

RESOLUTION NO. 5478

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL SEGUNDO ESTABLISHING PARKING IN-LIEU FEE PAYMENT PROCEDURES

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

SECTION 1: The City Council does hereby finds and declares that:

- A. El Segundo Municipal Code (“ESMC”) Chapter 15-33 (Parking In-Lieu Fees) establishes fees “in lieu of providing on-site parking spaces within designated parking in-lieu fee areas,” and ESMC § 15-33-3 (Payment) authorizes the payment of in-lieu fees over a period of time pursuant to an approving City Council resolution.
- B. In 2003, the City Council established a parking in-lieu fee to allow any property owner of a property located within the Downtown Specific Plan area to pay a fee in lieu of providing required on-site parking spaces. Subsequently, the City Council adopted Resolution No. 4599 establishing procedures for payment of the parking in-lieu fee, including making payments over time;
- C. In 2018, the City Council established a parking in-lieu fee to allow any property owner of a property located within the Smoky Hollow Specific Plan area to also pay a fee in lieu of providing required on-site parking spaces. At the same time, the City Council adopted Resolution No. 5100 establishing procedures for payment of the parking in-lieu fee in Smoky Hollow;
- D. The intent of both programs is to allow the payment of a fee as an alternative method of meeting the City’s parking requirements for private development and to provide additional shared public parking on-street and off-street in public parking structures;
- E. The in-lieu fee payment procedures in the Downtown Specific Plan and the Smoky Hollow Specific Plan areas are currently inconsistent. To improve customer service and efficiency, the City intends to establish a common set of simple payment procedures for all parking in-lieu fee areas identified in ESMC Chapter 15-33 (Parking In-lieu Fees);
- F. The City reviewed the project’s environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”), and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”);
- G. The City Council of the City of El Segundo held a duly noticed public hearing on May 7, 2024, to review and consider the staff report prepared for the proposed parking in-lieu fee payment procedures, receive public testimony, and review all related correspondence; and

H. This Resolution, and its findings, are made, in part, based upon the evidence presented to the City Council at its May 7, 2024, public hearing including, the staff report submitted by the Community Development Department.

SECTION 2: *Parking In-lieu Fee Amount.* The amount of parking in-lieu fee for the Parking In-lieu Fee Areas established in ESMC Chapter 15-33 shall be as set forth in the City Fee Schedule in effect at the time a development permit is issued, and as amended by City Council.

SECTION 3: *Timing of Payment.* Except as provided in paragraph C, the property owner may choose at the owner's discretion between the following two options:

- A. Parking in-lieu fee must be paid in full before the City issues a Certificate of Occupancy or provides formal approval of a project that does not require a Certificate of Occupancy.
- B. Alternatively, a property owner may pay a down payment of at least 50% of the full amount before the City issues a Certificate of Occupancy or provides formal approval of a project that does not require a Certificate of Occupancy, provided the property owner enters into a written repayment agreement with the City to pay the remaining amount. The remaining balance must be paid with annual payments over a period of time not to exceed 10 years from the date the City issues a Final Certificate of Occupancy. The property owner must execute and record: (i) a promissory note in favor of the City; (ii) a deed of trust in favor of the City to secure the promissory note; (iii) a covenant against the real property; and (iv) any other document required by the City Manager, upon recommendation by the City Attorney.
- C. Notwithstanding the foregoing, when a property owner proposes to pay an in-lieu fee for more than 50% of the required parking for the property, then the in-lieu fee amount must be paid in full before the City issues a Certificate of Occupancy or provides formal approval of a project that does not require a Certificate of Occupancy.

SECTION 4: *Authorization.* The City Manager or designee is authorized to take any actions necessary to effectuate this resolution, including but not limited to, promulgation of administrative policies and procedures.

SECTION 5: This Resolution supersedes all prior resolutions related to parking in-lieu fee payment procedures, including, but not limited to, Resolution No. 4599 and Resolution No. 5100.

SECTION 6: *Environmental Assessment.* The proposed parking in-lieu fee payment procedures are exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it is for general policies and procedure-making. It does not authorize any new development entitlements, but simply establishes policies and procedures for allowing the previously

approved project to be constructed. Any proposed project that will utilize the changes set forth in this Resolution will be subject to CEQA review as part of the entitlement review of the project. The proposed parking in-lieu fee payment procedures will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

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

SECTION 8: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 9: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 10: This Resolution will take effect immediately and remain effective until superseded by a subsequent resolution.

SECTION 11: The City Clerk is directed to certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 7th day of May 2024.



Drew Boyles, Mayor

ATTEST:



Tracy Weaver, City Clerk

APPROVED AS TO FORM:



Mark D. Hensley, City Attorney

CERTIFICATION

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

I, Tracy Weaver, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution No. 5478 was duly passed, approved, and adopted by said City Council, at a regular meeting of said Council held on the 7th day of May, 2024, approved and signed by the Mayor, and attested to by the City Clerk, by the following vote:

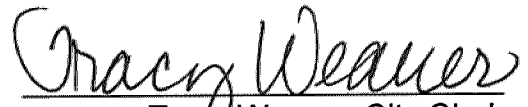
AYES: Mayor Pro Tem Pimentel, Council Member Giroux, and Council Member Baldino

NOES: None

ABSENT: None

ABSTAIN: Mayor Boyles and Council Member Pirsztuk

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this 7th day of May, 2024.


Tracy Weaver, City Clerk
of the City of El Segundo,
California