Resolution will remain effective unless and 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 10 calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Ryan Baldino, Chair  
City of El Segundo Planning Commission

ATTEST:

\_\_\_\_\_  
Sam Lee, Secretary

Baldino -  
Newman -  
Hoeschler -  
Keldorf -

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

By: \_\_\_\_\_  
David King, Assistant City Attorney



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE TITLE 15 (ZONING REGULATIONS) TO REORGANIZE CHAPTERS AND STREAMLINE THE REVIEW AND APPROVAL PROCESSES FOR DISCRETIONARY APPLICATIONS.**

**(ZONE TEXT AMENDMENT NO. 18-07)**

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

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

- A. On December 18, 2018, the City initiated the process to amend El Segundo Municipal Code (ESMC) Title 15 (Zoning Regulations) to reorganize chapters and streamline the review and approval processes for discretionary applications;
- B. 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”);
- C. On \_\_\_\_\_, 2021, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the application including information provided by city staff; and, adopted Resolution No. 2863 recommending that the City Council approve the proposed amendments;
- D. On \_\_\_\_\_, 2021, City Council held a public hearing and considered the information provided by City staff and public testimony regarding this Ordinance; and
- E. This Ordinance and its findings are made based upon the entire administrative record including testimony and evidence presented to the City Council at its \_\_\_\_\_, 2021 hearing and the staff report submitted by the Development Services Department.

**SECTION 2:** *Factual Findings and Conclusions.* The City Council finds that implementing this ordinance will result in the following amendments to the ESMC:

- A. Sections 3(H), 3(J), 5, 6, and 7 of Chapter 15-15 regarding Off Street Parking and Loading are amended to establish new processes for various parking-related application requests;
- B. Section 15-18-5(B) regarding sign regulations is amended to update references to other ESMC chapters;

- C. Chapters 15-12, 15-23, 15-24A, 15-27A, 15-28, 15-29, and 15-30 are renumbered without modification to the text;
- D. Chapters 15-22, 15-24, 15-25, 15-26, and 15-27 regarding administrative determinations, administrative use permits, adjustments, appeals, amendments and public hearings are reorganized and application approval processes amended;

SECTION 3: General Plan Findings. As required under Government Code Section 65860, the ESMC amendments proposed by the Ordinance are consistent with the El Segundo General Plan in that the proposed ordinance establishes new, and streamlines existing, processes for the review and approval of ministerial and discretionary planning permits. As such, the Ordinance is consistent with the General Plan goals, objectives and policies.

SECTION 4: Zone Text Amendment Findings. In accordance with ESMC Chapter 15-26 (Amendments), and based on the findings set forth in Section 2, the proposed ordinance is consistent with and necessary to carry out the purpose of the ESMC as follows:

- A. The ordinance is consistent with the purpose of the ESMC, which is to serve the public health, safety, and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources.
- B. The ordinance is necessary to facilitate the development process and ensure the orderly development of buildings, parking areas, landscaping, and the location of uses in the City. The intent of the ordinance is to establish new, and streamline existing, processes for the review and approval of ministerial and discretionary planning permits, which will facilitate and expedite the development process and provide economic and social benefits resulting from the orderly planned use of land resources.

SECTION 5: Environmental Assessment. Pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 21000, *et seq.* ("CEQA"), and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "State CEQA Guidelines"), the proposed ordinance is exempt from further review, because it consists only of minor revisions and clarifications to existing zoning regulations and related procedures. It does not have the effect of deleting or substantially changing any regulatory standards or findings required thereof. The proposed Ordinance is an action that does not have the potential to cause significant effects on the environment. In addition, any environmental impacts associated with this ordinance are adequately addressed in the General Plan FEIR. Accordingly, this ordinance is consistent with the General Plan FEIR and is exempt from further environmental review requirements under the California Environmental Quality Act. Furthermore, this ordinance constitutes a component of the El Segundo Municipal Code which the Planning Commission determined to be consistent with the FEIR for the City of El Segundo General Plan adopted on December 1, 1992. Accordingly, no further environmental review is required pursuant to 14 Cal. Code Regs. §15168(c)(2).

SECTION 6: ESMC Section 15-5G-10 regarding the C-4 (Commercial Center) zone Site Plan Review process is deleted.

SECTION 7: ESMC Chapter 15-12 regarding Coastal Zone Development Permits is deleted.

SECTION 8: ESMC Sections 2-7, 9, and 11 of Chapter 15-14 regarding Historic Preservation are amended as follows:

**Chapter 14  
HISTORIC PRESERVATION**

- 15-14-1: PURPOSE**
- 15-14-2: AUTHORITY OF PLANNING COMMISSION**
- ~~**15-14-3: NOTICE OF PUBLIC HEARINGS**~~
- ~~**15-14-43: DESIGNATION OF CULTURAL RESOURCES**~~
- ~~**15-14-54: LIST OF DESIGNATED CULTURAL RESOURCES**~~
- ~~**15-14-65: DESIGNATED CULTURAL RESOURCES; CERTIFICATE OF APPROPRIATENESS**~~
- ~~**15-14-76: PROCEDURE AND CRITERIA; AUTHORITY TO GRANT CERTIFICATE OF APPROPRIATENESS**~~
- ~~**15-14-7: CERTIFICATE OF APPROPRIATENESS CRITERIA AND CRITERIA EXEMPTIONS**~~
- 15-14-8: DUTY TO KEEP IN GOOD REPAIR**
- 15-14-9: ORDINARY MAINTENANCE AND REPAIR**
- 15-14-10: EMERGENCY WORK ON DESIGNATED CULTURAL RESOURCES:**
- 15-14-11: ENFORCEMENT AND PENALTIES**

\* \* \* \* \*

**15-14-2: AUTHORITY OF PLANNING COMMISSION:**

- A. The Planning Commission shall have the power and authority to perform all of the duties enumerated and provided in this Chapter and shall act in accordance with its established rules and bylaws.
- B. For the purposes of this Chapter, the Director of Community, Economic and Planning and Building Safety, or the Director's designee, shall serve as administrative staff and as secretary to the Commission. ~~The secretary shall keep minutes of each meeting, record the official actions taken, record the vote on all official actions, certify each official act and resolution of the Commission, and maintain records of operation.~~
- C. The Commission shall have the following powers and duties:
  - 1. To maintain a local register of cultural resources and historic sites.

2. To recommend removal of a designated cultural resource.
3. To review and comment upon the conduct of land use, housing, ~~M~~municipal improvements, and other types of planning and programs undertaken by any agency of the City, the County, or the State as they relate to the cultural resources and historical sites ~~of~~within the City.
4. To report to the City Council on the use of various Federal, State, local, or private funding sources and mechanisms available to promote preservation of cultural resources and historical sites in the City.
5. To review applications for alteration, construction, demolition, relocation, and restoration of proposed or designated cultural resources and approve or deny certificates of appropriateness for such actions pursuant to Sections ~~15-14-85~~ 15-14-7 of this Chapter.
6. To cooperate with local, County, State and Federal governments and private organizations in the pursuit of the objectives of historic preservation within the City.
7. To ensure that designation of a building or structure as a designated cultural resource shall not infringe upon the rights of private owners to make any and all reasonable uses of such designated cultural resource which are not inconsistent with the purposes of this Chapter.

**~~15-14-3: NOTICE OF PUBLIC HEARINGS:~~**

- A. ~~Whenever this Chapter calls for a public hearing, the owner of the affected building or structure and all property owners within a three hundred foot (300') radius of the subject property shall be sent written notice of the public hearing by mail not less than ten (10) days prior to the hearing. Notice shall also be advertised once ten (10) days prior to a hearing in a newspaper of general circulation.~~
- B. ~~The notice shall give the date, time and place of the hearing, the location of the property, and a description of the proposed action affecting the property. (Ord. 1212, 11-16-1993)~~

**~~15-14-43: DESIGNATION OF CULTURAL RESOURCES:~~**

- A. Procedures: Requests for designation of a cultural resource are voluntary and may be made by or with the written consent of the property owner, by filing an application with the Development Services Department ~~of Community, Economic and Development Services~~. The designation of a cultural resource is strictly voluntary, not mandatory.
1. The Commission shall hold a ~~noticed~~ public hearing on the matter as set forth in Chapter 15-28 ~~within forty five (45) days of receipt of the complete~~

~~application. Within seven (7) days of the hearing, the Commission shall~~  
**and** provide a written recommendation to the City Council as to whether the building or structure should be made a designated cultural resource. ~~If the recommendation of the Commission is to designate the building or structure as a designated cultural resource, the recommendation shall include the reasons for designating the building or structure as a designated cultural resource and shall include a determination of whether to mark it with a uniform and distinctive marker.~~

2. ~~Within thirty (30) days after~~**After** receiving the recommendation of the Commission, the City Council shall hold a ~~noticed~~ public hearing **as set forth in Chapter 15-28** and approve or deny the recommendation.
  3. Any hearing may be continued for any reason by the consent of the City and the property owner. If the property owner does not consent, there may be no more than one continuance for a period not to exceed ~~thirty one (31)~~ days if the additional time is needed to conduct further study of the cultural resource. If an EIR or negative declaration is required, the time limits set forth in California Public Resources Code section 21151.5 shall apply.
  4. The City Council shall declare designated cultural resources by resolution, which shall contain a statement as to why the cultural resource is so designated. Any such resolution shall include a legal description of the property involved, including lot and block number and the name of the property owner. The resolution shall be duly recorded by the City Clerk in the County Recorder's office.
- B. Criteria: A cultural resource may be declared a designated cultural resource if it meets the following criteria:
1. Must be at least ~~fifty (50)~~ years old; and
  2. It is associated with persons or events significant in local, State, or national history; or
  3. It reflects or exemplifies a particular period of national, State, or local history; or
  4. It embodies the distinctive characteristics of a type, style, period of architecture, or method of construction.
- C. Temporary Stay On Permits Pending Designation: No construction, alteration, demolition, relocation, or restoration shall be allowed and no other entitlement permits shall be issued with regard to any proposed designated cultural resource from the time an application for designation is made until the City Council has made a final decision to either approve or deny the request for designation.

- D. Removal Of Designation: A cultural resource designation may be removed subject to the same procedures set forth above.

**15-14-54: LIST OF DESIGNATED CULTURAL RESOURCES:**

The ~~Department of Community, Economic and Development Services~~**Development Services Department** shall maintain a designated cultural resources list which shall include the following information:

- A. A legal description of each designated cultural resource, the names and addresses of all owners of designated cultural resources, and assessor's parcel numbers of designated cultural resources.
- B. A legal description of the property included in any historic district, including the special historical, aesthetic, cultural, architectural, or engineering interests or value of the District.
- C. Sketches, photographs or drawings of structures of all designated cultural resources and other significant buildings or historical sites.
- D. A statement of the condition of designated cultural resources and other significant buildings or historical sites.
- E. An explanation of any known threats to any designated cultural resource and other significant buildings or historic sites.

**15-14-65: DESIGNATED CULTURAL RESOURCES; CERTIFICATE OF APPROPRIATENESS:**

- A. A certificate of appropriateness ~~issued by the Commission, or the City Council on appeal,~~ shall be required before the following actions affecting a designated cultural resource may be undertaken: construction, alteration, restoration, relocation, and demolition.
- B. No building permit for any work on a designated cultural resource shall be issued until a certificate of appropriateness is issued in the manner provided for in this Chapter.
- C. A certificate of appropriateness is not required for any ordinary repair and maintenance as described in Section 15-14-9 of this Chapter.

**15-14-76: PROCEDURE AND CRITERIA; AUTHORITY TO GRANT CERTIFICATE OF APPROPRIATENESS:**

**The Planning Commission may grant a certificate of appropriateness, subject to the process set forth in Chapter 28 of this title.**

A. Procedure:

1. ~~Application: No person shall carry out or cause to be carried out, any alteration, construction, demolition, relocation or restoration of a designated cultural resource without first submitting an application for such work and obtaining the approval of the Commission or, on appeal thereof, of the City Council. Application for such approval shall be made to the Community, Economic and Development Services Department on forms provided by the City. The application shall include all required plans, materials, documents and other information from the applicant which are reasonably necessary for proper review and action by the Commission.~~
2. ~~Commission Hearing: Upon submittal of an application which is accepted as complete by the Department of Community, Economic and Planning and Building Safety, the Commission shall hold a public hearing on the application within forty five (45) days. Notice of the hearing shall be given as required by Section 15-14-3 of this Chapter. The Commission shall make a decision on the application within five (5) days after the completion of the hearing. The Commission may approve, approve with conditions or deny the application. The Commission's decision shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. A copy of the decision shall be mailed to the property owner within five (5) days of the date of the decision.~~
3. ~~Appeal To City Council: The decision of the Commission to approve, deny, or approve with conditions any application as set forth in this Section is appealable to the City Council. Such appeal shall be made in writing and delivered to the office of the City Clerk not later than ten (10) calendar days from the date of mailing of the notice of the Commission's decision. At the time of filing, the applicant shall pay a fee as required by City Council Resolution 3617. No application for appeal shall be deemed complete until the prescribed fee has been received by the City. Such appeal shall specify the reasons for the appeal from the decision of the Commission. Upon the filing of the appeal, the Clerk shall set the matter for public hearing within thirty (30) days and shall give notice of the hearing as required by Section 15-14-3 of this Chapter. Upon the hearing of such appeal, the City Council may, by resolution, affirm or modify or reverse the determination of the Commission. The City Council shall render its decision within five (5) days of the completion of the hearing.~~

**15-14-7: CERTIFICATE OF APPROPRIATENESS CRITERIA AND CRITERIA EXEMPTIONS**

- BA.** Criteria; Alteration, Construction ~~O~~or Restoration: A certificate of appropriateness for the alteration, construction or restoration of a designated cultural resource shall not be issued unless the Commission or City Council, on appeal, find all of the following conditions exist:

1. The proposed alteration, construction or restoration will not adversely affect exterior architectural features of the building or structure specified in the designation; and
2. The proposed alteration, construction or restoration will not adversely affect the special character; special historical, architectural or aesthetic interest; nor the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, as specified in the designation.

**CB.** **Criteria; Demolition:** A certificate of appropriateness for the demolition of a designated cultural resource shall not be issued unless the Commission or City Council, on appeal, find one or more of the following conditions exist:

1. The structure or building is a hazard to public health or safety; or
2. The site on which the designated cultural resource is located is required for a public use which will be of more benefit to the public than its use as a cultural resource and there is no practical alternative location for the public use; or
3. Denial of the proposed application will result in unreasonable economic hardship to the owner; it is not feasible to preserve or restore the designated cultural resource; and the property owner will be denied the reasonable beneficial use of the property if the application is denied.

**DC.** **Criteria; Relocation:** A certificate of appropriateness for the relocation of a designated cultural resource shall not be issued unless the Commission or City Council, on appeal, finds that:

1. One or more of the conditions set forth in subsection **CB** of this Section exist;
2. The relocation will not destroy the historic, cultural or architectural value of the designated cultural resource; and
3. The relocation is part of a definitive series of actions which will assure the preservation of the designated cultural resource.

**ED.** **Exemption for Unreasonable Economic Hardship:** A property owner may request an exemption from the provisions of this Chapter on the grounds of unreasonable economic hardship for any alteration, construction, restoration, demolition or relocation of a designated cultural resource.

A property owner requesting an exemption on the grounds of unreasonable economic hardship shall provide the following information; including, but not limited to:



1. Ownership and operation of the property, mortgage and financing information, market value, structural integrity, rehabilitation costs, assessed value, real estate taxes, debt service, and potential adaptive re-use.
2. For income-producing property: a) annual gross income from the property for the previous two (2) years; b) itemized operating and maintenance expenses for the previous two (2) years; and c) annual cash flow, if any, for the previous two (2) years.
3. For low-income owners: a statement of present household income and number of persons in the household. "Low-income" households shall be defined as meeting the income level established by the U.S. Department of Housing and Urban Development.
4. The staff may require that a property owner furnish additional information which would assist the Commission in making a determination as to whether or not the property does yield or may yield a reasonable return to the owner(s) (i.e., pro forma financial analysis). In the event that any of the required information is not reasonably available to the property owner and cannot be obtained by the property owner, the property owner shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

The property owner shall have the burden of proof to establish unreasonable economic hardship.

The Commission, or City Council on appeal, may grant an exemption on the grounds of unreasonable economic hardship if it finds that the application of the provisions of this Chapter to the proposed alteration, construction, restoration, demolition or relocation would deny the property owner reasonable beneficial use of the property and a reasonable rate of return on the owner's investment in the property.

\* \* \* \* \* **\*15-14-9: ORDINARY MAINTENANCE AND REPAIR:**

Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any designated cultural resource that does not involve a change in design, material, or external appearance thereof, nor does this Chapter prevent the construction, alteration, restoration, demolition, or removal of any such architectural feature if the Director of ~~Community, Economic and Planning and Building Safety~~ certifies to the Commission that such action is required for the public safety due to an unsafe or dangerous condition.

\* \* \* \* \*

**15-14-11: ENFORCEMENT AND PENALTIES:**

- A. Any person who violates any provision of this Chapter or fails to obey an order issued by the Commission or comply with a condition of approval of any certificate of appropriateness issued under this Chapter shall be guilty of a misdemeanor and subject to provisions of Section ~~45-28-2~~**15-30-2** of this Title.
- B. Any person who constructs, alters, removes, relocates, restores or demolishes a designated cultural resource in violation of any provision of this Chapter shall be required to restore the building, object, site, or structure to its appearance or setting prior to the violation.
- C. The Building Official shall have the authority to enforce all provisions of this Chapter.

SECTION 9: ESMC Subsection 3(H) of Chapter 15-15 (Off Street Parking and Loading) regarding Off-Site Parking is amended as follows:

H. Off-Site Parking:

- 1. Applicability: The Director may approve off-site parking locations within the City for nonresidential uses to meet the parking requirements of this chapter **subject to the process set forth in Chapter 23 of this Title.** Such off-site parking locations must be secured with a covenant, approved by the City Attorney, and recorded in the County Recorder's Office before the City issues building permits. ~~The off-site parking spaces used to satisfy the parking requirements for a different site must be surplus to the required parking spaces required for uses of the off site location. Alternatively, the Planning Commission may approve a reduction of required parking spaces as provided in this chapter.~~
- ~~21.~~ **21.** Director Review: The Director may review off-site parking covenants for a maximum of ~~twenty (20)~~ parking spaces or ~~twenty~~**20** percent (~~20%~~) of the required number of parking spaces, whichever is more. The parking covenant may include such conditions as the Director may lawfully impose.
- ~~32.~~ **32.** Planning Commission Review: The Planning Commission must review all off-site parking covenants for more spaces than the Director is authorized to approve. **Planning Commission review of off-site parking covenants is subject to the process set forth in Chapter 28 of this title.** The parking covenant may include such conditions as the Planning Commission may lawfully impose.
- ~~43.~~ **43.** Off-Site Parking Findings ~~Of~~**of** Approval: Requests for off-site parking must meet the following requirements:

- a. The off-site parking must be located so that it will adequately serve the use for which it is intended. In making this determination, the following factors, among other things, must be considered:
  - (1) Proximity of the off-site parking facilities (i.e., 750 feet is a reasonable maximum walking distance for high turnover uses such as retail sales, services and restaurants);
  - (2) Ease of pedestrian access to the off-site parking facilities;
  - (3) Provisions for transportation to and from the off-site parking facility (e.g., shuttle or valet services);
  - (4) The type of use the off-site parking facilities are intended to serve.
- b. The off-site parking spaces must be surplus to the required parking spaces for uses at the off-site location, unless an adjustment is approved based on an approved parking demand study pursuant to Sections 15-15-3(J) and 15-15-6(C) of this chapter.**

SECTION 10: ESMC Subsection 3(J) of Chapter 15-15 (Off Street Parking and Loading Spaces) regarding Parking Exceptions is amended as follows:

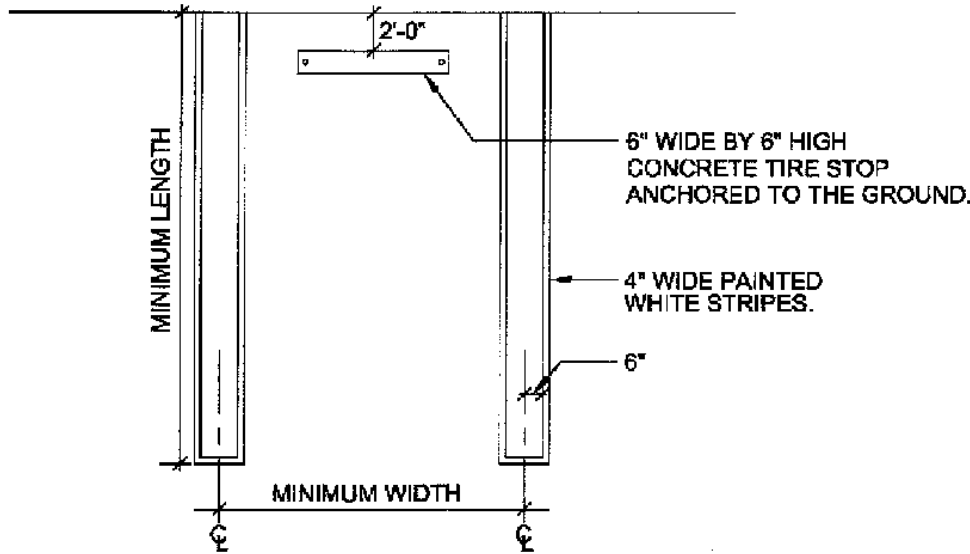
- J. Parking Exceptions:
  - 1. Director Review: The Director of ~~Planning and Building Safety~~ may review and approve requests for ~~administrative~~ adjustments from the requirements of this chapter as provided in ~~chapter 24,~~ "~~Adjustments~~" **Chapters 22 and 23**, of this title including, ~~without limitation,~~ the design and layout of parking facilities; the required number of parking spaces; the dimensions of parking spaces; the type of loading spaces required; aisles; driveways and curb cuts; paving materials and colors; and striping. The types and extent of adjustments the Director of ~~Planning and Building Safety~~ is authorized to review ~~administratively or is authorized to review subject to a public hearing~~ are specified in sections 15-15-5, 15-15-6, and 15-15-7 of this chapter.
  - 2. Planning Commission Review: The Planning Commission must review requests for ~~parking reductions as specified in subsection 15-15-6C of this chapter and may review administrative adjustments~~ **that are referred to it** by the Director of ~~Planning and Building Safety~~. **at a public hearing as set forth in Chapter 28 of this title.**

SECTION 11: Section 15-15-5 (Parking Area Development Standards) is amended as follows:

## 15-15-5: PARKING AREA DEVELOPMENT STANDARDS:

- A. Access ~~And~~ and Circulation
1. Design: Parking facilities must be designed so that a car within a facility will not have to enter a street to move from one (1) location to any other location within the same facility.
  2. Exit: Parking facilities in nonresidential zones must be designed in such a manner that any vehicle on the property will be able to ~~maneuver as necessary so that it may~~ exit from the property traveling in a forward direction. However, vehicles may exit onto an alley traveling in a reverse direction.
  3. ~~Administrative Adjustments:~~ The Director of Planning and Building Safety may approve ~~administrative adjustments~~ from the site access and circulation standards as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.
- B. Driveway and Parking Area Paving and Surfacing: All permanent on-site parking, loading, vehicle storage and vehicle sales areas must be paved with approved concrete or asphaltic concrete. On-site parking areas to be used for not longer than one (1) year must be surfaced and maintained with an impervious material acceptable to the Director so as to eliminate dust and mud. All on-site parking areas must be graded and drained so as to dispose of all surface water in accordance with the applicable storm water regulations. ~~The Director may at his discretion, approve~~ **Acceptable** alternative paving materials ~~such as~~ **include** decorative concrete, permeable concrete, grasscrete, brick, or similar material of equivalent durability. The Director may approve ~~administrative adjustments~~ from the driveway and parking area paving standards for non-standard roadbed construction and alternative roadway surfaces (such as drivable reinforced turf) as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.
- C. Parking Area Striping: All parking spaces must be clearly striped with white, double four-inch (4") wide stripes, one foot (1') apart. The Director of Planning and Building Safety may approve ~~administrative adjustments~~ from the parking area striping standards as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title. The alternative designs may include, ~~without limitation,~~ the use of colored concrete and other decorative materials **provided that alternative**. Approved striping **options** ~~alternatives must~~ clearly identify parking spaces and distinguish them from adjoining walkways and drive aisles.

FIGURE 1 - PARKING AREA STRIPING



D. Parking Space Location:

1. Residential Spaces:

a. Required parking spaces, excepting guest spaces, must be located within a garage or carport as required in Subsection S of this Section.

~~ab. Guest Spaces: No required guest parking space for any residential use may be located, in whole or in part, in any a required front yard or front two-thirds of any a required side yard.~~

~~b. Required Spaces: Required parking spaces, excepting required guest parking spaces, for any residential use must be located within a required garage or carport as required in subsection S of this section.~~

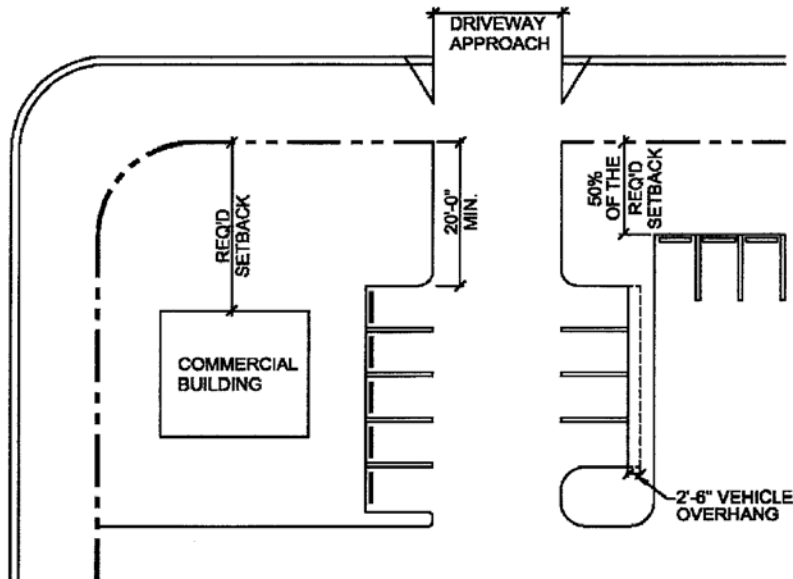
2. Nonresidential Spaces:

a. ~~Encroachment:~~ Parking spaces may encroach into a required street-facing setback up to a maximum of 50 percent (50%) of the required setback area, provided a minimum landscaped setback of five feet (5') is maintained. Parking spaces may encroach into a required interior side and rear setback up to the interior side or rear property line, provided that the interior side and rear property line does not abut a public or private street.

b. ~~Minimum Landscaped Setback:~~ Parking spaces that back up directly into a driveway entrance must maintain a minimum landscaped setback of 20 feet (20') from any street facing property line.

- c. ~~Access By Alley:~~ Where vehicular access is provided by an alley, parking may intrude into the required rear yard; provided, however, the amount of setback intruded upon must be replaced by increasing the other required yards on site by an equivalent amount.

FIGURE 2 - PARKING SPACE LOCATION

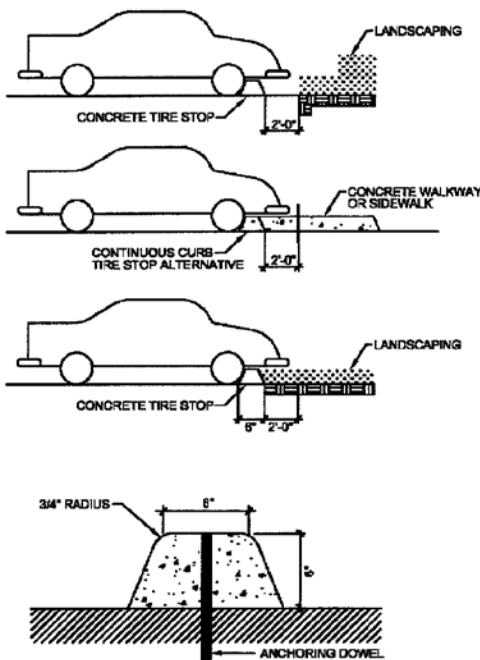


- E. Parking Lot Slope: The maximum slope for parking lots is five percent (5%). The Director of Planning and Building Safety may approve administrative adjustments from the parking lot slope standard as provided in chapter 24, "Adjustments", **Chapters 22 and 23** of this title.
- F. Tire Stops:
1. ~~Dimensions:~~ Tire stops must be a minimum of six inches (6") wide by six inches (6") in height.
  - 21.** Location: Concrete tire stops must be provided in all parking lot areas abutting a building, structure, sidewalk, planting area, street, or alley or other permanent feature such as a tree, bollard, utility box, or sign. Tire stops shall be located two feet (2') from the front of a parking space.
  - 32.** Continuous Curb: ~~In lieu of a tire stop, a~~ continuous concrete curb may be provided in lieu of a tire stop, provided the area within two feet of the curb face (overhang area) is not required for pedestrian or handicap access. The vehicle overhang area may be landscaped,

however this landscaped area does not count toward the required vehicle use area landscaping.

**3. Dimensions: Tire stops or curbs must be a minimum of six inches wide and six inches tall.**

FIGURE 3 - TIRE STOP DESIGN AND LOCATION



4. ~~Adjustment Approval: The Director of Planning and Building Safety may approve adjustments from the tire stop standards as provided in chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.

G. Lighting:

1. Lights provided to illuminate any parking area or vehicle sales areas as permitted by this Code must be arranged so as to direct the light away from any premises upon which a residential dwelling unit is located.
2. Parking area light standards located within ~~fifty~~**50** feet (~~50'~~) of a property line must not exceed ~~twenty five~~**25** feet (~~25'~~) in height.
3. The Director may approve ~~administrative~~ adjustments from the lighting standards ~~as provided in chapter 24, "Adjustments",~~ of this title.

- H. Landscaping:
  - 1. All new or substantially redesigned parking areas must provide landscaping as provided in chapter 2, "General Provisions", of this title.
- I. Parking Space Dimensions:
  - 1. Minimum ~~Parking Space Interior Dimensions~~ **Interior Dimensions**:

Space Type	Minimum Width	Minimum Length
Commercial standard	8.5 feet	18 feet
Residential standard	9 feet	20 feet
Residential - narrow lots <sup>1</sup>	8.5 feet	20 feet
Vehicle lift	11 feet	21 feet
Compact	8.5 feet	15 feet
Parallel	8.5 feet	24 feet
Accessible	See note 2	See note 2
Motorcycle	5 feet	9 feet
Bicycle	2 feet	5 feet

Notes:

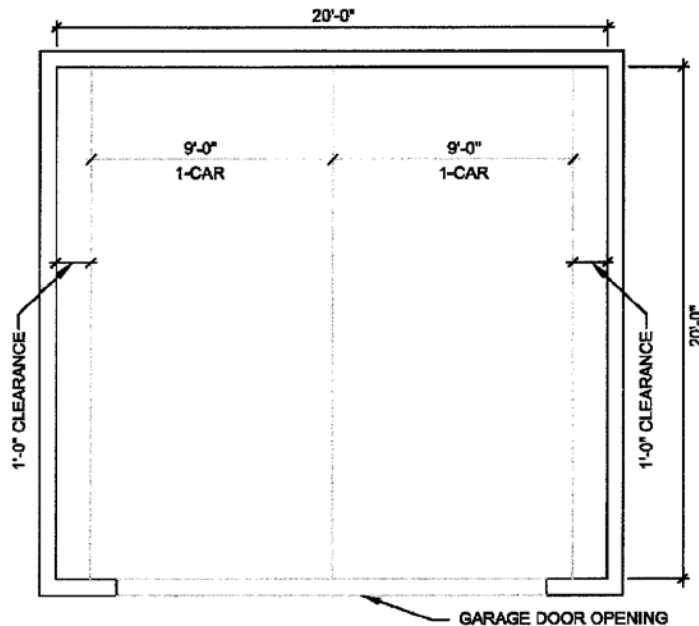
- 1. Lots under 40 feet in width.
- 2. The dimensions of accessible parking spaces must comply with the Americans With Disabilities Act (ADA), title III and California Code of Regulations (CCR), California Access Code, title 24.

- 2. ~~Single-Family Dwellings: Minimum Garage Dimensions: Two-car garages for single-family dwellings must have minimum interior dimensions of twenty feet by twenty feet (20' x 20'), except for narrow lots as indicated above.~~



- a. Two-car garages must have minimum interior dimensions of 20 feet by 20 feet, except for narrow lots as indicated above.

FIGURE 4 - SINGLE-FAMILY DWELLING GARAGE



- 3b. ~~Single-Family Dwelling Maximum Garage Dimensions: Individual garages for single-family dwellings must not exceed nine hundred (900) square feet in size or a four-(4)-car capacity, whichever is less. Subterranean garages and semi-subterranean garages that meet the definition of a basement are exempt from this requirement.~~
43. ~~Adjustment Approval: The Director of Planning and Building Safety may approve adjustments to the parking space dimensions standards as provided in chapter 24, "Adjustments", **Chapters 22 and 23** of this title.~~
- J. ~~Compact Spaces Permitted: Compact parking is allowed for office, industrial, hotel, and recreational uses up to a maximum of twenty~~**20** ~~percent (20%) of required parking spaces. Parking provided in excess of the required number may be compact in size. Compact spaces cannot be allowed for retail uses.~~
- K. ~~Tandem Spaces Permitted: All tandem parking spaces, where allowed, must be clearly outlined on the surface of the parking facility.~~

TANDEM SPACES PERMITTED

Use	<u>Maximum</u> Percentage <del>Of</del> Required Spaces	<u>Maximum</u> Percentage <del>Of</del> Required Spaces in Smoky Hollow	Maximum Depth
Single-family and two-family <u>residential dwellings</u>	100	n/a	2 spaces <sup>1</sup>
Multiple-family residential	Prohibited <sup>2</sup>	n/a	n/a
Retail uses and services	Prohibited	30	2 spaces
Industrial uses	20	85	2 spaces
Offices	20	85	2 spaces
Restaurants	Prohibited	10	2 spaces

Notes:

1. Tandem spaces for single- and two-family dwellings must be assigned to the same unit.
2. Tandem parking is permitted for multiple-family residential developments involving density bonuses, pursuant to Government Code section 65915.

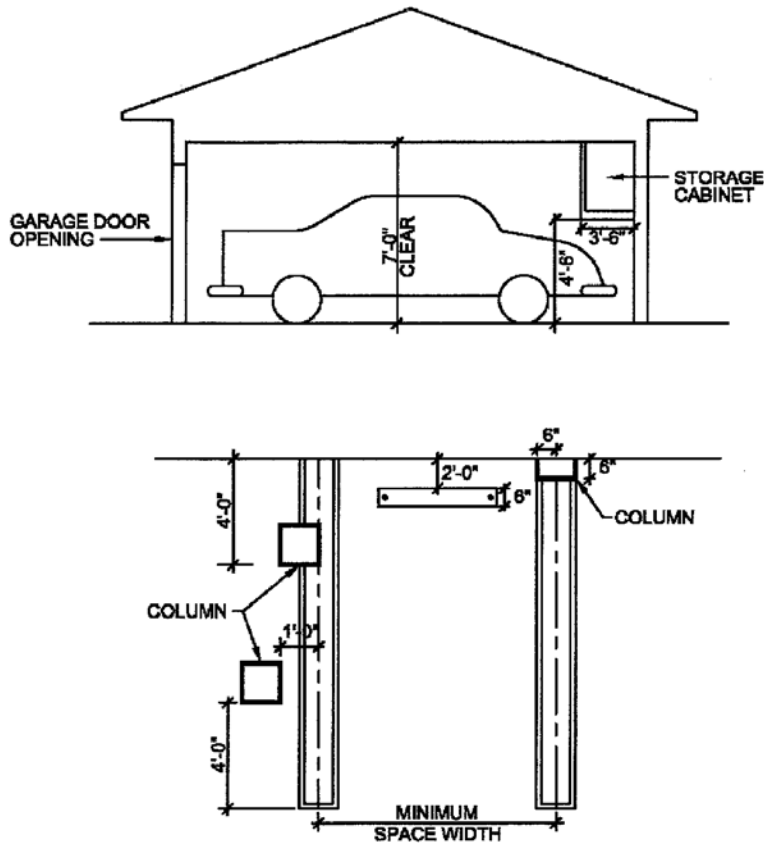
The Director may approve tandem parking and/or administrative adjustments to the tandem parking standards as provided in chapter 24, "Adjustments", of this title, required number and standards for tandem parking spaces as provided in Chapters 22 and 23 of this title, subject to conditions. The conditions may include recording of a covenant agreement, requiring a parking attendant, requiring valet service, and other operational conditions. The Director may also approve tandem parking in excess of the above limits for permitted temporary uses and/or special events.

- L. Parking Clearance ~~And~~ and Obstructions:
  1. Vertical Clearance: The minimum vertical clearance for all parking areas must be seven feet ~~(7')~~, except that storage cabinets and other obstructions shall be permitted in an area above the front end of

**parking spaces that must be at least 4.5 feet above the ground and no more than 3.5 feet from the front end of the space.**

- a. ~~Exceptions: Storage cabinets and other obstructions shall be permitted in an area above the front end of parking spaces that must be at least 4.5 feet above the ground and no more than 3.5 feet from the front end of the space.~~
2. Horizontal Clearance: Parking spaces located next to walls, columns, or similar obstructions must provide an additional one foot (1') of ~~clearance~~**width** on the side of the obstruction, **except as follows:-**
  - a. ~~Exceptions:~~
    - (1)**a.** Columns or similar obstructions are permitted in ~~the one foot (1')~~ clearance area **up to** four feet (4') ~~of~~**at** the front and rear end of a parking space.
    - (2)**b.** ~~Walls,~~ **C**olumns, or similar obstructions may project six inches (6") into the front end corners of a parking space.
3. Disabled Access: Where necessary to comply with the Americans ~~W~~**W**ith Disabilities Act (ADA), ~~†~~**T**itle III and California Code of Regulations ~~(CCR)~~, California Access Code, ~~†~~**T**itle 24, parking facilities may deviate from the parking clearance and obstructions standards.

FIGURE 5 - REQUIRED CLEARANCE AND PERMITTED OBSTRUCTIONS

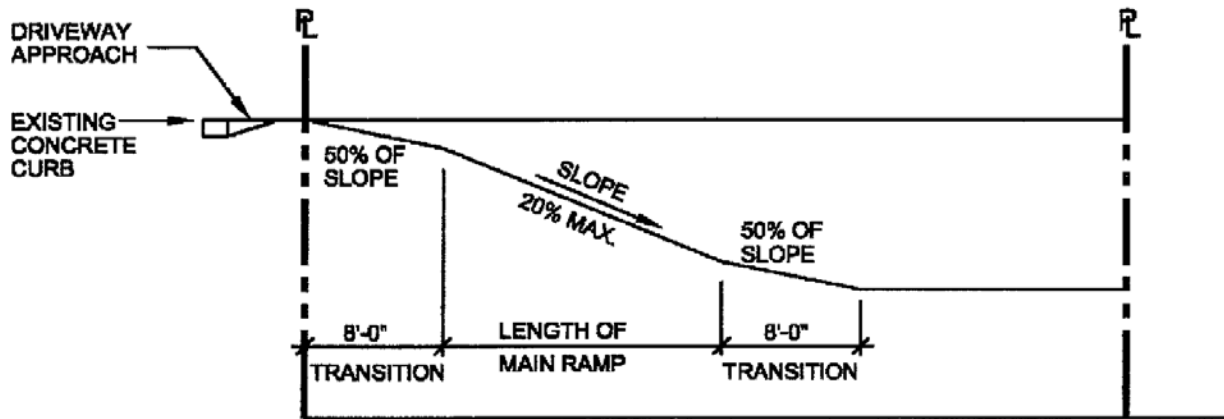


**4.** ~~The Director of Planning and Building Safety~~ may approve adjustments to the parking clearance and obstructions standards as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.

M. Vehicle Ramps:

Ramp <b><u>Maximum</u></b> slope	20 percent <del>maximum</del>
Transitions <b><u>slopes</u></b> required	<b><u>Required at</u></b> At each end of ramps that exceed a 6 percent slope
<b><u>Minimum</u></b> <del>Transition</del> length	8 feet <del>minimum</del>
<b><u>Slope of</u></b> <del>Transition</del> slope	At least 50 percent of the main ramp slope

FIGURE 6 - VEHICLE RAMP DESIGN



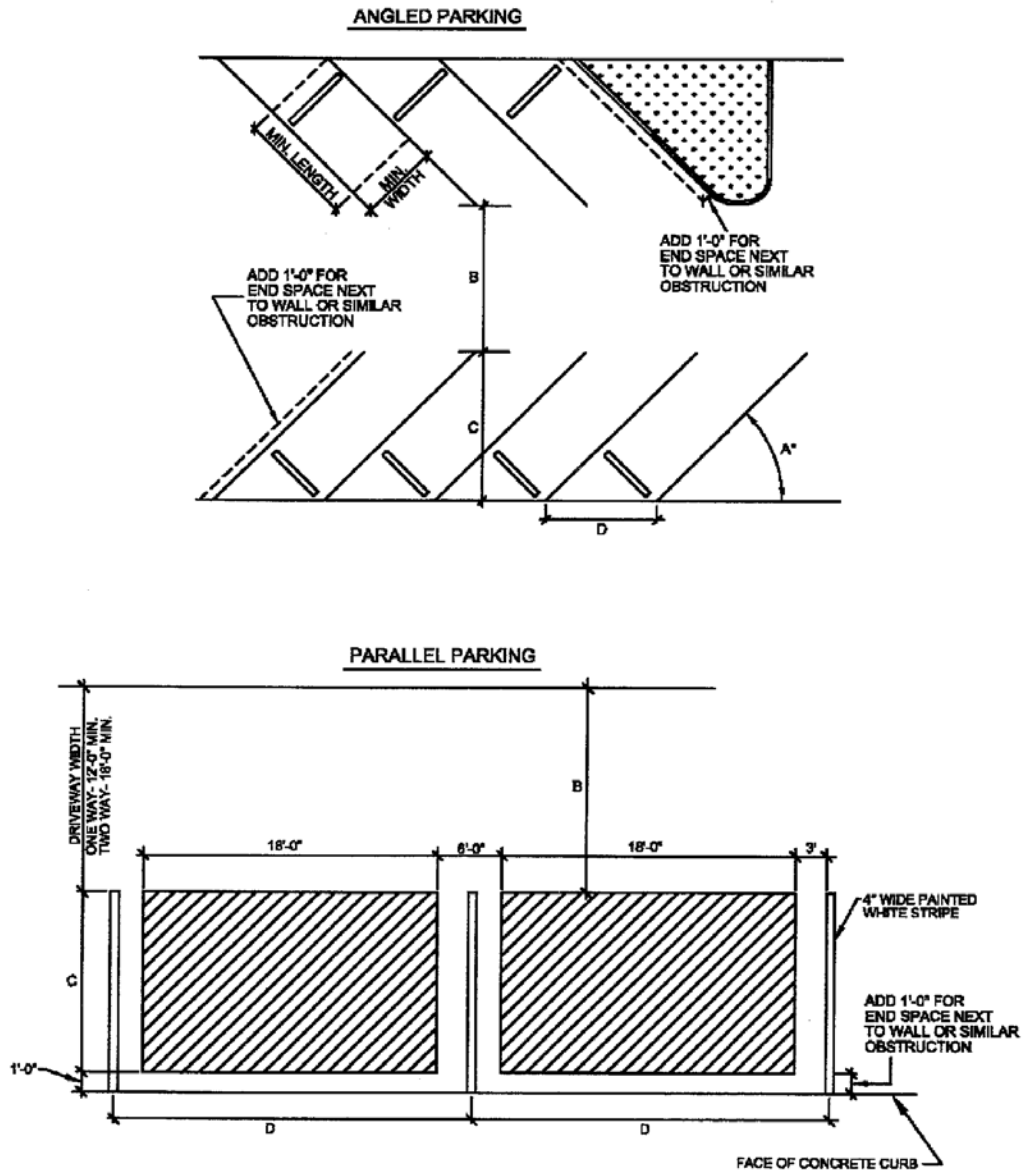
The Director of Planning and Building Safety may approve administrative adjustments to the vehicle ramps standards as provided in chapter 24, "Adjustments", **Chapters 22 and 23** of this title.

N. Drive Aisle Width ~~And~~ and Parking Row Depth:

1. ~~Drive Aisle Width And Parking Space Depth: General drive aisle width and parking space depth requirements:~~

Parking Angle	Aisle Width - One-Way	Aisle Width - Two-Way	Standard Space Depth	Compact Space Depth	Space Width
A	B	B	C	C	D
0° - parallel	12'	18'	8.5'	8.5'	24'
30°	12'	18'	16.36'	14.86'	17'
45°	15'	18'	18.74'	16.62'	12.02'
60°	16'	18'	19.84'	17.24'	9.82'
90°	25'	25'	18'	15'	8.5'

FIGURE 7 - PARKING AISLE AND PARKING SPACE DIMENSIONS



2. ~~Exceptions For NinetyDegree Parking Angle:~~ For ninety **90**-degree (90°) parking, the parking aisle width can deviate from the above requirements based on the following table:

EXCEPTIONS FOR 90° PARKING ANGLE<sup>1</sup>  
 (STANDARD PARKING SPACES ONLY)<sup>1</sup>

Parking Space Minimum Width <b>(in feet)</b>	Parking Aisle Width <b>(in feet)</b>
8.5 feet	25 feet
9.0 feet	24 feet
9.5 feet	23 feet
10 feet	22 feet

Note:

1. The exceptions for 90-degree parking do not apply to garages for single- and two-family dwellings.

~~32.~~ ~~Adjustment Approval:~~ The Director of Planning and Building Safety may approve adjustments to the drive aisle width and parking space depth standards as provided in chapter 24, "Adjustments", **Chapters 22 and 23** of this title.

O. ~~Driveway And~~ **and** Curb Cuts: All curb cuts and driveways must lead directly to required parking. Curb cuts not leading to parking, must be removed whenever new buildings are constructed or additions are made to existing buildings. The location and design of all driveway entrances and exits must comply with the standards listed below. The goal of these standards is to: 1) preserve on street parking spaces, 2) improve traffic safety, and 3) improve on-site vehicle circulation.

1. ~~Driveway And~~ **and** Curb Cut Width:

Zone	Curb Cut Width <u>(in feet)</u> <sup>1</sup>		Driveway Width (in feet)	
	Minimum	Maximum	Minimum	Maximum
R-1 and R-2 - lots less than 50 feet wide	<del>10 feet</del>	20 feet	<del>10 feet</del>	<del>20 feet</del>
R-1 and R-2 - lots at least 50 feet wide	10 feet	25 feet	<del>10 feet</del>	<del>28 feet</del>
R-3 - serving 12 or fewer parking spaces or one-way	12 feet	30 feet	<del>12 feet</del>	<del>30 feet</del>
R-3 - serving 13 or more parking spaces or two-way	18 feet	30 feet	<del>18 feet</del>	<del>30 feet</del>
Nonresidential - one-way	12 feet	<del>30 feet</del>	<del>12 feet</del>	<del>30 feet</del>
Nonresidential - two-way	18 feet	30 feet	<del>18 feet</del>	<del>30 feet</del>

Note:

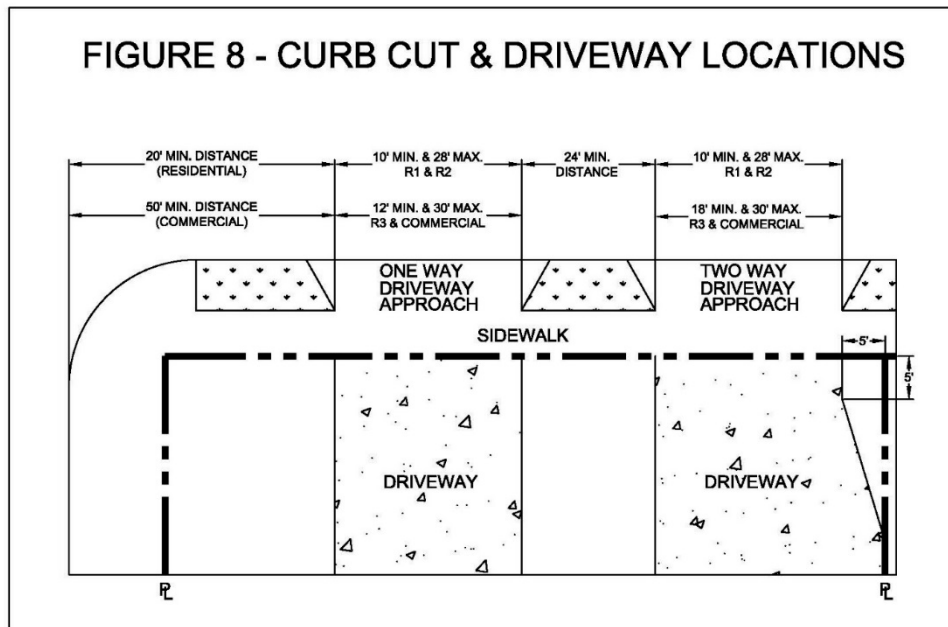
1. Curb cut width excludes the width of aprons.

2. Curb Cut Locations:

Zone	Minimum Distance Between Curb Cuts On The Same Property	Minimum Distance From Curb Cuts To Street Corners	Minimum Distance From Curb Cuts To Property Lines
Residential	24 feet	20 feet	5 feet
Nonresidential	24 feet	50 feet	5 feet



FIGURE 8 - CURB CUT AND DRIVEWAY LOCATIONS

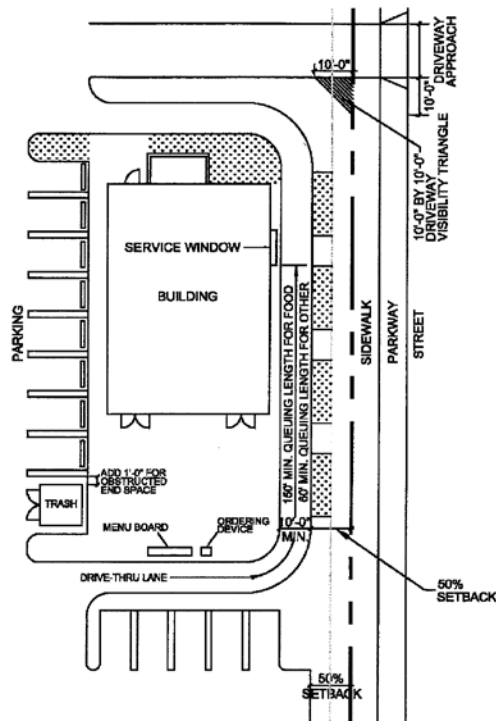


3. ~~Adjustment Approval:~~ The Director may approve administrative adjustments to the driveway and curb cut standards as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.
- P. ~~Corner Clearance And~~ **and** Driveway Visibility:
  - ~~4.~~ All parking areas must meet the corner clearance and driveway visibility standards as provided in chapter 2, "General Provisions", of this title.
- Q. Drive-Through Facilities:
  1. Drive-through lanes may encroach into required landscaped setbacks up to a maximum of ~~five~~ **50** percent (~~50%~~) of the required setback area, provided a minimum landscaped setback of five feet (~~5'~~) is maintained.
  2. Drive-through lanes must be located and designed in such a manner as to not interfere with on-site and off-site circulation. The location and design of the drive-through lane ~~must be~~ **is** subject to ~~the~~ **Director** review and approval of ~~the Director of Planning and Building Safety.~~

## DRIVE-THROUGH LANE DIMENSIONS

Use	Minimum Length (Continuous)	Minimum Width
Eating and drinking establishments	150 feet	10 feet
Banks, pharmacies, and cleaners	60 feet	10 feet

FIGURE 9 - DRIVE-THROUGH FACILITIES



3. The ~~director of Planning and Building Safety~~ **Director** may at his discretion require wider drive-through lanes.
4. The ~~director of planning and building safety~~ **Director** may approve adjustments to the drive-through facilities standards as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.

R. Parking Structure Standards:

1. The following setback requirements apply to all subterranean parking facilities:

Zone	Projection Above Grade	Setback
Residential	Completely subsurface	Must meet required front setback
		No rear or side setback required
	No more than 3 feet above grade	Must meet required setbacks
	More than 3 feet above grade	Must meet required setbacks and must be screened from public view
Nonresidential	Completely subsurface	No setbacks required <sup>1</sup>
	Above grade	Must meet required setbacks

Note:

1. The parking structure must be designed in such a manner as to maintain sufficient soil above for landscaping (ground cover, shrubs and trees) to grow above grade.

~~2. The director of planning and building safety may approve administrative adjustments to allow parking structures that project no more than three feet (3') above grade to encroach into the required setbacks as provided in chapter 24, "Adjustments", of this title.~~

~~32.~~ 32. The ~~director of planning and building safety~~ **Director** may approve adjustments to the parking structure standards as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.

S. Special Residential Parking Provisions:

1. Covered ~~Parking~~ **parking**: All required parking spaces must be covered and enclosed in the following manner:

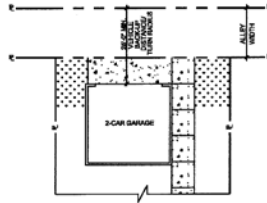
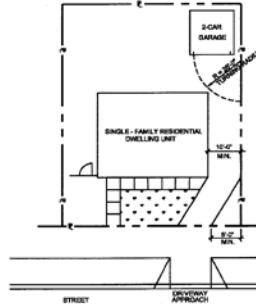
Use	Minimum Parking Enclosure
Single- and two-family dwellings	Fully enclosed garage
Multiple-family dwellings	Covered structure enclosed on 3 sides
Guest parking spaces	May be uncovered and unenclosed

2. Residential Garage Openings: All garages must meet the minimum and maximum widths listed below:

Type Of Garage	Minimum Opening Width	Maximum Opening Width
Single car	8 feet	14 feet
2 car	16 feet	20 feet
Multiple-family residential	16 feet	Equal to the drive aisle width it serves

3. Residential Turn Radius Requirements:
- a. One or two ~~(2)~~ car garages located behind a residence must provide a minimum turning radius of ~~twenty five~~ **25** feet ~~(25')~~.
  - b. Residential garages that take access directly from an alley may measure the required turn radius to the opposite side of the alley.

FIGURE 10 - RESIDENTIAL TURN RADIUS AND ALLEY ACCESS



4. ~~Adjustment Approval: The director of planning and building safety~~ **Director** may approve adjustments to the special residential parking provisions standards as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.
- T. Vehicle Lifts: Vehicle lifts may be used by-right to provide off street parking spaces on lots in the single-family residential (R-1) zone and the two-family residential (R-2) zone where the vehicle lifts provide parking in excess of the minimum number of required parking spaces subject to the standards in this section and in this chapter.
  1. A conditional use permit is required for vehicle lifts providing required off street parking spaces on lots in the ~~single-family residential (R-1) zone and the two-family residential (R-2) zones~~ **s** subject to the following:
    - a. The vehicle lift must be located only within a fully enclosed garage.
    - b. A vehicle lift may only be used to store two ~~(2)~~ vehicles vertically where a minimum vertical height clearance from the floor to the ceiling plate of the garage is a minimum of ~~fourteen~~ **14** feet ~~(14')~~ clear of obstructions.
    - c. A vehicle lift must be designed and used as a designated parking space for use only by occupants in the same dwelling unit as the parking space located directly below the vehicle lift.
    - ~~d. A vehicle lift must be permitted only with a key locking mechanism.~~
    - ed.** A vehicle lift must be permitted only if it is operated with an automatic shutoff safety device and is installed in accordance to manufacturer specifications.

2. In the ~~two-family residential (R-2)~~**R-2** zone, vehicle lifts for required off street parking are subject to the following additional requirements:
  - a. The vehicle lift must be used only on a lot less than ~~forty five~~**45** feet (~~45'~~) in width.
  - b. A vehicle lift must only be used to meet the minimum number of required off street parking spaces in addition to a minimum of two (~~2~~) fully accessible parking stalls located on the floor surface within a garage or garages.

SECTION 12: ESMC Section 15-15-6 regarding Required Parking Spaces is amended as follows:

**15-15-6: REQUIRED PARKING SPACES:**

The number of on-site parking spaces required for the establishment of a building or use must be provided and thereafter maintained at the ratios set forth below. For uses not listed, the required number of spaces will be determined by the ~~Director~~**Director** of ~~planning and building safety~~ based on most similar listed use or a parking demand study. A parking demand study must include, ~~without limitation,~~**at a minimum,** information specifying the number of employees, customers, visitors, clients, shifts, deliveries, parking spaces, or other criteria established by the ~~Director~~**Director** of ~~planning and building safety~~. The ~~Director~~**Director** of ~~planning and building safety~~ may ~~at the director's discretion,~~ refer any decision regarding uses not listed to the planning commission for review. Unless stated otherwise, parking must be based on net floor area as defined in this code. Accessible parking spaces must be provided and comply with the Americans With Disabilities Act (ADA), title III and California Code of Regulations (CCR), California Access Code, title 24.

A. Automobile Spaces Required:

*[NOTE TO CODIFIER: No changes proposed to this section]*

B. Bicycle Spaces Required:

Use	Number Of Bicycle Spaces Required
Single-family and two-family dwellings	None

Multiple-family residential	10 percent of the required vehicle parking spaces for projects with 6 or more units
Nonresidential	A minimum of 4 spaces for buildings up to 15,000 square feet, plus a minimum of 5 percent of the required vehicle spaces for the portion above 15,000 square feet. Maximum of 25 spaces

The Director of ~~Planning and Building Safety~~ may approve administrative adjustments to reduce or eliminate the requirement for bicycle spaces as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.

C. Reductions ~~in~~ the Number ~~Of~~ Required Parking Spaces

1. Reductions For Single Uses:

a. The Director of ~~Planning and Building Safety~~ may approve an administrative adjustment to the required number of parking spaces for any use up to a maximum of ~~ten~~**20** percent (10%) or ~~twenty~~ (20) parking spaces, whichever is less, based on the submittal of a parking demand study. The Director of ~~Planning and Building Safety~~ may refer any such request to the Planning Commission for review.

~~b. The Planning Commission may approve a reduction of the required number of parking spaces in any zone for any use, up to a maximum of twenty percent (20%), based on the submittal of a parking demand study.~~

**eb.** Parking studies submitted in conjunction with requests for reductions must include, ~~without limitation,~~ **at a minimum** information specifying the number of employees, customers, visitors, clients, shifts, deliveries, parking spaces, or other criteria established by the Director of ~~Planning and Building Safety~~.

2. Reductions For Joint/Shared Uses:

a. The Director of ~~Planning and Building Safety~~ may approve an administrative adjustment to reduce the required number of parking spaces in any zone for uses that share parking facilities for a maximum of ~~ten~~**20** percent (10%) or ~~twenty~~ (20) parking spaces, whichever is less, based on the submittal of a parking demand study. The Director of ~~Planning and Building Safety~~ may refer any request for an administrative adjustment from the required number of parking spaces to the Planning Commission for review.

- ~~b.~~ ~~The Planning Commission may approve a reduction of the required number of parking spaces in any zone for uses that share parking facilities with significantly different peak hours of operation for a maximum of twenty percent (20%), based on the submittal of a parking demand study.~~
- ~~eb.~~ Requests for shared and/or joint uses are subject to the following requirements:
- (1) A parking study must be submitted by the applicant demonstrating that there will not exist substantial conflict in the peak hours of parking demand for the uses for which joint **parking** use is proposed;
  - (2) The number of parking stalls which may be credited against the requirements of the structures or uses involved must not exceed the number of stalls reasonably anticipated to be available during differing hours of operation; and
  - (3) A written agreement, in a form approved by the City Attorney, must be executed by all parties concerned assuring the continued availability of the number of stalls designed for joint use.
3. Sites ~~With~~**with** Transportation Systems Management Plans: The number of required parking spaces ~~in this section~~ may be modified subject to approval of a transportation systems management plan submitted pursuant to the procedures and requirements of chapters ~~16 or 17~~, "~~Developer Transportation Demand Management (TDM)~~", or chapter 17, "~~Employer/Occupant Transportation Systems Management~~", of this title.
4. ~~Reductions In Parking Due To~~ **for** Disabilities Upgrades: When required solely as needed to upgrade existing parking facilities to comply with the Americans ~~With~~**with** Disabilities Act (ADA), title III and California Code of Regulations (CCR), California Access Code, title 24, the total number of parking spaces may be reduced at the discretion of the Director.
- D. Parking In-Lieu Fees: Notwithstanding any provision of this Code to the contrary, the City Council may designate certain areas within the City where, in lieu of providing the number of ~~on-site~~ parking spaces required by this chapter or applicable specific plan, such requirement may be satisfied by paying a parking in-lieu fee in an amount set by City Council resolution. Designated parking in-lieu fee areas and the process for payment of parking in-lieu fees are described in chapter ~~29~~**33** of this title.

SECTION 13: ESMC Section 15-15-7 regarding Off Street Loading Space Standards is amended as follows:



**15-15-7: OFF-STREET LOADING SPACE STANDARDS:**

A. General Provisions:

4. ~~Applicability:~~ Every building established, erected, enlarged or expanded for commercial, manufacturing or institutional purposes must provide loading space as set forth below. However, for any building or use enlarged or increased in capacity, additional loading spaces are required only for such enlargement or increase. All required loading spaces are in addition to the required on-site parking spaces set forth in this chapter and must be developed and maintained in accordance with this chapter. Loading spaces may be provided either completely or partially within a building when such building is ~~designated~~ **designed** to include adequate ingress and egress to the loading spaces. Unless stated otherwise, loading requirements must be based on net floor area as defined in section 15-1-6 of this title.

~~21.~~ **21.** Location: Loading spaces, with the exception of passenger loading spaces, must be located to the side or rear of buildings on site whenever possible as determined by the ~~Director of Planning and Building Safety~~. Loading spaces cannot interfere with vehicular and pedestrian circulation on site.

~~32.~~ **32.** Screening: Loading spaces must be appropriately screened from view from public streets. The screening may include decorative walls, landscaped berms, shrubs, trees and other landscaping, and any other screening methods deemed appropriate by the ~~Director of Planning and Building Safety~~.

B. Types ~~And~~ **and** Dimensions ~~Of Loading Spaces:~~

**LOADING SPACE TYPES AND SIZES (in feet)**

Type	Width	Length	Height
Passenger	<del>10-feet</del>	<del>20-feet</del>	<del>7-feet</del>
Small truck	<del>12-feet</del>	<del>25-feet</del>	<del>14-feet</del>
Large truck	<del>13-feet</del>	<del>50-feet</del>	<del>16-feet</del>

C. Number Of Loading Spaces Required:

[NOTE TO CODIFIER: No changes made to this section]

D. ~~Administrative Adjustments And~~ Adjustments:

4. The Director of ~~Planning and Building Safety~~ may approve administrative adjustments to the **location, number**, types and dimensions of loading spaces as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.
2. ~~The Director of Planning and Building Safety may approve adjustments to the number of loading spaces required as provided in chapter 24, "Adjustments", of this title. (Ord. 1444, 8-3-2010)~~

SECTION 14: ESMC Subsection 15-18-5 (B) of Chapter 15-18 (Signs) regarding Administrative Use Permits, Adjustments, Variances, And Conditional Uses for signs is amended as follows:

B. Administrative Use Permits, Adjustments, Variances, ~~And~~**and** Conditional Uses:

1. ~~Proposed signs that require discretionary review must be approved by the Director before building permits are issued.~~
21. Signs that require the approval of an administrative use permit will be processed pursuant to ~~chapter 22~~**Chapters 22 and 23** of this title.
32. Deviations from any nonstructural provision of this chapter, including, but not limited to, the number of permitted signs, the size of proposed signs up to a maximum of ~~twenty~~**20** percent (~~20%~~) of the area of the building face, and setbacks, may be granted upon the approval of an adjustment, pursuant to ~~chapter 24~~ **Chapters 22 and 23** of this title. The Director may consider a deviation request to be a request for a variance and refer the request to the Planning Commission for review pursuant to ~~chapter 23~~**Chapters 24 and 28** of this title.
43. Except as otherwise provided, all deviations from this chapter must comply with the variance procedures set forth in ~~chapter 23~~**Chapters 24 and 28** of this title. All sign regulations for land uses requiring conditional use permits are controlled by this chapter and must be processed without regard to the proposed message, content, or copy of proposed signs.

SECTION 15: ESMC Chapter 15-22 regarding Administrative Determinations is deleted and replaced with a new Chapter 22 to read as follows:

**Chapter 22**  
**ADMINISTRATIVE DETERMINATIONS, ADMINISTRATIVE USE PERMITS,**  
**AND ADJUSTMENTS**

**15-22-1: PURPOSE**

**15-22-2: ADMINISTRATIVE DETERMINATIONS**

**15-22-3: ADMINISTRATIVE USE PERMITS**

**15-22-4: ADJUSTMENTS**

**15-22-1: PURPOSE**

The purpose of this chapter is to establish the Director's authority to make administrative determinations and to grant administrative use permits and adjustments, and to set the required findings for making such decisions.

**15-22-2: ADMINISTRATIVE DETERMINATIONS FOR USES NOT LISTED**

- A. Authority to make administrative determinations. When a use is not specifically listed as either a permitted use or conditional use under a particular zone, the Director, upon written request or upon his or her own initiative, shall determine whether said use is sufficiently similar to a listed use in the particular zone to justify a finding that it should be deemed either a permitted use, a conditional use or that an administrative use permit is necessary. The Director or designee may make administrative determinations, subject to the process outlined in Chapter 23 of this title.
- B. Administrative determination findings. Before permitting or classifying an unlisted use, the Director shall first make the following findings:
  - 1. The proposed use is consistent with the purpose of this Title;
  - 2. The proposed use and its operation are compatible with the uses allowed in the zone; and
  - 3. The proposed use is similar in impact and character to one or more permitted uses in the zone.

**15-22-3: ADMINISTRATIVE USE PERMITS**

- A. Authority to grant. When a particular use is listed as subject to administrative use permit, or if the Director determines that a use not listed is similar to other uses subject to administrative use permit in a particular zone, the Director may review and grant administrative use permits, subject to the process set forth in Chapter 23 of this title.
- B. Findings. Before granting an administrative use permit, the Director shall first make the following findings:

1. There is compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which the use is proposed to be located.
  2. The proposed use is consistent and compatible with the purpose of the zone in which the site is located.
  3. The proposed location and use and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
  4. Potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic and hazards have been recognized and compensated for.
- C. Alcohol-related use findings: In addition to the four findings above, before an alcohol-related administrative use permit may be granted, it shall also be found that the State Department of Alcohol Beverage Control has issued or will issue a license to sell alcohol to the applicant.

#### **15-22-4 ADJUSTMENTS TO DEVELOPMENT STANDARDS**

- A. Authority to grant. Whenever a strict interpretation of the provisions of this title or its application to any specific case or situation pertaining to the following items would result in the unreasonable deprivation of the use or enjoyment of property, the Director or designee may grant an adjustment, subject to the process set forth in Chapter 23 of this title.
- B. Applicability. Adjustments may be granted for the following standards:
1. Fence or wall height to exceed permitted height by two feet.
  2. Architectural landscape features which exceed the standards set forth in section 15-2-14 of this title.
  3. Signs which exceed the standards set forth in Chapter 18 of this title.
  4. Noise permits which exceed the standards set forth in section 7-2-11 of this Code.
  5. Parking and loading space standards as set forth in Chapter 15 of this title.
  6. Reduction of retention of a minimum of 50 percent of exterior building perimeter wall height and/or deviation from development standards for life safety purposes.

7. Deviation from development standards for reasonable access accommodations.
  8. Dimensions of required open space and size of required landscaping area within required open space in the Multi-Family Residential (R-3) Zone as set forth in section 15-4C-5 of this title.
  9. Building height to exceed the maximum allowable height by not more than five feet.
- C. Findings. Before granting an adjustment, the Director shall make the following findings:
1. That the proposed adjustment would not be detrimental to the neighborhood or district in which the property is located;
  2. That the proposed adjustment is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of his property; and
  3. That the proposed adjustment is consistent with the legislative intent of this title.
- D. Reasonable access accommodations: In addition to the adjustment findings above, the following findings must be made before any action is taken to approve or deny a request for a deviation from development standards for reasonable access accommodations:
1. The housing, which is the subject of the request for reasonable accommodation, will be used by an individual protected under the California Fair Employment and Housing Act, Government Code § 12900 *et seq.* ("Act"), as amended.
  2. The request for reasonable accommodation is necessary to make specific housing available to an individual protected under the Act.

**SECTION 16:** ESMC Chapter 15-23 regarding Variances and Conditional Use Permits is deleted and replaced with a new Chapter 15-23 regarding Director Discretionary Decisions to read as follows:

## Chapter 23

### DIRECTOR DISCRETIONARY DECISIONS

<b>15-23-1:</b>	<b>APPLICABILITY</b>
<b>15-23-2:</b>	<b>APPLICATION PROCEDURE</b>
<b>15-23-3:</b>	<b>REVIEW FOR COMPLETENESS</b>
<b>15-23-4:</b>	<b>DECISION</b>
<b>15-23-5:</b>	<b>PLANNING COMMISSION REVIEW</b>
<b>15-23-6:</b>	<b>NOTIFICATION</b>
<b>15-23-7:</b>	<b>APPEALS</b>
<b>15-23-8:</b>	<b>EFFECTIVE DATE</b>
<b>15-23-9:</b>	<b>EXPIRATION</b>
<b>15-23-10:</b>	<b>TIME EXTENSIONS</b>

#### **15-23-1: APPLICABILITY**

The Director shall make administrative decisions on discretionary applications including, but not limited to, the following:

1. Adjustments
2. Administrative determinations
3. Administrative use permits
4. Downtown design review, as set forth in Downtown Specific Plan Chapter V
5. Off-site parking covenants, as set forth in Chapter 15 of this Title
6. Precise plan modifications
7. Other discretionary applications as specified in this Title

#### **15-23-2: APPLICATION PROCEDURE**

The applicant for any of the above-referenced applications shall apply in writing using application forms provided by the Development Services Department, stating the type of discretionary permit desired. The applicant must submit the application form and any additional materials required by the Department along with the required filing fee to cover the cost of investigation and processing.

**15-23-3: REVIEW FOR COMPLETENESS**

The Director or designee may request any additional information deemed necessary to evaluate the application. After all the necessary information and material are submitted, the Director or designee shall deem an application complete.

**15-23-4: DECISION**

After an application is deemed complete, a written determination as to the approval or denial of the application must be issued within 10 business days. The written determination shall state the findings for a decision. In approving an application, the Director has the authority to attach conditions to the approval if deemed necessary.

**15-23-5: PLANNING COMMISSION REVIEW**

The Director or designee must send copies of the findings and decision to the applicant. Written determinations on discretionary decisions made by the Director or designee must be placed as receive and file items on the next available agenda of the Planning Commission. Any Planning Commissioner may request that an item be discussed and a decision on the application be made by the Planning Commission instead of received and filed. No decision of the Director is final until the decision is received and filed or acted upon by the Planning Commission, or upheld on appeal.

**15-23-6: NOTIFICATION**

Before the written determination is placed on a Planning Commission agenda the Director or designee shall give public notice, as provided for in Chapter 28 of this Title, of the Planning Commission's intent to receive and file the Director's determination. The notice shall be mailed or delivered only to the owners and occupants of real property within 150 feet of the real property that is the subject of the determination. Administrative determinations that are not associated with a specific property, are not subject to this public notification requirement.

**15-23-7: APPEALS**

Decisions by the Director or designee on applications listed in Section 15-23-1 are appealable to the Planning Commission. All appeals must be processed as provided by chapter 29 of this title.

**15-23-8: EFFECTIVE DATE**

Permits granted pursuant to this chapter shall not become effective until 10 days from the granting thereof has elapsed or, if an appeal is filed or a review called, until final determination has been made on the appeal or review.

**15-23-9: EXPIRATION**

Permits granted pursuant to this chapter shall become null and void if the privileges granted thereunder are not utilized within one year from the effective date thereof.

**15-23-10: TIME EXTENSIONS**

Permits granted pursuant to this chapter may be extended for an additional period to be specified by the Director; provided that prior to the expiration date, a written request for a time extension is filed with the Director.

SECTION 17: ESMC Chapter 24 regarding Adjustments is repealed and replaced with a new Chapter 24 regarding Variances and Conditional Use Permits:

**Chapter 24  
VARIANCES AND CONDITIONAL USE PERMITS**

**15-24-1: PURPOSE OF VARIANCE**

**15-24-2: AUTHORITY TO GRANT VARIANCE**

**15-24-3: VARIANCE FINDINGS**

**15-24-4: PURPOSE OF CONDITIONAL USE PERMIT**

**15-24-5: AUTHORITY TO GRANT CONDITIONAL USE PERMIT**

**15-24-6: CONDITIONAL USE PERMIT FINDINGS**

**15-24-1: PURPOSE OF VARIANCE**

The purpose of any variance is to allow for deviations from the development standards contained in this Title. Those standards which are determined at the discretion of the Planning Commission, City Council, or administratively shall not be subject to the variance process. However, a variance shall not grant a special privilege not shared by other property in the same vicinity and zone.

**15-24-2: AUTHORITY TO GRANT VARIANCE**

When practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Title result through the strict and literal interpretation and enforcement of the provisions thereof, the Planning Commission shall have authority, subject to the provisions of this Title, to grant upon such conditions as it may determine such variance from the provisions of this Title as may be in harmony with its general purpose and intent, so that the spirit of this Title shall be observed, public safety and welfare secured and substantial justice done. A variance granted pursuant to the provisions of this Section shall run with the land and shall continue to be valid upon change of ownership. Variance requests shall be processed as set forth in Chapter 28 of this Title.



### **15-24-3: VARIANCE FINDINGS**

Before any variance may be granted, it shall be found:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and zone;
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the property in question;
- C. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the property is located; and
- D. That the granting of the variance will not adversely affect the General Plan.

### **15-24-5: PURPOSE OF CONDITIONAL USE PERMIT**

The purpose of a conditional use permit shall be:

- A. To assure the compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which the use is proposed to be located;
- B. To assure the proposed use is consistent and compatible with the purpose of the zone in which the site is located; and
- C. To recognize and compensate for potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic and hazards.

### **15-24-4: AUTHORITY TO GRANT CONDITIONAL USE PERMIT**

The Planning Commission may grant a conditional use permit upon application for such uses allowed by this Title, subject to the process set forth in Chapter 28 of this Title.

### **15-24-6: CONDITIONAL USE PERMIT FINDINGS**

- A. General: Before a conditional use permit may be granted, it shall be found that:
  - 1. The proposed location of the use is in accord with the purpose of this Title and the purposes of the zone in which the site is located;

2. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and
  3. The proposed use will comply with each of the applicable provisions of this Chapter.
- B. Alcohol sales: Before a conditional use permit may be granted for the sale of alcohol, it shall be found that:
1. The State Department of Alcohol Beverage Control has issued or will issue a license to sell alcohol to the applicant;
  2. There is compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which the use is proposed to be located;
  3. The proposed use is consistent and compatible with the purpose of the zone in which the site is located;
  4. The proposed location and use and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and
  5. Potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic and hazards have been recognized and compensated for.

SECTION 18: ESMC Chapter -15-24A regarding Right of Way Dedications and Improvements is renumbered as Chapter 15-31.

SECTION 19: ESMC Chapter 15-25 regarding Appeal or Review is deleted and replaced with a new Chapter 15-25 regarding Site Plan Review to read as follows:

## **Chapter 25 SITE PLAN REVIEW**

### **15-25-1: PURPOSE**

### **15-25-2: APPLICABILITY**

### **15-25-3: AUTHORITY TO GRANT**

### **15-25-4: FINDINGS**

### **15-25-1: PURPOSE**

A site plan review is a discretionary land use permit that is required for any proposed project that meets the criteria set forth in section 15-25-2 of this chapter. The purpose of the site plan review process is to:

- A. Ensure that the project is compatible with the area in which it is located;
- B. Allow all City departments the opportunity to review development proposals and place reasonable conditions to ensure that the public health, safety and welfare are maintained.

### **15-25-2: APPLICABILITY**

A site plan review pursuant to this chapter is required for development that meets any of the following criteria:

- A. Single-family residential development of more than 10 residential units;
- B. Multi-family residential development of more than 10 units;
- C. New commercial, institutional or industrial development that includes structures which have a combined gross floor area of more than 50,000 square feet (not including parking structures);
- D. Additions to existing structures if the combined total additions exceed 50,000 square feet of gross floor area, but not including parking structures;
- E. For projects with a mix of residential and commercial, institutional or industrial uses, if any criteria above applies, the entire project is subject to site plan review.

### **15-25-3: AUTHORITY TO GRANT**

The Planning Commission is shall review and consider site plan review applications, subject to the process set forth in Chapter 28 of this Title.

#### **15-25-4: FINDINGS**

In order to approve or conditionally approve the site plan, the approval authority shall make the following findings:

- A. The proposed development, including the general uses and the physical design of the development, is consistent with the General Plan;
- B. The proposed development, including the general uses and the physical design of the development, is consistent with the intent and general purpose of the provisions of this Code and any applicable development agreement; and
- C. The proposed development, including the general uses and the physical design of the development, will not adversely affect the orderly and harmonious development of the area and the general welfare of the City.

If such findings cannot be made, the site plan shall be denied.

SECTION 20: ESMC Chapter 15-26 regarding Amendments is deleted and replaced with a new Chapter 15-26 regarding Coastal Zone Development Permits:

### **Chapter 26 COASTAL ZONE DEVELOPMENT PERMITS**

#### **15-26-1: PURPOSE**

#### **15-26-2: APPLICABILITY**

#### **15-26-3: EXEMPT DEVELOPMENT**

#### **15-26-4: AUTHORITY TO GRANT**

#### **15-26-5: FINDINGS**

#### **15-26-1: PURPOSE**

Coastal development permits are required to ensure that all public and private development in the Coastal Zone of El Segundo is consistent with the City's certified Local Coastal Plan. The area affected by these regulations is located west of Vista Del Mar. As used in this chapter, "Coastal Zone" is as defined by the California Coastal Act, Public Resources Code sections 30100 *et seq.*

#### **15-26-2: APPLICABILITY**

- A. In addition to any other permits or approvals required by the City, a coastal development permit (CDP) shall be required and obtained from the City prior to commencement of any development in the City's Coastal Zone, except:

1. Developments on tide lands, submerged lands, or public trust lands over which the Coastal Commission has original permit jurisdiction.
2. Developments determined to be exempt from the CDP requirements pursuant to State law or regulations.

### **15-26-3: EXEMPT DEVELOPMENT**

- A. No fee, public hearing, notice, or development permit shall be required for the types of development classified as exempt from CDP requirements by State law or regulations.
- B. Whenever a permit is issued in the Coastal Zone by any City department and it is determined that the subject of the permit does not require a CDP because it is exempt, a memorandum to that effect shall be appended to the City's file copy of the permit. The file copy of the permit and the memorandum shall contain the applicant's name, the location of the project, and a brief description of the project.

### **15-26-4: AUTHORITY TO GRANT**

The Planning Commission shall have the authority to grant all CDPs within the City's Coastal Zone subject to the findings listed below and the process set forth in Chapter 15-28 of this Title, California Government Code sections 65920-665964.1 (Permit Streamlining Act), and in Public Resources Code Division 20 (California Coastal Act).

### **15-26-5: FINDINGS**

Before any CDP may be granted, the Planning Commission shall make the following findings:

- A. That the development conforms to the certified Local Coastal Plan; and
- B. That the development conforms to the Coastal Act public access and recreational policies.

SECTION 21: ESMC Chapter 15-27 regarding Hearings, Notices and Fees is deleted and replaced with a new Chapter 15-27 regarding Amendments:

**Chapter 27  
AMENDMENTS**

- 15-27-1: PURPOSE**
- 15-27-2: AUTHORITY TO GRANT**
- 15-27-3: FINDINGS**

**15-27-1: PURPOSE**

Whenever public necessity, convenience and general welfare require, a modification of the General Plan, a specific plan, or the zoning boundaries established by this Title, the classification of permitted or conditionally permitted uses, or other provisions of this Title, such changes may be undertaken in one of the following methods:

- A. A General Plan Amendment;
- B. A Specific Plan Amendment;
- C. A Precise Plan Amendment;
- D. A Zone Map Change; and
- E. A Zone Text Amendment.

**15-27-2: AUTHORITY TO GRANT**

The City Council is authorized to approve amendments listed in Section 15-27-1, subject to the process set forth in Chapter 28 of this Title.

**15-27-3: FINDINGS**

- A. General: Before any amendment is approved, the City Council shall make the following findings:
  - 1. The amendment must be consistent with the General Plan.
  - 2. The amendment is necessary to serve the public health, safety, and general welfare.
- B. Zone Changes: The City Council shall make the following additional findings for zone changes:
  - 3. There are changed conditions since the existing zoning became effective to warrant other or additional zoning.

4. The benefits of the proposed change of zone will clearly outweigh any potential adverse effects to adjoining property or the area.

SECTION 22: ESMC Chapter 15-27A regarding Development Impact Fees is renumbered as Chapter 15-32.

SECTION 23: ESMC Chapter 15-28 regarding Enforcement; Penalty is renumbered as Chapter 15-30

SECTION 24: ESMC Chapter 15-28 regarding Public Hearings is added as follows:

## **Chapter 28 PUBLIC HEARINGS**

- 15-28-1: PURPOSE**
- 15-28-2: APPLICABILITY AND HEARING AUTHORITY**
- 15-28-3: APPLICATION PROCEDURE**
- 15-28-4: REVIEW FOR COMPLETENESS**
- 15-28-5: SETTING OF HEARING DATES**
- 15-28-6: NOTICE REQUIREMENTS**
- 15-28-7: CONTINUATION**
- 15-28-8: PLANNING COMMISSION DECISIONS**
- 15-28-9: PLANNING COMMISSION RECOMMENDATIONS**
- 15-28-10: APPLICATION AND HEARING RECORD**

### **15-28-1: PURPOSE**

The purpose of this Chapter is to establish procedures for processing applications in this Title that require public hearings before the Planning Commission and/or City Council.

### **15-28-2: APPLICABILITY AND HEARING AUTHORITY**

Public hearings shall be held by the following two bodies as follows:

- A. City Council. Applications that require a public hearing before the City Council include, but are not limited to:
  1. Density Bonus Agreement.
  2. Development Agreement.
  3. Final Map/Subdivision.
  4. General Plan Amendment.

5. Historic Resource Designation as set forth in Chapter 14 of this Title.
  6. Precise Plan Amendment.
  7. Zoning Text Amendment.
  8. Change of Zoning District.
  9. Applications referred to the City Council by the Planning Commission.
  10. Appeals of Planning Commission decisions.
- B. Planning Commission. Applications that require a public hearing before the Planning Commission include, but are not limited to:
1. All applications listed in Subsection A (Planning Commission role is advisory).
  2. Animal Permit Appeal as set forth in Chapter 2 of title 6.
  3. Certificate of Appropriateness as set forth in Chapter 14 of this title.
  4. Coastal Development Permit.
  5. Conditional Use Permit.
  6. Off-site parking covenant as set forth in Chapter 15 of this Title.
  7. Downtown Design Review as set forth in the Downtown Specific Plan.
  8. Site Plan Review.
  9. Tentative Map/Subdivision.
  10. Variance.
  11. Waiver of Parcel Map.
  12. Requests referred by the Director.
  13. Appeals of Director's decisions.

**15-28-3: APPLICATION PROCEDURE**

The applicant for any of the above requests, except those initiated by elected or appointed bodies of the City or City Staff, shall apply in writing using application forms provided by the Development Services Department, stating the type of discretionary permit desired. The applicant must submit the application form and



any additional materials required by the Department along with the required filing fee, in an amount established by the City Council.

**15-28-4: REVIEW FOR COMPLETENESS**

The Director or designee has the authority to request any additional information deemed necessary to evaluate the application. After all necessary information and material are submitted, the Director or designee shall deem an application complete.

**15-28-5: SETTING OF HEARING DATES**

All proposals requiring a public hearing shall be set by the secretary of the Planning Commission for hearings to be held before the Planning Commission, and by the City Clerk for hearings to be held before the City Council.

**15-28-6: NOTICE REQUIREMENTS**

Applications requiring a public hearing shall contain specific information and be distributed in the manner prescribed below.

A. Notification Process: Notice shall be provided in all of the following ways:

1. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to:
  - a) the owner of the subject real property as shown on the latest equalized assessment roll;
  - b) the owner's duly authorized agent, if any;
  - c) the project applicant;
  - d) each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected;
  - e) all owners and occupants of real property as shown on the latest equalized assessment roll within 300 feet and all occupants within 150 feet of the real property that is the subject of the hearing, unless the application is for director discretionary decisions, in which case only the owners and occupants of real property as shown on the latest equalized assessment roll within 150 feet of the real property that is the subject of the director decision shall be notified;
  - f) any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section

883.230 of the Civil Code, when a public hearing is required for a tentative, final, or parcel map pursuant to the Subdivision Map Act;

- g) any person who has filed a written request for notice with either the City Clerk or the Director;
  - h) any other party as required by California Government Code §§ 65090-65096 (Public Hearings);
  - i) The California Coastal Commission, if the development/project requires a Coastal Development Permit according to Chapter 15-26 of this Title.
2. In lieu of using the assessment roll, the City may use records of the county assessor or tax collector which contain more recent information than the assessment roll.
  3. If the number of owners to whom notice would be mailed or delivered pursuant to subsection A1(e) is greater than 1,000, the City, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least 1/8-page in at least one newspaper of general circulation within the City at least 10 days prior to the hearing.
  4. Notice of the hearing shall also be published in at least one newspaper of general circulation in the City at least 10 days prior to the hearing, or posted in at least three public places within the City boundaries, including one public place on the site or in the area directly affected by the proceeding. The posting on the affected site or area and maintenance of such notice shall be the responsibility of the applicant. Such notices shall be posted in a manner prescribed by the Director.
- B. Contents of notification: The contents of the public hearing notice shall include:
1. A title stating "Notice of Public Hearing;"
  2. The date, time and place of a public hearing;
  3. The identity of the hearing body;
  4. The City's file number(s) assigned to the application;
  5. A general explanation of the matter to be considered; and
  6. A general description, in text or as a diagram of the location of the property.
  7. Coastal Development Permits. If the development requires a Coastal Development Permit, the notice shall also include a statement that the

project is located within the coastal zone and the procedures of City and Coastal Commission appeals, including any City fees required, and a statement of whether or not the proposed development is appealable to the Coastal Commission.

**15-28-7: CONTINUATION OF PUBLIC HEARING**

If, for any reason, testimony on a case set for public hearing cannot be completed on the date set for the hearing, the person presiding at the public hearing may, before adjournment or recess thereof, publicly announce the time and place at which the hearing will be continued. No further notice is required.

**15-28-8: PLANNING COMMISSION DECISIONS**

A. Decision: the Planning Commission shall announce its findings by formal resolution. The resolution must recite the facts and findings for the granting or denial of the application. If granted, the resolution shall also recite such conditions and limitations as the Planning Commission may impose.

B. Notice: A copy of the Planning Commission resolution shall be mailed to the applicant at the address shown on the application filed with the Development Services Department and to any other person requesting a copy.

Coastal development permits. Within seven calendar days following Coastal Development Permit decisions, the City shall send a notice of final local action to the Coastal Commission. The notice shall include a copy of the Planning Commission resolution stating conditions of approval and written findings and the procedures for appeal of the action to the Coastal Commission.

C. Effective date: The action of the Planning Commission in granting or denying an application shall become final and effective the day following the end of a 10-day appeal period, unless a written appeal is filed with the City Council or the Coastal Commission as provided by Chapter 26 of this Title.

D. Expiration: Requests approved by the Planning Commission shall expire two years after the effective date if the privileges granted have not been utilized.

F. Time extensions. Planning Commission decisions may be extended for an additional period to be specified by the Planning Commission; provided that prior to the expiration date, a written request for a time extension is filed with the Director.

G. Appeals. Planning Commission decisions are appealable to the City Council, except decisions on Coastal Development Permits, which are

appealable directly to the Coastal Commission. All appeals must be processed as provided by Chapter 29 of this title.

- H. Suspension and revocation of approval. Upon violation of an applicable provision of this Title, or if granted subject to conditions, upon failure to comply with conditions, or if approval was obtained by fraud, an approved permit may be suspended automatically. The Planning Commission shall hold a public hearing, in accordance with the procedures prescribed in this Chapter, and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the approval or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition.

#### **15-28-9: PLANNING COMMISSION RECOMMENDATIONS**

All requests listed above requiring a decision by the City Council, except for Development Agreements, shall first be reviewed by the Planning Commission at a public hearing as set forth in this Chapter and the Planning Commission shall make a recommendation to the City Council by resolution.

#### **15-28-10: APPLICATION AND HEARING RECORD**

The material related to any of the applications discussed in this chapter shall become a part of the permanent official records of the respective hearing authority. The permanent records shall consist of the following:

- A. Application material, including the submitted application form, plans, exhibits, and any other material submitted with the application form.
- B. Reports and exhibits prepared by City staff prior to the hearings.
- C. Hearing files, including minutes of the proceedings, exhibits, names of persons who spoke, copies of notices and affidavits pertaining thereto.
- D. Special studies performed to assist in the evaluation of requests, including but not limited to, environmental assessments and related documentation.
- E. Decisions, including resolutions, ordinances, findings, and conditions of approval.

SECTION 25: ESMC Chapter 15-29 regarding Parking In-lieu Fees is renumbered as Chapter 15-33 and new ESMC Chapter 15-29 regarding Appeals is added as follows:

## Chapter 29

### APPEALS

- 15-29-1: PURPOSE**
- 15-29-2: APPEAL OF DIRECTOR'S DECISION**
- 15-29-3: APPEAL OF PLANNING COMMISSION DECISION**
- 15-29-4: CITY COUNCIL ACTION**
- 15-29-5: ADVERSE DECISION BY CITY COUNCIL**

#### **15-29-1: PURPOSE**

The purpose of this Chapter is to establish procedures for appeal of Director and Planning Commission decisions for those individuals aggrieved by those decisions.

#### **15-29-2: APPEAL OF DIRECTOR'S DECISION**

- A. Any individual may appeal a decision or determination of the Director to the Planning Commission. The appeal shall be made within 10 calendar days after the date of the Director's decision by filing a letter of appeal, with the required appeal fee, with the secretary of the Planning Commission. In the event that the tenth day falls on a holiday or weekend, the appeal letter may be filed on the next business day. Any appeal of an administrative use permit must be received, with the required appeal fee, prior to the decision being received and filed by the Planning Commission. All appeals shall state specifically wherein it is claimed there was an error or abuse of discretion by the decision maker or where a decision is not supported by the evidence in the record.
- B. Following the receipt of an appeal, the Secretary shall transmit to the Planning Commission the letter of appeal, the application and all other papers constituting the record upon which the action of the Director was taken. The Planning Commission shall hold at least one public hearing, in the manner prescribed in Chapter 28 of this Title, on the matter. The hearing shall be held within 40 calendar days of the appeal request, and the Planning Commission may affirm, reverse, or modify the Director's decision. The decision of the Planning Commission is appealable to the City Council, pursuant to Section 15-29-3 of this Chapter.

#### **15-29-3: APPEAL OF PLANNING COMMISSION DECISION**

- A. Any individual may appeal a decision of the Planning Commission to the City Council, except a decision regarding a Coastal Development Permit. The appeal shall be made within 10 calendar days after the date of the Planning Commission decision by filing a letter of appeal and paying the

required appeal fee with the City Clerk. In the event that the tenth day falls on a holiday or weekend, the appeal letter may be filed on the next business day. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Commission or a decision is not supported by the evidence in the record.

- B. Scope of Hearing on Appeal: Appeals shall be reviewed de novo. The City Council is not bound by the decision that has been appealed or limited to the issues raised on appeal.
- C. Coastal Development Permits. Planning Commission decisions on Coastal Development Permits are appealable directly to the Coastal Commission. An appeal of a Coastal Development Permit decision must be filed pursuant to 14 Cal. Code Regs § 13111(c). The appeal must be received in the Coastal Commission district office with jurisdiction over El Segundo on or before the tenth working day after receipt of the notice of the permit decision by the Coastal Commission's executive director. The appeal period for projects approved by operation of law shall begin to run only upon the receipt of the local government notice that it has to take final action by operation of law pursuant to Government Code sections 65950 to 65957.1.

**15-29-4: CITY COUNCIL ACTION**

The City Council shall hold at least one hearing, in the manner prescribed in Chapter 28 of this Title, on the decision of the Planning Commission which has been appealed. The hearing shall be held within 40 calendar days of the appeal request. The City Council may affirm, reverse or modify a decision of the Planning Commission; provided, that if an appealed decision is reversed or modified, the City Council shall, on the basis of the record transmitted and such additional evidence as may be submitted, make the findings required by this Chapter a prerequisite to granting the application or shall specifically decline to make such findings. The decision of the City Council shall be final.

**15-29-5: ADVERSE DECISION BY CITY COUNCIL**

If the City Council, upon appeal of a Planning Commission decision, proposes an action that is in any way contrary to the recommendations of the Planning Commission, it may, before final action is taken, request further information from the Planning Commission on the matter. Failure of the Planning Commission to report to the City Council within 40 calendar days after the request may be deemed to be consent by the Planning Commission to the proposed change.

SECTION 26: ESMC Chapter 15-30 regarding Site Plan Review is deleted.

SECTION 27:        *CONSTRUCTION.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 28:        *ENFORCEABILITY.* Repeal of any provision of the ESMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 29:        *VALIDITY OF PREVIOUS CODE SECTIONS.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 30: *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 31: 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 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 32: This Ordinance will go into effect and be in full force and effect 30 days after its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Drew Boyles, Mayor

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Mark D. Hensley, City Attorney

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 \_\_\_\_\_ 2021, 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 \_\_\_\_\_, 2021, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Tracy Weaver, City Clerk



# ORDINANCE OUTLINE

## **Section 15-5G-10 - C-4 zone Site Plan Review process**

- Deletes the C-4 zone site plan review process; makes C-4 subject to the Site Plan Review provisions in new Chapters 25 (Site Plan Review) and 28 (Public Hearings).

## **Chapter 12 – Coastal Zone Development Permits**

- Deletes and replaces with a new modified Chapter 26

## **Chapter 14 – Historic Preservation**

- Amends process for Cultural Resource Designations and Certificates of Appropriateness to make more consistent with Chapter 28 (Public Hearings)

## **Chapter 15 – Off-street Parking and Loading**

- Section 15-15-3H - Updates off-site parking covenant process to reflect new processes for Director and Planning Commission review in Chapters 24 (Director Discretionary Decisions) and 28 (Public Hearings)
- Section 15-15-6C – Increases Director authority to approve reductions in parking up to 20 percent. Reductions above 20 percent of required parking are subject to a variance.
- Updates references to Chapters 22 (Adjustments) and 23 (Director Discretionary Decisions) throughout.

## **Chapter 18 – Signs**

- Subsection 15-18-5(B) – Updates references to Chapters 22 (Administrative Determinations, Adjustments, and Administrative Use Permits), 23 (Director Discretionary Decisions), 24 (Variances and Conditional Use Permits) and 28 (Public Hearings).

## **OVERALL PROCESSES**

### **Chapter 22 (Administrative Determinations)**

- Deletes chapter and replaces it with a new Chapter 22 on Administrative Determinations (AD), Administrative Use Permits (AUP) and Adjustments (ADJ)

# ORDINANCE OUTLINE

## **New Chapter 22** (Administrative Determinations, Adjustments, and Administrative Use Permits)

- Combines general provisions and findings for Administrative Determinations, AUPs and Adjustments in this Chapter.
- Lists all applications subject to a director discretionary decision
- Process: Each application type goes through the same process, which is outlined in Chapter 23 (Director Discretionary Decisions)

## **Chapter 23** (Variances and Conditional Use Permits)

- Deletes Chapter
- Moves general provisions and findings to New Chapter 24 on Variances (VAR) and Conditional Use Permits (CUP)

## **New Chapter 23** (Director Discretionary Decisions)

- Lists which application types are subject to Director discretionary review.
- Outlines the application process
- Requires notification of property owners and occupants within 150 feet
- Requires Receive and File review by the Planning Commission

## **New Chapter 24** (Variances and Conditional Use Permits)

- Combines general provisions and findings in this chapter:
- Process: Each application type goes through the same process, which is outlined Chapter 28 (Public Hearings)

## **Chapter 24A** (Right of Way Dedications and Improvements)

- Deletes and re-numbers as Chapter 31

## **Chapter 25** (Appeals)

- Deletes chapter and moves provisions to new Chapter 29

## **New Chapter 25** (Site Plan Review)

- Eliminates Site Plan Review (SPR) exception for C-4; projects in the C-4 zone will comply with this chapter
- Modifies chapter to include general provisions and findings
- Updates process; site plan review goes through the same process as Variances and Conditional Use Permits, which is outlined in Chapter 28 (Public Hearings)

# ORDINANCE OUTLINE

## **Chapter 26** (Amendments)

- Deletes chapter and moves provisions to new Chapter 27 (Amendments)

## **New Chapter 26** – Coastal Zone Development Permits (Renumbered from Chapter 12)

- Includes general provisions and findings.
- Updates process; Coastal Development Permit (CDP) goes through the same process as Site Plan Reviews, Variances and Conditional Use Permits, which is outlined in Chapter 28 (Public Hearings)

## **Chapter 27** (Hearings, Notices and Fees)

- Deletes chapter and moves edited provisions to new Chapter 28 (Public Hearings)

## **New Chapter 27** – Amendments (ZTAs, Zone Changes, General Plan, Specific Plan, Precise Plan Amendments)

- Includes general provisions and findings
- Updates process; all Amendments go through the same process, which is outlined in Chapter 28 (Public Hearings)

## **Chapter 27A** (Development Impact Fees)

- Deletes chapter and re-numbers/moves provisions to new Chapter 32

## **Chapter 28** (Enforcement; Penalty)

- Deletes chapter and re-numbers as new Chapter 30

## **New Chapter 28** (Public hearings - process for Planning Commission and City Council approvals)

- Moves and expands the provisions from the existing Chapter 27 into this Chapter
- Lists all application types subject to a public hearing
- Includes complete processes for Planning Commission and City Council reviews, not just the public hearing/notification process.
- Notifications changed to include both owners (300 feet) and occupants (150 feet)

## **Chapter 29** (Parking in-lieu fees)

- Deletes chapter and re-numbers as new Chapter 33

# ORDINANCE OUTLINE

## **New Chapter 29** – Appeals (Renumbered from 25)

- Incorporates appeal provisions for Coastal Development Permits
- Includes references to the public hearing process in Chapter 28

## **Chapter 30** – Site Plan Review

- Deletes Chapter and re-numbers as new Chapter 25

## **New Chapter 30** - Enforcement; Penalty

- Moves existing provisions from existing Chapter 28

## **Chapter 31** - Right of way dedications and improvements

- Moves existing provisions from existing Chapter 24A

## **Chapter 32** - Development Impact Fees

- Moves existing provisions from existing Chapter 27A

## **Chapter 33** – Parking in-lieu fees

- Moves existing provisions from existing Chapter 29