



AGENDA

EL SEGUNDO CITY COUNCIL
REGULAR MEETING
TUESDAY, NOVEMBER 2, 2021

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

MEETING ID: 964 5963 7962
PIN: 730770

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

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, Fire Chief
Rebecca Redyk, HR Director
Charles Mallory, IT Director

MISSION STATEMENT:

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

VISION STATEMENT:

“Be a global innovation leader where big ideas take off while maintaining our unique small town character.”

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 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 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 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.

PUBLIC EMPLOYMENT (GOV'T CODE § 54957) -1- MATTER(S)

City Manager Performance Review

CONFERENCE WITH CITY'S LABOR NEGOTIATOR (GOV'T CODE §54957.6): -2- MATTER(S)

Employee Organizations: Firefighters' Association (FFA) and Police Officers' Association (POA)

Agency Designated Representatives; City Manager, Scott Mitnick, Human Resources Director, Rebecca Redyk and Irma Moisa Rodriguez.

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

INVOCATION – Reverend Dina Ferguson, St. Michael Episcopal Church

PLEDGE OF ALLEGIANCE – Councilmember Nicol

SPECIAL PRESENTATIONS

1. Los Angeles Hyperion Sewage Treatment Plant Spill Update
2. United Against Hate Week
3. Spark of Love Toy Drive

4. Los Angeles County Economic Development Corporation Most Business-Friendly City Award Certificate

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.*

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

5. City Council Meeting Minutes

Recommendation -

Approve Special and Regular City Council Meeting Minutes of October 19, 2021.

6. Warrant Demand Register for October 11, 2021 through October 24, 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 8A and 8B: warrant numbers 3037707 through 3037944, and 9002238 through 9002242.

7. Adopt Resolution to Allow Public Meetings to Continue to be Conducted via Teleconferencing Pursuant to Assembly Bill No. 361

Recommendation –

Adopt Resolution.

8. 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 nonresponsive.
2. Reject CEM Construction Corporation's bid as nonresponsive.
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.
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.

9. 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 16, 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.)

C. PUBLIC HEARINGS

D. STAFF PRESENTATIONS

10. Adopt Resolutions Amending City Contributions for CalPERS Medical Premiums

Recommendation –

Adopt resolutions for the following groups amending the City contributions for CalPERS medical premiums consistent with previously approved Memorandums of Understanding (“MOUs”) and the Affordable Care Act (“ACA”).

1. El Segundo City Employees’ Association (“CEA”)
2. El Segundo Supervisory and Professional Employees’ Association (“SPEA”)
3. El Segundo Police Support Services Employees’ Association (“PSSEA”)
4. El Segundo Non-PERS Elected Officials
5. Unrepresented Hourly Employees considered full-time under the ACA

11. Smoky Hollow On-Street Parking Pilot Project

Recommendation –

Authorize staff to execute a professional services agreement with KOA for conceptual design of the Smoky Hollow On-Street Parking Pilot Project.

12. Aquatics Fee Study and Cost Recovery Policy

Recommendation - Review the Aquatics Fee Study, retain the existing Aquatics fee structure, and apply the consumer price index (cpi) cost inflator to the Aquatics fees each year as part of the annual Master Fee Schedule update.

13. FY 2021-2022 Fire Department Budget Reductions Follow-up Report

Recommendation –

Direct City Manager to:

1. Suspend Fire Engine #32 through June 30, 2022
2. Do not fill one vacant Battalion Chief position and hire one temporary Special Projects Administrator through June 30, 2022
3. Fill Frozen Fire Marshal position after planned Battalion Chief retirement
4. Maintain one frozen Firefighter/Paramedic position through June 30, 2022
5. Maintain one frozen Fire Prevention Specialist through June 30, 2022

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6. Continue to work with City of Redondo Beach and City of Manhattan Beach to establish a tri-cities Battalion Chief position, as part of the ongoing "Shared Fire Service" review
 7. Complete Fire Service Accreditation Study by April 1, 2022
 8. Review process and benefits to City of El Segundo to transfer from Disaster Management Service Area G to Disaster Management Service Area A
 9. Report back to City Council by June 30, 2022 with FY 2021-2022 expenditure savings and service impacts of Items 1 through 8 and provide recommended Fire Department expenditure savings and service revisions as part of the FY 2022-2023 General Fund Budget preparation process

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 29, 2021

TIME: 12:00 PM

BY: Tracy Weaver, City Clerk

Proclamation

City of El Segundo, California

WHEREAS, Los Angeles County is home to a diverse population of more than 10 million residents, including Alaska Natives, American Indians, Asian Pacific Islanders, Black, Latinx, and White. United Against Hate Week, November 14 – November 20, 2021, will celebrate L.A. County’s diverse history, culture, and traditions, while educating residents on the importance of supporting social justice, inclusion and safety for all; and

WHEREAS, The goal of the week is to draw local residents, students, school, civic, faith and business leaders together to raise awareness about how to stop hate and promote inclusion. United Against Hate Week recognizes the County’s diversity, strengthens partnerships to help address hardships faced by victims of hate acts, and elevates every community and the unique ways they make the County a better, more inclusive and welcoming place to live; and

WHEREAS, United Against Hate Week symbolizes El Segundo’s dedication to preventing and opposing hate and intolerance in our community; and educating residents on the importance of compassion, and cooperation as key strategies for unlocking, understanding and embracing differences.

NOW, THEREFORE, the Mayor and Members of the City Council of the City of El Segundo, California, hereby proclaim support for the week of November 14 – November 20, 2021 as “**United Against Hate Week**” and express our dedication in preventing and opposing hate and intolerance in our community.



Mayor Drew Boyles

*Mayor Pro Tem Chris Pimentel
Council Member Scot Nicol*

*Council Member Carol Pirsztuk
Council Member Lance Giroux*

Proclamation

City of El Segundo, California

WHEREAS, In an effort to provide for children who otherwise might not experience the joy of the holiday season, the City of El Segundo Fire Department along with other Southland fire agencies, has participated in the *Spark of Love* program for the past twenty nine years and has collected toys and food items donated during the holidays; and

WHEREAS, The ever upward spiraling cost of living burdens disadvantaged and displaced families who may not be able to give gifts during the holiday season without help from the *Spark of Love* program; and

WHEREAS, The true holiday spirit is reflected in unselfish giving and our thoughts and hearts go out to those less fortunate than ourselves; and

WHEREAS, In the past, with the help of civic-minded citizens who live and work in our community, hundreds of toys plus food items have been collected and distributed to children and families in El Segundo and other South Bay cities.

NOW, THEREFORE, the Mayor and Members of the City Council of the City of El Segundo, California, do hereby proclaim November 15, 2021 through December 16, 2021 as the Spark of Love Toy Drive.



The community is encouraged to support this holiday program by contributing toys and non-perishable foods to the El Segundo Fire Department, Fire Station No. 1 at 314 Main Street, during the period of November 15 through December 16, 2021.



A handwritten signature in blue ink, which appears to be 'Drew Boyles'.

Mayor Drew Boyles

*Mayor Pro Tem Chris Pimentel
Council Member Scot Nicol*

*Council Member Carol Pirsztuk
Council Member Lance Giroux*

SPECIAL MEETING MINUTES OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, OCTOBER 19, 2021

CLOSED SESSION – Mayor Boyles called to order at 3:41 PM

ROLL CALL

Mayor Boyles	-	Present
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)

Steve Wood, resident and DEI Committee member spoke regarding #2 Guideline of the DEI Committee.

SPECIAL ORDER OF BUSINESS:

1. Review Potential Revenue (taxes and fees) Enhancement Options and Receive Direction from City Council on whether to Pursue any of the Potential Revenue Measure Options.

Scott Mitnick, City Manager and Joe Lillio, Chief Financial Officer gave a presentation and answered Council questions.

Council Discussion

MOTION by Council Member Nicol, SECONDED by Council Member Giroux directing staff to research assessing Utility User Tax (UUT) for non-residential/commercial and residential utility services. MOTION PASSED BY A VOICE VOTE. 3/2 Yes: Pirsztuk Nicol Giroux NO: Boyles Pimentel

MOTION by Mayor Boyles, SECONDED by Council Member Nicol directing staff to research a parking tax and parking revenue system. MOTION PASSED BY A VOICE VOTE. 4/1 YES: Boyles Pirsztuk Nicol Giroux NO: Pimentel

MOTION by Mayor Pro Tem Pimentel, SECONDED by Council Member Pirsztuk directing staff to research eliminating current sales tax credit of 40% from the Business License Tax (BLT) code. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

MOTION by Council Member Pirsztuk, SECONDED by Mayor Pro Tem Pimentel directing staff to research eliminating the late penalty credit of the Business License Tax (BLT) code. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

MOTION Council Member Pirsztuk, SECONDED by Mayor Pro Tem Pimentel directing staff to research restructuring the Business License Tax (BLT) Code (redefine business types and categories, methodology, current trends, equality, and efficiency). MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

MOTION by Mayor Boyles, SECONDED by Council Member Pirsztuk directing staff to research the borrowing capacity of the City to fund various projects. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

MOTION by Council Member Giroux, SECONDED by Mayor Boyles to re-vote yes or no to move forward with the UUT options previously voted on regarding researching the UUT for non-residential/commercial and residential utility services. MOTION PASSED BY A VOICE VOTE. 3/2 NO: Boyles, Pimentel Giroux. YES: Pirsztuk Nicol. Therefore, the previous motion of staff researching the UUT options will not move forward.

Council gave direction at a previous City Council meeting regarding the possibility of a Cannabis initiative and the possibility of assessing a tax. Therefore, no action was taken on this item at this meeting.

Adjournment at 5:25 PM

Tracy Weaver, City Clerk

MEETING MINUTES OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, OCTOBER 19, 2021

CLOSED SESSION – Cancelled due to lack of quorum

OPEN SESSION – Mayor Boyles called to order at 6:02 PM

ROLL CALL

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

INVOCATION – Tracy Weaver, City Clerk

PLEDGE OF ALLEGIANCE – Council Member Giroux

SPECIAL PRESENTATIONS:

1. Recognition of Fire Chief Chris Donovan’s Retirement. Chief was presented with plaques, accolades, commendations and well wishes by Scott Mitnick, City Manager, Robert Pullen-Miles with Assemblywoman Autumn Burke’s office, Jeff Johnson with Supervisor Hahn’s Office, Jim Birrell, Executive Director, Los Angeles Area Fire Chief’s Regional Training Group, Fire Chief, Eric Garcia, Burbank Fire Chief and 2021 Los Angeles Area Fire Chief’s Association President , Deena Lee, Acting Fire Chief and City Council.
2. Proclamation read by Council Member Giroux proclaiming October as Family Court Awareness Month and presented to Sandy Ross.
3. Los Angeles Hyperion Treatment Plant Wastewater Spill and Recovery Update. Elias Sassoon, Public Works Director and Tim Dafeta, LASAN reported and answered Council’s questions.

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

In Chamber –

Kristie Wallace, resident, commented on the recent passing of SB 9 & 10.

John Pickhaver, resident, commented on the DEI Committee and committee member Steven Wood.

Michael Verne, representative with Cedro Construction, spoke regarding an upcoming project, agenda item #B7 and requested staff re-exam the bid rejection of Cedro Construction.

Via Zoom –

Heidi Anderson-Swan, Hermosa Beach resident, educates the public about mental health risks of Marijuana use.

Bart Bright, non-resident, commented on Cannabis and his experience with his son.
Sean O'Brien, resident, resident, commented on the DEI Committee and committee member Steven Wood.

Robin Moser commented on concerns and dangers with allowing Cannabis retail outlets in town.

CITY MANAGER FOLLOW-UP COMMENTS:

Mark Hensley, City Attorney commented/clarified the City is not advocating cannabis retail outlets, however, there is an initiative/petition circulating within the City.

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

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

B. CONSENT:

4. Approve Regular City Council Minutes of October 5, 2021.
(Fiscal Impact: None)

5. Approve Warrants Demand Register for September 26, 2021 through October 8, 2021, numbers 7A and 7B and warrant numbers 3037538 through 3037706, and 9002200 through 9002237. 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 \$2,127,489.43 (\$1,014,399.74 in check warrants and \$1,113,089.69 in wire warrants)

6. Authorize the City Manager to execute Standard Public Works Contract No. 6179 with Minako America Corporation dba Minco Construction for the FY 2021-2022 Annual Concrete Improvements Project. Project No. PW 20-10.
(Fiscal Impact: \$211,985.00)

7. PULLED BY MAYOR BOYLES

MOTION by Council Member Giroux, SECONDED by Mayor Pro Tem Pimentel, approving Consent Agenda items 4, 5, and 6. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

PULLED ITEM:

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. (Project No. PW 21-05)
(Fiscal Impact: \$2,000,000.00 included in adopted budget)

Elias Sassoon, Public Works Director answered Council's questions regarding public commenter Michael Verne with Cedro Construction and his request to accept their bid based on a clerical error.

Council Discussion

MOTION by Mayor Boyles, SECONDED by Council Member Nicol to continue the item to a future City Council meeting, allowing time for Public Works to investigate the matter. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

C. PUBLIC HEARING:

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 (Fiscal Impact: None)

Mayor Boyles stated this was the time and place for a public hearing to 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.

Clerk Weaver stated that proper notice had been given in a timely manner and that no written communication had been received in the City Clerk's office.

Michael Allen, AICP, Development Services Director and Paul Samaras, AICP, Principal Planner gave a presentation on the item and answered Council's questions.

Public Input:

Toni Reina, Continental Development Corporation (CDC) representative.

MOTION by Council Member Giroux, SECONDED by Mayor Pro Tem Pimentel to close the hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Council discussion

Council consensus to make the following adjustments to the proposed Ordinance;

- Give the Development Services Director the ability to approve offsite parking. If Director so chooses, may involve Planning Commission.
- Require the approval of liquor licenses to go before Council, not Planning Commission.

Introduction of the ordinance will be brought back for first reading at the regular City Council meeting on November 2, 2021 with the requested adjustments proposed by City Council.

Recessed at 8:26 PM

Reconvened at 8:35 PM

D. STAFF PRESENTATIONS:

9. 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.)

Melissa McCollum, Community Services Director and Elias Sassoon, Public Works director gave a presentation and answered Councils questions.

Council discussion

Council consensus to receive and file the report.

9. Senate Bill 9 “Housing Development: Approvals” Update and Next Steps
(Fiscal Impact: Not to exceed \$50,000)

Michael Allen, Development Services Director reported on the item.

Council Discussion

MOTION by Council Member Pirsztuk, SECONDED by Council Member Giroux directing 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. MOTION PASSED BY VOICE VOTE. 5/0

10. Proposed Amendment to City Manager’s Employment Agreement
(Fiscal Impact: \$14,700 per year)

Rebecca Redyk, Human Resources Director reported on the item.

Council discussion

MOTION by Council Member Giroux, SECONDED by Council Member Nicol approving the proposed amendment No. 1 to Employment Agreement No. 5720A for City Manager. MOTION PASSED BY VOICE VOTE. 5/0

Mark Hensley, City Attorney read the resolution by title only;

RESOLUTION NO. 5276

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

MOTION by Mayor Pro Tem Pimentel, SECONDED by Council Member Nicol approving Resolution No. 5276. MOTION PASSED BY VOICE VOTE. 5/0

E. COMMITTEES, COMMISSIONS AND BOARDS PRESENTATIONS: None

F. REPORTS – CITY CLERK – No report

G. REPORTS – CITY TREASURER – Not Present

H. REPORTS – COUNCIL MEMBERS

Council Member Giroux – No report

Council Member Nicol – Reminded the Community the next Hyperion Citizens Forum will be held on Thursday, October 21, 2021 at 6:00 PM.

Council Member Pirsztuk – Reminded residents the Sketcher’s Friendship Walk is Sunday, October 24, 2021, stated the water tower will turn orange for Halloween, The Halloween Frolic will be on Saturday, October 30, 2021 and Kelly Watson of the Recreation and Parks Commission is working to insure the holiday activities are safe and open to all. If your organization would like to be involved, please contact Melissa McCollum, Community Services Director.

Mayor Pro Tem Pimentel – Mentioned the SBCOG would be commenting on Cal Trans alternative uses for the express lane routing through the Sepulveda Pass and the continued work on the Travel Network and stated he will attending the Sanitation Meeting this week. Commented on a point of interest story involving the El Segundo Police Department.

Mayor Boyles – Attended the Southern California Association of Governments Regional Council meeting.

I. REPORTS – CITY ATTORNEY – No report

- J. REPORTS/FOLLOW-UP – CITY MANAGER – Thanked the Council for tonight’s recognition of Chief Donovan’s retirement. Stated the next Council Meeting will be held on November 2, 2021.

MEMORIALS – None

Adjournment at 9:24 PM

Tracy Weaver, City Clerk



City Council Agenda Statement

Meeting Date: November 2, 2021

Agenda Heading: Consent

Item Number: B.6

TITLE:

Warrant Demand Register for October 11, 2021 through October 24, 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 8A and 8B: warrant numbers 3037707 through 3037944, and 9002238 through 9002242.

FISCAL IMPACT:

The warrants presented were drawn in payment of demands included within the FY 2021-2022 Adopted Budget. The total of \$4,098,662.22 (\$669,873.50 in check warrants and \$3,428,788.72 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

November 2, 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 8a_summary pages
2. Register 8b_summary pages

CITY OF EL SEGUNDO
WARRANTS TOTALS BY FUND

3037707 - 3037820
9002238 -

DATE OF APPROVAL: AS OF 11/02/21

REGISTER # 8A

001	GENERAL FUND	217,943.86
104	TRAFFIC SAFETY FUND	-
106	STATE GAS TAX FUND	-
108	ASSOCIATED RECREATION ACTIVITIES FUND	-
109	ASSET FORFEITURE FUND	-
110	MEAURE "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	-
118	TDA 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	A/P CUPA PROGRAM OVERSIGHT SURCHARGE	2,260.00
128	SB-1	-
129	CERTIFIED ACCESS SPECIALIST PROGRAM	-
130	AFFORDABLE HOUSING	-
131	COUNTY STORM WATER PROGRAM	6,044.00
202	ASSESSMENT DISTRICT #73	-
301	CAPITAL IMPROVEMENT FUND	4,300.00
302	INFRASTRUCTURE REPLACEMENT FUND	-
405	FACILITIES MAINTENANCE	-
501	WATER UTILITY FUND	4,050.78
502	WASTEWATER FUND	1,211.12
503	GOLF COURSE FUND	-
505	SOLID WASTE FUND	-
601	EQUIPMENT REPLACEMENT	-
602	LIABILITY INSURANCE	214.62
603	WORKERS COMP. RESERVE/INSURANCE	-
701	RETIRED EMP. INSURANCE	-
702	EXPENDABLE TRUST FUND - DEVELOPER FEES	-
703	EXPENDABLE TRUST FUND - OTHER	9,500.00
704	CULTURAL DEVELOPMENT	10,000.00
708	OUTSIDE SERVICES TRUST	-
TOTAL WARRANTS		<u>\$ 255,524.38</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 L. [Signature]
10-19-2021

CITY MANAGER

Barbara Vais (for SM)
10-25-21

DATE:

DATE:

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
 PAYMENTS BY WIRE TRANSFER
 10/11/21 THROUGH 10/17/21**

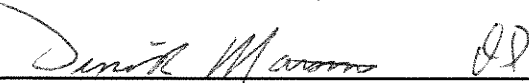
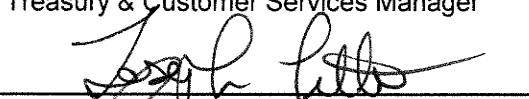
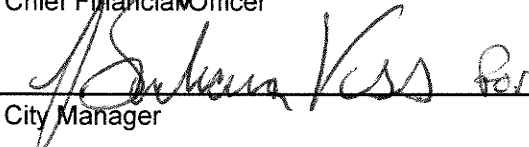
<u>Date</u>	<u>Payee</u>		<u>Description</u>
10/12/2021	West Basin	2,417,305.66	H2O payment
10/13/2021	Cal Pers	13,278.47	EFT Retirement Safety-Fire-PEPRA New 25020
10/13/2021	Cal Pers	27,090.06	EFT Retirement Safety-Police-PEPRA New 25021
10/13/2021	Cal Pers	43,343.14	EFT Retirement Misc - PEPRA New 26013
10/13/2021	Cal Pers	40,383.20	EFT Retirement Misc - Classic 27
10/13/2021	Cal Pers	62,884.96	EFT Retirement Safety Police Classic - 1st Tier 28
10/13/2021	Cal Pers	57,693.23	EFT Retirement Safety Fire- Classic 30168
10/13/2021	Cal Pers	3,296.92	EFT Retirement Sfty Police Classic-2nd Tier 30169
10/13/2021	Dept. of Health Care Svcs	5,180.10	Ground EMT Transport Q1-21
10/14/2021	Manufacturers & Traders	61,212.56	457 payment Vantagepoint
10/14/2021	Manufacturers & Traders	1,130.77	401(a) payment Vantagepoint
10/14/2021	Manufacturers & Traders	550.00	IRA payment Vantagepoint
10/04/21-10/10/21	Workers Comp Activity	59,569.35	SCRMA checks issued
10/04/21-10/10/21	Liability Trust - Claims	9,150.00	Claim checks issued/(voided)
10/04/21-10/10/21	Retiree Health Insurance	0.00	Health Reimbursement checks issued
		<u>2,802,068.42</u>	

DATE OF RATIFICATION: 10/18/21

TOTAL PAYMENTS BY WIRE:

2,802,068.42

Certified as to the accuracy of the wire transfers by:

	<u>10/18/21</u>
Treasury & Customer Services Manager	Date
	<u>10-19-2021</u>
Chief Financial Officer	Date
	<u>10-25-21</u>
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 DEPARTMENT
 AS OF 11/02/21
 REGISTER # 8A

DEPT#	NAME	TOTAL
GENERAL FUND DEPARTMENTAL EXPENDITURES		
GENERAL GOVERNMENT		
1101	City Council	1,076.22
1201	City Treasurer	
1300	City Clerk	250.00
2101	City Manager	181.81
2102	Communications	6,750.00
2201	City Attorney	1,982.50
2401	Economic Development	
2402	Planning	48,985.36
2500	Administrative Services	11,332.47
2601	Government Buildings	11,176.64
2700	Community Outreach/Planning	920.00
2900	Nondepartmental	4,341.87
6100	Library	98.65
		87,095.52
PUBLIC SAFETY		
3100	Police	17,945.99
3200	Fire	20,711.33
2403	Building Safety	1,622.46
2404	Plng/Bldg Sfty Administration	542.50
		40,822.28
PUBLIC WORKS		
4101	Engineering	9,860.37
4200	Streets/Park Maintenance	54,067.43
4300	Wastewater	1,801.60
4601	Equipment Maintenance	13,681.52
4801	Administration	1,350.00
		80,760.92
COMMUNITY DEVELOPMENT		
5100,5200	Recreation & Parks	
5400	Centennial	
		0.00
EXPENDITURES		
	CAPITAL IMPROVEMENT	4,300.00
	ALL OTHER ACCOUNTS	42,545.66
	TOTAL WARRANTS	255,524.38 ✓

CITY OF EL SEGUNDO
WARRANTS TOTALS BY FUND

3037821 - 3037944
9002239 - 9002242

DATE OF APPROVAL: AS OF 11/02/21

REGISTER # 8B

001	GENERAL FUND	299,029.09
104	TRAFFIC SAFETY FUND	-
106	STATE GAS TAX FUND	-
108	ASSOCIATED RECREATION ACTIVITIES FUND	-
109	ASSET FORFEITURE FUND	242.58
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	-
118	TDA 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	18,936.50
126	AVP CUPA PROGRAM OVERSIGHT SURCHARGE	-
128	SB-1	-
129	CERTIFIED ACCESS SPECIALIST PROGRAM	-
130	AFFORDABLE HOUSING	-
131	COUNTY STORM WATER PROGRAM	16,695.50
202	ASSESSMENT DISTRICT #73	-
301	CAPITAL IMPROVEMENT FUND	2,531.00
302	INFRASTRUCTURE REPLACEMENT FUND	-
405	FACILITIES MAINTENANCE	-
501	WATER UTILITY FUND	3,190.89
502	WASTEWATER FUND	3,037.65
503	GOLF COURSE FUND	1,600.00
505	SOLID WASTE FUND	-
601	EQUIPMENT REPLACEMENT	36,200.00
602	LIABILITY INSURANCE	140.00
603	WORKERS COMP. RESERVE/INSURANCE	-
701	RETIRED EMP. INSURANCE	-
702	EXPENDABLE TRUST FUND - DEVELOPER FEES	285.66
703	EXPENDABLE TRUST FUND - OTHER	5,379.75
704	CULTURAL DEVELOPMENT	600.00
708	OUTSIDE SERVICES TRUST	25,468.50
	TOTAL WARRANTS	\$ 414,349.12 ✓

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

[Signature]
10-25-2021

CITY MANAGER

[Signature]
10-25-21

DATE:

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
 PAYMENTS BY WIRE TRANSFER
 10/18/21 THROUGH 10/24/21**

<u>Date</u>	<u>Payee</u>		<u>Description</u>
10/18/2021	IRS	262,262.86	Federal 941 Deposit
10/18/2021	Employment Development	4,911.20	State SDI payment
10/18/2021	Employment Development	61,076.52	State PIT Withholding
10/20/2021	Cal Pers	13,278.47	EFT Retirement Safety-Fire-PEPRA New 25020
10/20/2021	Cal Pers	29,251.95	EFT Retirement Safety-Police-PEPRA New 25021
10/20/2021	Cal Pers	43,028.71	EFT Retirement Misc - PEPRA New 26013
10/20/2021	Cal Pers	45,978.09	EFT Retirement Misc - Classic 27
10/20/2021	Cal Pers	68,079.23	EFT Retirement Safety Police Classic - 1st Tier 28
10/20/2021	Cal Pers	58,451.09	EFT Retirement Safety Fire- Classic 30168
10/20/2021	Cal Pers	3,451.60	EFT Retirement Sfty Police Classic-2nd Tier 30169
10/22/2021	ExpertPay	1,763.42	EFT Child support payment
10/11/21-10/17/21	Workers Comp Activity	26,569.26	SCRMA checks issued
10/11/21-10/17/21	Liability Trust - Claims	8,617.90	Claim checks issued/(voided)
10/11/21-10/17/21	Retiree Health Insurance	0.00	Health Reimbursement checks issued
		<u>626,720.30</u>	

DATE OF RATIFICATION: 10/25/21

TOTAL PAYMENTS BY WIRE:

626,720.30

Certified as to the accuracy of the wire transfers by:

AD 10/25/21
 Treasury & Customer Services Manager Date

10-25-2021
 Chief Financial Officer Date

10-25-21
 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 DEPARTMENT
 AS OF 11/02/21
 REGISTER # 8B

DEPT#	NAME	TOTAL
GENERAL FUND DEPARTMENTAL EXPENDITURES		
GENERAL GOVERNMENT		
1101	City Council	
1201	City Treasurer	
1300	City Clerk	
2101	City Manager	14,544.70
2102	Communications	24,965.58
2201	City Attorney	
2401	Economic Development	37,123.87
2402	Planning	
2500	Administrative Services	51,617.10
2601	Government Buildings	49,450.77
2700	Community Outreach/Planning	5,901.40
2900	Nondepartmental	
6100	Library	46,050.25
		<u>7,149.98</u>
		236,803.65
PUBLIC SAFETY		
3100	Police	21,427.16
3200	Fire	26,243.44
2403	Building Safety	5,292.00
2404	Plng/Bldg Sfty Administration	752.60
		<u>752.60</u>
		53,715.20
PUBLIC WORKS		
4101	Engineering	16,151.84
4200	Streets/Park Maintenance	28,509.87
4300	Wastewater	3,037.65
4601	Equipment Maintenance	2,143.87
4801	Administration	
		<u>49,843.23</u>
COMMUNITY DEVELOPMENT		
5100,5200	Recreation & Parks	12,754.70
5400	Centennial	
		<u>12,754.70</u>
EXPENDITURES		
CAPITAL IMPROVEMENT		2,531.00
ALL OTHER ACCOUNTS		58,701.34
TOTAL WARRANTS		<u><u>414,349.12</u></u> ✓



City Council Agenda Statement

Meeting Date: November 2, 2021

Agenda Heading: Consent

Item Number: B.7

TITLE:

Adopt Resolution to Allow Public Meetings to Continue to be Conducted via Teleconferencing Pursuant to Assembly Bill No. 361

RECOMMENDATION:

Adopt Resolution.

FISCAL IMPACT:

None

BACKGROUND:

In order to address the expiration of the Governor's Orders regarding teleconferencing, effective September 16, 2021, Assembly Bill No. 361 ("AB 361") took effect which, among other things, amends certain provisions of the Ralph M. Brown Act ("Brown Act") governing open meetings to allow teleconferencing, including internet-based video conferencing, in a manner similar to previously issued gubernatorial executive orders.

DISCUSSION:

The proposed Resolution would make the requisite findings for the City Council to continue using teleconferencing protocols for its public meetings, subject to certain notice, access, and participation requirements. It would also

- Require the City Council to reconsider the state of emergency conditions and consider whether certain findings can be made to support continued use of teleconferencing procedures;

Resolution to Conduct Public Meetings via Teleconferencing

November 2, 2021

Page 2 of 2

- Prohibit all Brown Act-subject City legislative bodies, including applicable commissions, committees, and boards, from meeting exclusively in person except as determined by the City Manager or until the Council provides further direction in the future; and

Direct all such Brown Act-subject City legislative bodies, including applicable commissions, committees, and boards, to consider the adoption of findings allowing for continued use of teleconferencing procedures.

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.

PREPARED BY:

Tracy Weaver, City Clerk

REVIEWED BY:

Tracy Weaver, City Clerk

APPROVED BY:

Barbara Voss, Deputy City Manager

ATTACHED SUPPORTING DOCUMENTS:

1. Resolution - AB361 Extension

RESOLUTION NO. _____ -

A RESOLUTION OF THE CITY COUNCIL OF CITY OF EL SEGUNDO FINDING THAT CERTAIN CONDITIONS EXIST TO CONTINUE CONDUCTING PUBLIC MEETINGS VIA TELECONFERENCING PURUSANT TO ASSEMBLY BILL NO. 361 AND DIRECTING CITY COMMITTEES, COMMISSIONS, AND BOARDS TO TAKE CERTAIN ASSOCIATED ACTIONS.

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

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

- A. On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to the threat of the COVID-19 pandemic.
- B. This gubernatorial proclamation, among other things, suspended local government emergency declaration, reporting, and extension requirements of Government Code § 8630 for the duration of the COVID-19 pandemic.
- C. Effective September 16, 2021, Assembly Bill No. 361 (“AB 361”) took effect which, among other things, amends certain provisions of the Ralph M. Brown Act (“Brown Act”) governing open meetings to allow teleconferencing, including internet-based video conferencing, in a manner similar to previously issued gubernatorial executive orders.
- D. During a proclaimed state of emergency, AB 361 allows a legislative body, like the City Council, to continue utilizing teleconferencing to conduct public meetings under certain circumstances, provided the legislative body makes certain findings.
- E. On October 6, 2021, the City Council adopted a resolution making certain findings to continue meeting via teleconferencing pursuant to AB 361 and seeks to make additional findings under Government Code § 54953(e) to continue such teleconferencing use.

SECTION 2: *Teleconferencing*

- A. Pursuant to Government Code § 54953(e), the City Council has reconsidered the circumstances of the state of emergency finds as follows:
 - 1. The state of California continues to be in a declared state of emergency pursuant to Government Code § 8625 (the California Emergency Services Act; see Government Code § 54953(e)(3);

see *also* Governor’s Proclamation dated March 4, 2020), which ;
and

2. Based upon the most recent Order of the Health Officer for County of Los Angeles Department of Public Health (dated September 17, 2021 and effective October 7, 2021), masks and social distancing continue to be necessary to curb the spread of COVID-19 (Government Code § 54953(e)(3)(B)(ii)).

B. Accordingly, to protect public health and safety the City Council:

1. finds that it is in the public interest to conduct public meetings of its legislative bodies via teleconference as defined by Government Code § 54953;
2. prohibits all Brown Act-subject City legislative bodies, including applicable commissions, committees, and boards, from meeting exclusively in person, except as determined by the City Manager or until the City Council provides further direction in the future; and
3. directs all such Brown Act-subject City legislative bodies, including applicable commissions, committees, and boards, to consider the adoption of findings allowing for its conduct public meetings via teleconference as defined by Government Code § 54953 at any meeting occurring after the date of this Resolution.

C. The City Council will adhere to all requirements of Government Code § 54953 governing teleconferencing during the emergency including, without limitation, posting agendas; allowing for real-time public comment via either call-in or internet-based; allowing for written communications that will be either read or summarized into the record during the meeting as determined by the City Council; and protecting the statutory and constitutional rights of all persons appearing before the legislative body. No physical location will be provided for persons wishing to provide real-time public comment.

SECTION 3: Reporting. Every 30 days following adoption of this Resolution, the City Council will reconsider the extension of the teleconferencing method of public meetings in accordance with Government Code § 54953(e)(3). Such determinations may be placed on the consent calendar.

SECTION 4: Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 5: Recordation. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council and the City Clerk, or duly appointed deputy, may attest thereto.

SECTION 6: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this ____ day of _____, 2021.

Drew Boyles,
Mayor

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Tracy Weaver,
City Clerk

APPROVED AS TO FORM:

Mark D. Hensley,
City Attorney



City Council Agenda Statement

Meeting Date: November 2, 2021

Agenda Heading: Consent

Item Number: B.8

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 nonresponsive.
2. Reject CEM Construction Corporation's bid as nonresponsive.
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.
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: 501-400-7103-8206 (Water Enterprise Fund Infrastructure)

501-400-7103-8207 (Water Enterprise Fund Water Main)

Water Main on Grand Avenue Award Contract

November 2, 2021

Page 2 of 4

BACKGROUND:

On June 15, 2021, 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 improvements would also include replacement of service lines and resurfacing of Grand Avenue within the city limits. On August 24, 2021, the City Clerk received and opened five bids as follows:

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

At the October 19, 2021 City Council meeting, staff recommended to the City Council to consider Cedro Construction, Inc.'s bid as nonresponsive and reject this bid since the contractor's registration with Department of Industrial Relations ("DIR") had expired at the time of the bid opening of Aug 24, 2021. At this meeting, a representative of Cedro Construction, Inc. requested City Council reconsider the recommendation made by staff and claimed that there was an issue with obtaining its registration online, but eventually the company was able to reinstate its registration with DIR. The City Council asked staff to look into this claim and report back. Staff contacted DIR and thoroughly examined the situation and concluded that the contractor made an attempt to obtain its registration on June 2, 2021, but failed to pay the fee and consequently the application was deemed incomplete, pending payment. Further, there was no issue regarding DIR online registration and the system was functioning properly. The contractor paid the fee, plus \$400 in penalties, on September 1, 2021 and was able to reinstate its registration. Based on this information, Staff stands in its original position and recommends the rejection of this bid since the contractor did not have a valid DIR registration at the time of bid opening. The City Attorney has reviewed this matter and agrees with the staff recommendation.

DISCUSSION:

Staff recommends that the City Council reject Cedro Construction, Inc.'s bid as nonresponsive, 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.

Water Main on Grand Avenue Award Contract

November 2, 2021

Page 3 of 4

Staff also recommends the City Council reject CEM Construction Corporation's bid due to its failure to provide the requisite references called for in the Project's Notice Inviting Bids ("NIB"). 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 § 10108, a bid is "responsive" if it promises to provide what the bidding instructions require. NIB § 13.2 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 its failure to provide the requisite number of references, the CEM Construction Corporation's bid was considered nonresponsive. As stated previously, 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.

On August 24, 2021, Public Works staff received two proposals from Wallace & Associates, Inc., and NV5, Inc. for construction management and inspection services for the 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. 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, with substantial completion 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.

Water Main on Grand Avenue Award Contract
November 2, 2021
Page 4 of 4

PREPARED BY:

Floriza Rivera, Principal Civil Engineer

REVIEWED BY:

Elias Sassoon, Public Works Director

APPROVED BY:

Barbara Voss, Deputy City Manager

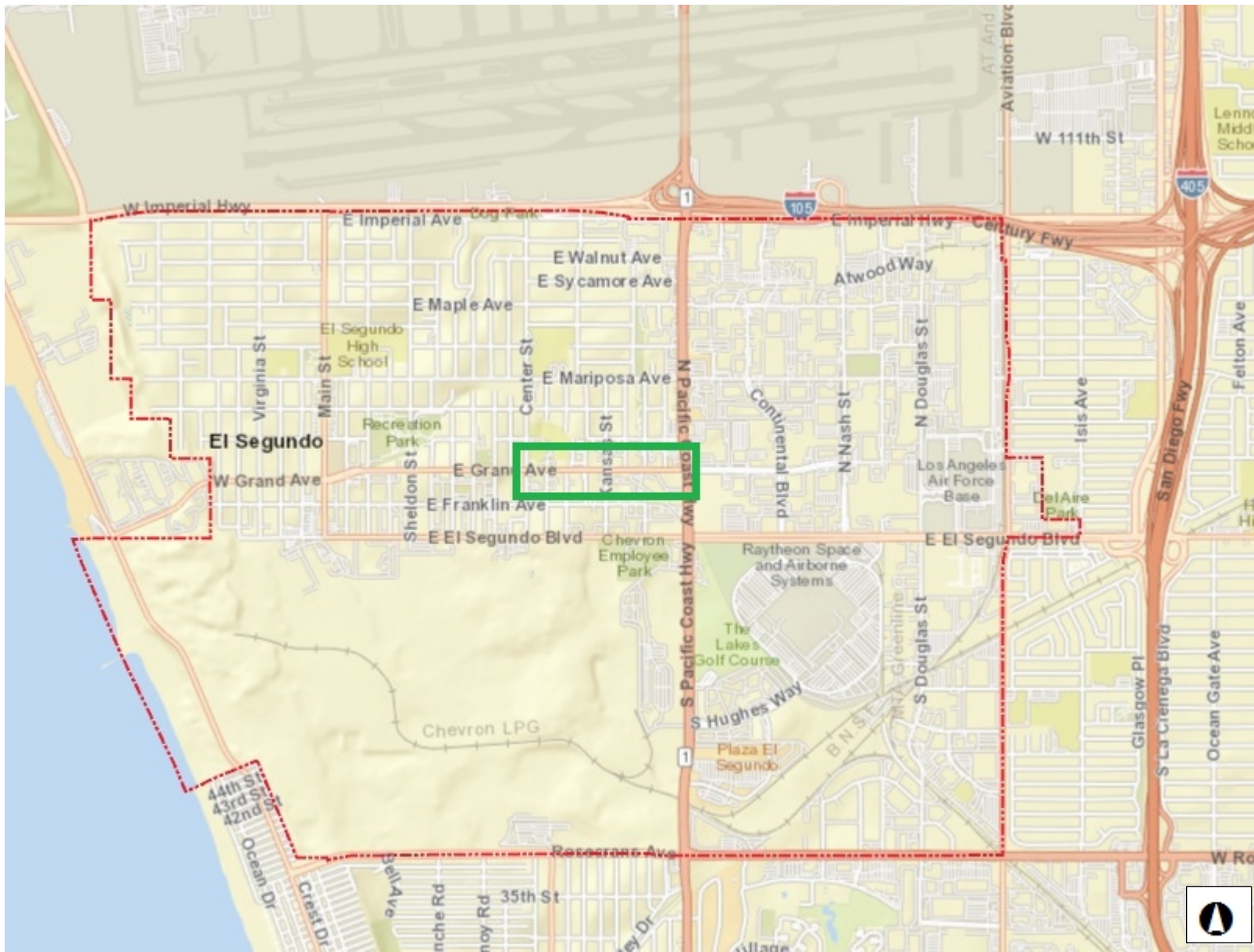
ATTACHED SUPPORTING DOCUMENTS:

1. Vicinity Map PW 21-05
2. Location Map PW 21-05



Vicinity Map

Water Main Improvements Project on Grand Avenue



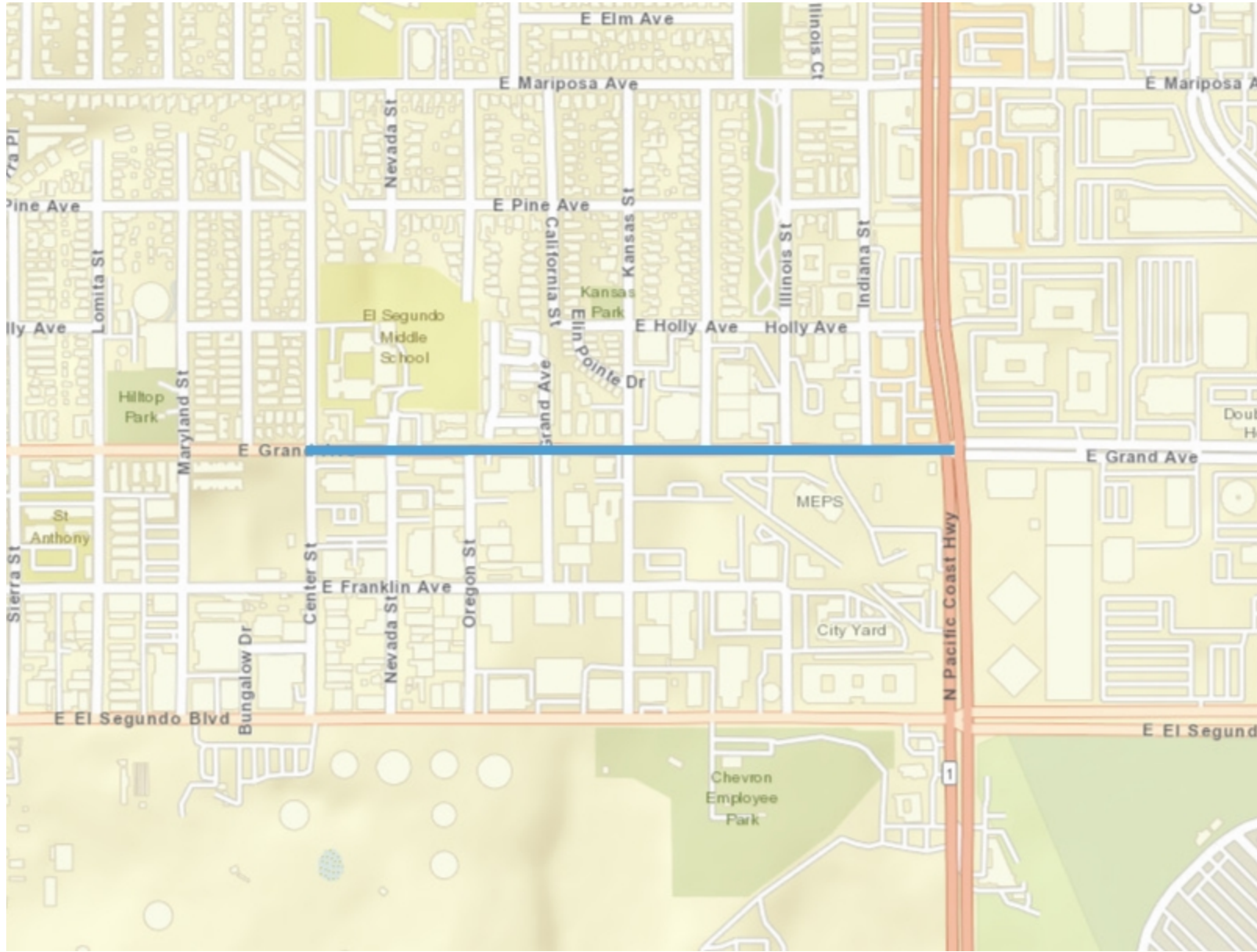
6,018.7 | 0 | 3,009.33 | 6,018.7 Feet

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 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.



City Council Agenda Statement

Meeting Date: November 2, 2021

Agenda Heading: Consent

Item Number: B.9

TITLE:

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 16, 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 El Segundo Municipal Code ("ESMC").

BACKGROUND:

On October 19, 2021, the City Council conducted a public hearing considering adoption of an ordinance amending the discretionary permit processes in the ESMC Title 15/Zoning Code (staff report attached). After a discussion on the item, the City Council

Zone Text Amendment – Zoning Processes

November 2, 2021

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directed staff to make revisions to the ordinance and schedule it for re-introduction and first reading on November 2, 2021.

DISCUSSION:

The City Council directed staff to make the following changes:

- Off-site parking covenants. Require all off-site parking covenants to be reviewed and approved by the Development Services Director. In addition, clarify that the Director may, at his discretion, refer off-site parking covenants to the Planning Commission for review and approval (Section 9, page 10 of the ordinance).
- Conditional use permits for bars. Require conditional use permits for bars to be reviewed and approved by the City Council (Section 24, page 48 of the ordinance).

The revised ordinance (attached) reflects the above changes requested by the City Council. If no other changes are needed and the ordinance is introduced on November 2, 2021, it will be scheduled for second reading and adoption at the November 16, 2021 City Council meeting.

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

Zone Text Amendment – Zoning Processes
November 2, 2021
Page 3 of 3

ATTACHED SUPPORTING DOCUMENTS:

1. EA 1240 - Draft Ordinance 11-2-2021
2. Oct 19 2021 City Council Report

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**~~
- ~~**15-14-4: DESIGNATION OF CULTURAL RESOURCES**~~
- ~~**15-14-5: LIST OF DESIGNATED CULTURAL RESOURCES**~~
- ~~**15-14-6: DESIGNATED CULTURAL RESOURCES; CERTIFICATE OF APPROPRIATENESS**~~
- ~~**15-14-7: PROCEDURE AND CRITERIA; AUTHORITY TO GRANT CERTIFICATE OF APPROPRIATENESS**~~
- ~~**15-14-8: CERTIFICATE OF APPROPRIATENESS CRITERIA AND CRITERIA EXEMPTIONS**~~
- 15-14-9: DUTY TO KEEP IN GOOD REPAIR**
- 15-14-10: ORDINARY MAINTENANCE AND REPAIR**
- 15-14-11: EMERGENCY WORK ON DESIGNATED CULTURAL RESOURCES:**
- 15-14-12: ENFORCEMENT AND PENALTIES**

* * * * *

15-14-2: AUTHORITY OF PLANNING COMMISSION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Procedure:

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

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

- BA.** ~~Criteria; Alteration, Construction 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/**authority**: 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. **The parking covenant may include such conditions as the Director may lawfully impose. The Director may refer decisions on off-site parking requests to the Planning Commission at his discretion.**~~
 - 2. ~~Director Review: The Director may review off site parking covenants for a maximum of twenty (20) parking spaces or twentypercent (20%) of the required number of parking spaces, whichever is more. The parking covenant may include such conditions as the Director may lawfully impose.~~
 - 3. ~~Planning Commission Review: The Planning Commission must review all off site parking covenants for more spaces than the Director is authorized to approve. The parking covenant may include such conditions as the Planning Commission may lawfully impose.~~

43. Off-Site Parking Findings ~~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:

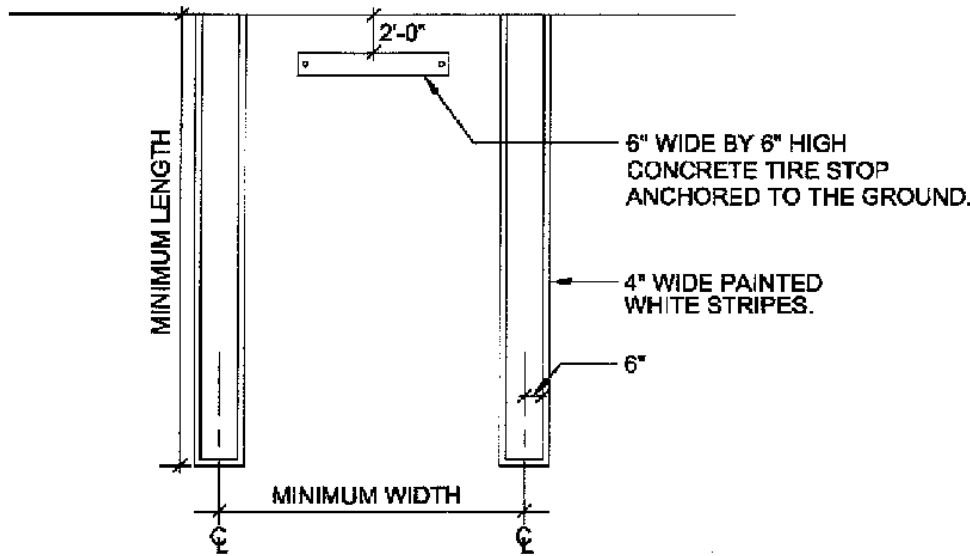
A. Access ~~And~~ and Circulation

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 anya required front yard or front two-thirds of anya required side yard.~~

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

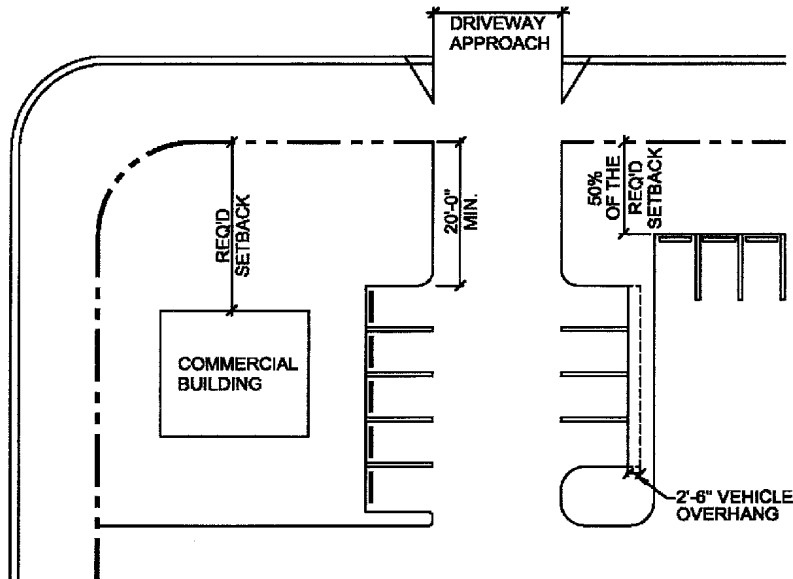
2. Nonresidential Spaces:

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

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

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

FIGURE 2 - PARKING SPACE LOCATION

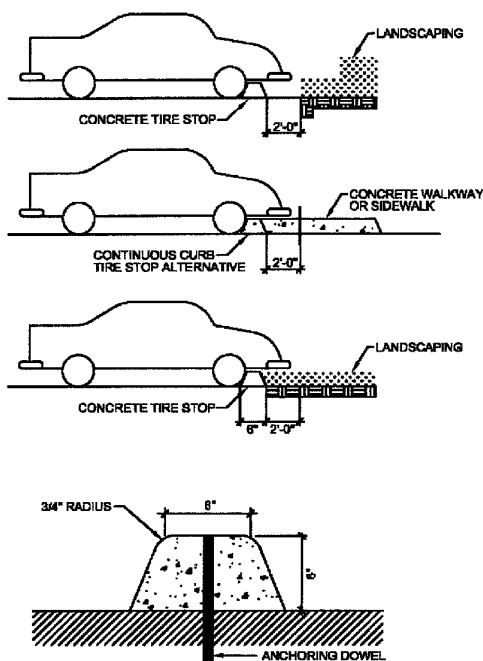


- E. Parking Lot Slope: The maximum slope for parking lots is five percent (5%). The Director of Planning and Building Safety may approve administrative adjustments from the parking lot slope standard as provided in chapter 24, "Adjustments", **Chapters 22 and 23** of this title.
- F. Tire Stops:
1.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

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

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

FIGURE 3 - TIRE STOP DESIGN AND LOCATION



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

G. Lighting:

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

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

Space Type	Minimum Width	Minimum Length
Commercial standard	8.5 feet	18 feet
Residential standard	9 feet	20 feet
Residential - narrow lots ¹	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

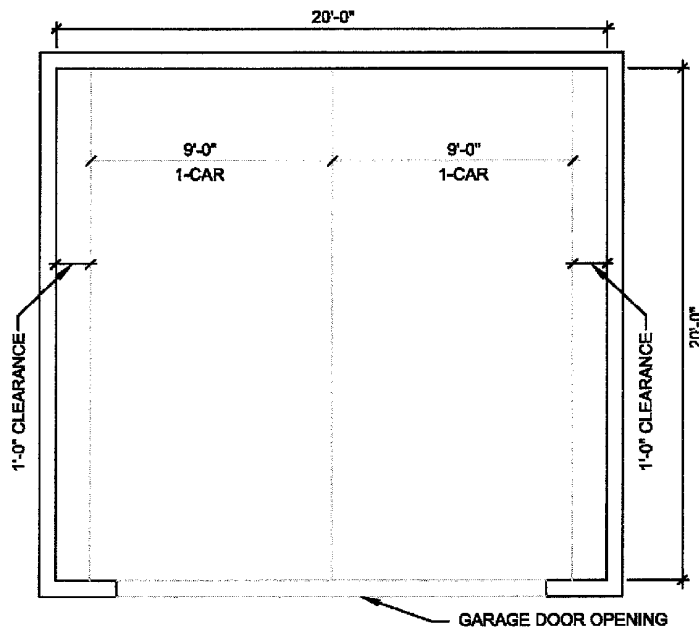
Notes:

- 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 ¹
Multiple-family residential	Prohibited ²	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.

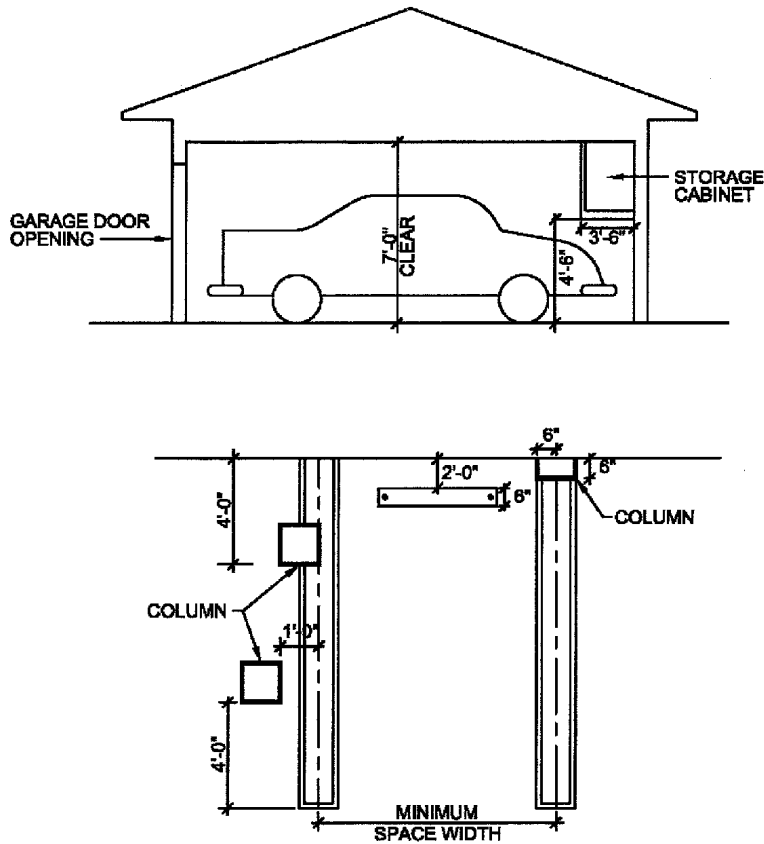
The Director may approve ~~tandem parking and/or administrative adjustments to the tandem parking standards as provided in chapter 24, "Adjustments", of this title,~~ **required number and standards for tandem parking spaces as provided in Chapters 22 and 23 of this title,** subject to conditions. The 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**olumns, or similar obstructions may project six inches (6") into the front end corners of a parking space.
3. Disabled Access: Where necessary to comply with the Americans ~~W~~**it**h Disabilities Act (ADA), ~~†~~**T**itle III and California Code of Regulations ~~(CCR)~~, California Access Code, ~~†~~**T**itle 24, parking facilities may deviate from the parking clearance and obstructions standards.

FIGURE 5 - REQUIRED CLEARANCE AND PERMITTED OBSTRUCTIONS

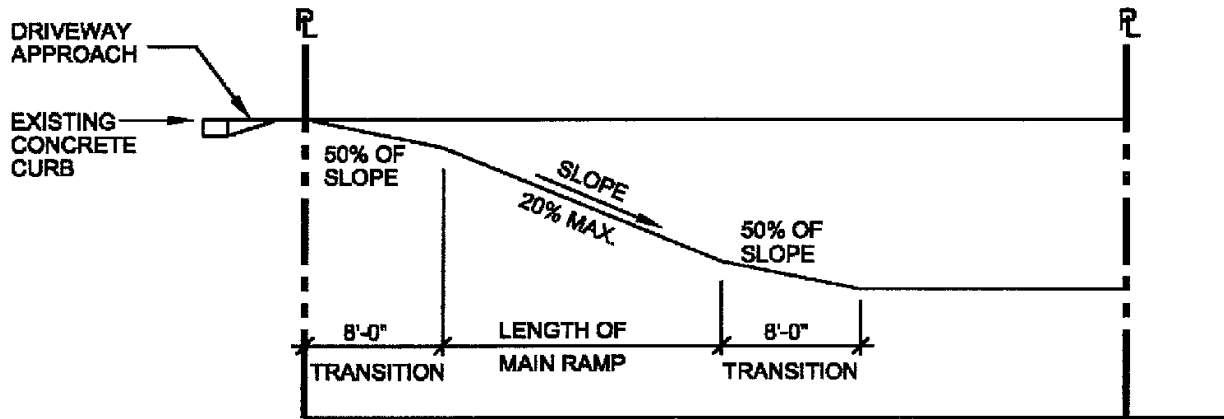


4. The Director of ~~Planning and Building Safety~~ may approve adjustments to the parking clearance and obstructions standards as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.

M. Vehicle Ramps:

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

FIGURE 6 - VEHICLE RAMP DESIGN



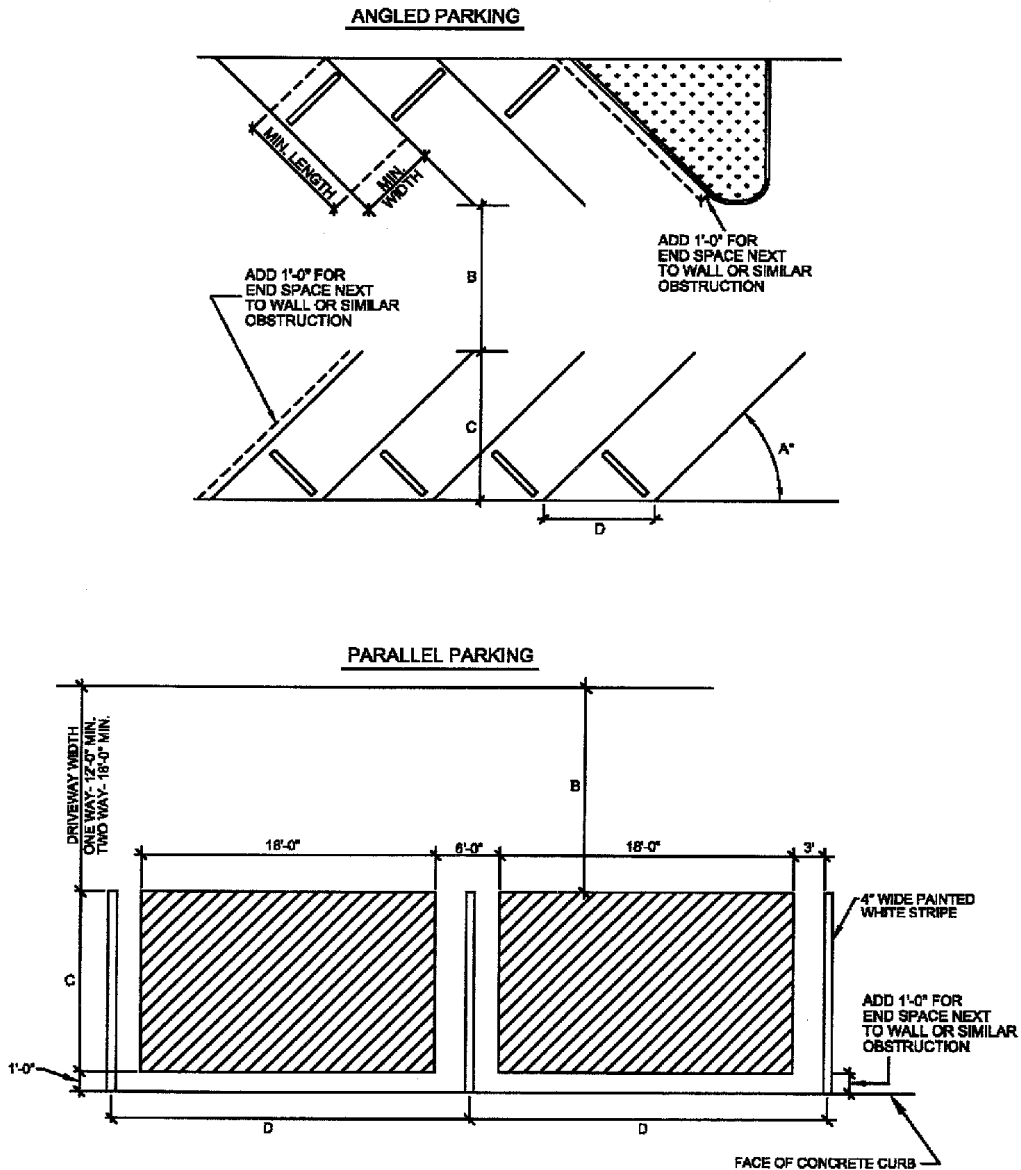
The Director of Planning and Building Safety may approve administrative adjustments to the vehicle ramps standards as provided in chapter 24, "Adjustments", **Chapters 22 and 23** of this title.

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 ANGLE¹
 (STANDARD PARKING SPACES ONLY)¹

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

Note:

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

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

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

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

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

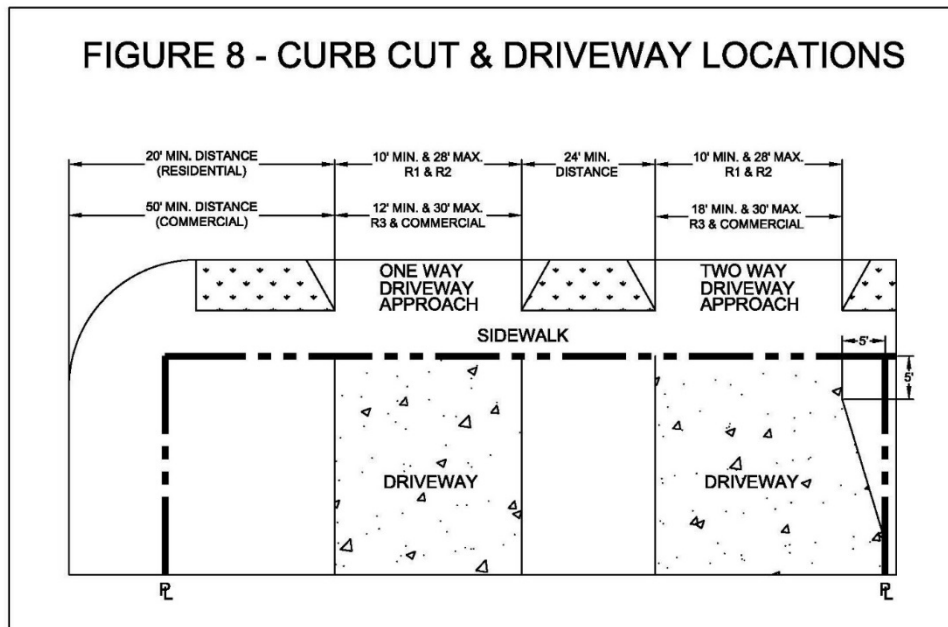
Note:

1. Curb cut width excludes the width of aprons.

2. Curb Cut Locations:

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

FIGURE 8 - CURB CUT AND DRIVEWAY LOCATIONS

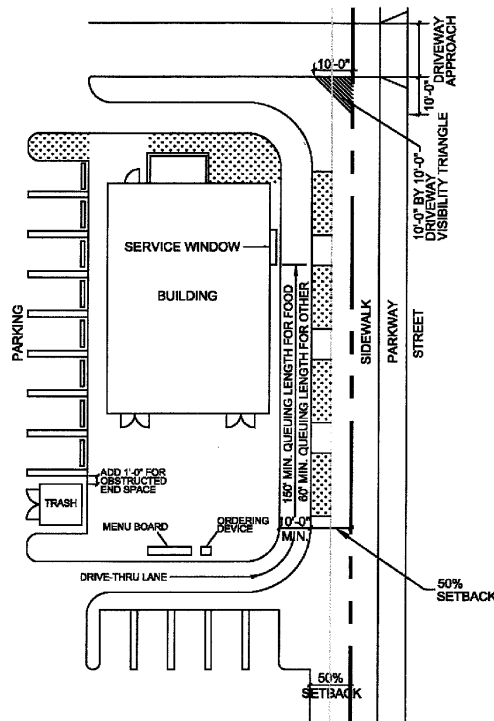


3. ~~Adjustment Approval:~~ The Director may approve administrative adjustments to the driveway and curb cut standards as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.
- P. ~~Corner Clearance And~~ **and** Driveway Visibility:
 - ~~4.~~ All parking areas must meet the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

DRIVE-THROUGH LANE DIMENSIONS

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

FIGURE 9 - DRIVE-THROUGH FACILITIES



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

R. Parking Structure Standards:

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

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

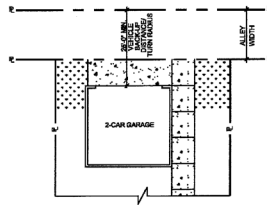
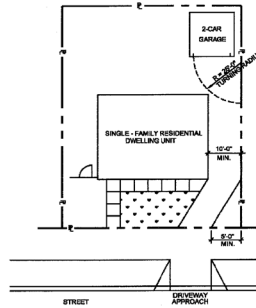
Use	Minimum Parking Enclosure
Single- and two-family dwellings	Fully enclosed garage
Multiple-family dwellings	Covered structure enclosed on 3 sides
Guest parking spaces	May be uncovered and unenclosed

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:
 - a. The vehicle lift must be located only within a fully enclosed garage.
 - b. A vehicle lift may only be used to store two ~~(2)~~ vehicles vertically where a minimum vertical height clearance from the floor to the ceiling plate of the garage is a minimum of ~~fourteen~~ **14** feet ~~(14')~~ clear of obstructions.
 - c. A vehicle lift must be designed and used as a designated parking space for use only by occupants in the same dwelling unit as the parking space located directly below the vehicle lift.
 - ~~d. A vehicle lift must be permitted only with a key locking mechanism.~~
 - ed.** A vehicle lift must be permitted only if it is operated with an automatic shutoff safety device and is installed in accordance to manufacturer specifications.

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

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

15-15-6: REQUIRED PARKING SPACES:

The number of on-site parking spaces required for the establishment of a building or use must be provided and thereafter maintained at the ratios set forth below. For uses not listed, the required number of spaces will be determined by the ~~Director~~**Director** ~~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. 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 ~~the~~ Number Of ~~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.~~ **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	10-feet	20-feet	7-feet
Small truck	12-feet	25-feet	14-feet
Large truck	13-feet	50-feet	16-feet

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

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

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. Conditional Use Permit for onsite sale and consumption of alcohol at bars.
 2. Density Bonus Agreement.
 3. Development Agreement.
 4. Final Map/Subdivision.

5. General Plan Amendment.
 6. Historic Resource Designation as set forth in Chapter 14 of this Title.
 7. Precise Plan Amendment.
 8. Zoning Text Amendment.
 9. Change of Zoning District.
 10. Applications referred to the City Council by the Planning Commission.
 11. 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 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



City Council Agenda Statement

Meeting Date: October 19, 2021

Agenda Heading: Public Hearings

Item Number: C.8

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

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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

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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

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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.

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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**~~
- ~~**15-14-4: DESIGNATION OF CULTURAL RESOURCES**~~
- ~~**15-14-5: LIST OF DESIGNATED CULTURAL RESOURCES**~~
- ~~**15-14-6: DESIGNATED CULTURAL RESOURCES; CERTIFICATE OF APPROPRIATENESS**~~
- ~~**15-14-7: PROCEDURE AND CRITERIA; AUTHORITY TO GRANT CERTIFICATE OF APPROPRIATENESS**~~
- ~~**15-14-8: CERTIFICATE OF APPROPRIATENESS CRITERIA AND CRITERIA EXEMPTIONS**~~
- 15-14-9: DUTY TO KEEP IN GOOD REPAIR**
- 15-14-10: ORDINARY MAINTENANCE AND REPAIR**
- 15-14-11: EMERGENCY WORK ON DESIGNATED CULTURAL RESOURCES:**
- 15-14-12: 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:

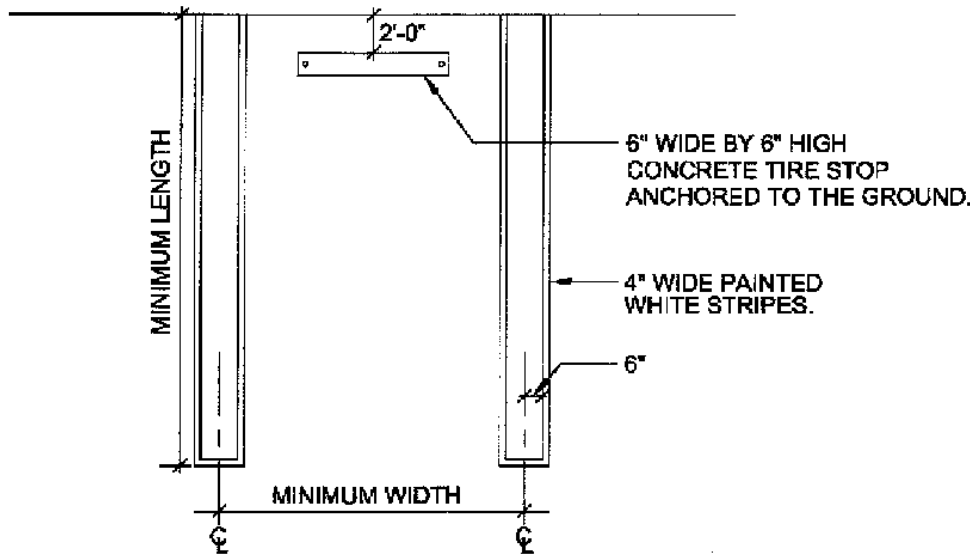
A. Access ~~And~~ and Circulation

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 anya required front yard or front two-thirds of anya 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.~~

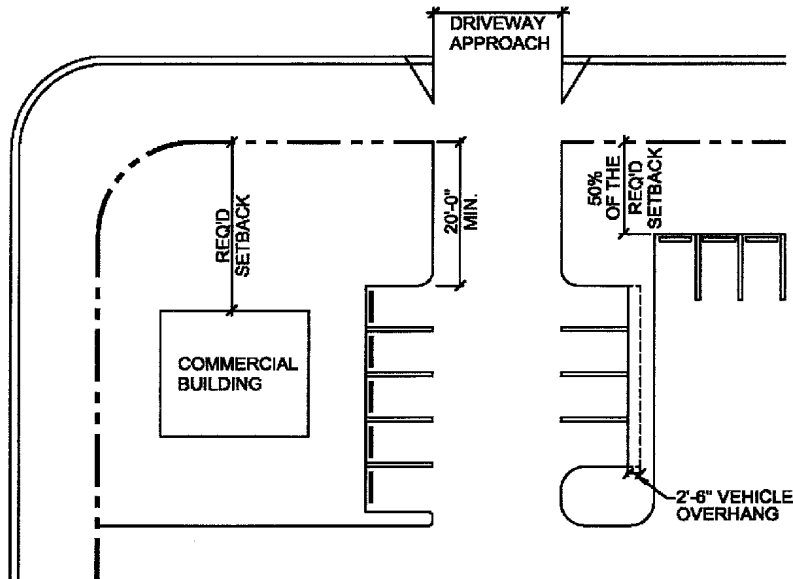
2. Nonresidential Spaces:

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

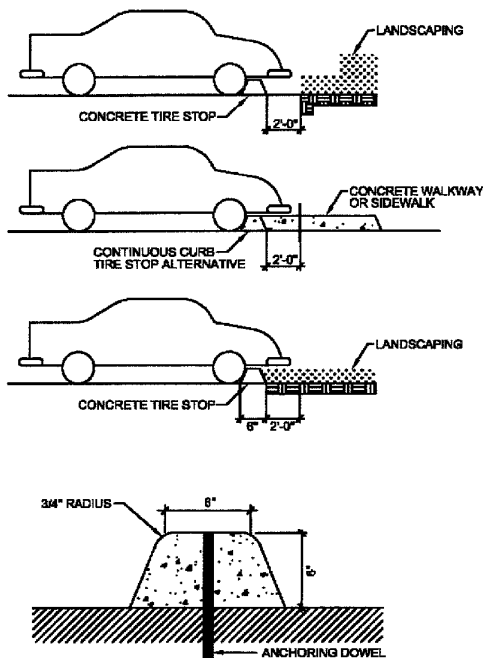


- E. Parking Lot Slope: The maximum slope for parking lots is five percent (5%). The Director of Planning and Building Safety may approve administrative adjustments from the parking lot slope standard as provided in chapter 24, "Adjustments", **Chapters 22 and 23** of this title.
- F. Tire Stops:
1. ~~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** 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 ¹	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

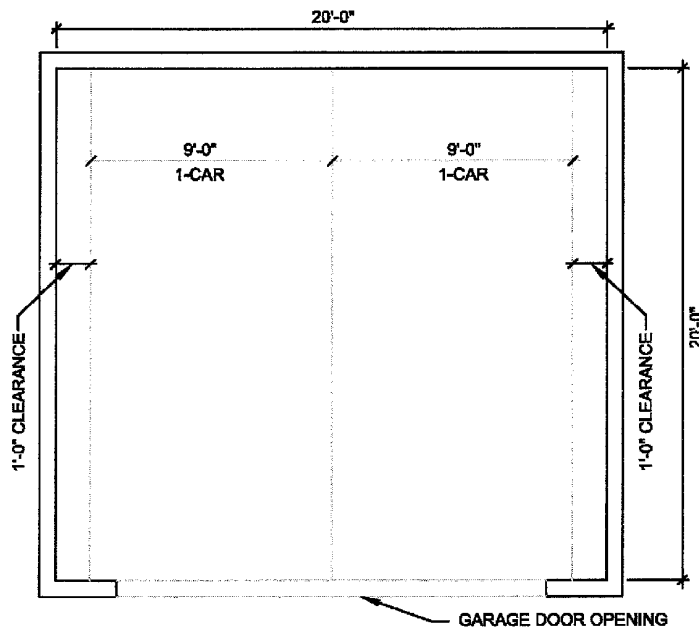
Notes:

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 ¹
Multiple-family residential	Prohibited ²	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.

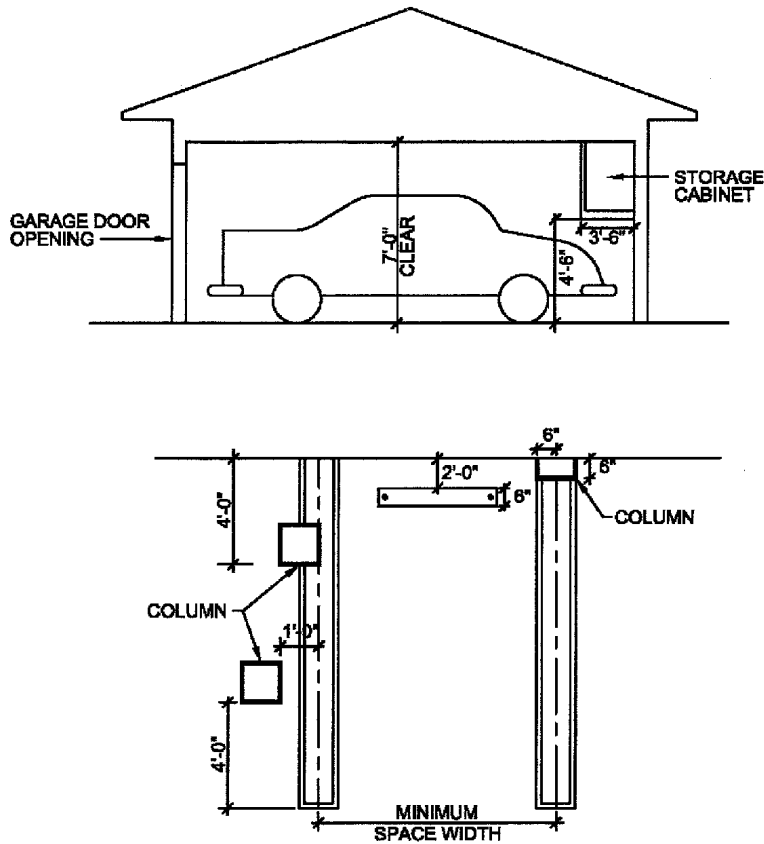
The Director may approve tandem parking and/or administrative adjustments to the ~~tandem parking standards as provided in chapter 24, "Adjustments", of this title,~~ **required number and standards for tandem parking spaces as provided in Chapters 22 and 23 of this title,** subject to conditions. The 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

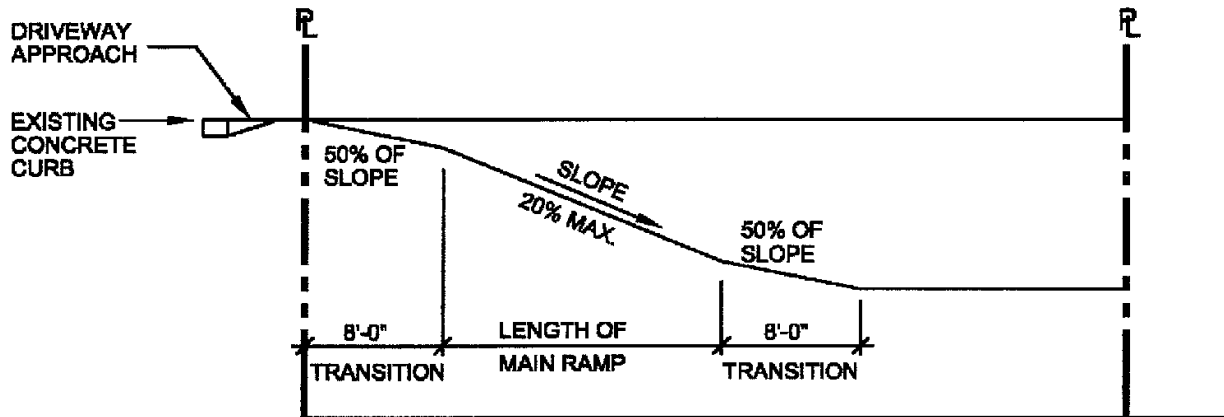


4. ~~The Director of Planning and Building Safety may approve adjustments to the parking clearance and obstructions standards as provided in chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.

M. Vehicle Ramps:

Ramp Maximum slope	20 percent maximum
Transitions required slopes	Required at At each end of ramps that exceed a 6 percent slope
Minimum transition length	8 feet minimum
Slope of transition slope	At least 50 percent of the main ramp slope

FIGURE 6 - VEHICLE RAMP DESIGN



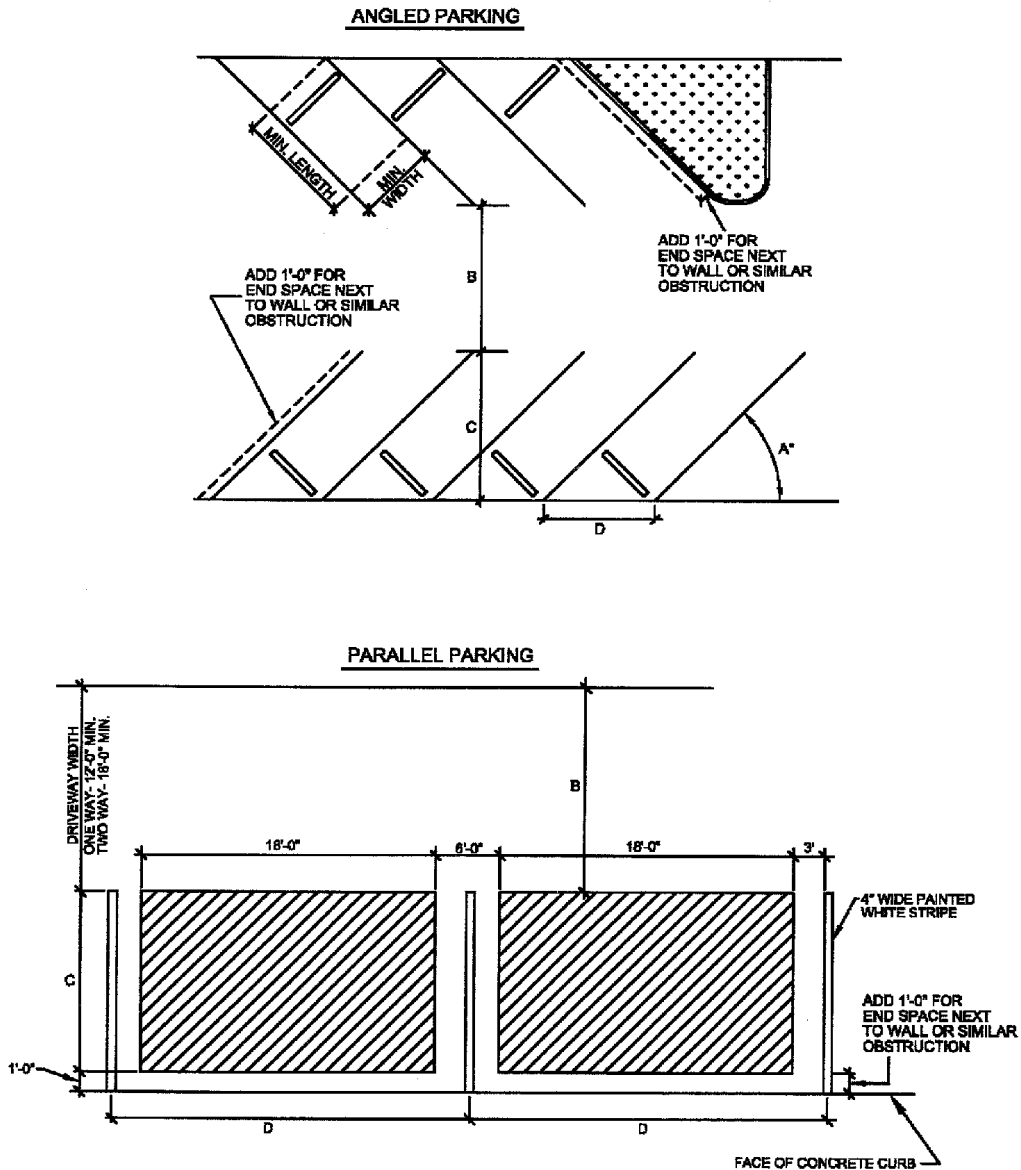
The Director of Planning and Building Safety may approve administrative adjustments to the vehicle ramps standards as provided in chapter 24, "Adjustments", **Chapters 22 and 23** of this title.

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 ANGLE¹
 (STANDARD PARKING SPACES ONLY)¹

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

Note:

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

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

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

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

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

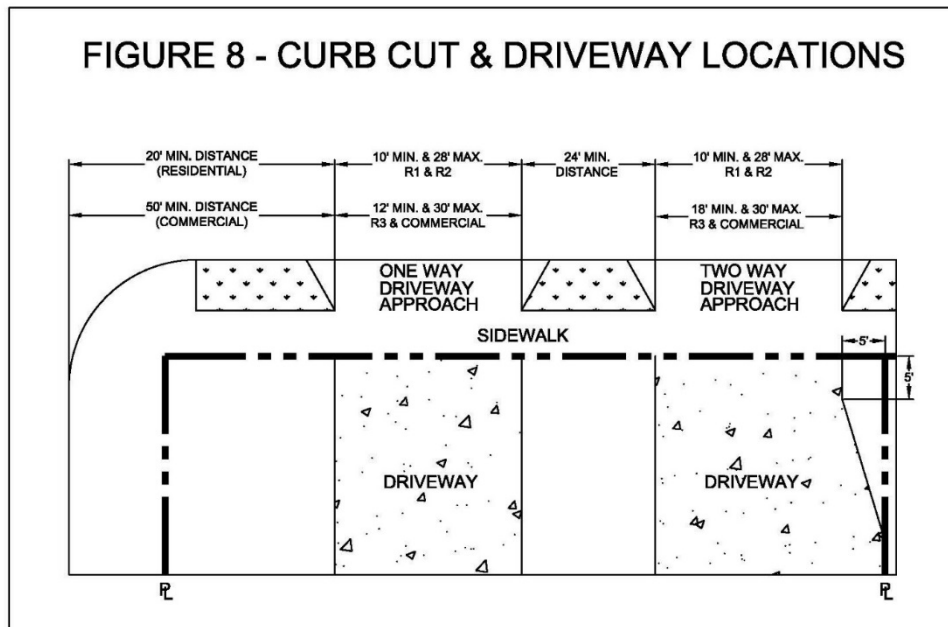
Note:

1. Curb cut width excludes the width of aprons.

2. Curb Cut Locations:

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

FIGURE 8 - CURB CUT AND DRIVEWAY LOCATIONS

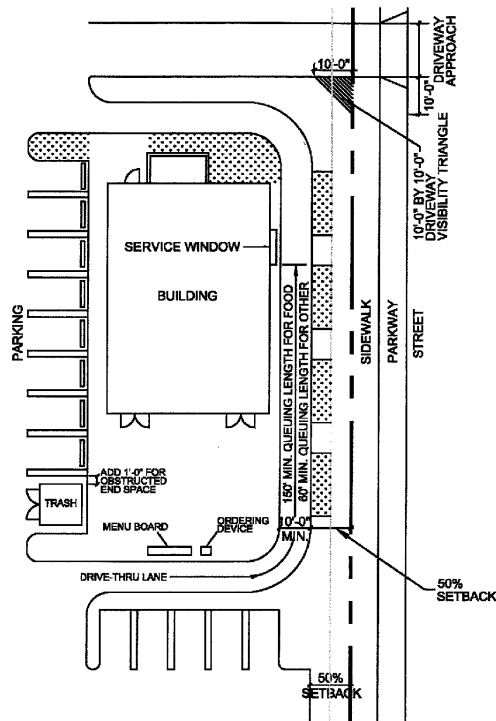


3. ~~Adjustment Approval:~~ The Director may approve administrative adjustments to the driveway and curb cut standards as provided in ~~chapter 24, "Adjustments",~~ **Chapters 22 and 23** of this title.
- P. ~~Corner Clearance And~~ **and** Driveway Visibility:
 - ~~4.~~ All parking areas must meet the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

DRIVE-THROUGH LANE DIMENSIONS

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

FIGURE 9 - DRIVE-THROUGH FACILITIES



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

R. Parking Structure Standards:

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

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

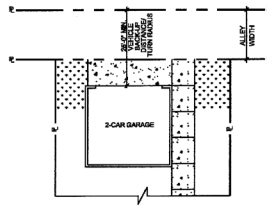
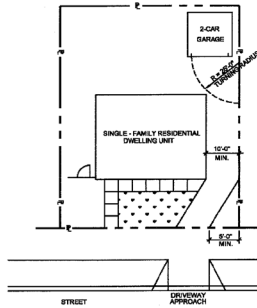
Use	Minimum Parking Enclosure
Single- and two-family dwellings	Fully enclosed garage
Multiple-family dwellings	Covered structure enclosed on 3 sides
Guest parking spaces	May be uncovered and unenclosed

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~~ subject to the following:
 - a. The vehicle lift must be located only within a fully enclosed garage.
 - b. A vehicle lift may only be used to store two ~~(2)~~ vehicles vertically where a minimum vertical height clearance from the floor to the ceiling plate of the garage is a minimum of ~~fourteen~~ **14** feet ~~(14')~~ clear of obstructions.
 - c. A vehicle lift must be designed and used as a designated parking space for use only by occupants in the same dwelling unit as the parking space located directly below the vehicle lift.
 - ~~d. A vehicle lift must be permitted only with a key locking mechanism.~~
 - ed.** A vehicle lift must be permitted only if it is operated with an automatic shutoff safety device and is installed in accordance to manufacturer specifications.

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

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

15-15-6: REQUIRED PARKING SPACES:

The number of on-site parking spaces required for the establishment of a building or use must be provided and thereafter maintained at the ratios set forth below. For uses not listed, the required number of spaces will be determined by the ~~Director~~**Director** ~~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. 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~~ **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.~~ **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	10-feet	20-feet	7-feet
Small truck	12-feet	25-feet	14-feet
Large truck	13-feet	50-feet	16-feet

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

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

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.

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.

Table 1: Summary of Existing Administrative Discretionary Permits						
Permit type	Findings	Director Hearing	Public Notification	Notification Radius	Planning Commission Review	City Council Review
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.

Table 2: Summary of <u>Proposed</u> Administrative Discretionary Permits						
Permit type	Findings	Director Hearing	Public Notification	Notification Radius	Planning Commission Review	City Council Review
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.

Table 4: Summary of <u>Proposed</u> Planning Commission Discretionary Permits						
Permit type	Findings	Director Hearing	Public Notification	Notification Radius	Planning Commission Review	City Council Review
Conditional Use Permits	Yes	No	Yes	Owners – 300’ and occupants – 150’	Yes	No
<i>Conditional Use Permit for bars*</i>						
Variiances						
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 ^{AS}
REVIEWED BY: Denis Cook, Planning Consultant ^{DC}
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: November 2, 2021

Agenda Heading: Staff Presentations

Item Number: D.10

TITLE:

Adopt Resolutions Amending City Contributions for CalPERS Medical Premiums

RECOMMENDATION:

Adopt resolutions for the following groups amending the City contributions for CalPERS medical premiums consistent with previously approved Memorandums of Understanding ("MOUs") and the Affordable Care Act ("ACA").

1. El Segundo City Employees' Association ("CEA")
2. El Segundo Supervisory and Professional Employees' Association ("SPEA")
3. El Segundo Police Support Services Employees' Association ("PSSEA")
4. El Segundo Non-PERS Elected Officials
5. Unrepresented Hourly Employees considered full-time under the ACA

FISCAL IMPACT:

Funding for actions related to previously approved MOUs for calendar year 2022 are incorporated in the adopted FY 2021-2022 Citywide Budget. Sufficient funding for actions related to Non-PERS Elected Officials and Unrepresented Hourly Employees considered full-time under the ACA is included in the adopted FY 2021-2022 Citywide Budget

BACKGROUND:

Staff and representatives of the various labor associations met and conferred, and City Council adopted and approved labor agreements, which included updated medical contributions with each of the groups listed above. The Non-PERS Elected Officials group's City contribution towards medical coverage is affixed with the amount provided to the PSSEA.

City Council previously adopted a monthly minimal essential health contribution for unrepresented hourly employees as required by the ACA. Each year, an affordability analysis must be conducted to determine if an adjustment to the contribution is

Amendment to the City Contributions for CalPERS Medical Premiums

November 2, 2021

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necessary to maintain affordability. As required by CalPERS, separate resolutions for each group are attached to this report to effectuate the changes in City contributions as outlined below.

El Segundo City Employees' Association ("CEA"): City Council adopted the successor CEA MOU on March 19, 2019, which included provisions for periodic increases to the medical contribution. Effective January 1, 2022, there is a scheduled increase of \$50 towards the medical allowance which will increase the monthly contribution from \$1,500 to \$1,550.

El Segundo Supervisory and Professional Employees' Association ("SPEA"): City Council adopted the successor SPEA MOU on August 20, 2019, which included provisions for periodic increases to the medical contribution. Effective January 1, 2022, there is a scheduled increase of \$50 towards the medical allowance which will increase the monthly contribution from \$1,600 to \$1,650.

El Segundo Police Support Services Employees' Association ("PSSEA"): City Council adopted the successor PSSEA MOU on March 19, 2019, which included provisions for periodic increase to the medical contribution. Effective January 1, 2022, there is a scheduled increase of \$50 towards the medical allowance which will increase the monthly contribution from \$1,600 to \$1,650 per month.

Non-PERS Elected Officials: On December 17, 2019, City Council adopted a separate resolution as required under CalPERS regulations to provide the same medical contribution to the Non-PERS Elected Officials as PSSEA. The attached resolution aligns the Non-PERS Elected Officials contribution with PSSEA to \$1,650 per month effective January 1, 2022.

Unrepresented Hourly Employees considered full-time under the ACA: The ACA requires employers to offer affordable, minimum essential health insurance coverage to employees that work "full-time." Under the ACA, an employee that works an average of thirty (30) hours a week during the City's designated measurement period of November 1 through October 31 is considered full-time. Employee work hours are tracked throughout the year and an annual eligibility analysis is conducted in October. The minimum essential coverage ("MEC") for each calendar year is calculated using the ACA affordability threshold, Federal poverty level for Los Angeles and CalPERS lowest medical premium rate.

Effective January 1, 2022, the affordability threshold percentage is 9.61% and the cost of the lowest CalPERS medical premium is \$463.87 per month. The maximum employee monthly contribution will be \$103.15 and the minimum employer contribution will be \$360.72 per month. After conducting an analysis of the employee hours worked beginning November 1, 2020, and projected through October 31, 2021, we anticipate that there will be three employees eligible for an offer of coverage. The fiscal impact is dependent upon the number of employees who accept medical coverage through the

Amendment to the City Contributions for CalPERS Medical Premiums

November 2, 2021

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City's CalPERS plan. Based on the limited number of qualifying employees, the estimated maximum fiscal impact for calendar year 2022 is projected to be under \$13,000.

City Council adopted a minimum essential coverage contribution on February 17, 2015 and amended that amount on December 6, 2016. The attached resolution updates the MEC and establishes a new MEC allowance of \$360.72 per month effective January 1, 2022. Staff are reviewing the ACA procedures and developing an administrative policy to ensure that all requirements under the ACA are continued to be met by the City moving forward.

DISCUSSION:

CalPERS requires contracting agencies participating in the Health Plan under the Public Employee's Medical and Hospital Care Act ("PEMHCA") to submit a change resolution approved by the City Council to amend the employer contribution for medical premiums. This item outlines each of the previously adopted MOUs with the employee groups referenced and fulfills the City's obligation to adjust the MEC allowance as appropriate for unrepresented hourly employees considered full-time under the ACA. Human Resources will ensure that the approved resolutions are recorded with CalPERS and work with Finance to implement the increases to the City's contribution for medical premiums.

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.

PREPARED BY:

Rebecca Redyk, Human Resources Director

REVIEWED BY:

Rebecca Redyk, Human Resources Director

APPROVED BY:

Barbara Voss, Deputy City Manager

ATTACHED SUPPORTING DOCUMENTS:

1. Resolution Fixing the Employer Contribution 003 El Segundo City Employees' Association
2. Resolution Fixing the Employer Contribution 005 Supervisory Professional Employees' Association

Amendment to the City Contributions for CalPERS Medical Premiums

November 2, 2021

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3. Resolution Fixing the Employer Contribution 008 Police Support Services Employees' Association
4. Resolution Fixing the Employer Contribution 007 Non PERS Elected Officials
5. Resolution Fixing the Employer Contribution 009 Unrepresented Hourly Employees Group

RESOLUTION NO. Number
FIXING THE EMPLOYER CONTRIBUTION
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION
003 CITY EMPLOYEES' ASSOCIATION

- WHEREAS, (1) **City of El Segundo** is a contracting agency under Government Code Section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act") for participation by members of **El Segundo City Employees' Association**; and
- WHEREAS, (2) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, (3) Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; now, therefore be it
- RESOLVED, (a) That the employer contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **\$1,550.00** per month, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (b) **City of El Segundo** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of **City of El Segundo** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **City of El Segundo** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, the City Clerk to file with the Board a verified copy of this resolution, and to perform on behalf of **City of El Segundo** all functions required of it under the Act; and be it further
- RESOLVED, (e) That coverage under the Act be effective on **January 1, 2022**.

Adopted at a regular meeting of the El Segundo City Council at El Segundo, CA, this 2nd day of November, 2021.

Signed: _____
Drew Boyles, Mayor

Attest: _____
Tracy Weaver, City Clerk

RESOLUTION NO. Number
FIXING THE EMPLOYER CONTRIBUTION
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION
005 SUPERVISORY/PROFESSIONAL EMPLOYEES' ASSOCIATION

- WHEREAS, (1) **City of El Segundo** is a contracting agency under Government Code Section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act") for participation by members of **El Segundo Supervisory/Professional Employees' Association**; and
- WHEREAS, (2) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, (3) Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; now, therefore be it
- RESOLVED, (a) That the employer contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **\$1,650.00** per month, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (b) **City of El Segundo** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of **City of El Segundo** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **City of El Segundo** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, the City Clerk to file with the Board a verified copy of this resolution, and to perform on behalf of **City of El Segundo** all functions required of it under the Act; and be it further
- RESOLVED, (e) That coverage under the Act be effective on **January 1, 2022**.

Adopted at a regular meeting of the El Segundo City Council at El Segundo, CA, this 2nd day of November, 2021.

Signed: _____
Drew Boyles, Mayor

Attest: _____
Tracy Weaver, City Clerk

RESOLUTION NO. Number
FIXING THE EMPLOYER CONTRIBUTION
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION
008 POLICE SUPPORT SERVICES EMPLOYEES' ASSOCIATION

- WHEREAS, (1) **City of El Segundo** is a contracting agency under Government Code Section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act") for participation by members of **El Segundo Police Support Services Employees' Association**; and
- WHEREAS, (2) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, (3) Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; now, therefore be it
- RESOLVED, (a) That the employer contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **\$1,650.00** per month, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (b) **City of El Segundo** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of **City of El Segundo** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **City of El Segundo** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, the City Clerk to file with the Board a verified copy of this resolution, and to perform on behalf of **City of El Segundo** all functions required of it under the Act; and be it further
- RESOLVED, (e) That coverage under the Act be effective on **January 1, 2022**.

Adopted at a regular meeting of the El Segundo City Council at El Segundo, CA, this 2nd day of November, 2021.

Signed: _____
Drew Boyles, Mayor

Attest: _____
Tracy Weaver, City Clerk

RESOLUTION NO. Number
FIXING THE EMPLOYER CONTRIBUTION
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION
700 NON-PERS ELECTED OFFICIALS

- WHEREAS, (1) **City of El Segundo** is a contracting agency under Government Code Section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act") for participation by members of **Non-PERS Elected Officials**; and
- WHEREAS, (2) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, (3) Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; now, therefore be it
- RESOLVED, (a) That the employer contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **\$1,650.00** per month, plus administrative fees and Contingency Reserve Fund assessments; and be it further
- RESOLVED, (b) **City of El Segundo** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of **City of El Segundo** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **City of El Segundo** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, the City Clerk to file with the Board a verified copy of this resolution, and to perform on behalf of **City of El Segundo** all functions required of it under the Act; and be it further
- RESOLVED, (e) That coverage under the Act be effective on **January 1, 2022**.

Adopted at a regular meeting of the El Segundo City Council at El Segundo, CA, this 2nd day of November, 2021.

Signed: _____
Drew Boyles, Mayor

Attest: _____
Tracy Weaver, City Clerk

RESOLUTION NO. Number
FIXING THE EMPLOYER CONTRIBUTION
UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS
WITH RESPECT TO A RECOGNIZED EMPLOYEE ORGANIZATION
009 UNREPRESENTED HOURLY EMPLOYEE GROUP

- WHEREAS, (1) **City of El Segundo** is a contracting agency under Government Code Section 22920 and subject to the Public Employees' Medical and Hospital Care Act (the "Act") for participation by members of **El Segundo Unrepresented Hourly Employee Group**; and
- WHEREAS, (2) Government Code Section 22892(a) provides that a contracting agency subject to Act shall fix the amount of the employer contribution by resolution; and
- WHEREAS, (3) Government Code Section 22892(b) provides that the employer contribution shall be an equal amount for both employees and annuitants, but may not be less than the amount prescribed by Section 22892(b) of the Act; now, therefore be it
- RESOLVED, (a) That the employer contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of **\$360.72** per month, plus administrative fees and Contingency Reserve Fund assessments effective; and be it further
- RESOLVED, (b) **City of El Segundo** has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above; and be it further
- RESOLVED, (c) That the participation of the employees and annuitants of **City of El Segundo** shall be subject to determination of its status as an "agency or instrumentality of the state or political subdivision of a State" that is eligible to participate in a governmental plan within the meaning of Section 414(d) of the Internal Revenue Code, upon publication of final Regulations pursuant to such Section. If it is determined that **City of El Segundo** would not qualify as an agency or instrumentality of the state or political subdivision of a State under such final Regulations, CalPERS may be obligated, and reserves the right to terminate the health coverage of all participants of the employer; and be it further
- RESOLVED, (d) That the executive body appoint and direct, and it does hereby appoint and direct, the City Clerk to file with the Board a verified copy of this resolution, and to perform on behalf of **City of El Segundo** all functions required of it under the Act; and be it further
- RESOLVED, (e) That coverage under the Act be effective on **January 1, 2022**.

Adopted at a regular meeting of the El Segundo City Council at El Segundo, CA, this 2nd day of November, 2021.

Signed: _____
Drew Boyles, Mayor

Attest: _____
Tracy Weaver, City Clerk



City Council Agenda Statement

Meeting Date: November 2, 2021

Agenda Heading: Staff Presentations

Item Number: D.11

TITLE:

Smoky Hollow On-Street Parking Pilot Project

RECOMMENDATION:

Authorize staff to execute a professional services agreement with KOA for conceptual design of the Smoky Hollow On-Street Parking Pilot Project.

FISCAL IMPACT:

Included in Adopted FY 2021/22 Budget

Amount Budgeted: \$24,951

Additional Appropriation: N/A

Account Number(s): 001-400-4101-6206 (General Fund - Public Works Dept. Budget)

BACKGROUND:

On May 18, 2021, staff made a presentation and provided an updated report to City Council regarding the El Segundo Boulevard Parallel Parking Pilot Project. As part of this presentation, City Council authorized staff to remove pylons and parallel parking stalls along El Segundo Boulevard from Main Street to Sheldon Street which were installed in November 2019, and rerestripe El Segundo Boulevard to its original condition. Further, City Council authorized staff to develop an alternate pilot parking program and report back to City Council.

DISCUSSION:

Staff received a proposal from KOA Corporation to provide professional consulting services for the conceptual design of the Smoky Hollow On-Street Parking Pilot Project. The scope of work includes reviewing the public right-of-way recommendations in the Smoky Hollow Specific Plan and working with adjacent property owners and staff to determine the most appropriate streets for a pilot project based on the previous

Smoky Hollow On-Street Parking Project

November 2, 2021

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conceptual designs. The roadways selected for this pilot project, with public input, will include two adjacent north-south roadways that will change from the current two-way operation to one-way streets. This change of operation will create between 6 and 19 additional angled parking spaces along those two streets (depending on the streets selected). In addition, the scope of work will include development of construction cost estimates.

It is anticipated that the conceptual design will be completed by early summer 2022. Staff will present the conceptual designs to City Council and will seek authorization for the preparation of final engineering design and construction of the project. Upon completion of this pilot project, staff will monitor and evaluate its effectiveness. If this pilot project proves to be a success, staff will come back to the City Council and seek authorization to undertake the task of expanding this pilot project on 11 north-south streets in the Smoky Hollow Specific Plan, which would create approximately 85 additional angled parking spaces by making these streets one-way.

CITY STRATEGIC PLAN COMPLIANCE:

Goal 4: Develop and Maintain Quality Infrastructure and Technology

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

Goal 5: Champion Economic Development and Fiscal Sustainability

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

PREPARED BY:

Elias Sassoon, Public Works Director

REVIEWED BY:

Michael Allen, AICP, Development Services Director, Elias Sassoon, Public Works Director

APPROVED BY:

Barbara Voss, Deputy City Manager

ATTACHED SUPPORTING DOCUMENTS:

None



City Council Agenda Statement

Meeting Date: November 2, 2021

Agenda Heading: Staff Presentations

Item Number: D.12

TITLE:

Aquatics Fee Study and Cost Recovery Policy

RECOMMENDATION:

Review the Aquatics Fee Study, retain the existing Aquatics fee structure, and apply the consumer price index (cpi) cost inflator to the Aquatics fees each year as part of the annual Master Fee Schedule update.

FISCAL IMPACT:

No fiscal impact at this time. If City Council advises staff to modify the cost recovery policy and apply the annual cpi inflator to Aquatic fees, there will be a fiscal impact which will be determined when the cpi is applied to the City's Master Fee Schedule which is scheduled for July 1, 2022.

BACKGROUND:

The City's Master Fee Schedule is a compilation of the fees charged for services. All fees are reviewed from time to time in order to ensure that the fees charged do not exceed the estimated costs required to produce the services and that all fees are in compliance with the California Government code Sections 66016 and 66018. Many Aquatics Fees have not been updated for several years as the City has chosen to keep most Recreation Fees constant for the benefit of residents and non-resident patrons. Due to an increase in costs to operate Aquatic programs and maintain the City facilities associated with aquatic use, City Council asked Staff to review the costs for the Aquatics Programs in order to ensure the City is receiving sufficient cost recovery to run these programs, as well as sustainability of the programs and the associated City facilities.

DISCUSSION:

There are three pools included in the Aquatics Program; the Aquatics Center (City of El Segundo/Wiseburn Unified School District), the Urho Saari Swim Stadium "The Plunge," and Hilltop Pool. While each pool has its own unique purpose, as a group they offer Swim Lessons, Open Swim, Group Lane Rentals to Schools and Clubs, and

Review of Aquatics Fee Study

November 2, 2021

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other special events. The City Council will review the Aquatics Fee Study to analyze the current costs and cost recovery to determine the appropriate fees going forward.

The table below represents cost recovery for the Aquatics Center. Cost recovery is listed by program, as well as by direct costs only, direct and maintenance costs, and finally by all direct and indirect costs. Direct costs are primarily staff salary and benefits that are assigned to each specific location, as well as miscellaneous operating and maintenance costs. Direct costs do not include utilities, chemicals, and other operating and maintenance costs required to maintain the pools/facilities.

Aquatics Center Cost Recovery

	Revenues	Direct Cost Recovery	Direct + Maint Cost Recovery	Direct + Maint + O/H Cost Recovery
Aquatics Programs	\$583,896	104.2%	86.0%	53.1%
School District	\$80,000	87.9%	72.6%	44.8%
Water Polo	\$84,626	58.4%	48.2%	29.7%
Swim/Private Rentals	\$474,248	171.6%	141.7%	87.4%
Total	\$1,222,770	114.0%	94.1%	58.1%

The table below represents cost recovery for The Plunge. Cost recovery is listed by program, as well as by direct costs only, direct and maintenance costs, and finally by all direct and indirect costs.

The Plunge Cost Recovery

	Revenues	Direct Cost Recovery	Direct + Maint Cost Recovery	Direct + Maint + O/H Cost Recovery
Aquatics Programs	\$134,785	27.5%	22.9%	12.1%
School District	\$0	0.0%	0.0%	0.0%
Water Polo	\$15,210	18.6%	15.5%	8.1%
Swim/Private Rentals	\$4,050	107.2%	89.3%	47.0%
Total	\$154,045	26.7%	22.3%	11.7%

The table below represents cost recovery for Hilltop Pool. Cost recovery is listed by program, as well as by direct costs only, direct and maintenance costs, and finally by all direct and indirect costs.

Hilltop Pool Cost Recovery

Review of Aquatics Fee Study

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	Revenues	Direct Cost Recovery	Direct + Maint Cost Recovery	Direct + Maint + O/H Cost Recovery
Aquatics Programs	\$17,190	25.9%	19.0%	9.8%
School District	\$0	0.0%	0.0%	0.0%
Water Polo	\$0	0.0%	0.0%	0.0%
Swim/Private Rentals	\$3,550	202.3%	148.2%	76.1%
Total	\$20,740	30.5%	22.3%	11.5%

The table below represents the total cost recovery for the three aquatic locations combined: Aquatics Center, The Plunge, & Hilltop Pool. Cost recovery is listed by program, as well as by direct costs only, direct and maintenance costs, and finally by all direct and indirect costs. The industry norm for cost recovery is 20%-30% of direct costs for community-based pools and 75%-100% of direct costs for competitive pools.

Aquatic locations combined: Aquatics Center, The Plunge, & Hilltop Pool

	Revenues	Direct Cost Recovery	Direct + Maint Cost Recovery	Direct + Maint + O/H Cost Recovery
Aquatics Programs	\$735,871	65.9%	54.2%	30.7%
School District	\$80,000	87.9%	72.6%	44.8%
Water Polo	\$99,836	44.0%	36.5%	21.2%
Swim/Private Rentals	\$481,848	171.0%	141.1%	86.7%
Total	\$1,397,555	81.4%	67.1%	38.8%

The table below represents the total cost by pool. The costs are broken down by direct costs, maintenance costs, and all overhead and facility replacement costs.

	Direct Costs	Maintenance Costs	Dept O/H, City O/H, Facility Repl	TOTAL COSTS
Aquatics Center	\$1,072,886	\$226,552	\$806,465	\$2,105,903
The Plunge	\$575,931	\$114,888	\$622,257	\$1,313,076
Hilltop	\$68,110	\$24,842	\$88,004	\$180,956
Total	\$1,716,927	\$366,282	\$1,516,726	\$3,599,935

As a reference, the table below represents a sampling of nearby cities and the associated charges for swim lessons ranked from the highest charging city to the

Review of Aquatics Fee Study

November 2, 2021

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lowest.

City	Group	Private
	per 25-30 min lesson	per 20-30 min lesson
	Swim Lessons	Swim Lessons
Manhattan Beach	\$7.00 Resident	\$19.25 Resident
	\$7.71 Non Resident	\$21.12 Non-Resident
Santa Monica	\$6.60 Resident	\$27.50
	\$13.13 Non-Resident	Semi-Private
El Segundo	\$6.00 Resident	\$20.00 Resident
	\$7.50 Non Resident	\$25.00 Non Resident
Culver City	\$5.16 Resident	\$54.00 Resident
	\$7.00 Non Resident	\$70.50 Non-Resident
Hawthorne	\$2.75	N/A

As a reference, the table below represents a sampling of nearby cities and the associated charges for lap swim and recreational swimming.

City	Lap Swim (Resident/Non-Res)	Rec Swim (Resident/Non-Res)
Manhattan Beach	\$5/\$7 – Adult	\$3/\$5 – Adult
	\$5/\$7 – Child	\$3/\$5 – Child
	\$5/\$7 – Senior	\$3/\$5 – Senior
Santa Monica	\$4.50/\$9.00 – Adult	\$4.50/\$9.00 – Adult
	\$2.00/\$4.00 – Child	\$2.00/\$4.00 – Child
	\$2.25/\$4.50 – Senior	\$2.25/\$4.50 – Senior
El Segundo	\$4/\$6 – Adult	\$4/\$6 – Adult
	\$2/\$4 – Child	\$2/\$4 – Child
	\$2/\$4 – Senior	\$2/\$4 – Senior
Culver City	\$4 – Adult	\$4 – Adult
	\$3 – Child	\$3 – Child
	\$3 – Senior	\$3 – Senior
Hawthorne	\$4 – Adult	\$2 – Adult
	\$1 – Child	\$1 – Child
	\$2 – Senior	\$2 – Senior

Review of Aquatics Fee Study

November 2, 2021

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As a reference, the table below represents a sampling of nearby cities and the associated per lane hour rental charges for swim and water polo clubs.

City	Youth Swim Groups - per lane/per hour Nonprofit/Profit	Adult Swim Groups - per lane/per hour Nonprofit/Profit	Water Polo Youth & Adult - per lane/per hour Nonprofit/Profit
El Segundo	\$15.50/\$20.50	\$10.50/\$15.50	\$6.60/\$8.60
Santa Monica	\$6/\$12	\$11/\$22	\$6/\$12
Torrance USD	\$8.30 + fees	\$8.30 + fees	\$8.30 + fees
Manhattan Beach	\$7.14	\$7.14	\$7.14
Hawthorne	\$6.40	\$9.50	\$6.40

City Council can choose to revise the cost recovery on a particular aquatic fee or a group of aquatic fees. City Council can also choose to leave the existing fee structure in place for now and direct staff to bring back the aquatic fees in Spring of 2022 along with the update to the Citywide Master Fee Schedule. Staff has been updating the Citywide Master Fee Schedule on an annual basis to ensure the City keeps pace with inflationary factors. Staff recommends retaining the existing Aquatic fee structure and bring back the aquatic fees with the Citywide Master Fee Schedule in April 2022 and apply the relevant cpi to the aquatic fees.

CITY STRATEGIC PLAN COMPLIANCE:

Goal: 5 Champion Economic Development and Fiscal Sustainability

Objective: B El Segundo approaches its work in a financially disciplined and responsible way

PREPARED BY:

Dino Marsocci, Revenue Manager/Deputy Treasurer

REVIEWED BY:

Joseph Lillio, Chief Financial Officer, Melissa McCollum, Community Services Director

APPROVED BY:

Barbara Voss, Deputy City Manager

Review of Aquatics Fee Study
November 2, 2021
Page 6 of 6

ATTACHED SUPPORTING DOCUMENTS:

None



City Council Agenda Statement

Meeting Date: November 2, 2021

Agenda Heading: Staff Presentations

Item Number: D.13

TITLE:

FY 2021-2022 Fire Department Budget Reductions Follow-up Report

RECOMMENDATION:

Direct City Manager to:

1. Suspend Fire Engine #32 through June 30, 2022
2. Do not fill one vacant Battalion Chief position and hire one temporary Special Projects Administrator through June 30, 2022
3. Fill Frozen Fire Marshal position after planned Battalion Chief retirement
4. Maintain one frozen Firefighter/Paramedic position through June 30, 2022
5. Maintain one frozen Fire Prevention Specialist through June 30, 2022
6. Continue to work with City of Redondo Beach and City of Manhattan Beach to establish a tri-cities Battalion Chief position, as part of the ongoing "Shared Fire Services" review
7. Complete Fire Service Accreditation Study by April 1, 2022
8. Review benefits to City of El Segundo to transfer from Disaster Management Service Area G to Disaster Management Service Area A
9. Report back to City Council by June 30, 2022 with FY 2021-2022 expenditure savings and service impacts of Items 1 through 8 and provide recommended Fire Department expenditure savings and service revisions as part of the FY 2022-2023 General Fund Budget preparation process

FY 2021-2022 Fire Department Budget Reductions Follow-up Report

November 2, 2021

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FISCAL IMPACT:

Potential FY 2021-2022 General Fund expenditure savings is up to \$1,000,000 as follows:

- Suspend Fire Engine #32 -- Savings up to \$600,000
- Do not fill Battalion Chief position and hire one Special Projects Administrator -- Savings up to \$250,000
- Fill Frozen Fire Marshal position after Battalion Chief Retirement -- Savings up to \$150,000

Based on completing a review of actual expenditure savings and service impact data through June 30, 2022, it is possible that the General Fund will realize continued expenditure savings into FY 2022-2023.

BACKGROUND:

In preparing the FY 2020-2021 General Fund Budget, all City departments were instructed to make a series of budget appropriation reductions. As part of this process, each department was required to reduce its Maintenance and Operations (or "M & O") budgets by approximately 10%. For the Fire Department, it reduced its initial FY 2021-2022 proposed budget by \$1,077,131 from \$14,819,798 to \$13,782,667, as follows:

- Equipment Replacement Fund Charge Reduction - \$500,000
- Three frozen positions (Firefighter/Paramedic, Fire Marshal, & Fire Prevention Specialist) - \$437,000
- Variety of Maintenance & Operations line-item reductions - \$100,000

At the June 15, 2021 Proposed FY 2021-2022 Budget Public Hearing, City Council adopted the Citywide Budget. As part of this process, City Council directed staff to report back with an additional \$1,000,000 in recurring expenditure reductions from the Fire Department. The rest of this staff report provides a proposed plan to comply with the direction to reduce the Fire Department Budget from \$13,782,667 to \$12,782,667.

FY 2021-2022 Fire Department Budget Reductions Follow-up Report

November 2, 2021

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DISCUSSION:

Fire Department Expenditure Reduction Options

Over the past few months, staff reviewed a variety of options to achieve the requested \$1,000,000 in recurring Fire Department expenditure reductions. A guiding principle throughout the analysis was to avoid notable service level impacts to the public (including response times to EMS, fire, and related calls). Some of the options studied include the following:

1. Contract with Los Angeles County Fire Department -- Potential recurring annual savings of up to \$5,000,000
2. Merge with an adjacent city or cities to provide regional fire service -- Potential recurring annual savings of \$2,000,000 to \$5,000,000
3. Permanently shut down Fire Engine #32 -- Potential recurring annual savings of up to \$2,000,000
4. Permanently contract with a private ambulance company -- Potential recurring annual savings of up to \$850,000
5. Permanently shut down Rescue Ambulance #32 -- Potential recurring annual savings of up to \$850,000
6. Suspend Fire Engine #32 for a full year -- Potential one-time savings of up to \$900,000

Staff's Recommended Expenditure Reduction Option -- Suspend Fire Engine #32 for the Remainder of FY 2021-2022 & Assess Impacts

Having weighed the pros and cons of each option, staff decided to pursue a variation of Option #6 which involves suspending the use of Fire Engine #32 for the remaining eight months of FY 2021-2022 (November 2021 through end of June 2022), combined with a variety of other cost-saving measures, that will achieve City Council's targeted \$1,000,000 in additional expenditure savings. The components of these potential expenditure savings for FY 2021-2022 are as follows:

FY 2021-2022 Fire Department Budget Reductions Follow-up Report

November 2, 2021

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Suspend Fire Engine #32 through June 30, 2022 -- Save up to \$600,000

This savings will be achieved via reduced overtime expenditures associated with not rehiring up to three existing firefighters per day. This will reduce daily Firefighter staffing at both fire stations from 14 positions to 11 positions.

Do not fill one vacant Battalion Chief position and hire one temporary Special Projects Administrator through June 30, 2022 -- Save up to \$250,000

This savings reflects not immediately hiring a permanent replacement for the Battalion Chief position caused by the promotion of Deena Lee to Fire Chief. This vacancy will be filled by a temporary Special Projects Administrator through June 30, 2021. To comply with State law, this temporary position will not be allowed to work more than 960 hours.

Fill Frozen Fire Marshal position after planned retirement of another Battalion Chief -- Save up to \$150,000

This savings reflects not immediately hiring a permanent replacement for an upcoming planned retirement of an existing Battalion Chief. This vacancy will be underfilled with a Fire Marshal position.

Continue with ongoing Expenditure Savings Measures

In addition, staff is proposing to do the following:

Maintain one frozen Firefighter/Paramedic position through June 30, 2022 (as included in the adopted FY 2021-2022 Budget)

Maintain one frozen Fire Prevention Specialist through June 30, 2022 (as included in the adopted FY 2021-2022 Budget)

Continue to work with City of Redondo Beach and City of Manhattan Beach to establish a tri-cities Battalion Chief position, as part of the ongoing "Shared Fire Services" review

Complete Fire Service Accreditation Study by April 1, 2022

Review benefits to City of El Segundo to transfer from Disaster Management Service Area G (consisting of 14 South Bay cities and a portion of Los Angeles County) to Disaster Management Service Area A (consisting of the cities of Beverly Hills, Culver City, Santa Monica, West Hollywood, and portions of City of Los Angeles and Los Angeles County adjacent to the north of El Segundo)

Prepare FY 2021-2022 Year-End Impact Report

FY 2021-2022 Fire Department Budget Reductions Follow-up Report

November 2, 2021

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Staff will report back to City Council by June 30, 2022 with a summary of FY 2021-2022 expenditure savings and service impacts based on actual financial reports, call data, and other sources of information. Staff will use this data, along with data from the upcoming Fire Service Accreditation Study, to provide Fire Department budget and staffing recommendations to City Council as part of next year's Proposed FY 2022-2023 General Fund Budget.

As a reminder, at the June 15, 2021 Budget Public Hearing, City Council discussed its desire to use a more metrics-based approach to budgeting in general, and directed staff to pursue using a "Zero-Based Budget" methodology for the Police and Fire Departments in particular, starting with FY 2022-2023. The information gathered over the next eight months via the recommendations contained in this staff report will help staff implement the new budget preparation method. The data collected will drive future conclusions and recommendations,

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:

Scott Mitnick, City Manager

REVIEWED BY:

Scott Mitnick, City Manager

APPROVED BY:

Scott Mitnick, City Manager

ATTACHED SUPPORTING DOCUMENTS:

None