



# AGENDA

EL SEGUNDO CITY COUNCIL  
REGULAR MEETING  
TUESDAY, OCTOBER 19, 2021

4:00 PM CLOSED SESSION  
6:00 PM OPEN SESSION

CITY COUNCIL CHAMBER  
350 MAIN STREET, EL SEGUNDO, CA 90245

MEETING ID: 964 5963 7962  
PIN: 730770

***PUBLIC ADVISORY:  
THE CITY COUNCIL CHAMBER AND/OR LOBBY WILL ONLY BE OPEN TO THE  
PUBLIC FOR PUBLIC COMMUNICATIONS.  
(Face masks/coverings are required to be worn inside City facilities)***

**Drew Boyles, Mayor  
Chris Pimentel, Mayor Pro Tem  
Carol Pirsztuk, Councilmember  
Scot Nicol, Councilmember  
Lance Giroux, Councilmember**

Tracy Weaver, City Clerk  
Matthew Robinson, City Treasurer

## Executive Team

Scott Mitnick, City Manager  
Barbara Voss, Deputy City Manager  
Jaime Bermudez, Interim Police Chief  
Michael Allen, Dev. Services Director  
Elias Sassoon, Public Works Director  
Melissa McCollum, Com. Services Dir.

Mark Hensley, City Attorney  
Joe Lillio, Chief Financial Officer  
Deena Lee, Acting Fire Chief  
Rebecca Redyk, HR Director  
Charles Mallory, IT Director

### MISSION STATEMENT:

“Provide a great place to live, work, and visit.”

### VISION STATEMENT:

“A hub for innovation where big ideas take off.”

## How Can Members of the Public Observe and Provide Public Comments?

- Residents can watch the meeting live via Spectrum Channel 3, AT&T U-Verse Channel 99 and/or El Segundo TV at YouTube.com. Access remotely via Zoom from a PC, Mac, iPad, iPhone, or Android device or by phone. Use URL <https://zoom.us/j/96459637962> and enter PIN: 730770 or visit [www.zoom.us](http://www.zoom.us) on device of choice, click on “Join a Meeting” and enter meeting ID and PIN.
- Join by phone at 1-669-900-9128 and enter meeting ID and PIN. **Your phone number is captured by the Zoom software and is subject to the Public Records Act. Dial \*67 BEFORE dialing in to remain anonymous.**
- For Public Communications, members of the public may provide comments in the Lobby and/or Council Chamber or via Zoom. For in person comments, please fill out a Speaker Card located in the Chamber Lobby and for Zoom comments, notify meeting host by raising your virtual hand (see hand icon at bottom of screen) and you will be invited to speak. (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 “anonymous”) Please note that you will be placed in a “listen only” mode and your video feed will not be shared with City Council or members of the public.
- For written communication, submit to [ALLELECTEDOFFICIALS@elsegundo.org](mailto:ALLELECTEDOFFICIALS@elsegundo.org) by 3:00 PM to be uploaded to the Website. Emails received after 3:00 PM will be posted the next day.
- For Public Hearings, public communication will be via zoom only.
- Speaker cards and attendee’s information captured by Zoom software will be considered public documents subject to possible posting on the City’s Website and are subject to disclosure under the Public Records Act.

### Additional Information:

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

Unless otherwise noted in the agenda, the public can only comment on City-related business that is within the jurisdiction of the City Council and/or items listed on the agenda during the Public Communications portions of the Meeting. Additionally, members of the public can comment on any Public Hearing item on the agenda during the Public Hearing portion of such item. The time limit for comments is five (5) minutes per person. Before speaking to the City Council, please state: your name, residence, and organization/group you represent, if desired. Please respect the time limits.

**In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 310-524-2305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.**

**4:00 PM CLOSED SESSION – CALL TO ORDER / ROLL CALL**

**PUBLIC COMMUNICATION – (RELATED TO CITY BUSINESS ONLY – 5-MINUTE LIMIT PER PERSON, 30-MINUTE LIMIT TOTAL)** *Individuals who have received value of \$50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing City Council. Failure to do so shall be a misdemeanor and punishable by a fine of \$250. While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda. City Council and/or City Manager will respond to comments after Public Communications is closed.*

**SPECIAL ORDERS OF BUSINESS**

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

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code §54956.9(d) (2) and (3):  
-1- matter.

**6:00 PM – CONVENE OPEN SESSION – CALL TO ORDER / ROLL CALL**

**INVOCATION** - Pastor Chuck Brady, St. John's Lutheran Church

**PLEDGE OF ALLEGIANCE** - Councilmember Giroux

**PUBLIC COMMUNICATIONS – (RELATED TO CITY BUSINESS ONLY – 5 MINUTE LIMIT PER PERSON, 30 MINUTE LIMIT TOTAL)** *Individuals who have received value of \$50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of \$250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.*

## **SPECIAL PRESENTATIONS**

1. Recognition of Fire Chief Chris Donovan's Retirement
2. Family Court Awareness Month
3. Los Angeles Hyperion Sewage Treatment Wastewater Spill and Recovery Update

## **CITY MANAGER FOLLOW-UP COMMENTS – (Related to Public Communications)**

### **A. PROCEDURAL MOTIONS**

**Read all ordinances and resolutions on the Agenda by title only.**

Recommendation - Approval

### **B. CONSENT**

#### **4. City Council Meeting Minutes**

Recommendation –

Approve Regular City Council Meeting Minutes of October 5, 2021.

#### **5. Warrant Demand Register for September 26, 2021 through October 8, 2021**

Recommendation -

1. Ratify payroll and employee benefit checks; checks released early due to contracts or agreements; emergency disbursements and/or adjustments; and, wire transfers.
2. Approve Warrant Demand Register numbers 7A and 7B: warrant numbers 3037538 through 3037706, and 9002200 through 9002237.

#### **6. Construction Contract with Minako America Corporation for the FY 2021-2022 Annual Concrete Improvements Project**

Recommendation –

Authorize the City Manager to execute a standard Public Works Construction Contract with Minako America Corporation dba Minco Construction for \$211,985 for the FY 2021-2022 Annual Concrete Improvements Project (Project No. PW 21-10), and authorize an additional \$21,200 as contingency funds for potential unforeseen conditions.

7. **Construction Contract with Stephen Doreck Equipment Rentals, Inc. and Professional Services Agreement with Wallace & Associates, Inc. for Construction Management and Inspection Services for the Water Main Improvements on Grand Avenue Project**

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Recommendation -

1. Reject Cedro Construction, Inc.'s bid as non-responsive;
2. Reject CEM Construction Corporation's bid as non-responsive;
3. Authorize the City Manager to execute a standard Public Works Construction Contract with Stephen Doreck Equipment Rentals, Inc. for \$1,598,162.80 for the Water Main Improvements Project on Grand Avenue (Project No. PW 21-05), and authorize an additional \$159,816 as contingency funds for potential unforeseen conditions; and
4. Authorize the City Manager to execute a Professional Services Agreement with Wallace & Associates, Inc. for \$157,048 for construction inspection services for this project, and authorize an additional \$15,705 as contingency funds for potential unforeseen conditions.

**C. PUBLIC HEARINGS**

8. **Introduction of an Ordinance Amending El Segundo Municipal Code Title 15 (Zoning Code), Chapter 14: Historic Preservation, Chapter 15: Off-street Parking and Loading Spaces, Chapter 22: Administrative Determinations, Administrative Use Permits, and Adjustments, Chapter 23: Director Discretionary Decisions, Chapter 24: Variances and Conditional Use Permits, Chapter 25: Site Plan Review, Chapter 26: Coastal Zone Development Permits, Chapter 27: Amendments, Chapter 28: Public Hearings, and Chapter 29: Appeals**

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Recommendation –

Waive the first reading and introduce an ordinance amending El Segundo Municipal Code Title 15, Chapters 14, 15, 22, 23,24,25, 26, 27, 28, and 29; and schedule a second reading for the November 2, 2021 City Council meeting.

*(This proposed zone text amendment is exempt from review under the California Environmental Quality Act (CEQA). Specifically, Section 15061(b)(3) applies, which is the “common sense exemption.” This is applied “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...” The proposed Zoning Code revisions consolidate permit types and processes. This Code revision does not delete or substantially change any lists of uses, development standards or findings required thereof, and therefore does not have the potential to cause significant effects on the environment.)*

**D. STAFF PRESENTATIONS**

**9. Urho Saari Swim Stadium "The Plunge" Update**

Recommendation –

Receive and File Urho Saari Swim Stadium "The Plunge" Update

**10. Senate Bill 9 "Housing Development: Approvals" Update and Next Steps**

Recommendation -

Consideration and discussion of the impact Senate Bill 9 "Housing Development: Approvals" (SB 9) will have on the single-family residential zone, and direct staff to engage with the community to develop alternative approaches for design standards and guidelines for residential development within the single-family zone that may result in amendments to single-family residential development standards.

**11. Proposed Amendment to the City Manager's Employment Agreement**

Recommendation - Approve the Proposed Amendment No. 1 to the Employment Agreement for City Manager providing for a base salary increase of six percent, and adopt a resolution setting forth a salary schedule for the City Manager.

**E. COMMITTEES, COMMISSIONS AND BOARDS PRESENTATIONS**

**F. REPORTS - CITY CLERK**

**G. REPORTS - CITY TREASURER**

**H. REPORTS - COUNCILMEMBERS**

COUNCILMEMBER GIROUX

COUNCILMEMBER NICOL

COUNCILMEMBER PIRSZTUK

MAYOR PRO TEM PIMENTEL

MAYOR BOYLES

**I. REPORTS - CITY ATTORNEY**

**J. REPORTS/FOLLOW-UP - CITY MANAGER**

**CLOSED SESSION**

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

**REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)**

**MEMORIALS**

**ADJOURNMENT**

POSTED:

DATE: October 13, 2021

TIME: 6:45 PM

BY: Tracy Weaver, City Clerk

# Proclamation

City of El Segundo, California

**WHEREAS,** the mission at One Mom's Battle (OMB) and the Family Court Awareness Month Committee (FCAMC) is to increase awareness on the importance of a family court system that prioritizes child safety and acts in the best interest of children; and

**WHEREAS,** the mission at the FCAMC is to increase awareness on the importance of education and training on domestic violence, childhood trauma and post separation abuse for all professionals working within the family court system; and

**WHEREAS,** the mission at the FCAMC is to educate judges and other family court professionals on the empirical data and research that is currently available. Such research is a critical component to making decisions that are truly in the best interest of children. This research includes The Adverse Childhood Experiences (ACE) Study, Saunder's Study, The Meier Study: Child Custody Outcomes in Cases Involving Abuse Allegations, and the Santa Clara Law Study; and

**WHEREAS,** the mission at the FCAMC is fueled by the desire for awareness and change in the family court system while honoring the 100(+) children in the United States who have been murdered by a parent after a custody court rejected the other parent's plea for protection.

**NOW, THEREFORE,** on this 19<sup>th</sup> day of October, 2021, the Mayor and Members of the City Council of the City of El Segundo, California, hereby proclaim November 2021 as "**Family Court Awareness Month**", and urge all citizens to recognize and support the importance of a family court system that prioritizes .



*Mayor Drew Boyles*

*Mayor Pro Tem Carol Pirsztuk*

*Council Member Chris Pimentel*

*Council Member Scot Nicol*

*Council Member Lance Giroux*



MEETING MINUTES OF THE EL SEGUNDO CITY COUNCIL  
TUESDAY, OCTOBER 5, 2021

CLOSED SESSION – Mayor Pro Tem Pimentel called to order at 4:17 PM

ROLL CALL

Mayor Boyles - Present via teleconferencing  
Mayor Pro Tem Pimentel - Present  
Council Member Pirsztuk - Present  
Council Member Nicol - Present  
Council Member Giroux - Present

PUBLIC COMMUNICATION – (Related to City Business Only – 5-minute limit per person, 30-minute limit total) None.

SPECIAL ORDER OF BUSINESS:

Mayor Pro Tem Pimentel announced that Council would be meeting in closed session pursuant to the items listed on the Agenda.

CLOSED SESSION:

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (GOV'T CODE §54956.9(D)(1): -1-MATTER(S)

1. James Stephens v. City of El Segundo, Workers Compensation Appeals Board, Case No. ADJ11934528

DISCUSSION OF PERSONNEL MATTERS (GOV'T CODE §54957): -2- MATTERS

1. City's Representative: Mark Hensley, City Attorney  
Unrepresented Employee: Scott Mitnick, City Manager

Adjourned Closed Session at PM

OPEN SESSION – Mayor Pro Tem Pimentel called to order at 6:01PM

INVOCATION – Pastor Seth McKenna, The Bridge Church

PLEDGE OF ALLEGIANCE – Council Member Pirsztuk

## ROLL CALL

Mayor Boyles - Present via teleconferencing  
Mayor Pro Tem Pimentel - Present  
Council Member Pirsztuk - Present  
Council Member Nicol - Present  
Council Member Giroux - Present

## SPECIAL PRESENTATIONS:

1. Supervisor Hahn Recognition – Pulled from agenda, Supervisor Hahn was unable to attend this evening.
- 1a. Los Angeles Hyperion Treatment Plant Wastewater Spill and Recovery Update, report given by Elias Sassoon, Public Works Director.

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5-minute limit per person, 30-minute limit total)

**In Chamber** – None this evening

**Via Zoom** –

Howard, resident, requested a sign/notice outside of City Hall with Hyperion Updates.

## CITY MANAGER FOLLOW-UP COMMENTS:

- A. Read all Ordinances and Resolutions on the Agenda by Title Only.

MOTION by Mayor Boyles, SECONDED by Council Member Giroux to read all ordinances and resolutions on the agenda by title only. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

## B. CONSENT:

2. Approve Regular City Council Minutes of September 21, 2021.  
(Fiscal Impact: None)
3. Approve Warrants Demand Register for September 12, 2021 through September 23, 2021, numbers 6A and 6B and warrant numbers 3037306 through 3037537, and 9002197 through 9002199. Ratify Payroll and employee benefit Checks; Checks released early due to contracts or agreement; Emergency disbursements and/or adjustments; and, Wire transfers.  
(Fiscal Impact: Total of \$2,859,453.36 (\$1,842,503.80 in check warrants and \$1,016,949.56 in wire warrants)
4. Authorize the City Manager to execute Standard Public Works Contract No. 6176 with National Utility Locators, LLC for utility locating and marketing services. Project No. PW 20-09.  
(Fiscal Impact: \$78,000)

5. Authorize the City Manager to extend License Agreement Amendment No. 4698D with El Segundo Nursery School Group for nine months.  
(Fiscal Impact: Agreement will generate \$600 in revenue for FY 2021-2022 in account 001-300- 0000-3879 (Reservations Fees))
6. Approve Amendment No. 3766D to Memorandum of Understanding between the City of El Segundo and El Segundo Unified School District for Library Services.  
(Fiscal Impact: Estimated \$127,000 of revenue for FY 2021-2022 in account 001-300-6105-3762 (ESUSD Library Support). The projected cost for providing library services to the El Segundo Unified School District for FY 2021-2022 is \$127,000 (\$122,000 for salaries and \$5000 for new school library books)
7. Adopt Resolution No. 5275 allowing public meetings to continue to be conducted via teleconferencing pursuant to Assembly Bill No. 361 and directing City Committees, Commissions, and Boards to take certain associated actions.  
(Fiscal Impact: None)

MOTION by Mayor Boyles, SECONDED by Council Member Giroux, approving Consent Agenda items 2, 3, 4, 5, 6, and 7. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

C. PUBLIC HEARING: None

D. STAFF PRESENTATIONS:

8. Approve Professional Services Agreement No. 6177 with Many Mansions, a California non-profit to provide affordable housing services.  
(Fiscal Impact: There will not be any direct fiscal impacts. Many Mansions has agreed to provide in kind professional consulting services as the City's affordable housing services provider in exchange for the opportunity to manage and/or develop future City-sponsored affordable housing. Future affordable housing development will be funded by the City's Affordable Housing Fund and outside sources. There is no direct General Fund impact)

Michael Allen, Development Services Director reported on the item.

Kathe Head, Keyser Marston, Rick Schroeder, Many Mansions and Alexander Russell, Many Mansions answered Council questions.

Council discussion

MOTION by Council Member Nicol, SECONDED by Mayor Boyles approving a Professional Services Agreement with Many Mansions. MOTION PASSED BY VOICE VOTE. 5/0

9. El Segundo Dial-A-Ride Program Update  
(Fiscal Impact: None)

Melissa McCollum, Community Services Director gave a presentation.

Council Discussion

Council consensus to receive and file the presentation.

10. Covid-19 Update and Ratify City Manager's Amendment to Administrative Order No. 1 dated September 29, 2021.  
(Fiscal Impact: None)

Deena Lee, Acting Fire Chief gave the Covid-19 update and Randy Collins, Emergency Management Coordinator answered questions.

Mark Hensley, City Attorney reported on the Amendment to Administrative Order No. 1 dated September 29, 2021.

Council discussion

Council consensus to receive and file Covid-19 update.

MOTION by Council Member Pirsztuk, SECONDED by Council Member Giroux to ratify City Manager's Amendment to Administrative Order No. 1 dated September 29, 2021.  
MOTION PASSED BY VOICE VOTE. 5/0

11. FY 2020-2021 Year-End Financial Report  
(Fiscal Impact: None)

Joseph Lillio, Chief Financial Officer gave a presentation.

Council Discussion

Council consensus to receive and file.

E. COMMITTEES, COMMISSIONS AND BOARDS PRESENTATIONS: None

F. REPORTS – CITY CLERK – No report

G. REPORTS – CITY TREASURER – Not Present

H. REPORTS – COUNCIL MEMBERS

12. League of California Cities Annual Conference Report – September 22-24, 2021  
(Fiscal Impact: None)

Scott Mitnick, City Manager, Council Members Pirsztuk and Giroux reported on the item

Council Discussion

Council consensus to receive and file presentation.

Council Member Giroux – No report

Council Member Nicol – Attended and reported on the El Segundo Hyperion Citizen Forum. The next meeting will be held Thursday, October 21 at 6:00 PM. Richmond Street Fair to be held on Saturday, October 9 from 9:00 AM - 5:00 PM on Main Street due to outdoor dining on Richmond Street.

Council Member Pirsztuk – Reminded residents of the Homecoming parade and game on Friday, October 8, 2021 and Richmond Street Fair will be held on Saturday, October 9, 2021.

Mayor Pro Tem Pimentel – Mentioned Region 4 will hold its meeting on October 14 at 9:00 am, attend if you would like to comment on the Hyperion Treatment Plant spill, mentioned if you have complaints/comments about LAX early turns, please see the City's website for where to raise the complaint and stated a series of legislative briefs will be forthcoming from the South Bay COG and mentioned all residents should be apprized of what bills are coming out of Sacramento.

Mayor Boyles – No report

- I. REPORTS – CITY ATTORNEY – Answered Council Member Giroux's question regarding the ending of LA County's mask mandate. Mr. Hensley stated the LA County Health Department announced there is no definitive timeline, but that the mask mandate would be relaxed when vaccinations increase, and hospital stays decrease.
- J. REPORTS/FOLLOW-UP – CITY MANAGER – Mentioned there will be a Special Budget Study session on October 19<sup>th</sup> at 3:30 PM and the regular meeting will be held that night at 6:00 PM.

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MEMORIALS – None

Adjournment at 8:09 PM

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Tracy Weaver, City Clerk



## City Council Agenda Statement

Meeting Date: October 19, 2021

Agenda Heading: Consent

Item Number: B.5

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### TITLE:

Warrant Demand Register for September 26, 2021 through October 8, 2021

### RECOMMENDATION:

1. Ratify payroll and employee benefit checks; checks released early due to contracts or agreements; emergency disbursements and/or adjustments; and, wire transfers.
2. Approve Warrant Demand Register numbers 7A and 7B: warrant numbers 3037538 through 3037706, and 9002200 through 9002237.

### FISCAL IMPACT:

The warrants presented were drawn in payment of demands included within the FY 2021-2022 Adopted Budget. The total of \$2,127,489.43 (\$1,014,399.74 in check warrants and \$1,113,089.69 in wire warrants) are for demands drawn on the FY 2021-2022 Budget.

### BACKGROUND:

California Government Code Section 37208 provides General Law cities flexibility in how budgeted warrants, demands, and payroll are audited and ratified by their legislative body. Pursuant to Section 37208 of the California Government Code, warrants drawn in payments of demands are certified by the City's Chief Financial Officer and City Manager as conforming to the authorized expenditures set forth in the City Council adopted budget need not be audited by the City Council prior to payment, but may be presented to the City Council at the first meeting after delivery.

In government finance, a warrant is a written order to pay that instructs a federal, state, county, or city government treasurer to pay the warrant holder on demand or after a specific date. Such warrants look like checks and clear through the banking system like checks. Warrants are issued for payroll to individual employees, accounts payable to vendors, to local governments, and to companies or individual taxpayers receiving a refund.

## **Warrant Demand Register**

**October 19, 2021**

**Page 2 of 2**

### **DISCUSSION:**

The attached Warrants Listing delineates the warrants that have been paid for the period identified above. The Chief Financial Officer certifies that the listed warrants were drawn in payment of demands conforming to the adopted budget and that these demands are being presented to the City Council at its first meeting after the delivery of the warrants.

### **CITY STRATEGIC PLAN COMPLIANCE:**

Goal 5: Champion Economic Development and Fiscal Sustainability

Objective 5B: El Segundo approaches its work in a financially strategic and responsible way.

### **PREPARED BY:**

Joseph Lillio, Chief Financial Officer

### **REVIEWED BY:**

Joseph Lillio, Chief Financial Officer

### **APPROVED BY:**

Barbara Voss, Deputy City Manager

### **ATTACHED SUPPORTING DOCUMENTS:**

1. Register 7a\_summary pages
2. Register 7b\_summary pages

CITY OF EL SEGUNDO  
WARRANTS TOTALS BY FUND

303753B - 3037640  
9002200 - 9002234

DATE OF APPROVAL: AS OF 10/19/21

REGISTER # 7A

|                |  |                 |
|----------------|--|-----------------|
| 001            | GENERAL FUND                           | 262,039.72      |
| 104            | TRAFFIC SAFETY FUND                    | -               |
| 106            | STATE GAS TAX FUND                     | 890.10          |
| 108            | ASSOCIATED RECREATION ACTIVITIES FUND  | -               |
| 109            | ASSET FORFEITURE FUND                  | 846.78          |
| 110            | MEASURE "R"                            | -               |
| 111            | COMM. DEVEL. BLOCK GRANT               | -               |
| 112            | PROP "A" TRANSPORTATION                | -               |
| 114            | PROP "C" TRANSPORTATION                | -               |
| 115            | AIR QUALITY INVESTMENT PROGRAM         | -               |
| 116            | HOME SOUND INSTALLATION FUND           | -               |
| 117            | HYPERION MITIGATION FUND               | 568.88          |
| 118            | TOA ARTICLE 3 - SB 821 BIKEWAY FUND    | -               |
| 119            | MTA GRANT                              | -               |
| 120            | C.O.P.S. FUND                          | -               |
| 121            | FEMA                                   | -               |
| 122            | L.A.W.A. FUND                          | -               |
| 123            | PSAF PROPERTY TAX PUBLIC SAFETY        | -               |
| 124            | FEDERAL GRANTS                         | 18,320.00       |
| 125            | STATE GRANT                            | -               |
| 126            | A/P CUPA PROGRAM OVERSIGHT SURCHARGE   | 80.00           |
| 128            | SB-1                                   | -               |
| 129            | CERTIFIED ACCESS SPECIALIST PROGRAM    | -               |
| 130            | AFFORDABLE HOUSING                     | -               |
| 131            | COUNTY STORM WATER PROGRAM             | 2,646.33        |
| 202            | ASSESSMENT DISTRICT #73                | -               |
| 301            | CAPITAL IMPROVEMENT FUND               | 363,381.70      |
| 302            | INFRASTRUCTURE REPLACEMENT FUND        | -               |
| 405            | FACILITIES MAINTENANCE                 | -               |
| 501            | WATER UTILITY FUND                     | 8,867.34        |
| 502            | WASTEWATER FUND                        | 8,159.40        |
| 503            | GOLF COURSE FUND                       | -               |
| 505            | SOLID WASTE FUND                       | -               |
| 601            | EQUIPMENT REPLACEMENT                  | -               |
| 602            | LIABILITY INSURANCE                    | -               |
| 603            | WORKERS COMP. RESERVE/INSURANCE        | -               |
| 701            | RETIRED EMP. INSURANCE                 | -               |
| 702            | EXPENDABLE TRUST FUND - DEVELOPER FEES | 3,100.00        |
| 703            | EXPENDABLE TRUST FUND - OTHER          | 13,000.00       |
| 704            | CULTURAL DEVELOPMENT                   | -               |
| 708            | OUTSIDE SERVICES TRUST                 | -               |
| TOTAL WARRANTS |  | \$ 691,700.25 ✓ |

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

Information on actual expenditures is available in the Director of Finance's office in the City of El Segundo.

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

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

CODES:

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

For Ratification:

A = Payroll and Employee Benefit checks

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

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

CHIEF FINANCIAL OFFICER

DATE:

*Joseph Luis*  
10-11-2021

CITY MANAGER

DATE:

NOTES  
*Brian Voss*  
10-12-21

VOID CHECKS DUE TO ALIGNMENT:  
N/A

VOID CHECKS DUE TO INCORRECT CHECK DATE:

VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR:



CITY OF EL SEGUNDO  
WARRANTS TOTALS BY DEPARTMENT  
AS OF 10/19/21  
REGISTER # 7A

| DEPT#   | NAME                          | TOTAL                  |
|---|-------------------------------|------------------------|
| <b>GENERAL FUND DEPARTMENTAL EXPENDITURES</b> |                               |                        |
| <b>GENERAL GOVERNMENT</b>                     |                               |                        |
| 1101  | City Council                  | 47.15                  |
| 1201  | City Treasurer                | 223.40                 |
| 1300  | City Clerk                    | 11,804.06              |
| 2101  | City Manager                  | 80.00                  |
| 2102  | Communications                | 161.80                 |
| 2201  | City Attorney                 |                        |
| 2401  | Economic Development          | 910.00                 |
| 2402  | Planning                      | 20,673.74              |
| 2500  | Administrative Services       | 52,243.34              |
| 2601  | Government Buildings          | 9,345.94               |
| 2700  | Community Outreach/Planning   | 1,862.40               |
| 2900  | Nondepartmental               | 26,973.78              |
| 6100  | Library                       | 10,483.44              |
|   |                               | <hr/> 134,809.05       |
| <b>PUBLIC SAFETY</b>                          |                               |                        |
| 3100  | Police                        | 24,784.72              |
| 3200  | Fire                          | 34,998.87              |
| 2403  | Building Safety               | 12,250.00              |
| 2404  | Plng/Bldg Sfty Administration | 381.71                 |
|   |                               | <hr/> 72,415.30        |
| <b>PUBLIC WORKS</b>                           |                               |                        |
| 4101  | Engineering                   | 13,056.63              |
| 4200  | Streets/Park Maintenance      | 36,639.45              |
| 4300  | Wastewater                    | 696.71                 |
| 4601  | Equipment Maintenance         | 8,811.70               |
| 4801  | Administration                | 335.88                 |
|   |                               | <hr/> 59,540.37        |
| <b>COMMUNITY DEVELOPMENT</b>                  |                               |                        |
| 5100,5200                                     | Recreation & Parks            |                        |
| 5400  | Centennial                    | 12,637.48              |
|   |                               | <hr/> 12,637.48        |
| <b>EXPENDITURES</b>                           |                               |                        |
| <b>CAPITAL IMPROVEMENT</b>                    |                               |                        |
| <b>ALL OTHER ACCOUNTS</b>                     |                               |                        |
|   |                               | 412,298.05             |
| <b>TOTAL WARRANTS</b>                         |                               |                        |
|   |                               | <hr/> <hr/> 691,700.25 |

**CITY OF EL SEGUNDO  
 PAYMENTS BY WIRE TRANSFER  
 09/27/21 THROUGH 10/03/21**

| <u>Date</u>       | <u>Payee</u>             |                   | <u>Description</u>                 |
|-------------------|--------------------------|-------------------|------------------------------------|
| 9/28/2021         | Unum                     | 266.10            | Long Term Care Premium - September |
| 9/30/2021         | Manufacturers & Traders  | 75,471.54         | 457 payment Vantagepoint           |
| 9/30/2021         | Manufacturers & Traders  | 1,130.77          | 401(a) payment Vantagepoint        |
| 9/30/2021         | Manufacturers & Traders  | 550.00            | IRA payment Vantagepoint           |
| 10/1/2021         | ExpertPay                | 1,763.42          | EFT Child support payment          |
| 09/20/21-09/26/21 | Workers Comp Activity    | 45,157.55         | SCRMA checks issued                |
| 09/20/21-09/26/21 | Liability Trust - Claims | 0.00              | Claim checks issued/(voided)       |
| 09/20/21-09/26/21 | Retiree Health Insurance | 0.00              | Health Reimbursement checks issued |
|                   |                          | <u>124,339.38</u> |                                    |

**DATE OF RATIFICATION: 10/7/21  
 TOTAL PAYMENTS BY WIRE:**

124,339.38

Certified as to the accuracy of the wire transfers by:

10/7/21  
 Treasury & Customer Services Manager Date

10-12-2021  
 Chief Financial Officer Date

10-12-21  
 City Manager Date

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.

CITY OF EL SEGUNDO  
WARRANTS TOTALS BY FUND

3037641 - 3037705  
9002235 - 9002237

DATE OF APPROVAL: AS OF 10/19/21

REGISTER # 7B

|     |  |                      |
|-----|--|----------------------|
| 001 | GENERAL FUND                           | 239,209.45           |
| 104 | TRAFFIC SAFETY FUND                    | -                    |
| 108 | STATE GAS TAX FUND                     | 79.98                |
| 108 | ASSOCIATED RECREATION ACTIVITIES FUND  | -                    |
| 109 | ASSET FORFEITURE FUND                  | 2,294.49             |
| 110 | MEASURE 'F'                            | -                    |
| 111 | COMM. DEVEL. BLOCK GRANT               | -                    |
| 112 | PROP 'A' TRANSPORTATION                | -                    |
| 114 | PROP 'C' TRANSPORTATION                | -                    |
| 115 | AIR QUALITY INVESTMENT PROGRAM         | -                    |
| 116 | HOME SOUND INSTALLATION FUND           | -                    |
| 117 | HYPERION MITIGATION FUND               | -                    |
| 118 | TA ARTICLE 3 - SB 821 BIKEWAY FUND     | -                    |
| 119 | MTA GRANT                              | -                    |
| 120 | C. O. P. S. FUND                       | -                    |
| 121 | FEMA                                   | -                    |
| 122 | L.A.W.A. FUND                          | -                    |
| 123 | PSAF PROPERTY TAX PUBLIC SAFETY        | -                    |
| 124 | FEDERAL GRANTS                         | -                    |
| 125 | STATE GRANT                            | -                    |
| 126 | AP/ CUPA PROGRAM OVERSIGHT SURCHARGE   | 267.93               |
| 128 | 9B-1                                   | 44,191.17            |
| 129 | CERTIFIED ACCESS SPECIALIST PROGRAM    | -                    |
| 130 | AFFORDABLE HOUSING                     | -                    |
| 131 | COUNTY STORM WATER PROGRAM             | -                    |
| 202 | ASSESSMENT DISTRICT #73                | -                    |
| 301 | CAPITAL IMPROVEMENT FUND               | 16,783.90            |
| 302 | INFRASTRUCTURE REPLACEMENT FUND        | -                    |
| 405 | FACILITIES MAINTENANCE                 | -                    |
| 501 | WATER UTILITY FUND                     | 1,624.18             |
| 502 | WASTEWATER FUND                        | 6,805.30             |
| 503 | GOLF COURSE FUND                       | -                    |
| 505 | SOLID WASTE FUND                       | -                    |
| 601 | EQUIPMENT REPLACEMENT                  | -                    |
| 602 | LIABILITY INSURANCE                    | 126.22               |
| 603 | WORKERS COMP. RESERVE/INSURANCE        | 240.95               |
| 701 | RETIRED EMP. INSURANCE                 | 7,169.62             |
| 702 | EXPENDABLE TRUST FUND - DEVELOPER FEES | 628.70               |
| 703 | EXPENDABLE TRUST FUND - OTHER          | 3,000.00             |
| 704 | CULTURAL DEVELOPMENT                   | 77.40                |
| 708 | OUTSIDE SERVICES TRUST                 | -                    |
|     | TOTAL WARRANTS                         | <u>\$ 322,699.49</u> |

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

Information on actual expenditures is available in the Director of Finance's office in the City of El Segundo

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

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

CODES:

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

For Ratification:

A = Payroll and Employee Benefit checks

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

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

CHIEF FINANCIAL OFFICER *Joseph Little*

DATE: 10-11-2021

CITY MANAGER *Paulina Vass*

DATE: 10-12-21

VOID CHECKS DUE TO ALIGNMENT: N/A

VOID CHECKS DUE TO INCORRECT CHECK DATE:

VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR:

NOTES

CITY OF EL SEGUNDO  
WARRANTS TOTALS BY DEPARTMENT  
AS OF 10/19/21  
REGISTER # 7B

| DEPT#   | NAME                          | TOTAL                      |
|---|-------------------------------|----------------------------|
| <b>GENERAL FUND DEPARTMENTAL EXPENDITURES</b> |                               |                            |
| <b>GENERAL GOVERNMENT</b>                     |                               |                            |
| 1101  | City Council                  | (1,230.82)                 |
| 1201  | City Treasurer                | 694.21                     |
| 1300  | City Clerk                    | 681.53                     |
| 2101  | City Manager                  | 78.13                      |
| 2102  | Communications                | 831.41                     |
| 2201  | City Attorney                 | 2,378.84                   |
| 2401  | Economic Development          | 3,032.60                   |
| 2402  | Planning                      | 1,711.06                   |
| 2500  | Administrative Services       | 45,625.23                  |
| 2601  | Government Buildings          | 6,291.06                   |
| 2700  | Community Outreach/Planning   |                            |
| 2900  | Nondepartmental               | 11,181.27                  |
| 6100  | Library                       | 4,107.38                   |
|   |                               | <u>75,381.90</u>           |
| <b>PUBLIC SAFETY</b>                          |                               |                            |
| 3100  | Police                        | 20,752.50                  |
| 3200  | Fire                          | 9,323.57                   |
| 2403  | Building Safety               | 2,022.45                   |
| 2404  | Plng/Bldg Sfty Administration | 678.86                     |
|   |                               | <u>32,777.38</u>           |
| <b>PUBLIC WORKS</b>                           |                               |                            |
| 4101  | Engineering                   | 3,446.25                   |
| 4200  | Streets/Park Maintenance      | 44,569.34                  |
| 4300  | Wastewater                    | 6,058.68                   |
| 4601  | Equipment Maintenance         | 6,116.14                   |
| 4801  | Administration                | 1,952.11                   |
|   |                               | <u>62,142.52</u>           |
| <b>COMMUNITY DEVELOPMENT</b>                  |                               |                            |
| 5100,5200                                     | Recreation & Parks            | 4,135.80                   |
| 5400  | Centennial                    |                            |
|   |                               | <u>4,135.80</u>            |
| <b>EXPENDITURES</b>                           |                               |                            |
|   | <b>CAPITAL IMPROVEMENT</b>    | 16,783.90                  |
|   | <b>ALL OTHER ACCOUNTS</b>     | 131,477.99                 |
|   | <b>TOTAL WARRANTS</b>         | <u><u>322,699.49</u></u> ✓ |

**CITY OF EL SEGUNDO  
 PAYMENTS BY WIRE TRANSFER  
 10/04/21 THROUGH 10/10/21**

| <u>Date</u>       | <u>Payee</u>             |                   | <u>Description</u>                     |
|-------------------|--------------------------|-------------------|--|
| 10/4/2021         | IRS                      | 276,402.93        | Federal 941 Deposit                    |
| 10/4/2021         | Employment Development   | 4,961.00          | State SDI payment                      |
| 10/4/2021         | Employment Development   | 64,954.86         | State PIT Withholding                  |
| 10/8/2021         | Cal Pers                 | 400.00            | Admin Fee - Retired Annuitant Late Fee |
| 10/8/2021         | Cal Pers                 | 200.00            | Admin Fee - Late Payroll Reporting     |
| 10/8/2021         | Cal Pers                 | 575,871.30        | EFT Health Insurance Payment           |
| 09/27/21-10/03/21 | Workers Comp Activity    | 14,731.26         | SCRMA checks issued                    |
| 09/27/21-10/03/21 | Liability Trust - Claims | 39,446.55         | Claim checks issued/(voided)           |
| 09/27/21-10/03/21 | Retiree Health Insurance | 11,782.41         | Health Reimbursement checks issued     |
|                   |                          | <u>988,750.31</u> |  |

**DATE OF RATIFICATION: 10/7/21  
 TOTAL PAYMENTS BY WIRE:**

988,750.31

Certified as to the accuracy of the wire transfers by:

*David Marston* *DM* 10/7/21  
 Treasury & Customer Services Manager Date

*Joseph L...* 10-11-2021  
 Chief Financial Officer Date

*Kelvin Vass* 10-12-21  
 City Manager Date

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.



## City Council Agenda Statement

Meeting Date: October 19, 2021

Agenda Heading: Consent

Item Number: B.6

---

### TITLE:

Construction Contract with Minako America Corporation for the FY 2021-2022 Annual Concrete Improvements Project

### RECOMMENDATION:

Authorize the City Manager to execute a standard Public Works Construction Contract with Minako America Corporation dba Minco Construction for \$211,985 for the FY 2021-2022 Annual Concrete Improvements Project (Project No. PW 21-10), and authorize an additional \$21,200 as contingency funds for potential unforeseen conditions.

### FISCAL IMPACT:

Included in Adopted FY 2021/22 Budget

Amount Budgeted: \$250,000

Additional Appropriation: No

Account Number(s): 106-400-8203-8606 (Sidewalk Repair - Gas Tax Fund)

301-400-8203-8705 (Sidewalk Repair - CIP Fund)

### BACKGROUND:

On August 17, 2021, the City Council adopted the plans and specifications for the FY 21/22 Annual Concrete Improvements Project to repair defective sidewalks, driveway approaches, curbs and gutters, and ramps throughout the City.

### DISCUSSION:

On September 7, 2021, the City Clerk received and opened two bids as follows:

1. Minako America Corporation dba Minco Construction \$211,985
2. FS Contractors, Inc. \$250,981

## **Award Concrete Improvements Project**

**October 19, 2021**

**Page 2 of 2**

Minako America Corporation dba Minco Construction was the lowest responsive bidder. They have satisfactorily completed similar projects for the cities of Beverly Hills, Burbank, and Fullerton, and their license is in good standing.

Consequently, staff recommends City Council to approve the recommended actions as noted. With the City Council's authorization, construction is anticipated to commence in November, 2021, and will be substantially complete by February, 2022.

### **CITY STRATEGIC PLAN COMPLIANCE:**

Goal 1: Enhance Customer Service, Engagement, and Communication; Embrace Diversity, Equity, and Inclusion

Objective 1A: El Segundo Provides unparalleled service to internal and external customers.

Goal 4: Develop and Maintain Quality Infrastructure and Technology

Objective 4A: El Segundo's physical infrastructure supports an appealing, safe and effective community.

### **PREPARED BY:**

Floriza Rivera, Principal Civil Engineer

### **REVIEWED BY:**

Elias Sassoon, Public Works Director

### **APPROVED BY:**

Barbara Voss, Deputy City Manager

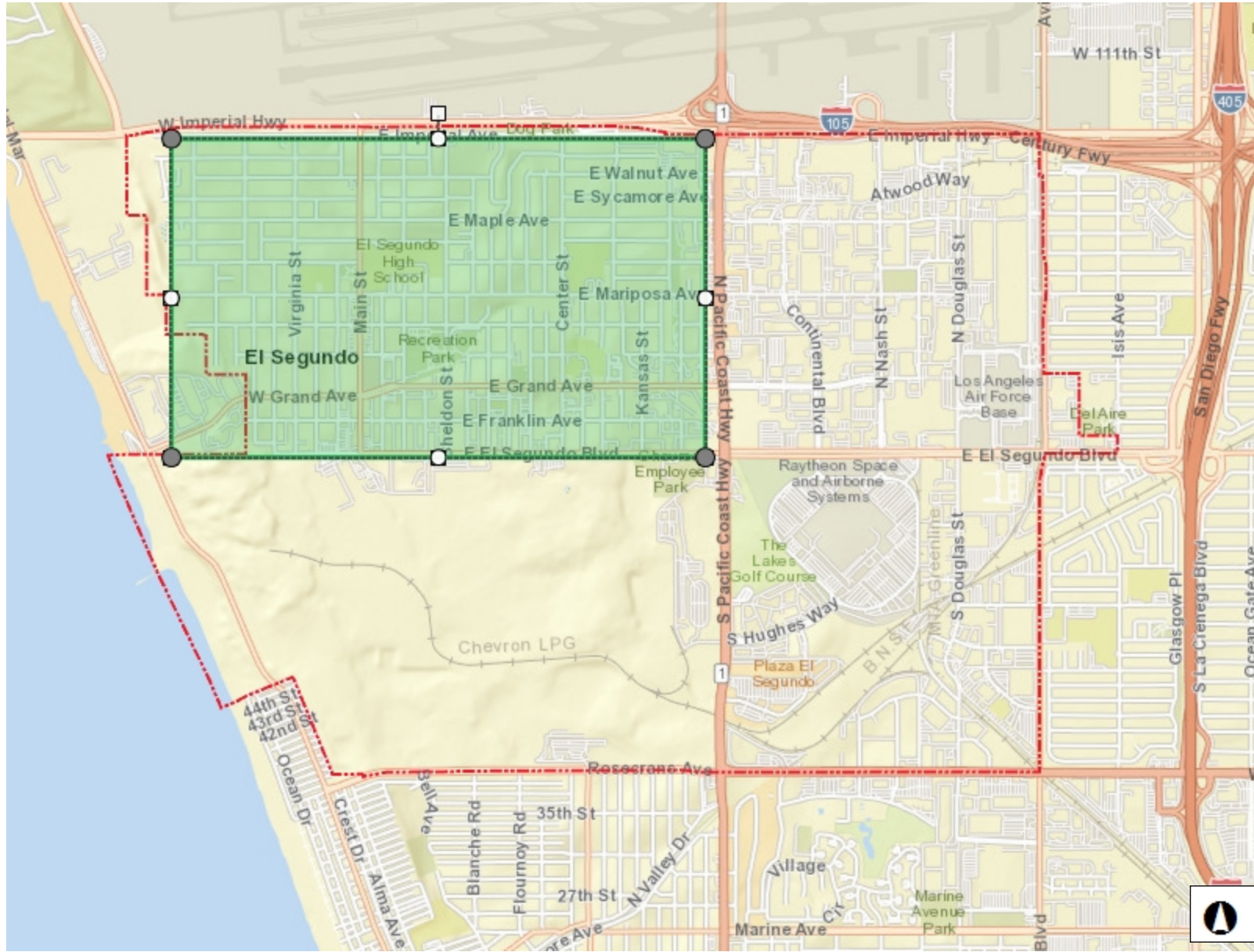
### **ATTACHED SUPPORTING DOCUMENTS:**

1. Vicinity Map PW 21-10
2. Location Map PW 21-10



# Vicinity Map

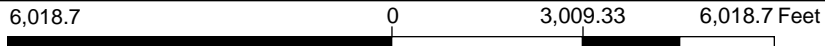
## PW 21-10: FY 21/22 Annual Concrete Improvements



**Legend**

- City Boundary
- Project Region

**Notes**



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

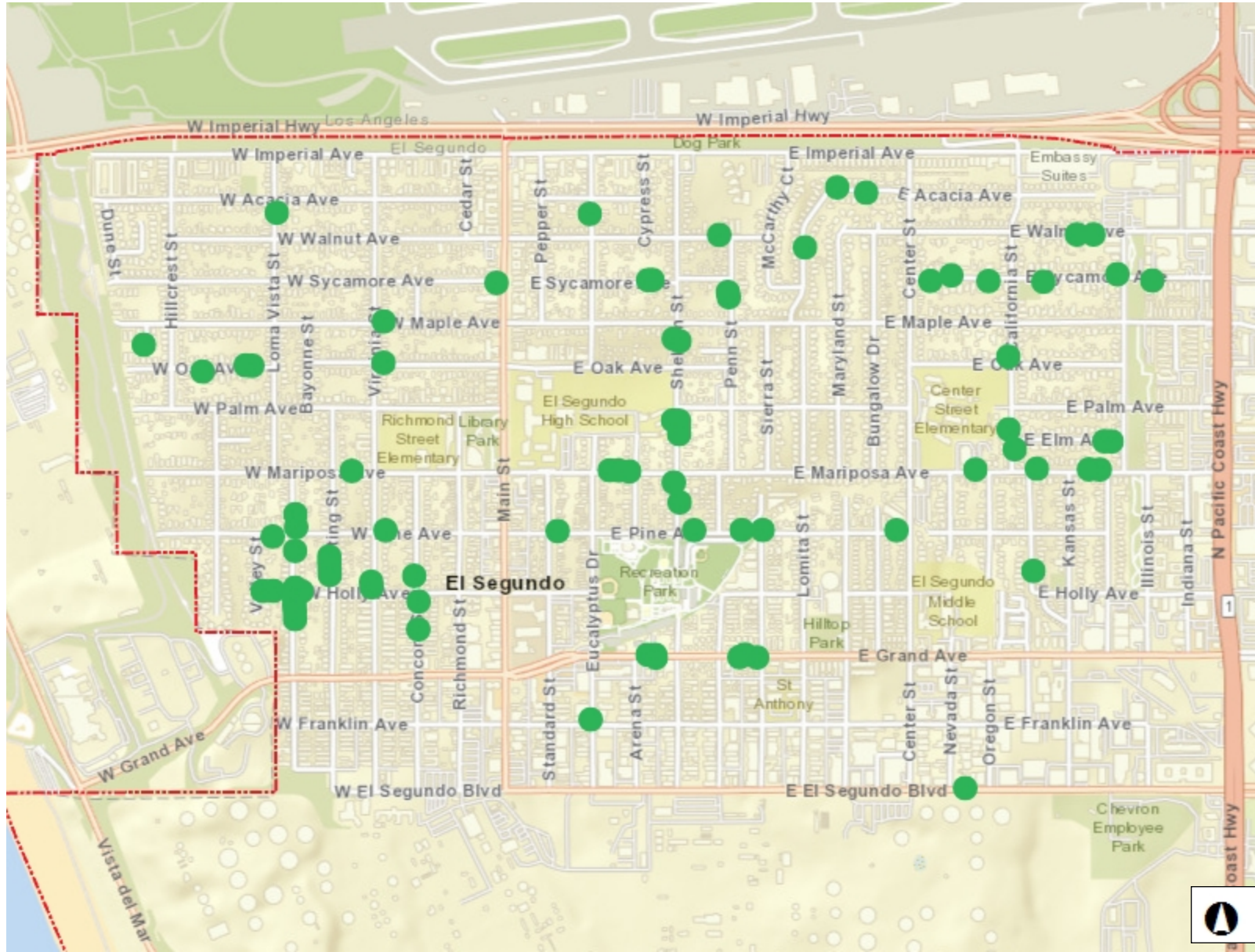
*DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. The City of El Segundo will not be held responsible for any claims, losses or damages resulting from the use of this map.*





# Location Map

## PW 21-10: FY 21/22 Annual Concrete Improvements Project

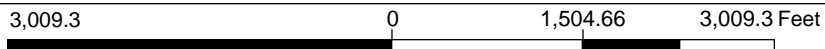


**Legend**

- - - City Boundary
- Concrete Repair Areas

**Notes**



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

**DISCLAIMER:** The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. The City of El Segundo will not be held responsible for any claims, losses or damages resulting from the use of this map.



## City Council Agenda Statement

Meeting Date: October 19, 2021

Agenda Heading: Consent

Item Number: B.7

---

### TITLE:

Construction Contract with Stephen Doreck Equipment Rentals, Inc. and Professional Services Agreement with Wallace & Associates, Inc. for Construction Management and Inspection Services for the Water Main Improvements on Grand Avenue Project

### RECOMMENDATION:

1. Reject Cedro Construction, Inc.'s bid as non-responsive;
2. Reject CEM Construction Corporation's bid as non-responsive;
3. Authorize the City Manager to execute a standard Public Works Construction Contract with Stephen Doreck Equipment Rentals, Inc. for \$1,598,162.80 for the Water Main Improvements Project on Grand Avenue (Project No. PW 21-05), and authorize an additional \$159,816 as contingency funds for potential unforeseen conditions; and
4. Authorize the City Manager to execute a Professional Services Agreement with Wallace & Associates, Inc. for \$157,048 for construction inspection services for this project, and authorize an additional \$15,705 as contingency funds for potential unforeseen conditions.

### FISCAL IMPACT:

Included in Adopted FY 2021/22 Budget

Amount Budgeted: \$2,000,000

Additional Appropriation: No.

Account Number(s): 501-400-7103-8206

501-400-7103-8207

### BACKGROUND:

On June 15, 2021, the City Council adopted the plans and specifications for the Water Main Improvements on Grand Avenue Project (Project) to replace approximately 2,700' of 8-inch diameter water main pipe with new 10-inch diameter ductile iron water main pipe along Grand Avenue between Center Street and Pacific Coast Highway. The

## Award Water Main Improvements on Grand Ave. Project

October 19, 2021

Page 2 of 3

improvements also include replacement of service lines, and resurfacing of Grand Avenue within the project limits.

### DISCUSSION:

On August 24, 2021, the City Clerk received and opened five bids as follows:

|                                     |                |
|-------------------------------------|----------------|
| 1. Cedro Construction, Inc.         | \$1,511,406.28 |
| 2. CEM Construction Corporation     | \$1,541,021.16 |
| 3. Stephen Doreck Equipment Rentals | \$1,598,162.80 |
| 4. Dominguez General Engineering    | \$1,948,234.36 |
| 5. Toro Enterprises, Inc.           | \$2,065,798.00 |

Staff recommends that the City Council reject Cedro Construction, Inc.'s bid as non-responsive, because it does not comply with Labor Code § 1725.5 as required in the set specifications. All California contractors are required by Labor Code § 1725.5 to have a valid Department of Industrial Relations (DIR) registration when they participate in bidding processes. Cedro Construction was unable to demonstrate that its registration was valid at the time of the bid opening. Staff confirmed this lack of registration with a DIR representative.

Further, staff recommends that the City Council reject CEM Construction Corporation's bid as well, due to lack of experience in similar construction projects. Staff contacted CEM's references and discovered that the company has never been a prime contractor on any water main replacement projects in the past. Pursuant to Public Contract Code Section 10108, a bid is "responsive" if it promises to provide what the bidding instructions require. Section 13.2 of the Project's Notice Inviting Bids ("NIB") authorizes the City to reject any "materially incomplete or irregular bid." On the first page of the NIB, the bidders are required to provide a "minimum of five government agency, preferably municipal, references" and it further specified that the contractors must have sufficient experience for constructing similar projects in terms of scope, size, type, magnitude, and complexity, as the prime contractor in the past five (5) years. Due to lack of experience as a prime contractor, the CEM Construction Corporation's bid was considered non-responsive.

The City Attorney's office has reviewed the documents and agrees with the staff recommendation in rejecting these two bids.

Stephen Doreck Equipment Rentals, Inc. is the lowest responsive and responsible bidder, with a good standing license. They have satisfactorily completed similar projects for the Long Beach Water Department as well as similar projects for the cities of Glendora, Lomita, and Alhambra. Also, this contractor successfully completed the City of El Segundo's Center Street Water Main Improvement Project in 2018.

## **Award Water Main Improvements on Grand Ave. Project**

**October 19, 2021**

**Page 3 of 3**

On August 24, 2021, Public Works staff received two proposals from Wallace & Associates, Inc., and NV5, Inc. for construction management and inspection services for this project. The proposals were evaluated by staff and the Wallace & Associates, Inc. proposal was selected based on their qualifications, experience and expertise. Further, Wallace & Associates, Inc. has recently completed the construction management and inspection of El Segundo's Water Main Improvement Project on Indiana Street in a satisfactory manner.

Staff recommends City Council approve the recommended actions as noted. With the City Council's authorization, construction is anticipated to commence in December, 2021, and be substantially complete in April, 2022.

### **CITY STRATEGIC PLAN COMPLIANCE:**

Goal 1: Enhance Customer Service, Engagement, and Communication; Embrace Diversity, Equity, and Inclusion

Objective 1A: El Segundo Provides unparalleled service to internal and external customers.

Goal 4: Develop and Maintain Quality Infrastructure and Technology

Objective 4A: El Segundo's physical infrastructure supports an appealing, safe and effective community.

### **PREPARED BY:**

Floriza Rivera, Principal Civil Engineer

### **REVIEWED BY:**

Elias Sassoon, Public Works Director

### **APPROVED BY:**

Barbara Voss, Deputy City Manager

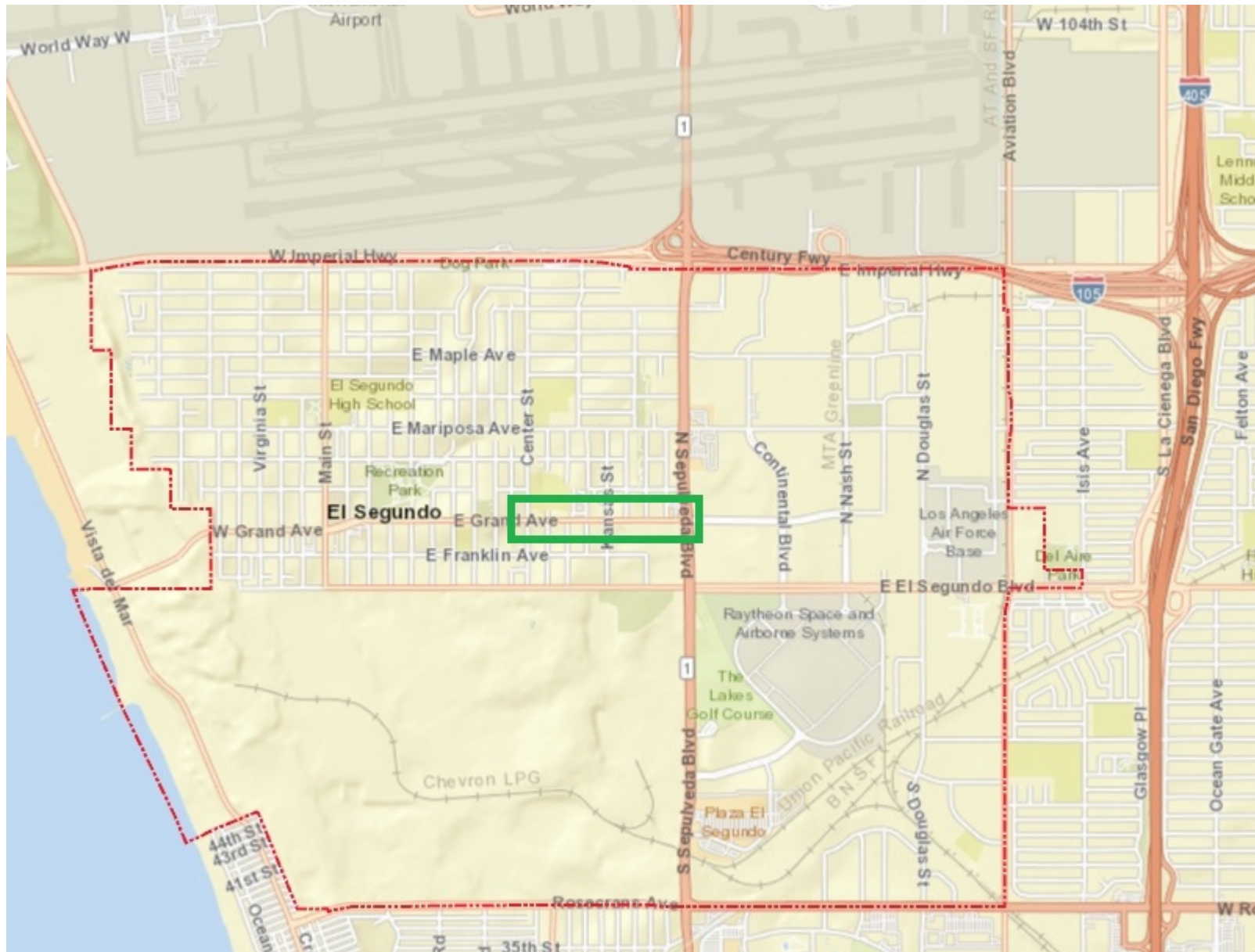
### **ATTACHED SUPPORTING DOCUMENTS:**

1. Vicinity Map
2. Location Map
3. 8-26-21 CEM BID PROTEST
4. 9-16-21 Letter to Cedro Construction
5. 9-29-21 Letter to CEM





# Vicinity Map Water Main Improvements Project on Grand Avenue



### Legend

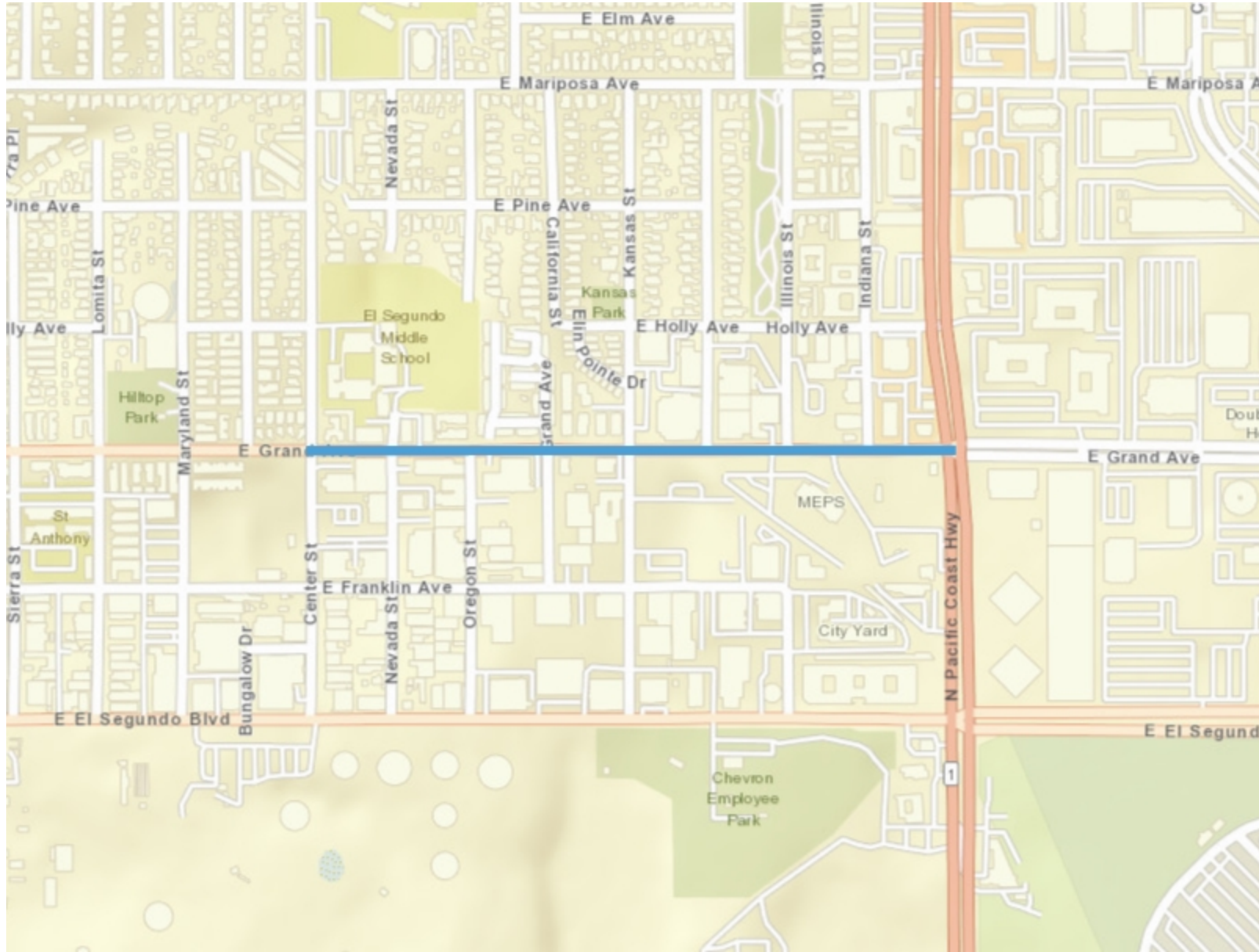
- City Boundary
- Project Region

### Notes



DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. The City of El Segundo will not be held responsible for any claims, losses or damages resulting from the use of this map.



# Location Map Water Main Improvements on Grand Avenue



### Legend

-  City Boundary
-  Project Area:  
E. Grand Avenue  
between Center Street  
and Pacific Coast  
Highway

### Notes

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. The City of El Segundo will not be held responsible for any claims, losses or damages resulting from the use of this map.



1412 ESPANOL AVE  
MONTEBELLO, CA 90603  
562/708-0016 562/708-3586  
Lic. # 951234

August 26, 2021

Floriza Rivera  
City of El Segundo  
350 Main Street  
El Segundo, CA 90245  
frivera@elsegundo.org

**Re: Watermain Improvements on Grand Avenue Project No.: PW 21-05**

Dear Floriza Rivera,

CEM Construction Corp. ("CEM") hereby protest the bid submitted for the subject project noted above by Cedro Construction ("CC") on August 24. Cedro Construction's ("CC") bid was non-responsive and should be rejected as such.

**1 . Cedro Construction did not have an active DIR number at the time of bid.**

CEM references **Attachment 1** for this claim, an inactive DIR number at the time of bid.

Per Labor Code, ARTICLE 1. Scope and Operation [1720 - 1743] ( Article 1 enacted by Stats. 1937, Ch. 90. )  
1725.5.

A contractor shall be **registered pursuant to this section to be qualified to bid on, be listed in a bid proposal**, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any public work contract that is subject to the requirements of this chapter. For the purposes of this section, "contractor" includes a subcontractor as defined by Section 1722.1.

(a) To qualify for registration under this section, a contractor shall do all of the following:

(1) (A) Register with the Department of Industrial Relations in the manner prescribed by the department and pay an initial nonrefundable application fee of four hundred dollars (\$400) to qualify for registration under this section and an annual renewal fee on or before July 1 of each year thereafter. The annual renewal fee shall be in a uniform amount set by the Director of Industrial Relations, and the initial registration and renewal fees may be adjusted no more than annually by the director to support the costs specified in Section 1771.3.

AND

Per Labor Code, ARTICLE 2. Wages [1770 - 1785] ( Article 2 enacted by Stats. 1937, Ch. 90. )  
1771.1.

(a) A **contractor or subcontractor shall not be qualified to bid on**, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, **or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5.**

Because **Cedro Construction** did not provide an active DIR numbers, its bid is non-responsive and should be rejected as such.

In conclusion, CEM request that City award this project to CEM the lowest responsive and responsible bidder.

Please contact our office with any concerns regarding this matter.

Respectfully,



---

Eduardo J. Carrillo, M.S., P.E.

Project Manager

O: 562 659-8213

C: 562-708-3586

EddieC@CEM-Construction.com

**C E M**  
CONSTRUCTION





State of California

# Department of Industrial Rel

(<https://www.dir.ca.gov/>)

## Public Works Contractor Registration Search

Enter at least one criteria to display registered public works contractor(s) matching your selections.

Note: Search results will display all of the public works contractor registrations, both current and expired. Make sure a proper registration fiscal year is selected when performing a search.

|   |   |   |
|---|---|---|
| <b>Input Label</b>                              | <b>From Date:</b>                           | <b>To Date:(mm/dd/yyyy)</b>                 |
| <input type="text" value="cedro construction"/> | <input type="text" value="(mm/dd/yyyy)"/>   | <input type="text" value="mm / dd / yyyy"/> |
|   | <input type="text" value="mm / dd / yyyy"/> |   |
| <b>County</b>                                   | <b>City</b>                                 |   |
| <input type="text"/>                            | <input type="text"/>                        |   |

### Crafts (Select all that apply)

- Asbestos
- Boilermaker-Blacksmith
- Bricklayer/Brick Tender
- Carpenter
- Carpet, Linoleum, Resilient Tile Layer
- Cement Mason
- Consultant
- Driver (On/Off Hauling)
- Drywall Installer/Lather/Finisher
- Electrical Utility
- Electrician
- Elevator Constructor
- Field Surveyor
- General Building
- General Engineering
- Glazier
- Inspector/Field Soils, Material Tester

- Iron Worker
- Laborer
- Landscape
- Marble Mason/Finisher
- Operating Engineer
- Painter
- Parking/Highway/Improvement
- Plasterer/Tender
- Plumber
- Roofing
- Sheet Metal Worker
- Stator Rewinder
- Teamster
- Terrazzo Worker/Finisher
- Tile Setter/Finisher
- Water Well Driller

Apply


## Registrations

Search Results: 2 found

Showing Page 1 of 1

Previous

Next

Print PDF 

Export 

Add all to my list

My List (0)▼

### CEDRO CONSTRUCTION INC.

View Details

+ Add to My List

#### Detail:

**Registration Number:** 1000018970

**Status:**

Expired

**CSLB Number:** 775943

**Legal Entity Type:** Corporation

**Mailing Address:** 120 E. SANTA MARIA ST  
SANTA PAULA  
CA 93060

**County:** Ventura

**Craft:** General Engineering;Laborer;Operating En...

**Email:** cedroconstruction@outlook.com

#### Registration History

| Effective Date | Expiration Date |
|----------------|-----------------|
| 7/1/2019       | 6/30/2021       |
| 7/1/2018       | 6/30/2019       |
| 6/29/2017      | 6/30/2018       |
| 6/30/2016      | 6/30/2017       |
| 7/2/2015       | 6/30/2016       |
| 4/13/2015      | 6/30/2015       |

#### DBA

Name

CEDRO CONSTRUCTION INC.

## CEDRO CONSTRUCTION INC.

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### Detail:

**Registration Number:** 1000018481  
**Status:** Expired  
**CSLB Number:** 718204  
**Legal Entity Type:** Corporation  
**Mailing Address:** 120 SANTA MARIA ST  
SANTA PAULA  
CA 93060  
**County:** Ventura  
**Craft:**  
**Email:** undefined

### Registration History

| Effective Date | Expiration Date |
|----------------|-----------------|
| 9/9/2015       | 6/30/2016       |
| 4/13/2015      | 6/30/2015       |

### DBA

Name

CEDRO CONSTRUCTION INC

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September 16, 2021

Mike Verner  
Cedro Construction  
120 E. Santa Maria St.  
Santa Paula, CA 93060  
(805) 525-0599

VIA EMAIL to: Cedroconstruction@outlook.com

**SUBJECT: CEDRO CONSTRUCTION BID RESULT  
PW 21-05: WATER MAIN IMPROVEMENTS PROJECT ON GRAND AVENUE**

Dear Mr. Verner:

Thank you for Cedro Construction's bid for the City of El Segundo's project PW 21-05: Water Main Improvements Project on Grand Avenue. Due to Cedro Construction's expired Department of Industrial Relations (DIR) registration on August 24, 2021, bid opening day, the bid is considered non-responsive.

The following occurred during the City's review of the bid results:

- On August 26, 2021, I informed Cedro Construction their DIR registration was listed as both active and expired.
- Cedro Construction sent correspondence from the DIR to try to show their registration was valid.
- On September 1, the DIR Labor Commissioner's Office confirmed to me that the registration had been expired and not active at the time of the bid opening.

As stated in Cedro Construction's signed Bidder's Statement of Past Contract Disqualifications, proposal page I-C-16, failure to register with the DIR in accordance with Labor Code § 1725.5 requires the City to reject the bid as nonresponsive. Further, Section 2.10 of the Instructions to Bidders requires bidders to have registered and paid their annual fee to the DIR per SB 854 public project requirements. Therefore, Cedro Construction's bid is considered non-responsive and I will recommend City Council reject the bid on that basis at a future Council meeting when they award the project.

Please feel free to contact me with any questions regarding this letter at (310) 524-2361 or frivera@elsegundo.org. I thank you again for your bid, and encourage Cedro Construction to continue to check the City's website for future bidding opportunities.

Sincerely,

A handwritten signature in black ink, appearing to read "Floriza Rivera".

Floriza Rivera  
Public Works Department

Cc: Lifan Xu, City Engineer  
David King, Assistant City Attorney





September 29, 2021

Elisa Favela, VP of Finance & Operations  
CEM Construction  
1412 Espanol Ave.  
Montebello, CA 90603

VIA EMAIL to: [Elisaf@CEM-Construction.com](mailto:Elisaf@CEM-Construction.com)

**SUBJECT: CEM CONSTRUCTION BID RESULT  
PW 21-05: WATER MAIN IMPROVEMENTS PROJECT ON GRAND AVENUE**

Dear Ms. Favela:

Thank you for CEM Construction Corporation's ("CEM") bid (the "Bid") for the City of El Segundo ("City") project PW 21-05: Water Main Improvements Project on Grand Avenue (the "Project"). As described below, the City rejects the Bid as nonresponsive because it does not conform to the applicable bid package's material terms and does not commit to do what the applicable bidding instructions require.

Pursuant to state law, a bid is "responsive" if it promises to do what the bidding instructions require.<sup>1</sup> Section 13.2 of the Project's Notice Inviting Bids ("NIB") authorizes the City to reject any "materially incomplete or irregular bid." Here, the first page of the NIB required a "minimum of five government agency, preferably municipal, references" and specified that such references "[s]hall be for contractors' building similar projects (in terms of scope, size, type, magnitude and complexity), as the prime contractor in the past five (5) years." The proposal package repeats the requirement for similar work on the References form, page I-C-13.

The Project involves installing approximately 2,700 feet of 10"-diameter water main and related work, on a busy street surrounded by businesses as well as within Caltrans right-of-way.

The Bid identified additional reference projects that the City finds dissimilar to the proposed Project because they were not water main installation projects.

Due to the lack of sufficient references to confirm CEM Construction's prime contractor experience on similar project work, the Bid is deemed nonresponsive and is therefore rejected. The City determines such Bid deficiency to be consequential as the City seeks to engage a Project contractor with sufficient, verifiable experience to properly construct the Project improvements.

Please feel free to contact me with any questions regarding this letter at (310) 524-2361 or [frivera@elsegundo.org](mailto:frivera@elsegundo.org). I thank you again for your bid, and I encourage CEM Construction Corporation to continue to check the City's website for future bidding opportunities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Floriza Rivera".

Floriza Rivera  
Public Works Department

Cc: Lifan Xu, City Engineer  
David King, Assistant City Attorney  
Joaquin Vazquez, Deputy City Attorney

<sup>1</sup> Pub. Contract Code, § 10108.



## City Council Agenda Statement

Meeting Date: October 19, 2021

Agenda Heading: Public Hearings

Item Number: C.8

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### **TITLE:**

Introduction of an Ordinance Amending El Segundo Municipal Code Title 15 (Zoning Code), Chapter 14: Historic Preservation, Chapter 15: Off-street Parking and Loading Spaces, Chapter 22: Administrative Determinations, Administrative Use Permits, and Adjustments, Chapter 23: Director Discretionary Decisions, Chapter 24: Variances and Conditional Use Permits, Chapter 25: Site Plan Review, Chapter 26: Coastal Zone Development Permits, Chapter 27: Amendments, Chapter 28: Public Hearings, and Chapter 29: Appeals

### **RECOMMENDATION:**

Waive the first reading and introduce an ordinance amending El Segundo Municipal Code Title 15, Chapters 14, 15, 22, 23,24,25, 26, 27, 28, and 29; and schedule a second reading for the November 2, 2021 City Council meeting.

*(This proposed zone text amendment is exempt from review under the California Environmental Quality Act (CEQA). Specifically, Section 15061(b)(3) applies, which is the "common sense exemption." This is applied "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment..." The proposed Zoning Code revisions consolidate permit types and processes. This Code revision does not delete or substantially change any lists of uses, development standards or findings required thereof, and therefore does not have the potential to cause significant effects on the environment.)*

### **FISCAL IMPACT:**

There are no direct fiscal impacts associated with amending the Municipal Code.

### **BACKGROUND:**

The proposed amendments to Title 15 of the El Segundo Municipal Code (Zoning Code) result from staff's ongoing efforts to improve the City's development review process. In the past several years, staff have made efforts to simplify and streamline the review of planning permits, both discretionary (approved by the Planning Commission and/or City

## **Zone Text Amendment – Zoning processes**

**October 19, 2021**

**Page 2 of 5**

Council) and ministerial (approved by the Development Services Director). The proposed Ordinance (Attachment 1) consolidates the permit review processes located throughout several chapters of the Zoning Code.

The Zoning Code was last comprehensively updated in 1993. Since 1993, the Zoning Code has been amended to address specific issues or update singular chapters. For example, updates to the parking regulations in 2011, and updates to the R-1 regulations and a “clean-up” ordinance (i.e. correcting typographical errors, adding clarifying language in the Zoning Code, eliminating redundancies or conflict within the Zoning Code) in 2017. The proposed ordinance is a first step towards a much needed semi-comprehensive update of the Zoning Code, to simplify and streamline the approval process for planning associated permits.

This update consolidates the processes associated with various discretionary permit types, making the Zoning Code easier to manage and understand. Providing clearer and simpler processes will improve customer service, consistent with City Council Strategic Goal No. 1, to enhance customer service and engagement. Simplifying the development process is also consistent with City Council Strategic Goal No. 5, to champion economic development and fiscal sustainability. Finally, the proposed process improvements coincide with the City’s new permit software system. The new software system will have several features that ease the permit process, including integration with the City’s accounting software, web-based permit processing and tracking, and process workflow. The proposed ordinance is therefore consistent with Strategic Goal No. 4, to develop and maintain quality infrastructure and technology.

### **DISCUSSION:**

The following summarizes the more significant proposed revisions recommended to the City Council by the Planning Commission. The Planning Commission staff report is attached to provide additional information regarding the proposed amendments.

The proposed amendments fall into three categories:

1. Permits approved by the Development Services Director.
2. Permits approved by the Planning Commission.
3. General clean-up items (i.e. references to the Department’s name change from Planning and Building Safety to Development Services).

#### 1. Development Services Director Permits

There are six existing types of administrative permits considered by the Development Services Director, each with its own unique process:

1. Administrative Adjustment
2. Adjustment



## Zone Text Amendment – Zoning processes

October 19, 2021

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3. Administrative Use Permit
4. Administrative Use Permit (alcohol)
5. Off-site parking Covenants (Director)
6. Minor Coastal Development Permit

The six existing administrative permit types are proposed to be reduced to three, simplifying and creating consistency between the processes as follows:

1. 'Administrative Adjustments' is consolidated with 'Adjustments' because they are redundant permit types.
2. 'Administrative Use Permit' and an 'Administrative Use Permit (alcohol)' are combined into a single 'Administrative Use Permit.' The only current difference between the two is that the alcohol permit is forwarded to City Council for review. Council review is proposed to be removed, thus consolidating the two processes. It is important to note that if a concern arises from City Council, the appeal process remains, which allows the Director's decision to be appealed to the Planning Commission and ultimately to the City Council. This consolidation of alcohol use permits will typically save the applicant at least 30 days in processing time.
3. Director-reviewed 'Off-site Parking Covenants' authorize the Director to administratively approve up to 20 off-site parking spaces or 20 percent of the required parking spaces, whichever is greater. This permit type will remain, but the review process has been revised to be consistent with the other administrative permits considered by the Development Services Director.
4. 'Minor Coastal Development Permits' are consolidated with more significant coastal permits that are considered by the Planning Commission. All coastal permits will now be heard by the Planning Commission (there are few of these).

Each permit type currently has a unique process. Staff has determined where unique processes can be consolidated to make the overall procedure more efficient. The proposed ordinance reduces the number of permit types to three: Adjustments, Administrative Use Permits, and Off-Site Parking Covenants, and will result in more efficiency by consolidating them into a single standardized process.

### 2. Planning Commission Permits

There are five existing types of permits considered by the Planning Commission, each with its own unique process:

1. Conditional Use Permits (CUP)
2. CUPs for Bars
3. Variance
4. Off-site Parking Covenant (Planning Commission)
5. Coastal Development Permit

## Zone Text Amendment – Zoning processes

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The five existing permit types are proposed to be reduced to four, simplifying and creating consistency between the processes as follows:

- CUP for bars is consolidated with other CUPs. Currently, a CUP for alcohol service at a bar must be considered by both the Planning Commission and City Council. The proposed ordinance eliminates the additional City Council step for final approval. However, City Council may still consider alcohol permits if there is an appeal, as is the case with all Planning Commission decisions.
- CUPs, Variances, Off-Site Parking Covenants, and Coastal Development Permits are proposed to be consolidated into one process.

### 3. General Clean-up Items

The proposed Ordinance also includes text clarifications and miscellaneous clean-up edits to the Zoning Code. Staff positions and titles are updated, Historical Preservation procedures are clarified, several of the Chapters are re-ordered, and cross-references are included to facilitate ease of use by staff and the public.

#### **FUTURE UPDATES:**

Staff continues to review and evaluate the need for future updates to the Zoning Code and will be bringing forth additional ordinances to further streamline the standards and permit processes. Future ordinance updates may include:

**Simplifying development standards:** The Zoning Code establishes development standards for buildings and uses. Some standards are overly complicated and are often located in obscure locations within the Zoning Code. A future ordinance would simplify those standards and relocate them to more intuitive places in the Zoning Code with cross-references, making the Code more user-friendly.

**Standardize permitted uses:** A future Zoning Code amendment will standardize the lists of permitted uses using consistent terminology. The absence of integrated use tables is a significant deficiency in the current Zoning Code, causing delays and frustration for both the public and staff.

**Outdoor dining areas:** The Zoning Code currently requires a CUP for outdoor dining in most nonresidential zones. A future ordinance would make outdoor dining areas a permitted accessory use, with applicable design and development standards (i.e. aesthetics, parking, etc.).

**Temporary uses and special events:** Events on private property are not clearly addressed in the Zoning Code, which causes confusion and delay for both public and staff. A future ordinance would establish a clear process and standards for temporary uses and special events.

## **Zone Text Amendment – Zoning processes**

**October 19, 2021**

**Page 5 of 5**

### **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. Outlined in the proposed Ordinance, the Planning Commission has found that this Zone Text Amendment is consistent with the General Plan goals, objectives, and policies to recommend City Council approval of the proposed amendment.

### **CITY STRATEGIC PLAN COMPLIANCE:**

Goal 1: Enhance Customer Service, Engagement, and Communication; Embrace Diversity, Equity, and Inclusion

Objective 1A: 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, AICP, Principal Planner

### **REVIEWED BY:**

Michael Allen, AICP, Development Services Director

### **APPROVED BY:**

Barbara Voss, Deputy City Manager

### **ATTACHED SUPPORTING DOCUMENTS:**

1. Draft Ordinance Amending ESMC Title 15
2. Planning Commission Staff Report - March 25, 2021

**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 March 25, 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 October 19, 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 October 19, 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 through 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 ~~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:

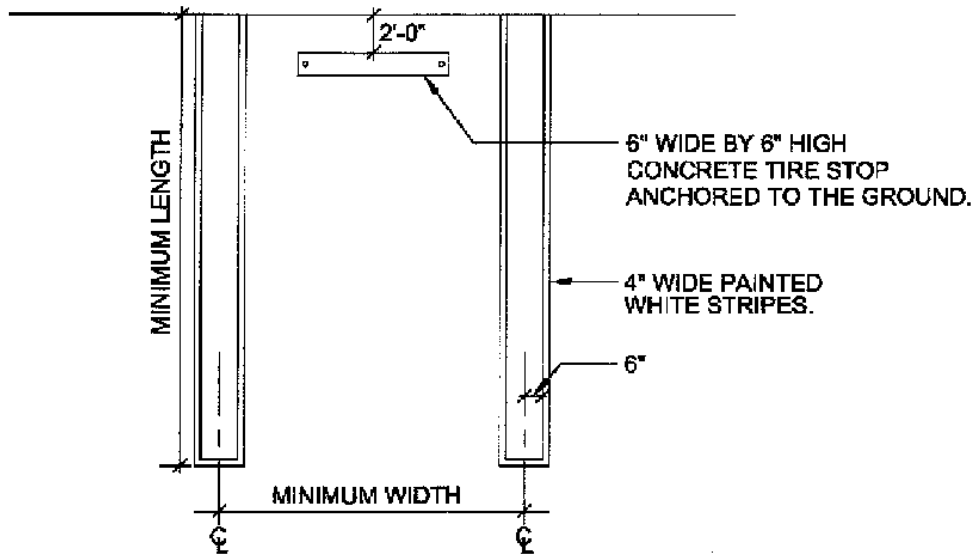
- J. Parking Exceptions:
  - 1. Director Review: The Director of ~~Planning and Building Safety~~ may review and approve requests for ~~administrative~~ adjustments from the requirements of this chapter as provided in ~~chapter 24,~~ "~~Adjustments~~" **Chapters 22 and 23**, of this title including, ~~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:

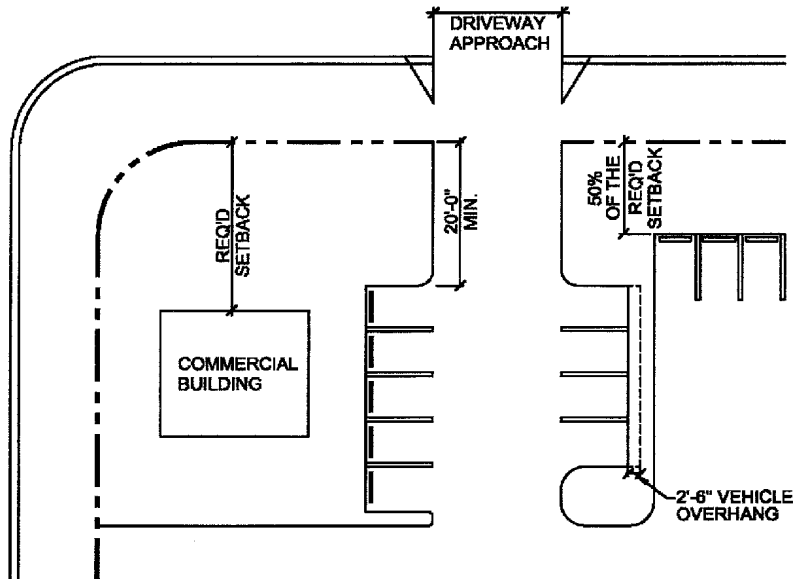
a. ~~Encroachment:~~ Parking spaces may encroach into a required street-facing setback up to a maximum of ~~fifty~~ **50** percent (~~50%~~) of the required setback area, provided a minimum landscaped setback of five feet (~~5'~~) is maintained. Parking spaces may encroach into a required interior side 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 ~~twenty~~ **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

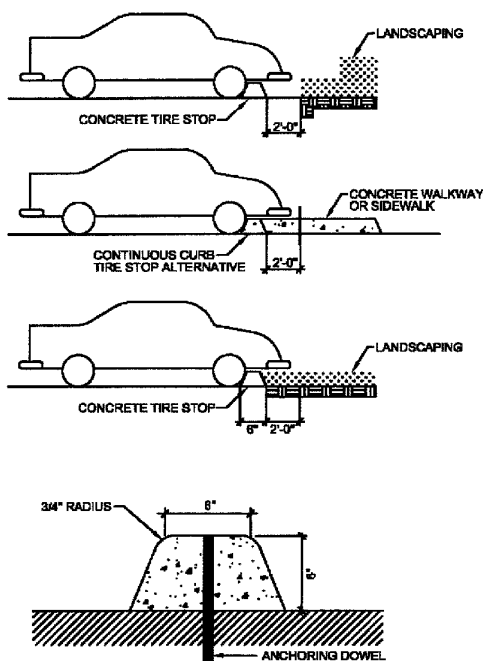


- E. Parking Lot Slope: The maximum slope for parking lots is five percent (5%). ~~The Director of Planning and Building Safety may approve administrative adjustments from the parking lot slope standard as provided in chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.
- F. Tire Stops:
- ~~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~~ **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         |

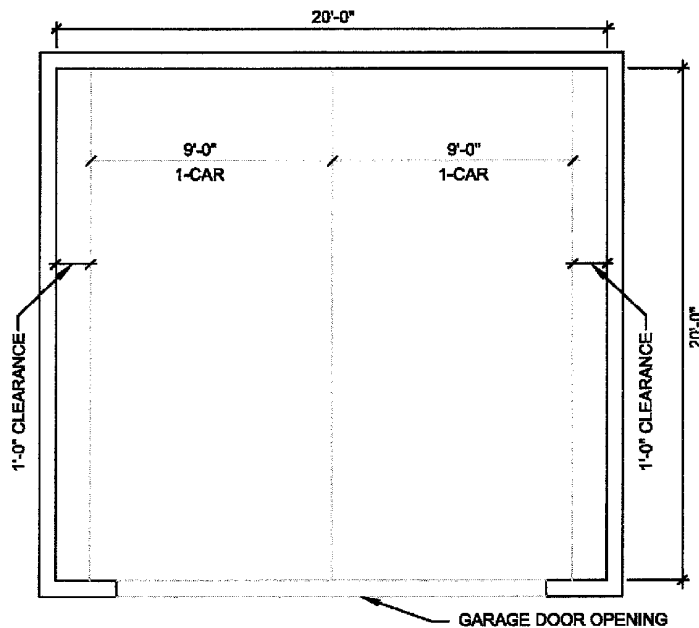
**Notes:**

- 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 Percentage of Required Spaces</u> | <u>Maximum Percentage of Required Spaces in Smoky Hollow</u> | 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.

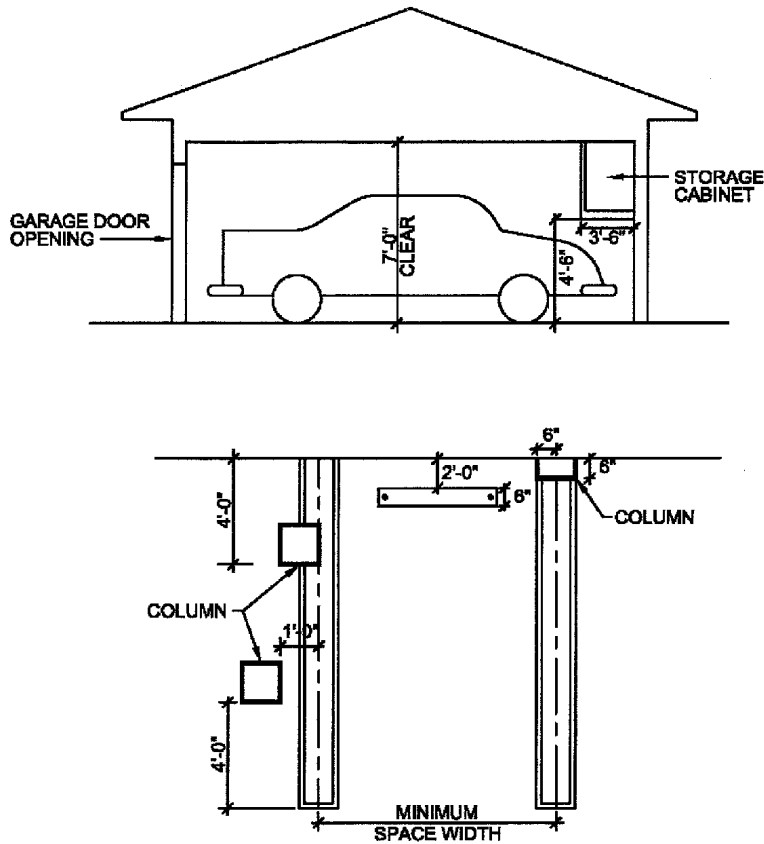
The Director may approve tandem parking and/or administrative adjustments to the ~~tandem parking standards as provided in chapter 24, "Adjustments", of this title,~~ **required number and standards for tandem parking spaces as provided in Chapters 22 and 23 of this title,** subject to conditions. The 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 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~~Columns, 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~~**with** Disabilities Act (ADA), ~~t~~**l** Title III and California Code of Regulations ~~(CCR)~~, California Access Code, ~~t~~**T** Title 24, parking facilities may deviate from the parking clearance and obstructions standards.

FIGURE 5 - REQUIRED CLEARANCE AND PERMITTED OBSTRUCTIONS

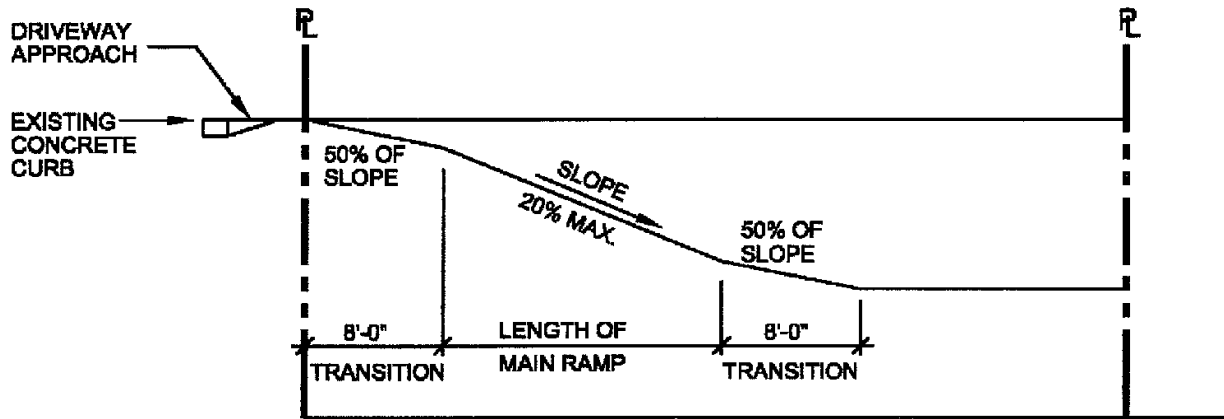


**4.** The Director of ~~Planning and Building Safety~~ may approve adjustments to the parking clearance and obstructions standards as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.

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.

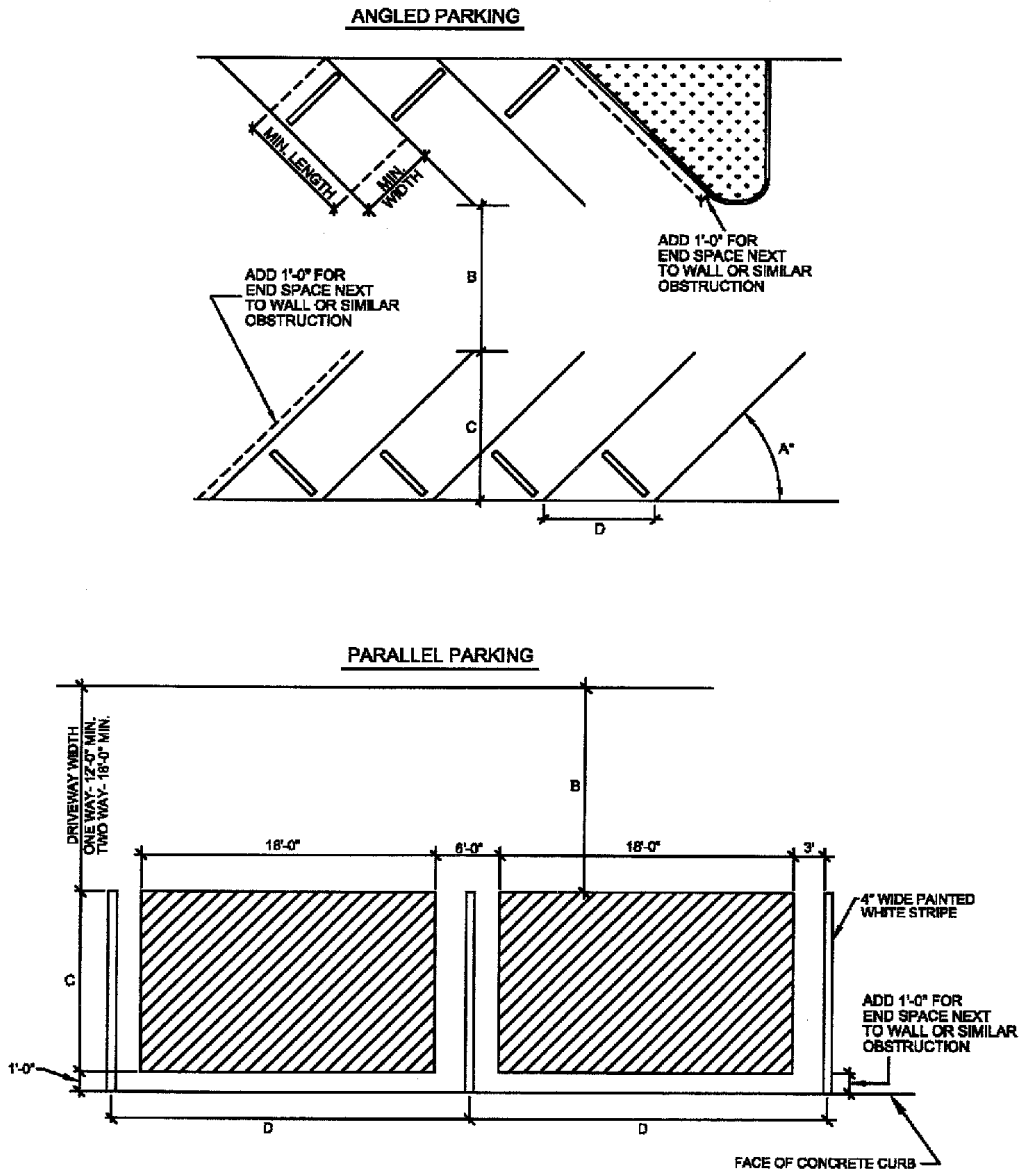
N. Drive Aisle Width ~~And~~ and Parking Row Depth:

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<br>Minimum Width <b>(in feet)</b> | Parking<br>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<br><u>(in feet)</u> <sup>1</sup> |                    | Driveway Width<br>(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> |

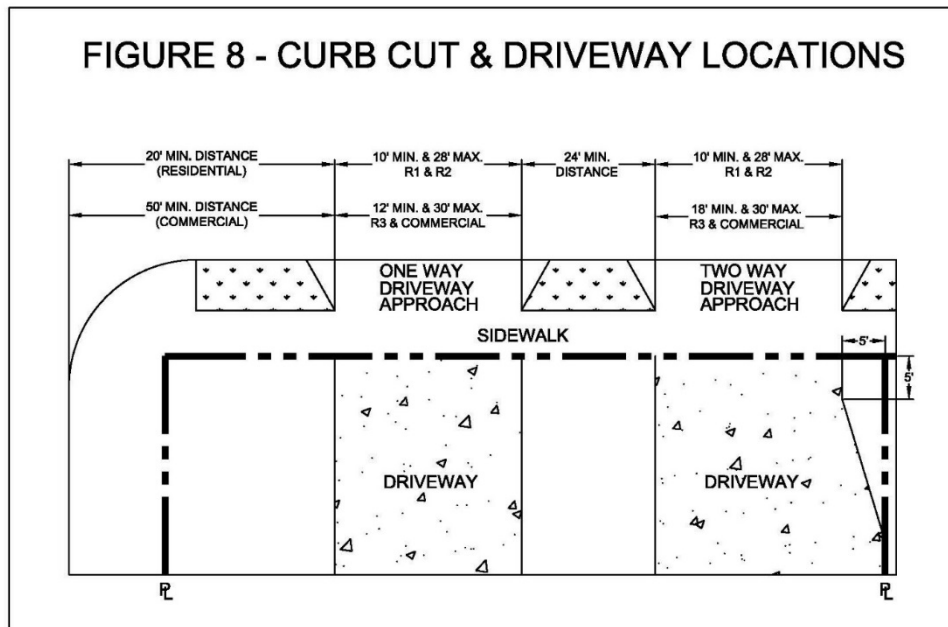
**Note:**

1. Curb cut width excludes the width of aprons.

2. Curb Cut Locations:

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

FIGURE 8 - CURB CUT AND DRIVEWAY LOCATIONS

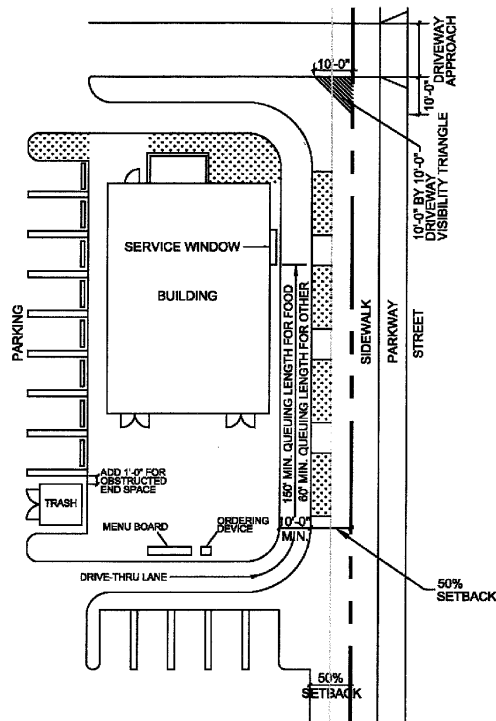


3. ~~Adjustment Approval:~~ The Director may approve administrative adjustments to the driveway and curb cut standards as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.
  
- P. ~~Corner Clearance And~~ **and** Driveway Visibility:
  - ~~4.~~ All parking areas must meet 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:

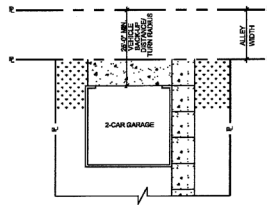
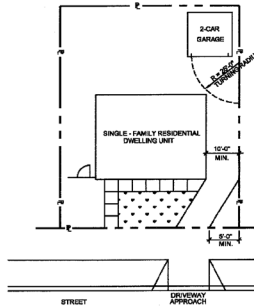
| Use                              | Minimum Parking Enclosure             |
|----------------------------------|---------------------------------------|
| Single- and two-family dwellings | Fully enclosed garage                 |
| Multiple-family dwellings        | Covered structure enclosed on 3 sides |
| 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:
- One or two (~~2~~)-car garages located behind a residence must provide a minimum turning radius of ~~twenty five~~ **25** feet (~~25'~~).
  - 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:
- The vehicle lift must be located only within a fully enclosed garage.
  - 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.
  - 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.
  - ~~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** ~~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** ~~director of planning and building safety~~. The ~~Director~~**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.<br>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.~~
- ~~e~~**b.** 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:

1. 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



## Planning Commission Agenda Statement

Meeting Date: March 25, 2021  
Agenda Heading: Public Hearing.

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### **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



## City Council Agenda Statement

Meeting Date: October 19, 2021

Agenda Heading: Staff Presentations

Item Number: D.9

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### **TITLE:**

Urho Saari Swim Stadium "The Plunge" Update

### **RECOMMENDATION:**

Receive and File Urho Saari Swim Stadium "The Plunge" Update

### **FISCAL IMPACT:**

The latest estimated total cost of renovating the Urho Saari Swim Stadium building for the design supported by City Council on June 1, 2021 (with contingencies) ranges from \$8.5 million to \$10 million. A total of \$2.5 million is available/committed to fund this project. This leaves a capital funding shortfall of \$6.0 million to \$7.5 million.

In addition to the one-time construction cost, the recurring operational costs (staffing, maintenance, etc.) will likely be over \$1 million.

### **BACKGROUND:**

The Urho Saari Swim Stadium ("The Plunge") is named after a highly regarded swim coach who came to El Segundo in 1941 and coached U.S. Olympic water polo and swim teams. Originally built in 1940 by the Works Progress Administration (WPA), the larger pool has eight lanes and is 25 yards long. There is also a separate junior pool. The Urho Saari Swim Stadium is typically programmed year-round for recreation swimming, lap swimming, fitness classes, swim lessons, practices, and competitions.

In March 2020, City Council directed staff to issue Request for Proposals (RFP) to prepare the initial site analysis, needs assessment, and conceptual design. The Mithūn Architect agency was awarded this contact. The City and Mithūn hosted a community survey, one virtual community meeting and three meetings with stakeholders and Recreation and Parks Commission members to assist in guiding the renovation design process for the Urho Saari Swim Stadium. The purpose of the community engagement sessions was to hear from residents who use the Plunge facility with respect to which

## **Urho Saari Swim Stadium "The Plunge" Update**

**October 19, 2021**

**Page 2 of 4**

amenities they would like to have included and identified programming priorities. Most of the community feedback focused on the entryway, changing rooms, bathrooms, American with Disabilities Act (ADA) compliance, and lighting. After examining the responses, the architects produced a preliminary design concept which is inclusive of Mithūn's needs assessment along with community and stakeholder input. On June 1, 2021, City Council directed staff to negotiate with Mithūn to develop an engineering design contract for the "Enhanced Plunge Renovation Project" (estimated to cost approximately \$8.5 million).

### **DISCUSSION:**

#### **Professional Design Services and Revised Project Timeline**

As directed, staff obtained a fee proposal from Mithūn. This proposal was not complete and staff requested additional information. In response, Mithūn provided a revised proposal. After extensive discussion, Mithūn was unable to provide an acceptable design services agreement for the next phase of this project. Consequently, staff has prepared a new Request for Proposals (RFP) for design services which will be released on October 20, 2021, as per the following timeline:

- October 20, 2021 -- Release RFP for Final Design
- January 3, 2022 -- Proposals Due
- February 15, 2022 -- Staff Recommendation to City Council
- March 2022 -- Commence Final Design
- Spring 2023 -- Final Design Completed
- Spring 2023 -- City Council Authorization to Solicit Construction Bids
- Fall 2023 -- City Council Award Construction Contract
- Fall 2023 -- Construction Commences
- Spring 2025 -- Construction Completed & New Facility Opens

#### **Funding**

The total cost of constructing this project is estimated to be \$8.5 million to \$10.0 million. A total of \$2.5 million is available/committed to fund this project. This represents \$1.0 million in City funding, \$1.0 million in El Segundo Unified School District funding, and \$0.5 million in Chevron funding. This leaves a capital funding shortfall of \$6.0 million to \$7.5 million.

The recurring staffing and maintenance costs associated with this facility is estimated to be over \$1 million.

The total annual cost of operating The Plunge in its current condition (direct costs,

## **Urho Saari Swim Stadium "The Plunge" Update**

**October 19, 2021**

**Page 3 of 4**

maintenance costs, department and city overhead, and facility replacement cost) is approximately \$1.3 million. This includes the annual part-time staffing budget for the Plunge of approximately \$458,000. Cost recovery for the Plunge is considerably less than the El Segundo Wiseburn Aquatics Center. Opening The Plunge prior to having the proper facility, staffing, programming, and fees in place will worsen the City's financial situation in terms of aquatics operations. The current condition of the pool and the need to close it again in two years for construction is not financially sound.

Staff recommends that City Council consider using the money saved by not operating The Plunge during this time to help fund the renovation. Instead of spending \$500,000 annually on staffing a failing, unsafe, and unreliable facility, these funds would be better used to help fund the future renovation. For example, if \$500,000 from this fiscal year (FY 2021-2022) was carried over and additional \$500,000 was appropriated in FY 22-23 and FY 23-24, a total of \$1,500,000 would be available to fund a portion of the needed money to complete the project.

### **Staffing**

Obtaining suitable staffing levels to operate the Plunge in addition to the El Segundo Wiseburn Aquatics Center and Hilltop Pool this year is also a concern. The total annual staffing need (senior lifeguards, lifeguard/instructors, and front desk assistance) for El Segundo's three pools is 67,218 hours. The City currently has enough staff to cover 30,070 hours (less than 50%). The staffing shortage at the Aquatics Center impacts service leading to canceled programs, longer customer wait times, and less than optimal lifeguard coverage. This creates considerable strain on City employees in place.

The City's most recent lifeguard recruitment led to 15 part-time hires with 13 being high school students with limited availability. Current recruitments underway are needed to help fill multiple vacancies at the Aquatics Center. Some of the challenges relate to the City's payrate versus other LA pools, as well as a heavy reliance on part-time versus full-time staff. There is a national shortage of lifeguards due to the pandemic that has impacted municipal pools' ability to stay open regular hours across the country. The City cannot operate pools without adequate lifeguard coverage. Safety needs to remain the City's most important consideration.

### **Next Steps**

1. Staff would like to keep The Plunge closed during the two years of design necessary prior to construction for safety and financial reasons.
2. City will obtain professional design proposals, negotiate, and execute an agreement with the selected firm.
3. After final design, the project will be advertised for construction once the necessary funds are appropriated for construction and construction management.

## **Urho Saari Swim Stadium "The Plunge" Update**

**October 19, 2021**

**Page 4 of 4**

4. Additional community updates are planned regarding the funding progress for the renovation.
5. Additional funding options will be presented for City Council consideration at a future date.

### **CITY STRATEGIC PLAN COMPLIANCE:**

Goal 1: Enhance Customer Service, Engagement, and Communication; Embrace Diversity, Equity, and Inclusion

Objective 1A: El Segundo Provides unparalleled service to internal and external customers.

Objective 1B: El Segundo's engagement with the community ensures excellence.

Goal 4: Develop and Maintain Quality Infrastructure and Technology

Objective 4A: El Segundo's physical infrastructure supports an appealing, safe and effective community.

Objective 4B: El Segundo's technology supports effective, efficient, and proactive operations.

Goal 5: Champion Economic Development and Fiscal Sustainability

Objective 5A: El Segundo promotes economic growth and vitality for business and the community.

Objective 5B: El Segundo approaches its work in a financially strategic and responsible way.

### **PREPARED BY:**

Melissa McCollum, Community Services Director

Elias Sassoon, Public Works Director

### **REVIEWED BY:**

Melissa McCollum, Community Services Director

Elias Sassoon, Public Works Director

### **APPROVED BY:**

Barbara Voss, Deputy City Manager

### **ATTACHED SUPPORTING DOCUMENTS:**

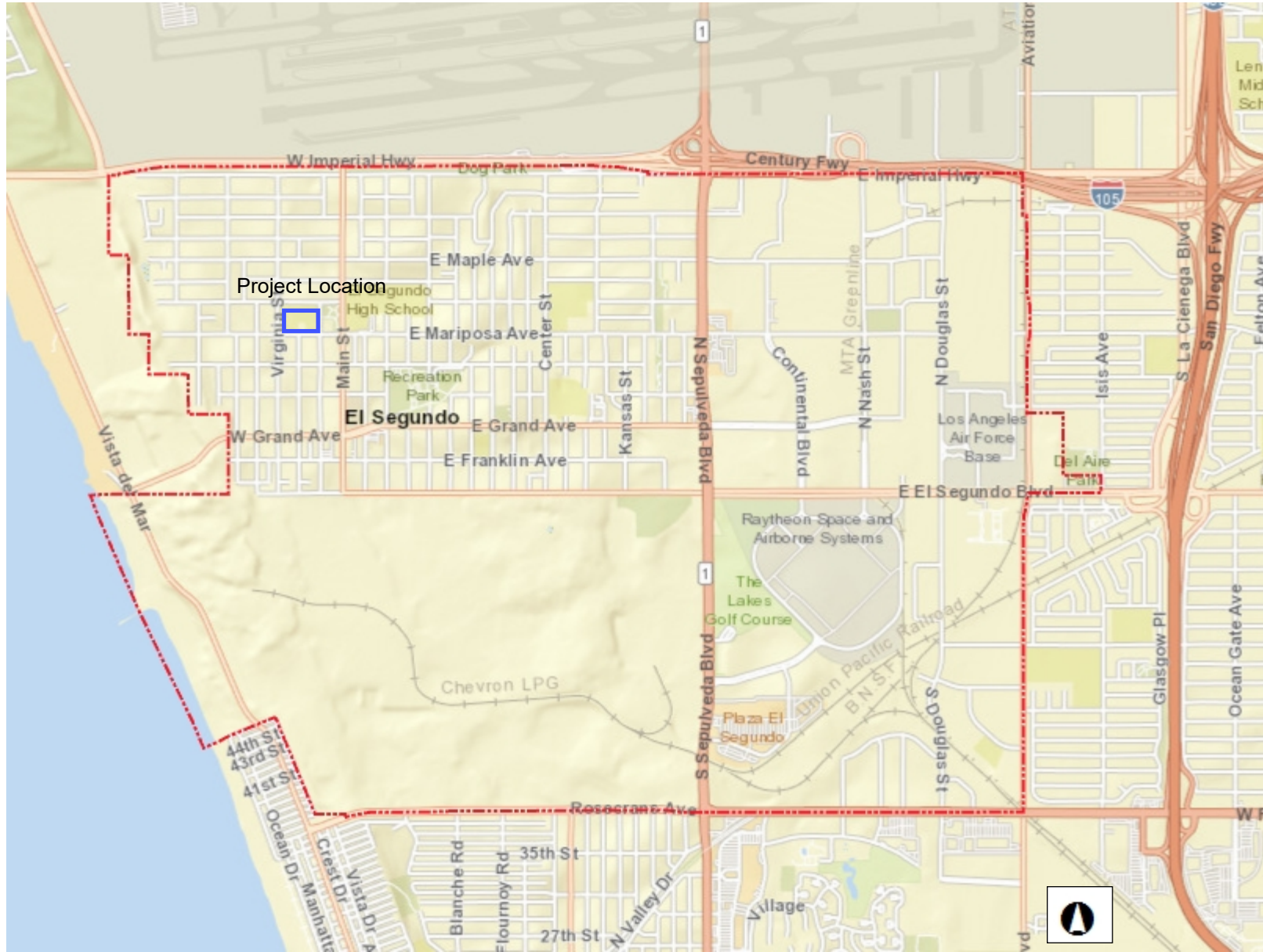
1. Urho Saari Swim Stadium Vicinity Map
2. Urho Saari Swim Stadium Location Map
3. Plunge Presentation Slides 10 19 21





# Vicinity Map

## Urho Saari "Plunge" Swim Stadium



6,018.7 0 3,009.33 6,018.7 Feet

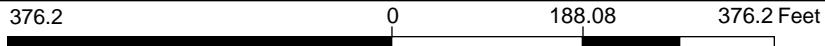
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. The City of El Segundo will not be held responsible for any claims, losses or damages resulting from the use of this map.





# Location Map Urho Saari "Plunge" Swim Stadium



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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# Urho Saari Swim Stadium “The Plunge” Update

10/19/2021

# Plunge Update

- Conceptual Design Review
- Engineering Design Services and Revised Project Timeline
- Current Operations Considerations
- Budget
- Recommendation





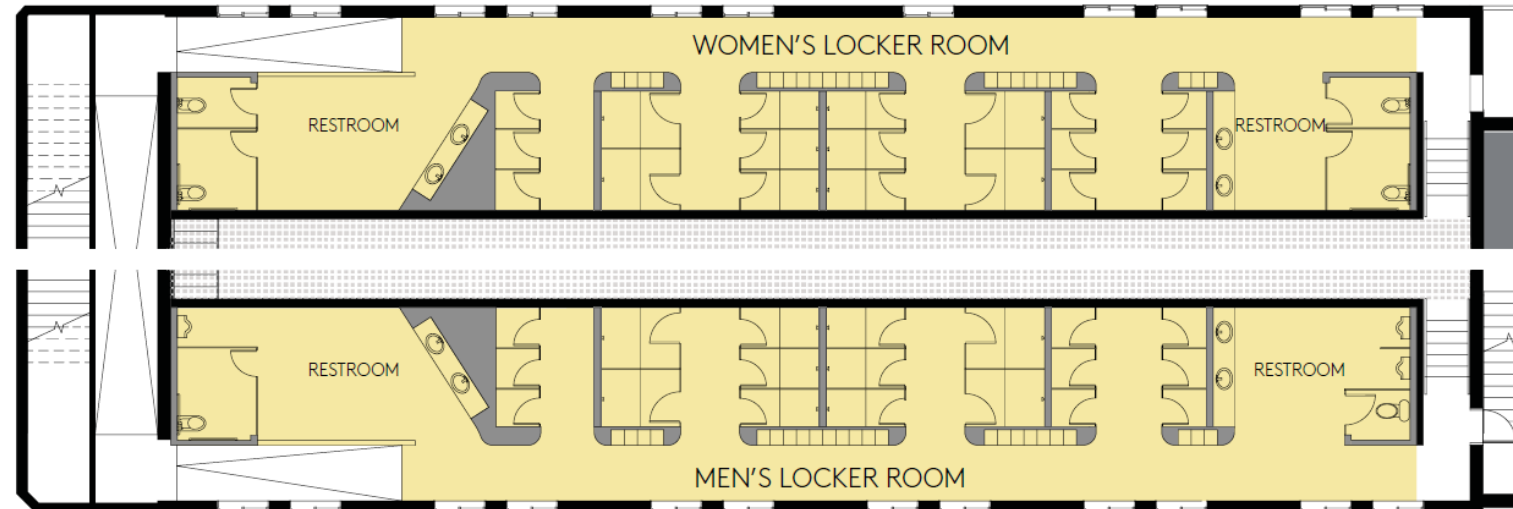
COMMUNITY TERRACE



# Locker Room Improvements

## WOMEN'S LOCKER ROOM SUMMARY

- 4 TOILETS
- 9 CHANGING COMPARTMENTS (SINGLE)
- 6 SHOWER / CHANGING COMPARTMENTS (SINGLE)
- 4 SHOWER / CHANGING COMPARTMENTS (ADA / FAMILY)
- 4 LAVATORIES
- 24 LOCKERS



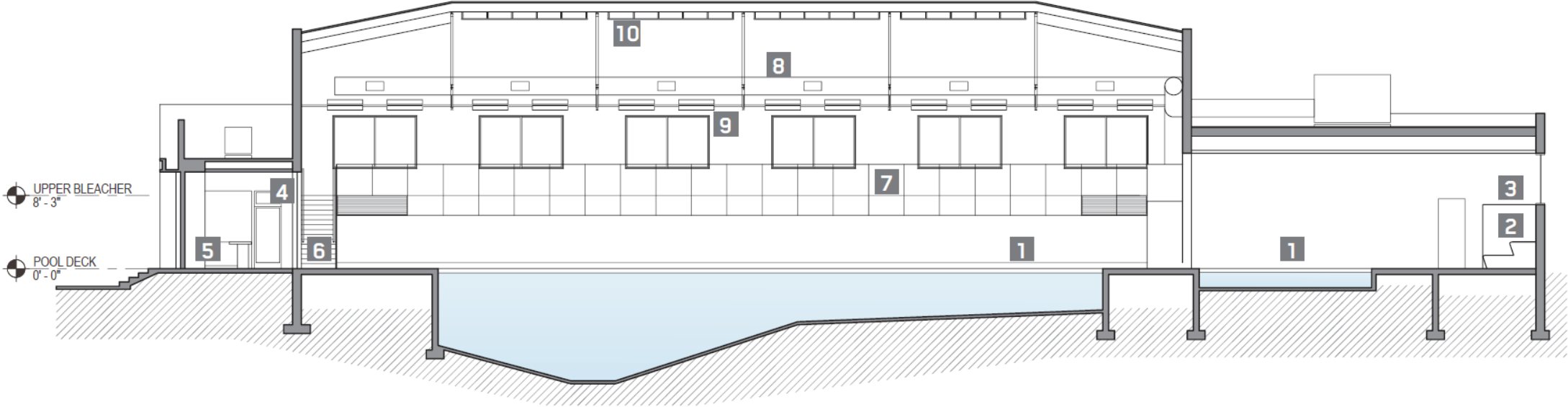
## MEN'S LOCKER ROOM SUMMARY

- 2 TOILETS
- 3 URINALS
- 9 CHANGING COMPARTMENTS (SINGLE)
- 6 SHOWER / CHANGING COMPARTMENTS (SINGLE)
- 4 SHOWER / CHANGING COMPARTMENTS (ADA / FAMILY)
- 4 LAVATORIES
- 24 LOCKERS

# Building Improvements

## KEYNOTES

- 1 FLUSH POOL CURB AND SKIMMER SYSTEM
- 2 STEP SEATING
- 3 STORAGE ROOM
- 4 LOBBY VIEW WINDOW
- 5 RECEPTION DESK
- 6 TERRACE STAIR
- 7 GUARDRAIL AND TABLE LEDGE
- 8 HVAC SUPPLY
- 9 DIRECT/INDIRECT LIGHTING ABOVE POOL DECK
- 10 LIGHT REFLECTIVE ACOUSTIC FABRIC CEILING
- 11 DEDICATED LOBBY AND OFFICE HVAC UNITS
- 12 ROOF MOUNTED HEAT PUMP FOR NATATORIUM



BUILDING SECTION

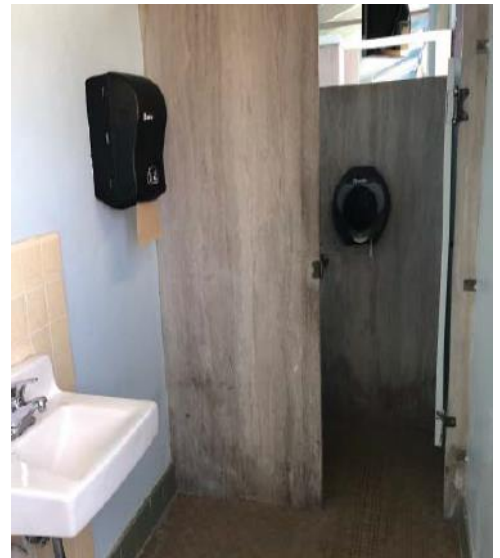


LOBBY VIEW WINDOW



# Design Services RFP & Revised Timeline

- November 1, 2021 – Release RFP for Final Design
- January 3, 2022 – Proposals Due
- February 15, 2022 – Staff Recommendation to City Council
- March 2022 – Commence Final Design
- Spring/Summer 2023 – Final Design ready for public bid
- Fall/Winter 2023 – Award Construction Contract
- Spring 2025 Construction Completion







# Facility Condition

- 2019 Performance (Facility was out of service 25% of time)
- Code Issues / Safety Issues / Comfort Issues
- Select key renovations needed:
  - Replacement of pool mechanical systems and plumbing
  - Reconstruction of curbs at both junior and senior pools
  - Renovation of locker rooms
  - Addition of wheelchair lift for upper level access
  - Reconfiguration of entry and renovation of existing lobby

# Operations

- Aquatics Center's financial performance improving
- Inability to successfully implement revised staffing, programming, and fees strategy at Plunge prior to renovation
- 2018 Plunge Usage
- Currently have 50% of the aquatics staff needed to operate all three pools

# Estimated Project Budget

\$8,500,000 – \$10,000,000

# Current Funding

|                              |                        |                    |
|------------------------------|------------------------|--------------------|
| 1                            | City of El Segundo     | \$1,000,000        |
| 2                            | ESUSD                  | \$1,000,000        |
| 3                            | Chevron Matching Grant | \$500,000          |
|                              |                        |                    |
| <b>Total Current Funding</b> |                        | <b>\$2,500,000</b> |

# Funding Gap

\$6,000,000 – \$7,500,000



# Recommendation

Allocate savings from not operating the Plunge to help fund renovation

# Recommendation

|   |  |
|---|--|
| <b>*Allocate savings from not operating the Plunge to hep fund renovation</b><br><br>FY 21-22, FY 22-23, and FY 23-24 | \$1,500,000<br><br>(\$500,000 each year) |
| <b>Current Funding</b>  | \$2,500,000                              |
| <b>*Adjusted Project Funding</b>  | \$4,000,000                              |

# Adjusted Funding Gap

\$4,500,000 – \$6,000,000

# Additional Funding Options

|   |                       |     |
|---|-----------------------|-----|
| 1 | Revenue Measure       | TBD |
| 2 | Increase Fees         | TBD |
| 3 | Community Fundraising | TBD |
| 4 | Other                 | TBD |





## City Council Agenda Statement

Meeting Date: October 19, 2021

Agenda Heading: Staff Presentations

Item Number: D.10

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### **TITLE:**

Senate Bill 9 "Housing Development: Approvals" Update and Next Steps

### **RECOMMENDATION:**

Consideration and discussion of the impact Senate Bill 9 "Housing Development: Approvals" (SB 9) will have on the single-family residential zone, and direct staff to engage with the community to develop alternative approaches for design standards and guidelines for residential development within the single-family zone that may result in amendments to single-family residential development standards.

### **FISCAL IMPACT:**

The proposed study would be funded by the General Fund, Professional and Technical Services under the Planning Division. The scope of the study will not exceed \$50,000, approved under the administrative authority of the City Manager.

Amount Budgeted: \$131,000

Additional Appropriation: N/A

Account Number(s): 001-400-2402-6214 (Professional & Technical Services)

### **BACKGROUND:**

Historically, State laws have left land use and zoning authority exclusively to local governments. The California Constitution allows cities and counties to "make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws." It is from this fundamental power (commonly referred to as police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public, including land use authority.

In recent years, State Legislators have cited reports published by the State Legislative Analysts Office, that local government control and the California Environmental Quality Act (CEQA) both contribute to the lack of housing production in the state. They argue that the lack of production has driven housing prices up and resulted in overcrowding

## **Senate Bill 9 "Housing Development: Approvals" Update and Next Steps**

**October 19, 2021**

**Page 2 of 4**

within existing homes. These factors have prompted Legislators to take sweeping actions, passing several housing related bills preempting local regulations related to housing. This includes increasing thresholds for by-right housing development approvals, streamlining approvals for affordable housing, and mandating ministerially approved accessory dwelling units.

In December 2020, SB 9 was introduced, proposing by-right ministerial approval of housing developments of two units (i.e. a duplex) and subdivision of a parcel into two equal parcels (urban lot split) in the single-family residential (R1) zone. According to the author of the bill, Senator Toni Atkins (Senate District 39, San Diego County), the bill intended to “promote small-scale neighborhood residential development by streamlining the process for a homeowner to create a duplex or subdivide an existing lot.”

Local agencies including 138 municipalities, several Councils of Government, dozens of neighborhood associations, the California Contract Cities Association, and the League of California Cities filed letters of opposition to the bill. By August 2021, a poll commissioned by Housing Is a Human Right showed 71% opposition to SB 9 among the general public, citing concerns that the bill would negatively impact homeownership, developers would drive up housing costs, and that the bill lacked provisions requiring affordable housing.

Despite the growing opposition to SB 9, the bill was passed by the State Assembly and State Senate on August 25 and 28, 2021, respectively. On September 16, 2021, California State Governor Newsom signed the bill into law, to be effective January 1, 2022.

### **DISCUSSION:**

SB 9 mandates ministerial approval of two units (i.e. duplexes) on lots zoned for a single-family residence and requires ministerial approval of subdivision of an existing single residential parcel into two parcels. The new law creates the theoretical possibility for four units to be built on what is today a single-family parcel.

Several requirements were built into SB 9 to address concerns that investors and speculators would take advantage of the new law. Standards were incorporated based on the Legislature’s lessons learned from implementation of the 2017 state mandated allowance for accessory dwelling units. These include:

- One of the resulting units must be occupied by an owner for the first three years (but no additional occupancy requirements can be added).
- Local governments must adopt an ordinance prohibiting short-term occupancy.
- No deed-restricted units can be destroyed, nor can a rental unit that has been occupied by a tenant for the last three years.
- An accessory dwelling unit cannot be added to the number of units constructed as a result of the bill.

## Senate Bill 9 "Housing Development: Approvals" Update and Next Steps

October 19, 2021

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- Double-dipping is not allowed. That is, if a lot has already been split, it can't be split again.
- Parking is limited to one space per unit in most circumstances.
- Parking requirements are prohibited if the parcel is located within a half-mile of a high-quality transit service or within one block of a carshare service.
- The two lots are about equal size.
- Local governments cannot impose standards that would either make it physically impossible to build two units or that would create a minimum unit size of less than 800 square feet.

Local governments cannot prohibit duplexes or lot splits. However, they may impose "objective design standards" that do not conflict with the law, and they may deny a project if it creates an un-mitigatable "specific, adverse impact on health and safety."

In recent years, California courts have ruled against local agencies who adopted creative use of these standards in recent litigation over Senate Bill 35 and the Housing Accountability Act. More specifically, the cities of Los Altos, Huntington Beach, and San Mateo have lost cases and were found to have implemented standards that were subjective, not objective, and that the impacts identified were not necessarily un-mitigatable.

El Segundo's R1 neighborhoods are what many residents see as the City's greatest attribute, as cited by the General Plan Land Use Element. The Land Use Element calls for the preservation and maintenance of low-medium density residential homes, with low building height profiles and character, and minimum development standards. SB 9 will have a significant impact on El Segundo's R1 neighborhoods. A typical 5,000 square foot lot with an existing single-family home may be divided into two 2,500 square foot lots with two units each (totaling four units). Today's R1 development standards including floor area ratio, parking, setbacks, height, access, etc. were developed to support and maintain the existing character of the neighborhood. Such development standards contribute to a building's orientation, relationship to the street and pedestrian experience, access to light and air, and achieve a desirable design aesthetic. To preserve the intent of these goals, the development of objective design standards and identifying adverse impacts on health and safety in the R1 zone require further analysis.

Staff is seeking direction to engage with the community and develop alternative approaches to design standards and guidelines for residential development within the single-family zone in compliance with SB 9 that may result in amendments to single-family residential development standards.

### Next Steps

Should the City Council provide direction to staff to engage with the community and develop alternative approaches for design standards and guidelines for residential



## Senate Bill 9 "Housing Development: Approvals" Update and Next Steps

October 19, 2021

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development within single-family zones, the following actions will occur:

- Consistent with the City's purchasing policies, staff will solicit an informal quote for professional services and, under the City Manager's authority, enter into a Professional Services Agreement to engage with the R1 neighborhood community and develop recommended alternative approaches for new design standards and guidelines for development within the R1 zone.
- Month one - Consultant and City staff will begin research of policies and codes, field survey the R1 neighborhoods, and prepare existing conditions summary and findings.
- Month two – Consultant and City staff will host two community engagement workshops to provide SB 9 educational outreach and solicit community feedback related to objective design and development preferences that may be developed and implemented in the R1 zone.
- Month three – Consultants and City staff will develop alternative approaches for design standards and guidelines for multi-unit residential development within the R1 zone that builds upon existing built-form patterns and community character, and return to City Council with proposed zone text amendments to implement study recommendations.

### **CITY STRATEGIC PLAN COMPLIANCE:**

Goal 5: Champion Economic Development and Fiscal Sustainability

Objective 5A: El Segundo promotes economic growth and vitality for business and the community.

#### **PREPARED BY:**

Michael Allen, AICP, Development Services Director

#### **REVIEWED BY:**

Michael Allen, AICP, Development Services Director

#### **APPROVED BY:**

Barbara Voss, Deputy City Manager

### **ATTACHED SUPPORTING DOCUMENTS:**

None



## City Council Agenda Statement

Meeting Date: October 19, 2021

Agenda Heading: Staff Presentations

Item Number: D.11

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### **TITLE:**

Proposed Amendment to City Manager's Employment Agreement

### **RECOMMENDATION:**

Approve the Proposed Amendment No. 1 to the Employment Agreement for City Manager providing for a base salary increase of six percent, and adopt a resolution setting forth a salary schedule for the City Manager.

### **FISCAL IMPACT:**

Fiscal impact of the proposed Employment Agreement amendment is \$14,700 per year. Funding for this proposed amendment is included in the adopted FY 2021-2022 General Fund budget.

### **BACKGROUND:**

The City of El Segundo entered into an Employment Agreement on June 18, 2019 with Scott Mitnick to serve as the City Manager, effective July 1, 2019. This Agreement established certain conditions of employment, provided compensation and benefits, and set working conditions, as authorized by the El Segundo City Council.

### **DISCUSSION:**

During the closed session meeting on September 21, 2021, City Council conducted the annual performance evaluation of the City Manager. On October 5, 2021, City Council met in closed session to discuss the terms and conditions of the City Manager's Employment Agreement, including his base salary. Under the Employment Agreement, City Council may provide salary adjustments as set forth in Sections 4 and 6. Attached for consideration is proposed Amendment No. 1 which provides for a salary adjustment of 6% beginning the pay period that includes July 1, 2021. This will adjust the City Manager's salary from \$245,000 to \$259,700. If approved by the City Council, Human Resources and Finance staff will work together to implement the adjustment.

### **CITY STRATEGIC PLAN COMPLIANCE:**

Goal 3: Develop as a Choice Employer and Workforce

Objective: El Segundo is a city employer of choice and consistently hires for the future, with a workforce that is inspired, world-class and engaged, demonstrating increasing stability and innovation.

**City Manager Proposed Amendment to Employment Agreement**  
**October 19, 2021**  
**Page 2 of 2**

**PREPARED BY:** Rebecca Redyk, Human Resources Director

**REVIEWED BY:** Mark Hensley, City Attorney

**APPROVED BY:** Mark Hensley, City Attorney

**SUPPORTING DOCUMENTS:**

1. A Resolution of the City Council of the City of El Segundo, California, Modifying the Annual Salary for the City Manager Job Classification
2. Proposed Amendment No. 1 to the Employment Agreement
3. June 18, 2019 Employment Agreement between the City and Scott Mitnick

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO, CALIFORNIA, MODIFYING THE ANNUAL SALARY FOR THE CITY MANAGER JOB CLASSIFICATION**

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

SECTION 1: The City Council approves the following basic salary:

| Classification | Annual Salary |
|----------------|---------------|
| City Manager   | \$259,700     |

SECTION 2: *Authority.* The City Manager or his designee is authorized to take any steps necessary in order to effectuate this Resolution.

SECTION 3: *Construction.* This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. 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 Resolution.

SECTION 4: *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 5: The City Clerk is directed to certify the adoption of this Resolution; record this Resolution in the book of the City's original resolutions and make a minute of this adoption of the Resolution in the City Council's records and the minutes of this meeting.

SECTION 6: This Resolution is effective July 1, 2021 and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 5<sup>TH</sup> day of October, 2021.

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

ATTEST:

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

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. \_\_\_\_ was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the \_\_\_\_ day of \_\_\_\_\_, 2021, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

APPROVED AS TO FORM:

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

**AMENDMENT NO. 1 TO EMPLOYMENT AGREEMENT**

THIS AMENDMENT NO. 1 TO EMPLOYMENT AGREEMENT (“Amendment”) is entered into this 19<sup>th</sup> day of October, 2021, between the City of El Segundo (“City”) and Scott Mitnick (“Employee”).

**Whereas** the City and Employee entered into an Employment Agreement on or about June 18, 2019; and,

**Whereas** the City and Employee desire to amend such Employment Agreement as set forth below;

**Now Therefore**, the City and Employee do hereby agree to amend to the Employment Agreement as set forth below.

Effective as of the date of this Amendment and retroactively to the beginning of the pay period that includes July 1, 2021, the City and Employee do hereby agree to amend the Employment Agreement as follows:

1. Section 4 shall be amended such that the base salary amount of “\$245,000” shall be replaced with the amount of “\$259,700.”

Except as specifically amended by this Amendment, all other terms and conditions of the Employment Agreement shall remain in full force and effect.

**Wherefore, the parties hereto have read all the foregoing, understand the same, and agree to all the provisions contained herein.**

CITY OF EL SEGUNDO

SCOTT MITNICK

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

\_\_\_\_\_  
Scott Mitnick, City Manager

APPROVED AS TO FORM:

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

**EMPLOYMENT AGREEMENT BETWEEN  
CITY OF EL SEGUNDO  
AND  
CITY MANAGER**

This Employment Agreement ("Agreement") is entered into on this 18<sup>th</sup> day of June, 2019 ("effective Date") between City of El Segundo ("City") and Scott Mitnick ("City Manager").

**RECITALS**

- A. City desires to employ services of Scott Mitnick to serve as its City Manager.
- B. City desires to establish certain conditions and of employment, provide certain compensation and benefits, and set working conditions for such employment, as authorized by El Segundo City Council.
- C. Scott Mitnick desires to accept such employment on terms, as set forth herein.

**AGREEMENT**

The parties agree as follows:

**Section 1. Duties – Exclusive Employment**

City agrees to employ Scott Mitnick (hereinafter referred to as "City Manager") to serve as the City's chief executive officer and to perform the duties and functions specified in: A) California state law; B) El Segundo Municipal Code (including having the authority to interview, hire, and dismiss employees, and to direct City work force in accordance with applicable state laws, the El Segundo Municipal Code and applicable personnel rules and bargaining unit agreements); C) Applicable City ordinances, resolutions, rules, and policies; D) Current City job specification; and, E) Other legally permissible duties and functions as City Council may direct from time to time.

City Manager agrees that he will, at all times, be employed exclusively by City to perform all duties and obligations required either expressly or implicitly by this Agreement and may not be employed in any other capacity while employed by City without prior consent of City Council. City Manager shall focus his professional time, ability, and attention to City business during time in which this Agreement is in force.

City Manager shall not engage in any other business duties or pursuits whatsoever or, directly or indirectly, render any services of a business, commercial, or professional nature to any other person or organization, whether provided compensation or otherwise, without prior consent of City Council. Notwithstanding the foregoing, the expenditure of reasonable amounts of time not in conflict with City's needs and interests for educational, charitable, community, and/or professional activities shall not be deemed a breach of this Agreement and shall not require prior consent.

## **Section 2. Term and At-Will City Manager Status**

The term of this Agreement shall be for a period of four (4) years, from July 1, 2019 to June 30, 2023 and may only be extended by a written amendment to this Agreement. In the event that the Agreement is not renewed but the City Manager continues to be employed by the City, all terms of the Agreement shall remain in effect until terminated as provided under this Agreement except City Manager shall not be entitled to any Severance Payment pursuant to Section 3.F. of this Agreement.

City Manager serves as an "at will" employee (as defined in California Labor Code Section 2922 while this agreement has a potential term of four years there is no specified or guaranteed term of employment for the City Manager pursuant to this Agreement), serving at the pleasure of City Council, and nothing in this Agreement shall require cause for removal, or prevent, limit, or otherwise interfere with the right of City Council to terminate the services of City Manager at any time, subject only to the provisions set forth in Section 3 of this Agreement. In addition, nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of City Manager to resign at any time from his position with City, subject only to the provisions set forth in Section 3 of this Agreement.

## **Section 3. Termination of Agreement**

This Agreement shall become effective on the Effective Date and may thereafter be terminated in any of the following ways:

- A. By mutual written agreement of the parties.
- B. The City may terminate this Agreement for Cause or without Cause. For purposes of this Agreement, "Cause" shall mean: (1) City Manager's commission of an act of fraud, embezzlement or misappropriation or a crime of moral turpitude; (2) City Manager's continuing or willful misconduct or failure, refusal or neglect to perform his job functions, adhere to the lawful direction of the City consistent with his position, or adhere to the lawful policies and practices of the City, or (3) Conviction of a crime involving an "Abuse of office or position" as defined in Government Code Section 53243.4. Notwithstanding the foregoing, if the occurrence of an event of "neglect" described in clause (2) above is capable of being cured, such occurrence shall constitute Cause only if written notice specifying in reasonable detail the nature thereof, and the manner in which the City requires cure to be effected, is provided to City Manager within thirty (30) days of the City becoming aware of the alleged event or conduct and City Manager shall have substantially failed to cure such event as soon as reasonably possible but in no event later than fourteen (14) days after receiving such notice. The written notice shall: 1) Specify the particular cause(s) for termination and the facts supporting the decision to terminate for



cause; 2) Provide notice of City Manager's right to legal representation; and, 3) Provide notice of City Manager's right to request a hearing before City Council to address the basis for the termination.

- C. Termination by City Manager. City Manager may terminate this Agreement for any reason upon thirty (30) days' notice.
  
- D. Death/Disability of City Manager. This Agreement shall terminate automatically upon City Manager's death. The City may terminate This Agreement upon City Manager's Disability. For purposes of this Agreement, "Disability" means that City Manager has become "disabled" within the meaning of Section 409A of the Internal Revenue Code of 1986, as amended. If the City Manager becomes disabled within the meaning of Government Code Section 20027, then the City will place the City Manager on an unpaid leave of absence and apply for a disability retirement.
  
- E. In the event City terminates the Agreement without cause, City shall pay City Manager an amount equal to the lesser of the base salary for the unexpired term of this Agreement or fifty percent (six months) of the City Manager's then Base Salary ("Severance Payment"), less applicable taxes and withholdings and City health, dental vision and other group insurance benefits for the same period of time after the date of termination, to the extent permitted by the then applicable insurance plans and benefit programs. Upon receipt of an executed copy of the applicable Settlement Agreement and Release ("Release") (attached as Exhibit B), City shall make the Severance Payment, at the option of City Manager, in any of the following manner: (1) A lump sum upon date of termination; (2) A lump sum on January 1 of the following year; (3) On the same schedule as the City's normal payroll cycle but not as an employee of the City; or, (4) Any combination of previous three options, as directed by City Manager. If the City Manager elects Severance Payment option (1), City shall make the Severance Payment within 15 days of the date of receipt of the fully executed Release.

- F. In the event that City, and any time during the period in which this Agreement is in force, reduces the salary and/or other benefits of City Manager in a greater percentage than applicable to an across-the-board reduction for executive management employees of the City, City Manager may, at his option, deem the salary reduction a termination without cause, entitling City Manager to the Severance Payment and Insurance Payment (if applicable) as set forth in section 3(F) above.

#### **Section 4: Salary**

City agrees to pay City Manager for his services rendered an initial base annual salary of \$245,000.00 ("Base Salary"), effective July 1 , 2019, payable in the normal payroll installments at the same time as other executive management employees of City are paid. City Council shall review City Manager's salary annually as part of his performance evaluation, as set forth in Section 6, and may provide adjustments as it determines appropriate. City Council may take into consideration annual cost of living and/or merit salary adjustments provided to other executive management employees.

#### **Section 5: Annual Performance Bonus**

City Manager shall be eligible to receive an "Annual Performance Bonus" of up to 15% of the City Manager's Base Salary per year based on City Council's annual performance review. Such bonus, if provided, may be received by the City Manager as regular pay, converted to deferred compensation (401a Plan, 457 Plan, HSA, or other allowed City plan to the extent allowed by law), and/or some other mechanism mutually agreed to by City Council and City Manager.

#### **Section 6: Performance Evaluation**

City Council shall conduct its first initial performance review of City Manager after the completion of his first six months. City Council shall provide input with respect to City Manager's initial performance and alignment with City Council goals and objectives. An adjustment to compensation at this time will be at City Council's discretion.

Commencing with the completion of the City Manager's first full year with the City, City Council shall annually review and evaluate his performance and compensation in closed session. If possible, this annual review should take place in July of each year to allow for timely evaluation and payment of the annual salary adjustment and/or one-time performance bonus, if City Council determines in its discretion that City Manager is eligible for either. Said review and evaluation shall be in accordance with specific performance measures and rating criteria mutually agreed to by City Council and City Manager.

**Section 7: Hours of Work & Designation of “Acting City Manager”**

It is recognized that City Manager must devote the time necessary even outside City’s normal operating hours, and to that end, City Manager may take leave as he deems appropriate. During any such leave, City Manager may designate an “Acting City Manager” to oversee operation of the City in his absence, in compliance with El Segundo Municipal Code.

**Section 8: Benefits**

Benefits provided to City Manager are addressed in Exhibit A.

**Section 9: Professional Development & General Business Expenses**

A. City agrees to budget and pay for professional dues, fees, subscriptions, and related expenditures on behalf of City Manager which are necessary for continuation and full participation in international, national, state, regional, and local associations and organizations necessary and desirable for City Manager’s continued professional growth and development, and for the good of the City.

B. Subject to approval of a budget by the City Council, City agrees to pay for travel and City’s normal per diem or expenses of City Manager for professional and official travel, meetings, and occasions necessary to continue the professional development of City Manager and to adequately pursue official and other functions of the City, including but not limited to the International City/County Management Association (ICMA), National League of Cities, League of California Cities, and other such international national, state, regional, and local governmental and professional groups and committees which City and/or City Manager serves as a member.

C. Subject to approval of a budget by the City Council, City agrees to pay for the travel and City’s normal per diem or expenses of City Manager for multi-day courses, institutes, training, and seminars that are necessary for professional development and for the good of the City, as determined by City Manager. City Manager shall not be entitled to receive reimbursement for mileage so long as the City Manager receives a car allowance pursuant to this Agreement.

D. Subject to approval of a budget the City Council, City agrees to pay for one-time and recurring costs of office furniture, equipment, supplies, etc. as City Manager deems necessary to carry out his duties for the City. The City must provide City Manager with the necessary office space, furniture, equipment and supplies necessary and customarily provided to perform the duties of a City Manger

### **Section 10: Moving and Relocation Expenses**

If City Manager moves his principal residence into or near El Segundo, City shall reimburse City Manager for actual and reasonable moving and relocation expenses incurred and approved by the City Council.

### **Section 11: Other Terms and Conditions of Employment**

City Manager shall be entitled to receive all employee benefits provided to executive management employees not specifically addressed herein, including any future benefits provided to executive management employees during the term of this Agreement.

### **Section 12: Notices**

Any notice required by this Agreement shall be in writing and delivered either personally, via overnight courier, or U.S. First Class Mail. The notice address for the City is: El Segundo City Council, c/o City Attorney, 350 Main Street, El Segundo, CA 90245. The notice address for the City Manager is the address supplied by City Manager and on file with the City. Either part may specify an alternate address in accordance with this notice section. Notice shall be effective upon receipt.

### **Section 13. Mediation/Arbitration**

Any and all disputes of whatever kind or nature arising out of or related to this Agreement or City Manger's employment or separation from the City shall be resolved through mediation and then binding arbitration, if necessary, utilizing Judicial Arbitration and Mediation Services ("JAMS") and shall be conducted in JAMS Century City or downtown Los Angeles offices or such other location mutually agreed upon by the parties. JAMS mediation and arbitration procedures and rules shall be utilized for purposes of conducting the mediation and arbitration. JAMS shall randomly provide the parties with a list of three mediators or arbitrators, depending on which process is being utilized, and each party shall have the right to reject one of the mediators or arbitrators. In the event that more than one mediator or arbitrator is left after the parties have each had the opportunity to reject one of the mediators or arbitrators, JAMS shall randomly select the mediator or arbitrator to mediate or arbitrate the dispute(s). The City will pay the arbitrator's fees and arbitration expenses and any other costs unique to the arbitration, recognizing that each side bears its own deposition, witness, expert and attorney's fees and expenses to the same extent as if the matter were being heard in court. If, however, any party prevails on a statutory claim, which affords the prevailing party attorney's fees and costs, then arbitrator may award reasonable fees and costs to the prevailing party. Any dispute as to who is the prevailing party and/or the reasonableness of any fee or cost shall be resolved by the arbitrator.

**Section 14. ASSEMBLY BILL 1344 COMPLIANCE.**

To the extent CITY provides: (i) paid leave to EMPLOYEE pending an investigation; (ii) funds for the legal criminal defense of the EMPLOYEE; and/or (iii) a cash settlement to EMPLOYEE related to the termination of the EMPLOYEE, pursuant to this AGREEMENT and Government Code Section 53243 et seq., EMPLOYEE shall fully reimburse the City for any and all amounts paid by the City which fall within subsections (i) through (iii) in the event that the EMPLOYEE is convicted of a crime involving the abuse of his office or position.


**Section 15: General Provisions**

- A. All of City Manager's writings, reports, and other documentation generated as part of his day-to-day duties during his employment with the City are the property of the City.
- B. This Agreement is for professional services that are personal to the City, and the Agreement is not assignable by City Manager.
- C. The provisions of this Agreement shall be construed as a whole according to its common meaning or purpose of providing a public benefit and not strictly for or against any party. It shall be construed consistent with the provisions hereof, in order to achieve the objectives and purposes of the parties. Wherever required by the context, the singular shall include the plural and vice versa, and the masculine gender shall include the feminine or neutral genders or vice versa.
- D. This Agreement and the rights and obligations of the parties shall be governed and interpreted in accordance with the laws of the State of California.
- E. The text herein shall constitute the entire Agreement between the parties and supersedes any other agreements, either oral or in writing, between the parties hereto with respect to rendering these services, compensation matters, or benefits. Any modification of this Agreement shall be effective only if it is in writing and signed by both parties.
- F. This Agreement shall inure to the benefit of the heir at law and executor(s) of City Manager.
- G. The captions or headings in this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of any provision or section of this Agreement.
- H. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid, or unenforceable by a Court, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

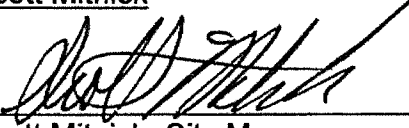
- I. Each part of this Agreement acknowledges that no representations, inducements, promises, or agreements, oral or otherwise, have been made by any party, or anyone acting on behalf of any party, which is not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement shall be valid or binding on either party.
- J. The parties acknowledge and agree that the terms and provisions of this Agreement have been negotiated and discussed between the parties, and this Agreement reflects their mutual agreement with respect to the subject matter of this Agreement. Because of the nature of such negotiations and discussions, it would be inappropriate to deem any party to be the drafter of this Agreement. Therefore, no presumption for or against validity or as to any interpretation hereof, based upon the identity of the drafter, shall be applicable in interpreting or enforcing this Agreement.
- K. Both parties have had sufficient time and opportunity to consult with legal counsel of their own choosing regarding the terms and conditions of this Agreement.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date first set forth above.


City of El Segundo

 for 6/18/19  
 Drew Boyles, Mayor. Date

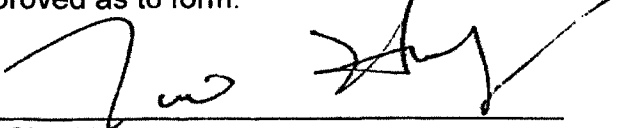
Scott Mitnick

 18 June 2019  
 Scott Mitnick, City Manager Date

Attest:

By:  6.18.19  
 City Clerk Date

Approved as to form:

By:  June 18, 2019  
 City Attorney Date

**EXHIBIT A**

**CITY OF EL SEGUNDO  
CITY MANAGER BENEFITS  
(As of July 1, 2019)**

Benefits shall be provided as follows:

**1. Medical, Dental, and Vision Insurance:**

City Manager shall be eligible to participate in the health, dental, and vision insurance plans provided to City employees, including the current health plans provided through CalPERS on the same terms and conditions as employees of the executive management group.

**2. Retirement:**

If City Manager's employment is concurrently terminated at the same as retiring from CalPERS, he shall be immediately entitled to City-paid post-retirement medical insurance benefits on the same terms and conditions as the executive management group.

**3. Deferred Compensation:**

Effective July 1, 2019, each pay period City agrees to pay an amount equal to ten (10) percent of City Manager's monthly Base Salary into applicable City Internal Revenue Code Section 401a and/or Section 457 deferred compensation plan(s). City Manager is also eligible to participate in City's 401a Plan, 457 Plan, Health Savings Plan, Retiree Health Savings Plan, and/or related plans.

**4. Life Insurance:**

City shall provide City Manager with a term life insurance policy in the amount of \$500,000, with a separate travel life insurance provision (as per the City's regular policy provisions). City Manager shall be eligible to participate in City's Supplemental Life Insurance Program at his own expense.

**5. Long-Term Disability:**

City shall provide long-term disability income insurance pursuant to the provisions of the City's Executive LTD Plan.

**6. Vacation Leave:**

City Manager shall be entitled to a starting balance of one hundred (100) hours of Vacation Leave on the effective date of this Agreement. Annual hours shall accrue at the same rate used for executive management City employees based on City

Manager's total lifetime years of PERS service, which is currently 200 hours per year. City Manager shall receive same annual cash conversion option as executive management employees.

City and City Manager shall mutually agree to all vacation periods and such time should be scheduled at least thirty (30) days in advance of the vacation date, unless otherwise allowed by City Council. Upon termination or separation of employment from City, City Manager shall have the option to be paid for unused Vacation Leave hours, to convert the hours to deferred compensation to the extent permitted by law (401a Plan, 457 Plan, HSA, or other allowed plan), and/or to use for other allowed uses for executive management employees.

#### **7. Sick Leave:**

City Manager shall be entitled to a starting balance of one hundred (100) hours of Sick Leave on the effective date of this Agreement. Annual hours shall accrue at the same rate used for executive management employees, which is currently 8 hours per month. Upon termination or separation of employment from City, City Manager shall on the same terms and conditions as executive management employees (except his years of service shall be based upon his lifetime years of PERS service) have the option to be paid for unused Sick Leave hours, to convert the hours to deferred compensation (401a Plan, 457 Plan, HSA, or other allowed plan), and/or to other allowed uses for executive management employees.

#### **8. Executive Leave:**

City Manager shall be entitled to 80 hours of Executive Leave per year. Leave cannot be cashed in or otherwise be transferred or converted for value.

#### **9. Holidays & Other Leave:**

City Manager shall receive the same paid holidays, bereavement leave, etc. as executive management employees.

#### **10. Automobile Allowance:**

City Manager's duties require that he shall have the unrestricted use, at all times during his employment with City, of an automobile. In lieu of using a City provided automobile, City Manager shall receive a City-provided monthly automobile allowance of \$500.00 starting on the effective date of this Agreement. Annual inflation adjustments to this amount shall be provided as per the then current United States Internal Revenue Service (IRS) Standard Mileage Rate for Business Use and will take place at the beginning on July 1<sup>st</sup> of each year. . City Manager shall at all times keep on file with the City Clerk's Office proof of current automobile insurance with a minimum of three hundred thousand dollars (\$300,000.00) of liability coverage.



**11. Section 125 Flex Plan:**

City Manager shall be eligible to enroll in City's Section 125 Plan for payment of employee-paid insurance, medical treatment, etc. with pre-tax dollars to the extent permitted by law. City shall pay any administrative fee(s).

**12. Employee Assistance Program:**

City shall pay for the full cost of Employee Assistance Program for City Manager and dependents.

**EXHIBIT B**

**SEPARATION AND RELEASE AGREEMENT**

**1. PARTIES**

This Separation, Severance and General Release Agreement (“AGREEMENT”) is made and executed as of \_\_\_\_\_, by and between \_\_\_\_\_ (“EMPLOYEE”) and the CITY OF EL SEGUNDO (“CITY”).

**2. RECITALS**

2.1 EMPLOYEE commenced employment with the CITY as city manager on or about \_\_\_\_\_, 2019, pursuant to that EMPLOYMENT AGREEMENT entered into between the parties on or about \_\_\_\_\_, 2019.

2.2 This AGREEMENT is made to amicably resolve all matters between EMPLOYEE and the CITY regarding EMPLOYEE’s employment and the cessation of said employment.

2.3 The parties understand and agree that a material purpose of this AGREEMENT is to resolve any disputes and CLAIMS arising from or relating to EMPLOYEE’s employment with CITY, if any, and provide for a separation payment for EMPLOYEE.

**3. CONSIDERATION**

3.1 In exchange for EMPLOYEE’s execution, faithful performance and compliance with this AGREEMENT, including without limitation the granting of the releases set forth herein, and in full satisfaction and settlement of EMPLOYEE’s CLAIMS, if any, the CITY shall pay EMPLOYEE the sum of \$ \_\_\_\_\_ [amount equivalent to six month base pay or amount of time left on contract, whichever is less plus medical/dental/vision for the same period of time as specified in the EMPLOYMENT AGREEMENT ] (“SEVERANCE PAYMENT”) in the form of a check made payable to \_\_\_\_\_, to be in accordance with the schedule the EMPLOYEE chooses from the options set forth in the EMPLOYMENT AGREEMENT. Required tax withholdings and deductions will be made from the SEVERANCE PAYMENT.

3.2 Respecting the SEVERANCE PAYMENT referenced in paragraphs 3.1 above, EMPLOYEE understands and agrees that EMPLOYEE’s portion of any federal, state or local taxes, if any, that may be owed or payable on the sums caused to be paid hereunder by the CITY are the sole and exclusive responsibility of EMPLOYEE.

3.3 EMPLOYEE and the CITY shall otherwise each bear their own attorney fees and costs incurred in connection with any disputes and this AGREEMENT.

3.4 Except as set forth in this Paragraph 3, the parties agree that no other monies or benefits are due, owing or unpaid by reason of EMPLOYEE's employment or association with CITY and that no other monies or benefits will be paid or maintained by CITY to/for EMPLOYEE, in EMPLOYEE's name, or on EMPLOYEE's behalf. EMPLOYEE expressly agrees that the SEVERANCE PAYMENT described in Paragraph 3 supersede and are in substitution for any payments or benefits under any employment agreement(s), business agreement(s) or arrangement(s), oral or written promises, or severance policy or plan respecting or regarding his employment or association with CITY.

**4. Specific Acknowledgement of Waiver of Claims under ADEA and OWBPA**

The Age Discrimination in Employment Act of 1967 (29 U.S.C. § 626, *et. seq.*; "ADEA") makes it illegal for an employer to discharge any individual or otherwise discriminate with respect to the nature and privileges of an individual's employment on the basis that the individual is age forty (40) or older. The Older Workers Benefit Protection Act ("OWBPA," Pub. L. 101-433, 104 Stat. 978 (1990)) further augments the ADEA and prohibits the waiver of any right or claim under the ADEA, unless the waiver is knowing and voluntary. By entering into this AGREEMENT, EMPLOYEE acknowledges that he knowingly and voluntarily, for just compensation, waives and releases any rights he may have under the ADEA and/or OWBPA. EMPLOYEE further acknowledges that he has been advised and understands, pursuant to the provisions of the ADEA and OWBPA, that:

- (a) This waiver/release is written in a manner understood by EMPLOYEE;
- (b) EMPLOYEE is aware of, and/or has been advised of, his rights under the ADEA and OWBPA, and of the legal significance of his waiver of any possible claims he currently may have under the ADEA, OWBPA and/or similar age discrimination laws;
- (c) EMPLOYEE is entitled to a reasonable time of at least twenty-one (21) days within which to review and consider this AGREEMENT and the waiver and release of any rights he may have under the ADEA, the OWBPA and similar age discrimination laws; but may, in the exercise of his own discretion, sign or reject this AGREEMENT at any time before the expiration of the twenty-one (21) days;
- (d) The waivers and releases set forth in this AGREEMENT shall not apply to any rights or claims that may arise under the ADEA and/or OWBPA **after** the EFFECTIVE DATE of this AGREEMENT;
- (e) EMPLOYEE has been advised by this writing that he should consult with an attorney **before** executing this AGREEMENT;
- (f) EMPLOYEE has discussed, or had the opportunity to discuss, this waiver and release with, and been advised with respect thereto by, his counsel of choice, and that he does not need any additional time within which to review and consider this AGREEMENT;
- (g) EMPLOYEE has **seven (7) days following his execution of this AGREEMENT** to revoke the AGREEMENT;

(h) Notice of revocation within the seven (7) day revocation period must be provided, in writing, to the CITY pursuant to this paragraph and must state, "I hereby revoke my acceptance of our 'Separation and Release Agreement'"; and

(i) This AGREEMENT shall not be effective until all parties have signed the AGREEMENT and ten (10) days have passed since EMPLOYEE's execution of the AGREEMENT (the "EFFECTIVE DATE").

## **5. RELEASE**

In exchange for the SEVERANCE PAYMENT, representations and covenants made herein, and except only as to such rights or claims as may be created by this AGREEMENT, EMPLOYEE hereby, and for his heirs, representatives, successors, and assigns, releases, acquits, and forever discharges the CITY, and all of its agents, officers, current and former elected and appointed officials, current and former employees, representatives, insurers, attorneys, and all persons acting by, through, under, or in concert with any of them, and each of them, from any and all claims (including without limitation all claims for workers compensation benefits, if any), charges, complaints, liabilities, obligations, promises, benefits, agreements, controversies, costs, losses, debts, expenses, damages, actions, causes of action, suits, rights, and demands of any nature whatsoever, known or unknown, suspected or unsuspected, which EMPLOYEE now has or may acquire in the future, which relate to or arise out of any act, omission, occurrence, condition, event, transaction, or thing which was done, omitted to be done, occurred (including without limitation any circumstance(s) giving rise to liability for workers compensation benefits) or was in effect at any time from the beginning of time up to and including the EFFECTIVE DATE of this AGREEMENT ("CLAIMS"), without regard to whether such CLAIMS arise under the federal, state or local constitutions, statutes, rules, ordinances or regulations, workers compensation statutes or the common law. EMPLOYEE expressly acknowledges that the CLAIMS forever barred by this AGREEMENT specifically include, but are not limited to, claims related to the DISPUTES, his employment with the CITY and its cessation, any claims for wages, overtime or benefits (including without limitation workers compensation benefits), any alleged breach of any duty, any alleged employment discrimination, harassment, retaliation or unlawful discriminatory act, any alleged breach of any express or implied employment contract, breach of any duty arising out of contract, statute, regulation, ordinance or tort, constructive discharge, wrongful termination or constructive discharge in violation of public policy, or any claim or cause of action including, but not limited to, any and all claims whether arising under any federal, state or local law prohibiting or respecting wrongful termination, breach of employment contract, or employment discrimination, employee injury, death, workers compensation, wrongful hiring, harassment or retaliation based upon sex, race, age, color, religion, handicap or disability, national origin or any other protected category or characteristic, including but not limited to the Federal Fair Labor Standards Act, the California Fair Employment and Housing Act, the Americans With Disabilities Act, Title VII of the Civil Rights Act of 1964, and any other federal, state, or local human rights, civil rights, or employment discrimination or employee rights statute, rule, regulation, ordinance or decisional law.

Additionally, the CITY hereby agrees not to initiate, or proceed with any actions, causes of action, claims, etc., that could be or that have been asserted against EMPLOYEE

arising out of EMPLOYEE's employment with the CITY, in any forum, whatsoever. To the extent that any such actions, causes of action, claims, etc., are, or become pending in any forum whatsoever, the CITY agrees to execute all documents necessary for the withdrawal of such actions, causes of action, claims, with prejudice, forthwith.

**6. UNKNOWN CLAIMS**

6.1 EMPLOYEE on the one hand, and the CITY, on the other hand, each hereby waive and release any rights which the other and its successors, heirs, executives, administrators, may have directly or indirectly, if any, jointly or severally, directly or indirectly, under the provisions of California Civil Code § 1542, and any similar state or federal statute, which reads in sum, substance or substantial part as follows:

“A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.”

6.2 EMPLOYEE and the CITY acknowledge that the facts with respect to which each gives this GENERAL RELEASE may turn out to be different from the facts they now believe to be true. EMPLOYEE and the CITY hereby assume the risk of the facts turning out to be different, and agree that this AGREEMENT shall in all respects be effective and not subject to termination or rescission because of any such difference in facts.

**7. WAIVER OF ADDITIONAL CLAIMS**

EMPLOYEE and the CITY hereby waive any provisions of state or federal law that might require a more detailed specification of the claims being released pursuant hereto.

**8. REPRESENTATIONS AND WARRANTIES**

Each of the parties to this AGREEMENT represent and warrant and agree with each other party as follows:

8.1 No Other Claims: EMPLOYEE and the CITY hereby represent and warrant that EMPLOYEE nor the CITY has not filed, nor will they file in the future, any complaint, charge, claim, legal action, or proceeding arising out of EMPLOYEE' employment with the CITY, the DISPUTES or the CLAIMS released hereby or in any way related to his employment with the CITY or separation therefrom with any court, agency, board, hearing officer or tribunal against the CITY or any of its agents, officers, current and former elected or appointed officials, current and former employees, representatives, insurers, attorneys, and all persons acting by, through, under, or in concert with any of them. EMPLOYEE retains his right to request indemnification from the City pursuant to California Government Code § 825 *et seq.* with respect to any action brought against EMPLOYEE in his capacity as an employee.

8.2 Advice of Counsel: Each party has received, or has had the opportunity to receive, independent legal advice from their respective attorney(s) with respect to the

advisability of making the settlement and releases provided herein, with respect to the advisability of executing this AGREEMENT, and with respect to the meaning of California Civil Code § 1542.

**8.3 No Fraud in Inducement:** No party (nor any officer, agent, employee, representative, or attorney of or for any party) has made any statement or representation or failed to make any statement or representation to any other party regarding any fact relied upon in entering into this AGREEMENT, and neither party relies upon any statement, representation, omission or promise of any other party (or of any officer, agent, employee, representative, or attorney of or for any party) in executing this AGREEMENT, or in making the settlement provided for herein, except as expressly stated in this AGREEMENT.

**8.4 Independent Investigation:** Each party to this AGREEMENT has made such investigation of the facts pertaining to this severance and settlement and this AGREEMENT and all the matters pertaining hereto as it deems necessary.

**8.5 Comprehension and Authority:** Each party or responsible officer thereof has read this AGREEMENT and understands the contents hereof. Any of the officers executing this AGREEMENT on behalf of the CITY are empowered to do so and thereby bind the entity.

**8.6 Mistake Waived:** In entering into this AGREEMENT and the severance and settlement provided for herein, each party assumes the risk of any misrepresentation, concealment or mistake. If any party should subsequently discover that any fact relied upon by it in entering into this AGREEMENT was untrue, or that any fact was concealed from it, or that its understanding of the facts or of the law was incorrect, such party shall not be entitled to rescind or set aside the AGREEMENT. This AGREEMENT is intended to be and is final and binding between the parties, regardless of any claims of misrepresentation, promise made without the intent to perform, concealment of fact, mistake of fact or law, or any other circumstance whatsoever.

**8.7 Later Discovery:** EMPLOYEE and the CITY are aware that they may hereafter discover claims or facts in addition to or different from those they now know or believe to be true with respect to the matters related herein. Nevertheless, it is both parties' intention to fully, finally and forever settle and release all such matters, and all claims relative hereto, which do now exist, may exist or have previously existed between both parties. In furtherance of such intention, the releases given here shall be and remain in effect as full and complete releases of all such matters, notwithstanding the discovery or existence of any additional or different claims or facts relative thereto.

**8.8 Ownership of Claims:** EMPLOYEE represents and warrants as a material term of this AGREEMENT that he has not heretofore assigned, transferred, released or granted, or purported to assign, transfer, release or grant, any of the CLAIMS disposed of by this AGREEMENT. In executing this AGREEMENT, EMPLOYEE further represents and warrants that none of the CLAIMS released by his hereunder will in the future be assigned, conveyed, or transferred in any fashion to any other person and/or entity.

8.9 Future Cooperation: The parties will execute all such further and additional documents as shall be reasonable or necessary to carry out the provisions of this AGREEMENT.

9. MISCELLANEOUS

9.1 No Admission: Nothing contained herein shall be construed as an admission by the parties of any liability of any kind. The parties each deny any liability in connection with any claim or wrongdoing. Each party also intends hereby solely to amicably resolve all matters between the parties.

9.2 Governing Law: This AGREEMENT and the rights and obligations of the parties shall be construed and enforced in accordance with, and governed by, the laws of the State of California. The venue for any dispute arising out of or relating to this AGREEMENT shall be the Los Angeles Superior Court.

9.3 Full Integration: This AGREEMENT is the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous oral and written agreements and discussions. This AGREEMENT may be amended only by a further agreement in writing, signed by the parties hereto.

9.4 Continuing Benefit: This AGREEMENT is binding upon and shall inure to the benefit of the parties hereto, their respective agents, employees, representatives, officers, and officials.

9.5 Joint Drafting: Each party has cooperated in the drafting and preparation of this AGREEMENT. Hence, in any construction to be made of this AGREEMENT, the same shall not be construed against any party.

9.6 Severability: In the event that any term, covenant, condition, provision or agreement contained in this AGREEMENT is held to be invalid or void by any court of competent jurisdiction, the invalidity of any such term, covenant, condition, provision or agreement shall in no way affect any other term, covenant, condition, provision or agreement and the remainder of this AGREEMENT shall still be in full force and effect.

9.7 Titles: The titles included in this AGREEMENT are for reference only and are not part of the terms of this AGREEMENT, nor do they in any way modify the terms of this AGREEMENT.

9.8 Counterparts: This AGREEMENT may be executed in counterparts, and by facsimile and when each party has signed and delivered at least one such counterpart, each counterpart shall be deemed an original, and, when taken together with other signed counterparts, shall constitute one AGREEMENT, which shall be binding upon and effective as to all parties.

9.9 Executed Copy: All parties shall receive a fully executed copy of this AGREEMENT.

9.10 Notice: Any and all notices given to any party under this AGREEMENT shall be given as provided in this paragraph. All notices given to either party shall be made by certified or registered United States mail, or personal delivery, at the noticing party's discretion, and addressed to the parties as set forth below. Notices shall be deemed, for all purposes, to have been given on the date of personal service or three (3) consecutive calendar days following deposit of the same in the United States mail.

**As to EMPLOYEE:**

Name  
Address  
Address

**As to the CITY:**

Attn: City Clerk  
350 Main Street  
El Segundo, CA 90245

WHEREFORE, the parties hereto have read all of the foregoing, understand the same, and agree to all of the provisions contained herein.

DATED: \_\_\_\_\_

CITY OF EL SEGUNDO

By: \_\_\_\_\_  
Mayor

DATED: \_\_\_\_\_

EMPLOYEE

By: \_\_\_\_\_  
Scott Mitnich

ATTEST:

By: \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney