



AGENDA 09/22/11

PLANNING COMMISSION

Meeting

MEETING DATE:	Thursday, September 22, 2011
MEETING TIME:	5:30 p.m.
MEETING PLACE:	City Council Chambers, City Hall 350 Main Street El Segundo, California 90245-0989
VIDEO:	El Segundo Cable Channel 3 (Live). Replayed on Friday following Thursday's Meeting at: 1:00 p.m. and 7:00 p.m., Channel 3.

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

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

Members of the public may request that items be placed on the Agenda by submitting a **Written Request** to the Planning and Building Safety Director at least ten days before the Planning Commission Meeting (by 10:00 a.m. the Monday of the prior week). The request must include a brief general description of the business to be transacted or discussed at the meeting. Playing of video tapes or use of visual aids may be permitted during meetings if they are submitted to the Planning and Building Safety Director a minimum of two working days before the meeting and they do not exceed five minutes in length. Written materials distributed to the Planning Commission within 72 hours of the Planning Commission meeting are available for public inspection immediately upon distribution in the City Clerk's office.

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

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- A. **Call to Order**
- B. **Pledge of Allegiance**
- C. **Roll Call**
- D. **Public Communications (Related to City Business only and for which the Planning Commission is responsible – 5 minutes per person; 30 minutes total).** *Individuals who received value of \$50 or more to communicate to the Planning Commission on another's behalf, and employees speaking on their employer's behalf, must so identify themselves before addressing the Commission. Failure to do so is a misdemeanor. While all comments are welcome, the Brown Act does not allow the Commission to take action on any item not on the agenda. The Commission may respond to comments after public communications is closed.*

E. **Consent Calendar**

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

- 1. Consideration and possible other action regarding approval of the September 08, 2011, Planning Commission Meeting Minutes.

RECOMMENDED ACTION: The recommended action is for the Planning Commission to approve the Minutes.

F. **Call Items from Consent Calendar**

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

None.

H. **New Business – Public Hearing**

- 2. **Environmental Assessment No. EA-915, Administrative Use Permit AUP No. 11-05 and Conditional Use Permit CUP No. 11-03.** To allow the on-site sale and consumption of alcohol (Type 58 ABC License) and outdoor dining at an existing restaurant in the Pacific Corporate Towers.

Address: 222 North Sepulveda Boulevard
Applicant: Hillary Condren
Property Owner: Pacific Corporate Towers LLC

The Planning Division received an application for Environmental Assessment No. EA-915, Administrative Use Permit No. AUP 11-05 and Conditional Use Permit No. CUP 11-03 for the on-site sale and consumption of alcohol (Type 47 – On Sale General for Bona Fide Public Eating Place and Type 58 – Caterer’s Permit) and outdoor dining at an existing ground-level restaurant within an existing 20-story office tower (Pacific Corporate Towers). The C-O (Corporate Office) Zone requires the approval of a CUP for the outdoor dining and approval of an AUP for the on-site sale and consumption of alcohol. The proposed outdoor dining area is approximately 3,986 square feet and will be located adjacent to the existing 2,964 square foot restaurant. Alcohol would be served throughout the outdoor dining area and restaurant. The project site is located at 222 North Sepulveda Boulevard in the Corporate Office (C-O) Zone on the block bounded by Grand Avenue to the north, El

Segundo Boulevard to the south, Continental Boulevard to the east, and Sepulveda Boulevard to the west.

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The project involves the conversion of an existing outdoor patio into an outdoor dining area. The project includes an Administrative Use Permit to allow the sale of beer and wine at the proposed restaurant and a Conditional Use Permit for outdoor dining. The project is a minor alteration of an existing structure. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. Moreover, the project is proposed to be built on a site of not more than five acres surrounded by urban uses. Further, the site has no value as habitat for endangered, rare, or threatened species. There are adequate utilities and public services to serve the project.

RECOMMENDED ACTION: That the Planning Commission: (1) open the public hearing and take documentary and testimonial evidence; (2) after considering the evidence adopt Resolution No. 2702; (3) Receive and File the Planning and Building Safety Director's approval of Administrative Use Permit No. 11-03; and/or (4) discuss and take any other action related to this item.

3. **Environmental Assessment No. EA-935 and Administrative Use Permit AUP No. 11-09 for the Modification of Environmental Assessment No. EA-828 and Administrative Use Permit No. 09-01. To allow an increase in the hours of operation and to include distilled spirits for on-site consumption (Type 47 ABC License) at an existing restaurant (Second City Bistro).**

Address: 223 Richmond Street
Applicant(s): Scott Reed
Business Name: Second City Bistro
Owner(s): Star Restaurant Holdings, LLC

The applicant requests a modification to a discretionary approval to expand the hours of operation and to exchange a "Type 41 ABC" License (beer and wine sales) for a "Type 47 ABC" License that will allow on-site sale of beer, wine and distilled spirits at an existing restaurant located at 223 Richmond Street. The project site is located in the Richmond Street District within the Downtown Specific Plan (DSP) Zone.

The existing restaurant contains a 100 square-foot outdoor dining area in the public right-of-way containing 6 seats; a 287 square-foot covered outdoor dining area in front of the building containing 18 seats; a 920 square-foot interior dining area containing 58 seats; and a 750 square-foot rear outdoor dining area containing 48 seats. The existing building is 2,492 square feet. The existing total area of the restaurant is 3,342 square feet and contains 130 seats.

Currently the hours of operation are limited to 9:00 a.m. to 11:00 p.m. from Monday through Sunday. The applicant requests an expansion of the operating hours from 9:00 a.m. to 1:00 a.m. Monday through Sunday for the indoor dining areas and from 9:00 a.m. to 11:00 p.m. Monday through Sunday for the outdoor dining area to the rear and in the public right-of-way. The sale of alcohol in the two outdoor dining areas will be limited to the same hours as the restaurant.

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The project includes an alcohol license for an existing restaurant which results in a minor alteration in the operation of an existing building. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

RECOMMENDED ACTION: That the Planning Commission: (1) open the public hearing and take documentary and testimonial evidence; (2) after considering the evidence Receive and File the Planning and Building Safety Director's approval of Administrative Use Permit No. 11-09; and (3) discuss and take any other action related to this item.

I. Continued Business - Public Hearing

**4. Environmental Assessment No. 861 and Zone Text Amendment No. 10-01
Zone Text Amendment to amend Title 15 of the El Segundo Municipal Code (ESMC) to establish a chapter regulating dedication and improvement of public rights-of-way.**

Address: Citywide
Applicant: City of El Segundo
Property Owners: Various

The proposed project is an Environmental Assessment and a Zone Text Amendment to add a new Chapter 15-24A to the El Segundo Municipal Code regulating dedication and improvement of public rights-of-way.

The proposed Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and establishes rules and procedures to implement an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Ordinance does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(2, 5)). Even if the Ordinance were to qualify as a project, it would be categorically exempt as a Class 1 or Class 5 project since, at best, it would constitute a minor alteration of existing public structures involving no expansion of use; or a minor alteration in land use limitations (see 14 CCR §§ 15301; 15305). The City will conduct environmental review of each individual project affected by this Ordinance.

RECOMMENDED ACTION: That the Planning Commission (1) open the public hearing and take documentary and testimonial evidence; (2) after considering the evidence adopt Resolution No. 2703; and (3) discuss and take any other action related to this item.

J. Report from Planning and Building Safety Director or designee

K. Planning Commissioners' Comments

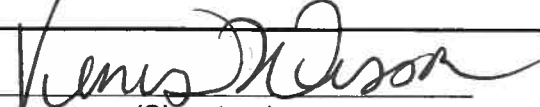
L. Other Business

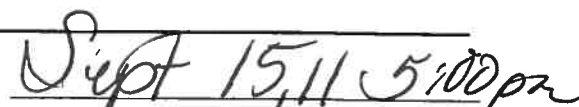
None.

M. Adjournment – next meeting scheduled for October 13, 2011, 5:30 p.m.

NOTE: The related files are available for public review in the Planning Division, Monday through Thursday between 7:00 a.m. to 6:00 p.m. City Hall is closed every Friday. Agenda packets, including Staff Reports, are also available in the Planning Division beginning at 5:00 p.m. Thursday of the week prior to the Planning Commission meeting.

POSTED:


(Signature)


(Date/Time)

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**MINUTES OF THE MEETING
OF THE PLANNING COMMISSION
OF THE CITY OF EL SEGUNDO, CALIFORNIA**

September 08, 2011

Chair Wagner called the El Segundo Planning Commission meeting to order at 5:30 p.m. in the El Segundo City Hall's Council Chambers, 350 Main Street, El Segundo, California. **CALL TO ORDER**

Commissioner Newman led the Pledge of Allegiance to the Flag. **PLEDGE TO FLAG**

PRESENT: WAGNER, BALDINO and NEWMAN **ROLL CALL**

ABSENT: FELLHAUER and BARBEE

None. **PUBLIC COMMUNICATIONS**

Chair Wagner presented the Consent Calendar **CONSENT CALENDAR**

None. **CALL ITEMS FROM CONSENT**

Commissioner Baldino moved, seconded by Commissioner Newman, to approve the August 25, 2011, Minutes. Motion carried (3-0). **MOTION**

Commissioner Baldino moved, seconded by Commissioner Newman to receive and file Environmental Assessment No. 933 and Administrative Use Permit No. 11-08. Motion carried (3-0). **EA-933 and AUP 11-08 MOTION**

Planning Manager Kimberly Christensen read into the record one item pertaining to Agenda Item H-3 (an email from Casey Beyer in support of the South Bay Bicycle Master Plan). **WRITTEN COMMUNICATIONS**

Chair Wagner presented Agenda Item H-3, Environmental Assessment No. 938 (South Bay Bicycle Master Plan). Applicant: City Initiated. Address: Citywide. Property Owners: Various **NEW BUSINESS – PUBLIC HEARING for EA-938 (SOUTH BAY BICYCLE MASTER PLAN)**

Principal Planner Paul Samaras presented the staff report (of record.)

Marissa Christiansen, South Bay Initiative Director of the Los Angeles County Bicycle Coalition

Ms. Christiansen gave a PowerPoint Presentation for the South Bay Bicycle Master Plan. She stated she was available to answer any questions.

Commissioner Newman inquired about the end of trip location of showers and lockers already implemented in the city.

Mr. Samaras stated that two of the Green Line stations have locker storage for bicycles and some major employers have showers and storage for their employees.

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Ms. Christiansen stated that the Master Plan does not propose any shower locations. It proposes general locations for bicycle parking and storage near the Green Line stations and major employers.

Chair Wagner inquired whether the cost estimate of implementing the Master Plan anticipated all the costs for striping lanes, constructing paths and building other infrastructure.

Ms. Christiansen stated that the cost estimate was based on an average cost for bicycle improvements. The ultimate cost of implementation.

Julian Katz, board member, of the South Bay Bicycle Coalition

Mr. Katz gave a brief statement about the project and stated that he is available to answer questions.

Commissioner Newman moved, seconded by Commissioner Baldino to approve Resolution No. 2702 recommending City Council approval of Environmental Assessment No. 938 (South Bay Bicycle Master Plan). Approved (3-0). **MOTION**

Chair Wagner presented Agenda Item H-4, Environmental Assessment No. 717, MISC 11-05 Determination of Consistency of the Vacation of a Water Easement with the City of El Segundo General Plan. Applicant: City of El Segundo. Address: 616-620 West Imperial Avenue. Property Owners: Olsen – El Segundo 1, LLC. **NEW BUSINESS – PUBLIC HEARING for EA-717 and MISC 11-05**

Principal Planner Masa Alkire presented the staff report (of record.)

Commissioner Baldino moved, seconded by Commissioner Newman to approve Resolution No. 2704 approving Environmental Assessment No. 717, MISC 11-05 Determination of Consistency of the Vacation of a Water Easement with the City of El Segundo General Plan. Approved (3-0). **MOTION**

Chair Wagner presented Agenda Item H-5, Environmental Assessment No. 861; Zone Text Amendment No. 10-01. Zone Text Amendment to amend Title 15 of the El Segundo Municipal Code (ESMC) to establish a chapter regulating dedication and improvement of public rights-or-way. Applicant: City of El Segundo. Address: Citywide. Property Owner: Various. **NEW BUSINESS – PUBLIC HEARING for EA-861 and ZTA 10-01**

Planning Manager Kimberly Christensen requested that the Commission continue Environment Assessment No. 861 and Zone Text Amendment No. 10-01 to the September 22, 2011 Planning Commission meeting.

Commissioner Newman moved, seconded by Commissioner Baldino to continue Environmental Assessment No. 861; Zone Text Amendment No. 10-01 Zone Text Amendment to amend Title 15 of the El Segundo Municipal Code (ESMC) to establish a chapter regulating dedication and improvement of public rights-or-way to the September 22, 2011 Planning Commission meeting. Motion carried (3-0). **MOTION**

None.

**PUBLIC HEARING
CONTINUED BUSINESS**

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Planning and Building Safety Director Greg Carpenter stated that there are three items scheduled for the September 22nd meeting. The first item is to allow on-site sale and consumption of alcohol (Type 58 and 47 ABC License) and outdoor dining at an existing restaurant in the Pacific Corporate Towers. Director Carpenter stated that the second request is for Second City Bistro to allow an increase in the hours of operation and to allow the sale of distilled spirits for on-site consumption (Type 47 ABC License) at an existing restaurant. The third item is a continued City-initiated item for a Zone Text Amendment to amend Title 15 of the El Segundo Municipal Code (ESMC) to establish a chapter regulating dedication and improvement of public rights-of-way.

**REPORT FROM
PLANNING AND
BUILDING SAFETY
DIRECTOR**

Commissioner Newman hoped everyone had a good summer and wished them a safe return back to school.

**PLANNING
COMMISSIONERS
COMMENTS**

None.

OTHER BUSINESS

Chair Wagner adjourned the meeting. Motion carried (3-0).

MOTION

The meeting adjourned at 6:16 p.m.

ADJOURNMENT

PASSED AND APPROVED ON THIS 8th DAY OF SEPTEMBER 2011.

**Greg Carpenter, Secretary of
the Planning Commission
and Director of The
Planning and Building Safety
Department**

**David Wagner, Chairman
Planning Commission
City of El Segundo, California**

CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 22, 2011

SUBJECT: Environmental Assessment No. EA-915,
Conditional Use Permit No. CUP 11-03 and
Administrative Use Permit No. AUP 10-11

APPLICANT: Hillary Condren

PROPERTY OWNER: Pacific Corporate Towers LLC

REQUEST: An Administrative Use Permit request to allow the on-site sale and consumption of alcohol (Type 47 – On Sale General for Bona Fide Public Eating Place and Type 58 – Caterer’s Permit) and outdoor dining at an existing ground-level restaurant within an existing 20-story office tower (Pacific Corporate Towers).

PROPERTY INVOLVED: 222 North Sepulveda Boulevard

I. INTRODUCTION

The proposed project is a request for an Administrative Use Permit to the on-site sale and consumption of alcohol (Type 47 – On Sale General for Bona Fide Public Eating Place and Type 58 – Caterer’s Permit) and outdoor dining at an existing ground-level restaurant within an existing 20-story office tower (Pacific Corporate Towers). The proposed project is located at 222 North Sepulveda Boulevard in the Corporate Office (C-O) Zone. The project site is located at 222 North Sepulveda Boulevard in the Corporate Office (CO) Zone on the block bounded by Grand Avenue to the north, El Segundo Boulevard to the south, Continental Boulevard to the east, and Sepulveda Boulevard to the west.

II. BACKGROUND

The applicant is requesting approval of an Administrative Use Permit to allow the alcohol use throughout the restaurant dining area and Conditional Use Permit for outdoor dining. The proposed restaurant will have combined area of approximately 5,103 square feet. The new outdoor patio dining area is approximately 2,425 square feet and the existing indoor restaurant is comprised of 885 square feet of dining area and 1,793 square feet non-dining area (kitchen,

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storage, etc.). The applicant proposes operating hours to sell alcohol daily from 6:30 a.m. to midnight. The applicant is requesting a Type 58 and Type 47 alcohol license which allows liquor to be sold in the restaurant.

The proposed project site is located in the Corporate Office (C-O) Zone. The Zone requires approval of a CUP for the proposed outdoor dining (ESMC §15-5D-5) and approval of an AUP to sell alcohol (ESMC §15-5D-4). The restaurant and the proposed outdoor dining area would serve primarily the tenants of the office towers. No entertainment, dancing, or amplified sound is proposed.

The surrounding land uses are as follows:

	<u>Land Uses</u>	<u>Zone</u>
North:	Commercial Office	C-O
South:	Commercial Office	C-O
East:	Commercial Office	C-O
West:	Neighborhood Commercial	C-2

Planning staff reviewed the application and the Planning and Building Safety Director made the necessary findings to grant an Administrative Use Permit. The attached letter specifies all of the required findings for the permit.

III. ANALYSIS

ZONING CONSISTENCY

The following table contains the development standards for the Corporate Office (CO) Zone applicable to the project.

Table 1: Zoning Consistency

	Corporate Office (C-O) Zone	Proposed
Permitted Uses	AUP for alcohol at restaurant and catering, CUP for outdoor dining ESMC §§ 15-5D-4(A), (B) and 15-5D-5(G)	Accessory on-site sale and consumption of alcohol and outdoor dining. Complies.
Lot Area	Minimum 10,000 square feet ESMC §15-5D-7(B)	146,797 square feet (3.3 acres) Complies.
Height	200 feet max. ESMC §15-5D-7(C)	321.5 feet. Existing legal non-conforming. Complies.

Setbacks	Front: 25 feet Side street (Grand Avenue): 25 feet Side (south): 15 feet. Rear: 10 feet ESMC §15-5D-7(D)	Measured to the exterior of outdoor patios. Front: 152 feet; Side (Grand Avenue): 156 feet; Side (south): 35 feet; Rear: 234 feet. Complies.
Floor Area	Maximum 0.8:1. Additional FAR may be granted for properties east of Sepulveda Boulevard only, with approval of a transfer of development rights (TDR) plan. ESMC §15-5D-7(F)	No new floor area is proposed. Legal non-conforming. Complies.
Walls and Fences	Walls, fences and hedge heights subject to Director of Planning and Building Safety. ESMC §15-5D-7(G), 15-24(A)	Condition of Approval to require barriers around the outdoor dining area to be approved by the Director of Planning and Building Safety. Complies
Outdoor Dining	Required min. 48" walkway width; Overhead elements (e.g., umbrellas) min. clearance of 8 ft. vertical. No projections beyond outdoor dining area. No amplified sound or entertainment without permit. ESMT §15-2-16	Conditions of Approval to require compliance with the Outdoor Dining requirements. Complies.
Landscaping	Five percent (5%) of the at-grade total vehicular use area must be landscaped. ESMC §15-2-14(B)	No new vehicular use area is proposed. No new landscaping is required. Complies
Parking	1:75 for dining areas, 1:250 for non-dining areas. §15-15-6(A)	See Table 2. Complies

Off-street Parking

There are 5,002 existing off-street parking spaces located on the adjacent parking structures for the Pacific Corporate Towers, a commercial office complex comprised of three buildings. The office space in all the buildings is approximately 1.5 million square feet and is required to provide 3,932 parking spaces. The remainder of the uses in the building is comprised of a 10,000 square-foot health club and two existing restaurants. The combined existing uses and proposed outdoor dining area in Pacific Corporate Towers will have

sufficient off-street parking spaces provided in the parking structure as outlined in the chart below.

Table 2: Off-Street Parking Consistency

Use	Size (square feet)	Standards	Parking Spaces Required
Existing Restaurant – dining Area	885	1:75 square feet	$(885/75 \text{ sf.}) = 12$ spaces
Existing Restaurant – nondining area	1,793	1:250 square feet	$(1,793/250) = 7$ spaces
Proposed new outdoor dining area	2,245	1:75 square feet, first 200 square feet exempt.	$(2,205/75 \text{ sf.}) = 29$ spaces
Existing restaurant (200 N. Sepulveda Blvd.) – Dining Area	1,034	1:75 square feet, first 200 square feet exempt	$(1034/75 \text{ sf.}) = 14$ spaces
Existing restaurant (200 N. Sepulveda Blvd.) – nondining Area	2,188	1:250 square feet	$(2,188/250) = 9$ spaces
Health Club	10,000	1:150 square feet	$(10,000/150) = 67$ spaces
Subtotal (non-Office)	14,923		71 spaces
Office	1,561,042	<ul style="list-style-type: none"> • 1:300 for first 25,000 square feet; • 1:350 for the next 25,000 square feet; • 1:400 above 50,000 square feet. 	<ul style="list-style-type: none"> • $(25,000/300) = 83$; • $(25,000/300) = 71$ • $[1,561,042 - 50,000] / (400) = 3,778$ • $3,778 + 83 + 71 = 3,932$ spaces
TOTAL	1,575,965		4,003 parking spaces required

The parking structure provides 5,002 parking spaces and thus provides 999 parking spaces in excess of the number required for all uses at Pacific Corporate Towers. The applicant will not alter the configuration of the existing parking and loading spaces.

GENERAL PLAN CONSISTENCY

The General Plan Land Use Designation of the project site is Corporate Office. The proposed project is consistent with the Goals and Policies of the General Plan as specified in the attached Approval Letter and Resolution.

ADMINISTRATIVE USE PERMIT

In accordance with ESMC §15-22-5, the Planning Commission may grant an Administrative Use Permit if it determines that the following four findings can be met:

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.

Planning staff reviewed the application and the Planning and Building Safety Director made the necessary findings to grant an Administrative Use Permit. The attached letter specifies all of the required findings for the permit.

CONDITIONAL USE PERMIT

Pursuant to El Segundo Municipal Code §15-23-4, the Planning Commission is authorized to grant a conditional use permit if it makes the three required findings listed in ESMC §15-23-6. The required findings state that: 1) the proposed location of the conditional use permit is in accord with the objectives of the Title and the purposes of the zone in which the site is located; 2) the proposed location of the conditional 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 conditional use will comply with each of the applicable provisions of this Chapter. Facts in support of said findings are outlined in the attached resolution of approval.

Staff believes that there is adequate evidence to support the three required Conditional Use Permit findings subject to the listed conditions of approval in the attached resolution. The Planning Commission may consider and impose

additional conditions which it deems necessary, if it demonstrates a reasonable relationship between the condition it desires to impose and the project's impact.

III. INTER-DEPARTMENTAL COMMENTS

The project application and plans were circulated to all departments and all comments are attached to the report. Staff has incorporated those comments as conditions of approval where appropriate.

IV. ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The project involves the conversion of an existing outdoor patio into an outdoor dining area. The project includes an Administrative Use Permit to allow the sale of alcohol at the proposed restaurant and a Conditional Use Permit for outdoor dining. The project is a minor alteration of an existing structure. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. Moreover, the project is proposed to be built on a site of not more than five acres surrounded by urban uses. Further, the site has no value as habitat for endangered, rare, or threatened species. There are adequate utilities and public services to serve the project.

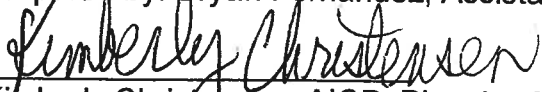
V. RECOMMENDATION

Planning staff recommends that the Planning Commission adopt Resolution No. 2705 approve of Environmental Assessment No. EA-915 and Conditional Use Permit No. CUP 11-03, and Receive and File the Planning and Building Safety Director's approval of Administrative Use Permit No. AUP 10-15.

VI. EXHIBITS

- A. Draft Resolution No. 2705.
- B. Administrative Use Permit Approval Letter, dated September 15, 2011.
- C. Plans.

Prepared by: Bryan Fernandez, Assistant Planner



Kimberly Christensen, AICP, Planning Manager
Planning and Building Safety Department



Greg Carpenter, Director
Planning and Building Safety Department

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RESOLUTION NO. 2705

A RESOLUTION APPROVING ENVIRONMENTAL ASSESSMENT NO. EA-915 AND CONDITIONAL USE PERMIT NO. 11-03 TO ALLOW OUTDOOR DINING AT AN EXISTING GROUND-LEVEL RESTAURANT WITHIN AN EXISTING 20-STORY OFFICE TOWER (PACIFIC CORPORATE TOWERS) AT 222 NORTH SEPULVEDA BOULEVARD.

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

SECTION 1: The Commission finds and declares that:

- A. On March 10, 2011, Hillary Condren filed an application for Environmental Assessment No. EA-915 and Conditional Use Permit No. 11-03 to allow outdoor dining in conjunction with an existing restaurant at 222 North Sepulveda Boulevard;
- B. The application was reviewed by the City's Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the El Segundo Municipal Code ("ESMC");
- C. In addition, the City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);
- D. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before this Commission for September 22, 2011;
- E. On September 22, 2011, the Commission held a public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Commission by Continental Development Corporation and its representatives; and
- F. The Commission considered the information provided by City staff, public testimony, and Hillary Condren. This Resolution, and its findings, are made, in part, based upon the evidence presented to the Commission at its September 22, 2011, public hearing including, without limitation, the staff report submitted by the Planning and Building Safety Department.

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

- A. The subject site is located in the Corporate Office (CO) Zone at 222 North Sepulveda Boulevard.

- B. The subject site is currently developed with a 20-story, 321.5-foot tall office tower containing approximately 549,061 square-feet of office uses and a 2,678 square-foot existing restaurant on a 3.3-acre parcel on the block bounded by Grand Avenue to the north, El Segundo Boulevard to the south, Continental Boulevard to the east, and Sepulveda Boulevard to the west.

- C. The proposed restaurant will have a combined area of approximately 5,103 square feet. The new outdoor patio dining area is approximately 2,425 square feet and the existing indoor restaurant is comprised of 885 square feet of dining area and 1,793 square feet non-dining area (kitchen, storage, etc.).
- D. The subject site has 5,002 existing off-street parking spaces located on the adjacent parking structures for the Pacific Corporate Towers, a commercial office complex comprised of three buildings. The office space in all the buildings is approximately 1.5 million square feet and is required to provide 3,932 parking spaces. The remainder of the uses in the building is comprised of a 10,000 square-foot health club and two existing restaurants and these uses require 71 parking spaces. The combined existing uses and proposed outdoor dining area in Pacific Corporate Towers will have sufficient off-street parking spaces provided in the parking structure. The parking structure provides 5,002 parking spaces and thus provides 999 parking spaces in excess of the required number for all uses at Pacific Corporate Towers.
- E. A Conditional Use Permit is required for outdoor dining areas which exceed 200 square feet or 20% of the indoor dining area, whichever is less, pursuant to El Segundo Municipal Code §15-5D-5(G).
- F. The proposed outdoor dining area is approximately 2,425 square feet in area.

SECTION 3: Environmental Assessment. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The project involves the conversion of an existing outdoor patio into an outdoor dining area. The project includes an Administrative Use Permit to allow the sale of beer and wine at the proposed restaurant and a Conditional Use Permit for outdoor dining. The project is a minor alteration of an existing structure. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. Moreover, the project is proposed to be built on a site of not more than five acres surrounded by urban uses. Further, the site has no value as habitat for endangered, rare, or threatened species. There are adequate utilities and public services to serve the project.

SECTION 4: General Plan Findings. The proposed project conforms to the City's General Plan as follows:

- A. The El Segundo General Plan Land Use designation for the site is Corporate Office. The proposed use is consistent with the Land Use Element in that the Corporate Office Land Use Category is intended to permit a mixture of office

and food-serving uses in single-tenant or multi-tenant buildings with limited retail uses permitted in the lobby.

- B. The zoning for the site is Corporate Office (CO). The proposed restaurant use is a permitted use in the Corporate Office (CO) Zone. Outdoor dining areas in conjunction with a restaurant that exceed 200 square feet or 20% of the indoor dining area, whichever is less, are permitted with approval of a Conditional Use Permit. The proposed use of on-site sale and consumption of alcohol requires an Administrative Use Permit in accordance with ESMC §15-5D-4. The purpose of the Corporate Office (CO) Zone is to provide consistency with and implement policies related to those locations which are designated corporate office on the general plan land use map and in the general plan text. This zone is intended to provide for the development of office projects. Regulations are designed to promote and control their growth in a favorable environment to all abutting and surrounding land uses. Principal uses are, therefore, restricted to a mixture of office and food serving uses with limited retail uses. The proposed use is consistent with this purpose of the zone in that the on-site sale and consumption of alcohol in a restaurant and outdoor dining is permitted in the Corporate Office (CO) Zone.
- C. The proposed use is consistent with Land Use Element Goal LU4 in that it provides a stable tax base for the City through development of new commercial uses, and primarily within a mixed-use environment.
- D. The proposed use is consistent with Land Use Element Objective LU4-1 in that it promotes the development of high quality retail facilities in proximity to major employment centers.

SECTION 5: Conditional Use Permit Findings. After considering the above facts, the Commission finds as follows:

- A. The proposed location of the conditional use is in accord with the objectives of this Title and the purposes of the zone in which the site is located.

The zoning designation for the subject site is Corporate Office (CO). This zone allows outdoor dining areas which exceed 200 square feet or 20% of the indoor dining area, whichever is less, subject to the granting of a conditional use permit pursuant to ESMC § 15-5D-5(G). The size of the outdoor dining area is appropriate to its location as it will be incidental to the proposed restaurant. Restaurants are a permitted use in the zone pursuant to ESMC § 15-5D-2(F). The principal uses in the zone are restricted to a mixture of office and food-serving uses with limited retail uses. The subject site consists of a commercial building containing office uses on all the floors above the ground floor restaurant level. The restaurant with the accompanying outdoor dining area is in accord with the principal objectives of the zone.

- B. That the proposed location of the conditional 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.

The proposed location of the conditional use is adjacent to the south side of an existing 20-story office building and it is bounded by Grand Avenue to the north, El Segundo Boulevard to the south, Continental Boulevard to the east, and Sepulveda Boulevard to the west. ~~No particular use is adjacent or near~~ the proposed outdoor dining area that could be impacted by the operation of the outdoor dining area. Outdoor dining activities are not anticipated to be detrimental to adjacent businesses. No residential uses are located in the vicinity. As such, the proposed location of the conditional 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.

- C. That the proposed conditional use will comply with each of the applicable provisions of this Chapter.

The proposed conditional use complies with the applicable provisions of ESMC Chapter 15-23 and 15-27 since proper notice was provided and proper hearing is scheduled for September 22, 2011. In addition, proper hearing decision and records will be complied with, and the required findings will be considered. The proposed project meets all of the current ESMC requirements.

SECTION 6: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Environmental Assessment No. EA-915 and Conditional Use Permit No. 11-03.

SECTION 7: This Resolution will remain effective unless superseded by a subsequent resolution.

SECTION 8: The Commission Secretary is directed to mail a copy of this Resolution to the Applicant and to any other person requesting a copy.

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

SECTION 10: Except as provided in Section 9, this Resolution is the Commission's final decision and will become effective immediately upon adoption.

PASSED, APPROVED AND ADOPTED this 22nd day of September, 2011.

David Wagner, Chairperson
City of El Segundo Planning Commission

ATTEST:

Greg Carpenter, Secretary

Wagner -
Fellhauer -
Baldino -
Newman -
Barbee -

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

By: _____
Karl H. Berger, Assistant City Attorney

PLANNING COMMISSION RESOLUTION NO. 2705

Exhibit A

CONDITIONS OF APPROVAL

In addition to all applicable provisions of the El Segundo Municipal Code ("ESMC"), Continental Development Corporation agrees to comply with the following provisions as conditions for the City of El Segundo's approval of Environmental Assessment No. EA-915 and Conditional Use Permit No. 11-03 ("Project Conditions"):

Zoning Conditions

1. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building Safety Department. Any subsequent modification must be referred to the Director of the Planning and Building Safety Department for a determination regarding the need for Planning Commission review and approval of the proposed modification.
2. The outdoor dining area must comply with all requirements of ESCM § 15-2-16.
3. The hours of operation for the outdoor dining area are limited to 6:30 a.m. to midnight daily. Any change to the hours of operation or the hours that alcohol may be served is subject to review and approval by the Director of Planning and Building Safety.
4. No live entertainment is permitted. Only pre-recorded background music may be provided, and must meet the noise and vibration requirements of ESCM § 7-2-1.
5. Before the City issues building permits, the applicant/property owner must submit landscaping and irrigation plans for any new or modified landscaping areas to the Planning and Building Safety and Recreation and Parks Departments for review.
6. Pursuant to ESCM §15-23-11(B)(1), this conditional use permit expires 24 months after its approval if the use does not commence or construction does not commence under a valid building. The City is not responsible for informing the applicant regarding the pending CUP expiration.

Building Safety Conditions

7. The applicant must comply with the California Building Code 2010 Edition as amended by the City of El Segundo.
8. Before the City issues building permits, the applicant must obtain Los Angeles County Health Department approval.

Fire Department Conditions

9. The applicant must comply with applicable California Fire Code requirements and El Segundo Fire Department regulations.

Miscellaneous Conditions

10. Continental Development Corporation agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. EA-915 or Conditional Use Permit No. 11-03. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of Environmental Assessment No. EA-915 or Conditional Use Permit No. 11-03, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.

By signing this document, Hillary Condren, certifies that they read, understood, and agree to the Project Conditions listed in this document.

Hillary Condren

Michael J. Krier, Director, Blackrock Realty Advisors, Inc.

{If Corporation or similar entity, needs two officer signatures or evidence that one signature binds the company}

P:\Planning & Building Safety\0 Planning - Old\PROJECTS (Planning)\901-925\EA-915\EA-915 AUP 11-05 CUP 11-03 222 N. Sepulveda Blvd.PCreso.doc



City of El Segundo

Planning & Building Safety Department

September 15, 2011

Elected Officials:

Eric K. Busch,
Mayor
Bill Fisher,
Mayor Pro Tem
Carl Jacobson,
Council Member
Don Brann,
Council Member
Suzanne Fuentes,
Council Member
Cindy Mortesen,
City Clerk
Ralph Lanphere,
City Treasurer

Appointed Officials:

Doug Willmore,
City Manager
Mark D. Hensley,
City Attorney

Department Directors:

Deborah Cullen,
Finance/Human Resources
Kevin Smith,
Fire Chief
Debra Brighton,
Library Services
Greg Carpenter,
Planning and Building
Safety/Economic Dev.
Mitch Tavera,
Police Chief
Stephanie Katsouleas,
Public Works
Robert Cummings,
Recreation & Parks

www.elsegundo.org

Hillary Condren
200 North Sepulveda Boulevard
El Segundo, CA 90245

**RE: Environmental Assessment No. EA-915 and
Administrative Use Permit (AUP) No. 11-05**

To allow the on-site sale and consumption of alcohol at a restaurant (Type 47 – On Sale General for Bona Fide Public Eating Place and Type 58 – Caterer’s Permit).
Address: 222 North Sepulveda Boulevard, El Segundo, CA

Dear Mr. Condren:

In accordance with El Segundo Municipal Code (“ESMC”) Chapter 15-22, the Planning Division reviewed your application for the above-referenced project and the Director of Planning and Building Safety Department **APPROVED** Environmental Assessment No. EA-915 and Administrative Use Permit No. AUP 11-05 for the on-site sale and consumption of alcohol at a restaurant at 222 North Sepulveda Boulevard. The following are the findings and facts in support of each finding for this decision:

FINDINGS AND FACTS IN SUPPORT OF FINDINGS:

Environmental Assessment No. EA-915

Finding 1

- The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities).

EXHIBIT B

350 Main Street, El Segundo, California 90245-3813
Phone (310) 524-2380 FAX (310)322-4167

023

Facts in Support of Finding 1

1. The proposed restaurant will have combined area of approximately 5,103 square feet. The outdoor patio dining area is approximately 2,425 square feet and the existing indoor restaurant is comprised of 885 square feet of dining area and 1,793 square feet non-dining area (kitchen, storage, etc.). The project involves the conversion of an existing outdoor patio into an outdoor dining area. The project includes an Administrative Use Permit to allow the sale of alcohol at the proposed restaurant and a Conditional Use Permit for outdoor dining. The project is a minor alteration of an existing structure. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. Moreover, the project is proposed to be built on a site of not more than five acres surrounded by urban uses. Further, the site has no value as habitat for endangered, rare, or threatened species. There are adequate utilities and public services to serve the project.

Administrative Use Permit 11-05

Finding 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.

Facts in Support of Finding 1

1. The applicant proposes to provide on-site sale and consumption of alcohol in the existing restaurant and the proposed outdoor dining area.
2. The applicant currently holds a Type 47 and Type 58 license from the California Alcoholic Beverage Control to serve alcohol at the restaurant.
3. There are 5,002 existing off-street parking spaces located on the adjacent parking structures for the Pacific Corporate Towers, a commercial office complex comprised of three buildings. The office space in all the buildings is approximately 1.5 million square feet and is required to provide 3,932 parking spaces. The remainder of the uses in the building is comprised of a 10,000 square-foot health club and two existing restaurants and these uses require 71 parking spaces. The parking structure provides 999 parking spaces in excess of the number required for all uses at Pacific Corporate Towers. The combined existing uses and proposed outdoor dining area in Pacific Corporate Towers will have sufficient off-street parking spaces provided in the parking space structure.
4. The General Plan Land Use designation for the site is Corporate Office. The zoning for the site is Corporate Office (CO). Sale of alcohol is permitted in the Corporate Office (CO) Zone with the approval of an Administrative Use Permit.

5. The Corporate Office (CO) Zone permits, and the surrounding land uses include: restaurant, commercial retail, and offices.
 6. The applicant must obtain a State of California Alcohol and Beverage Control (ABC) license for a license to sell alcohol for on-site consumption and on-site sale at the restaurant.
-
7. On September 22, 2011 the El Segundo Planning Commission is scheduled to Receive and File the Administrative Use Permit request.

Finding 2

- The proposed use is consistent and compatible with the purpose of the Zone in which the site is located.

Facts in Support of Finding 2

1. The General Plan Land Use designation for the site is Corporate Office.
2. The zoning for the site is Corporate Office (CO). The proposed use of on-site sale and consumption of alcohol requires an Administrative Use Permit in accordance with ESMC §15-5D-4.
3. The purpose of the Corporate Office (CO) Zone is to provide consistency with and implement policies related to those locations which are designated corporate office on the general plan land use map and in the general plan text. This zone is intended to provide for the development of office projects. Regulations are designed to promote and control their growth in a favorable environment to all abutting and surrounding land uses. Principal uses are, therefore, restricted to a mixture of office and food serving uses with limited retail uses. The proposed use is consistent with this purpose of the zone in that the on-site sale and consumption of alcohol in a restaurant is permitted in the Corporate Office (CO) Zone.
4. The proposed use is consistent with the Land Use Element in that the Corporate Office Land Use Category is intended to permit a mixture of office and food-serving uses in single-tenant or multi-tenant buildings with limited retail uses permitted in the lobby.
5. The proposed use is consistent with Land Use Element Goal LU4 in that it provides a stable tax base for the City through development of new commercial uses, and primarily within a mixed-use environment.
6. The proposed use is consistent with Land Use Element Objective LU4-1 in that it promotes the development of high quality retail facilities in proximity to major employment centers.

7. The surrounding land uses include: commercial retail, restaurant and offices. The proposed on-site sale and consumption of alcohol in the restaurant will be compatible with the surrounding uses.

Finding 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.

Facts in Support of Finding 3

1. The proposed on-site sale and consumption of alcohol in the restaurant will be located within the ground floor of an existing 20-story commercial building and will be constructed in accordance with all applicable codes and regulations. The project proposes no structural change to the exterior of the building, building envelope, parking or landscaping. Sufficient parking will be provided on-site in compliance with ESMC Chapter 15-15.
2. The surrounding land uses include: commercial retail, restaurant and offices. The proposed use of on-site sale and consumption of alcohol is permitted in the CO Zone.
3. The proposed hours of operation to serve alcohol are from 6:30 a.m. to midnight daily. No live entertainment is proposed. There will be visible barriers around the outdoor dining area that would delimit the area serviced by alcohol. The alcohol use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Finding 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 mitigated.

Facts in Support of Finding 4

1. The sale of beer and wine will not create any new impacts that would not be normally associated with the operation of a restaurant.

The proposed hours of operation to serve alcohol is daily, 6:30 a.m. to midnight.

There are 5,002 existing off-street parking spaces located on the adjacent parking structures for the Pacific Corporate Towers, a commercial office complex comprised of three buildings. The office space in all the buildings is approximately 1.5 million square feet and is required to provide 3,932 parking spaces. The remainder of the uses in the building is comprised of a 10,000 square-foot health club and two existing restaurants and these uses require 71

parking spaces. The applicant will not alter the configuration of the existing parking and loading spaces. The combined existing uses and proposed outdoor dining area in Pacific Corporate Towers will have sufficient off-street parking spaces provided in the parking structure.

2. In addition to complying with the requirements of the City of El Segundo and the State of California Department of Alcoholic Beverage Control the restaurant is subject to County Health Department regulations that address and monitor impacts of fumes and odors.

Finding 5

- The State Department of Alcoholic Beverage Control has issued or will issue a license to sell alcohol to the applicant.

Facts in Support of Finding 5

1. The applicant must obtain a license from the State of California Department of Alcoholic Beverage Control (Type No. 47 and 58).

DIRECTOR OF PLANNING AND BUILDING SAFETY DEPARTMENT ACTION

Based on these findings and facts in support of these findings, the Director of Planning and Building Safety Department **APPROVES** the proposed project, subject to the following conditions:

1. The hours of operation for on-site sale and consumption of alcohol in the restaurant are limited to 6:30 a.m. to midnight daily. Any change to the hours of operation or the hours that alcohol may be served is subject to review and approval by the Director of Planning and Building Safety.
2. Any subsequent modification to the project as approved must be referred to the Director of Planning and Building Safety for approval and a determination regarding the need for Planning Commission review of the proposed modification.
3. Any subsequent changes to the floor plan and areas where alcohol will be served must be reviewed and approved to the satisfaction of the Director of Planning and Building Safety Department.
4. The applicant must obtain and maintain all licenses required by the Alcoholic Beverage Control Act (Business & Professions Code §§ 23310 *et seq.*). The applicant must obtain and maintain a Type 47 and Type 58 license.
5. The restaurant operations must comply with ESMC §§ 7-2-1, *et seq.* regulating noise and vibration.

6. The outdoor dining area must comply with ESMC §15-2-16 regulating outdoor dining areas.
7. Before the issuance of a building permit, the applicant must show compliance with ESMC §15-2-16 regulating outdoor dining areas and ESMC §7-4 regulating property maintenance standards. A barrier must be installed on the perimeter of the outdoor dining area. The applicant must provide elevation drawings of the barrier for the approval of the Director of Planning and Building Safety.
 - a. All tables, chairs, and any other facilities in the outdoor dining area must be maintained in good repair, subject to the approval of the Director of Planning and Building Safety.
 - b. All tables, chairs, and umbrellas must be placed in a secure area or inside a building or structure when the business is closed.
8. Entertainment activities as described in ESMC Chapter 4-8 require the approval of the Director of Planning and Building Safety.
9. The Planning and Building Safety Department and the Police Department must be notified of any change of ownership of the approved use in writing within 10 days of the completion of the change of ownership. A change in project ownership may be cause to schedule a hearing before the Planning Commission regarding the status of the administrative use permit.
10. The applicant must comply with all regulations of the Alcoholic Beverage Control Act and the regulations promulgated by the Alcoholic Beverage Control Board including, without limitation, the regulations set forth in 4 Cal. Code of Regs. §§ 55, *et seq.*
11. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of specific alcoholic beverage products. Interior displays of alcoholic beverages which are clearly visible to the exterior constitute a violation of this condition.
12. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on *not less than a quarterly basis*.
13. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:
 - a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Lakewood District Office administered *Leadership and Education in Alcohol and Drugs (LEAD)* Program in the form of an ABC-issued certificate; or,
 - b. Completed an accepted equivalent by the ABC, Lakewood District Office to ensure proper distribution of beer, wine and distilled spirits to

adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then;

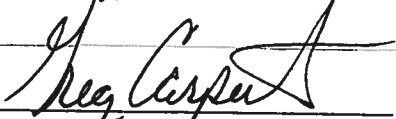
- c. The ABC-licensed proprietors must have confirmed with the Planning and Building Safety Department within fifteen (15) days of the Director's decision, or by final project approval, that a date certain has been scheduled within the local ABC Office to complete the LEAD course.
 - d. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.
14. The licensee must have readily identifiable personnel to monitor and control the behavior of customers inside the building premises. Staff must monitor activity outside in the parking lot and any adjacent property under the establishment's control to ensure the areas are generally free of people.
 15. If complaints are received regarding excessive noise, parking availability, lighting, building access, and the like associated with the sale of beer and wine, the city may, in its discretion, take action to review the Administrative Use Permit, including without limitation, adding conditions or revoking the permit.
 16. The building must not be occupied by more persons than allowed by the California Building Code, as adopted by the ESMC.
 17. The building and any outdoor seating must comply with California Building and Fire Code requirements, as adopted by the ESMC.
 18. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. EA-915 or Administrative Use Permit No. AUP 11-05. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of EA-915 or AUP 11-05, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.

PLANNING COMMISSION

This determination is scheduled to be received and filed by the Planning Commission at its September 22, 2011 meeting. Please be advised that this **does not** conclude the review process. The City Council will determine whether or not to protest the issuance of the ABC License (Type 47 and Type 58) at its meeting on October 4, 2011.

Should you have any questions, please contact Bryan Fernandez, Assistant Planner, at (310) 524-2343.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Carpenter". The signature is written in a cursive style with a horizontal line underneath it.

Greg Carpenter, Director
Department of Planning and Building Safety

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CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 22, 2011

SUBJECT: Environmental Assessment No. EA-935 and Administrative Use Permit No. 11-09

APPLICANT: Second City Bistro c/o Scott Reed

PROPERTY OWNER: Star Restaurant Holdings, LLC

REQUEST: A request for a Modification to a discretionary approval to allow an increase in the hours of operation and to include distilled spirits for on-site consumption (Type 47 ABC License) at an existing restaurant (Second City Bistro).

PROPERTY INVOLVED: 223 Richmond Street

I. INTRODUCTION

The proposed project is a request for a modification to a discretionary approval to expand the hours of operation and to exchange a "Type 41 ABC" License (beer and wine sales) for a "Type 47 ABC" License that will allow on-site sale of beer, wine and distilled spirits at an existing restaurant located at 223 Richmond Street. The project site is located in the Richmond Street District within the Downtown Specific Plan (DSP). The Director made the necessary findings to grant an Administrative Use Permit for the on-site sale and consumption of beer, wine, and distilled spirits and approved the Administrative Use Permit on September 15, 2011 (see Exhibit A).

II. ANALYSIS

The restaurant currently has a Type 41 Alcoholic Beverage Control License. The existing restaurant has a 100 square-foot outdoor dining area in the public right-of-way containing 6 seats; a 287 square-foot covered outdoor dining area in front of the building containing 18 seats, a 920 square-foot interior dining area containing 58 seats, and a 750 square-foot rear outdoor dining area containing 48 seats. The existing building is 2,492 square feet. The existing total area of the restaurant is 3,342 square feet and contains 130 seats. No additional floor area, outdoor dining

area, or other physical changes are proposed with the current request. The applicant intends to add distilled spirits sales to the existing food service and to extend the hours of operation.

The Planning and Building Safety Director made the necessary findings to grant an Administrative Use Permit for the on-site sale and consumption of alcohol and approved the Administrative Use Permit on September 15, 2011 (see Exhibit A).

The following chart describes the proposed dining and seating areas.

PROPOSED RESTAURANT	PROPOSED SQUARE FOOTAGE	NUMBER OF SEATS
Existing Outdoor Dining Area in the public right-of-way	100 SF	6 seats
Existing Covered Dining Area	287 SF	18 seats
Existing Indoor Dining Area	920 SF	58 seats
Existing Indoor Service Area	1,285 SF	0 seats
Existing Outdoor Dining Area to the rear	750 SF	48 seats
Total	3,342 gross SF	130 seats

The zoning for the site is Richmond Street District (RSD) within the Downtown Specific Plan. Restaurants are a permitted use in this Zoning District in accordance with Downtown Specific Plan (DSP) § VI C.2(a)(ii). The proposed on-site sale and consumption of beer, wine, and distilled spirits requires an Administrative Use Permit in accordance with DSP § VI C.4(a). The existing 750-foot outdoor dining area is a permitted accessory use in accordance with DSP § VI C.3(e).

The minimum number of required parking spaces for restaurant uses is one parking space for every 75 square feet of dining area and one parking space for each 250 square feet of non-dining area. No parking is required for the first 200 square feet

of outdoor dining areas (DSP §VII 3.a.iii). The existing outdoor dining areas in the front of the building require 4 parking spaces, the indoor dining area requires 12, and the non-dining areas require 5 parking spaces for a total of 21. The number of parking spaces provided on the property is 4, which is 17 spaces less than the minimum requirement. However, the property is considered legal nonconforming for parking purposes and no additional parking spaces are required (DSP § VII 10). When the parking area at the rear of the property is used as a temporary outdoor dining area, the total parking requirement increases to 30 spaces and the number of spaces provided decreases to zero. As a result, when the parking area is used as a temporary outdoor dining area, the property owner is required to lease 13 in-lieu parking spaces in the City parking structure (DSP § VII 3.c.ii) to compensate for the increased parking demand (9 spaces) and the decreased parking supply (4 spaces).

The following chart is the parking analysis for the proposed uses:

PROPOSED RESTAURANT	PROPOSED SQUARE FOOTAGE - REQUIRED PARKING RATIO	REQUIRED PARKING SPACES
Existing Front Outdoor Dining Area in the Public Right of Way	100 SF – 1 Space/75 SF	0 Parking Spaces for the First 200 SF of Outdoor Dining Area; 0 Parking Spaces Required
Existing Front Covered Outdoor Dining Area	287 SF – 1 Space/75 SF	4 Parking Spaces
Existing Indoor Dining Area	920 SF – 1 Space/75 SF	12 Parking Spaces
Existing Non-dining Area	1,285 SF – 1 Space/250 SF	5 Parking Spaces
Existing Rear Outdoor Dining Area	750 SF – 1 Space/75 SF	0 Parking Spaces for the First 200 SF of Outdoor Dining Area; 9 Parking Spaces Required
Total	3,342 gross SF	30 Parking Spaces required and 13 In-Lieu Parking Spaces will be Provided (4 parking Spaces provided – existing legal nonconforming)

Note: Pursuant to El Segundo Municipal Code §15-15-2.G, fractional spaces are rounded to the nearest whole number.

The current approved restaurant dining hours of operation are: Monday through Sunday from 9:00 a.m. to 11:00 p.m. The proposed restaurant hours of operation are Monday through Sunday from 9:00 a.m. to 1:00 a.m. The proposed sale of alcohol in the indoor dining area will be limited 1:00 a.m. and the outdoor dining area will be limited to 11:00 p.m. Food service must be available in the indoor and outdoor areas during the dining hours. Any change to the hours of operation or the hours that alcohol may be served is subject to review and approval by the Planning and Building Safety Director. No live entertainment is proposed.

Planning staff reviewed the application and the Planning and Building Safety Director made the necessary findings to grant an Administrative Use Permit. The attached letter specifies all of the required findings for the permit.

III. ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The project includes an alcohol license for an existing restaurant which results in a minor alteration in the operation of an existing building. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

IV. INTER-DEPARTMENTAL COMMENTS

The project applications and plans were circulated to all the relevant City Departments and have been incorporated as conditions in the attached approval letter.


V. RECOMMENDATION

Receive and File.

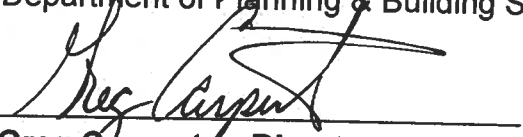
VI. **EXHIBITS**

- A. Administrative Use Permit Approval Letter, dated September 15, 2011
- B. Plans

Prepared by: Maria Baldenegro, Assistant Planner



Kimberly Christensen, AICP, Planning Manager
Department of Planning & Building Safety



Greg Carpenter, Director
Department of Planning & Building Safety

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City of El Segundo

Planning & Building Safety Department

September 15, 2011

Elected Officials:

Eric K. Busch,
Mayor
Bill Fisher,
Mayor Pro Tem
Carl Jacobson,
Council Member
Don Brann,
Council Member
Suzanne Fuentes,
Council Member
Cindy Mortesen,
City Clerk
Ralph Lanphere,
City Treasurer

Appointed Officials:

Doug Willmore,
City Manager
Mark D. Hensley,
City Attorney

Department Directors:

Deborah Cullen,
Finance/Human Resources
Kevin Smith,
Fire Chief
Debra Brighton,
Library Services
Greg Carpenter,
Planning and Building
Safety/Economic Dev.
Mitch Tavera,
Police Chief
Stephanie Katsouleas,
Public Works
Robert Cummings,
Recreation & Parks

www.elsegundo.org

Scott Reed
Second City Bistro
223 Richmond Street
El Segundo, CA 90245

RE: Environmental Assessment No. EA-935 and Administrative Use Permit (AUP) No. 11-09 for the Modification of Environmental Assessment No. 828 and Administrative Use Permit No. 09-01

To allow an increase in the hours of operation and to include distilled spirits for on-site consumption (Type 47 ABC) license at an existing restaurant (Second City Bistro).

Address: 223 Richmond Street

Dear Mr. Reed:

This letter is to inform you that, in accordance with El Segundo Municipal Code ("ESMC") Chapter 15-22, the Planning Division reviewed your application for the above-referenced project and the Director of Planning and Building Safety **APPROVED** Environmental Assessment No. EA-935 and Administrative Use Permit No. 11-09 to increase the hours of operation and to allow the sale of distilled spirits for on-site consumption at an existing restaurant at 223 Richmond Street. The existing restaurant has a 100 square-foot outdoor dining area in the public right-of-way containing 6 seats; a 287 square-foot covered outdoor dining area in front of the building containing 18 seats, a 920 square-foot interior dining area containing 58 seats, and a 750 square-foot rear outdoor dining area containing 48 seats. The existing building is 2,492 square feet. The existing total area of the restaurant is 3,342 square feet and contains 130 seats. The following are the findings and facts in support of each finding for this decision:

036

350 Main Street, El Segundo, California 90245-3813
Phone (310) 524-2380 FAX (310) 322-4167

EXHIBIT A

FINDINGS AND FACTS IN SUPPORT OF EACH FINDING:

Environmental Assessment No. 935

Finding 1

- The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The project is a request to allow an increase in the hours of operation and the exchange of an existing Alcoholic Beverage Control license for an existing restaurant which results in a minor alteration in the operation of an existing building. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

Facts in Support of Finding 1

1. The applicant requests a modification to a discretionary approval to expand the hours of operation and to exchange a "Type 41 ABC" License (beer and wine sales) for a "Type 47 ABC" License that will allow on-site sale of beer, wine and distilled spirits at an existing restaurant. The existing restaurant contains a 100 square-foot outdoor dining area in the public right-of-way containing 6 seats; a 287 square-foot covered outdoor dining area in front of the building containing 18 seats, a 920 square-foot interior dining area containing 58 seats, and a 750 square-foot rear outdoor dining area containing 48 seats. The existing building is 2,492 square feet. The existing total area of the restaurant is 3,342 square feet and contains 130 seats. A six-foot wide sidewalk will remain for pedestrian passage adjacent to the outdoor dining area at the front of the building. The request is for a combined total 3,342 square feet in area. The project results in a minor alteration in the operation of an existing building involving a minor increase in the hours of operation. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project. There is adequate sidewalk width for pedestrian passage adjacent to the outdoor dining area located in the public right-of-way. The property is in an urbanized area where it has adequate access and all public services and facilities are available. Additionally, the site is not in an area that is environmentally sensitive.

Administrative Use Permit 11-09

Finding 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.

Facts in Support of Finding 1

1. The existing restaurant currently has a Type 41 Alcoholic Beverage Control License for a 3,342 square-foot restaurant with 850 square feet of outdoor dining area contains 130 seats.
2. The applicant proposes to increase the hours of operation and exchange the "Type 41 ABC" License for a "Type 47 ABC" License to include on-site sale and consumption of beer, wine, and distilled spirits.
3. The General Plan land use designation for the site is Downtown Specific Plan. The Downtown Specific Plan permits community serving retail and service uses, including offices in a pedestrian-oriented environment.
4. The zoning for the site is the Richmond Street District (RSD) within the Downtown Specific Plan (DSP). Restaurants are a permitted use in this Zoning District in accordance with Downtown Specific Plan (DSP) § VI C.2(b). The proposed use (to exchange an existing (Type 41 ABC) License for a new (Type 47 ABC) license that will allow the on-site sale and consumption of beer, wine, and distilled spirits at an existing restaurant that contains 850 total square-feet of outdoor dining area) requires an Administrative Use Permit approval in accordance with DSP § VI C.4(a) and ESMC § 15-22-5. The existing 750 square-foot outdoor dining area is a permitted accessory use and was subject to design review in accordance with DSP § VI C.4(e) and compliance with ESMC § 15-2-16 outdoor dining area regulations. The existing 750 square-foot outdoor dining area to the rear of the property is a permitted accessory use and was subject to design review in accordance with DSP § VI C.4(e) and compliance with ESMC § 15-2-16 outdoor dining area regulations. The Public Works Department approved through a separate application an encroachment permit for the use of the existing 100 square-foot outdoor dining area in the public right-of-way and is subject to the requirements of ESMC § 9-2-1.
5. The Downtown Specific Plan (DSP) Zone permits restaurants with outdoor dining areas. The increase in hours of operation and the exchange in license from a "Type 41 ABC License" to a "Type 47 ABC License" for the existing restaurant are similar and compatible with the surrounding land uses which include residential units, commercial retail, restaurants, a music hall and office uses.
6. The applicant must obtain a State of California Department of Alcoholic Beverage Control (ABC) license for on-site sale and consumption of beer, wine and distilled spirits (Type 47) for the restaurant (Second City Bistro).
7. On September 22, 2011, the El Segundo Planning Commission is scheduled to Receive and File the Administrative Use Permit request.

Finding 2

- The proposed use is consistent and compatible with the purpose of the Zone in which the site is located.

Facts in Support of Finding 2

1. The General Plan land use designation for the site is Downtown Specific Plan.
2. The zoning for the site is the Richmond Street District (RSD) within the Downtown Specific Plan (DSP). Restaurants are a permitted use in this Zoning District in accordance with Downtown Specific Plan (DSP) § VI C.2(b). The proposed use (to exchange an existing (Type 41 ABC) License for a new (Type 47 ABC) license that will allow the on-site sale and consumption of beer, wine, and distilled spirits at an existing restaurant that contains 850 total square-feet of outdoor dining area) requires an Administrative Use Permit approval in accordance with DSP § VI C.4(a) and ESMC § 15-22-5. The existing 750 square-foot outdoor dining area is a permitted accessory use and was subject to design review in accordance with DSP § VI C.4(e) and compliance with ESMC § 15-2-16 outdoor dining area regulations. The Public Works Department has approved a separate application for an encroachment permit for the use of the existing 100 square-foot outdoor dining area in the public right-of-way and is subject to the requirements of ESMC § 9-2-1.
3. The purpose of the Richmond Street District (RSD) is the "entertainment center" of El Segundo and is comprised of an eclectic mix of antique stores, bars, restaurants and the Old Town Music Hall (Richmond Street 100-200 blocks). This street has a separate and distinct identity from Main Street, as it contains the oldest commercial buildings in the City with development along the street near the front property line. The proposed use is consistent with the zone in that it serves residents, local employees, and visitors in a pedestrian-oriented environment on the ground floor level.
4. The proposed use is consistent with the goals, objectives, policies, and programs of the El Segundo General Plan by expanding the neighborhood serving commercial uses, maintaining the "small town" atmosphere with moderate density, and improving the business environment of Downtown.
5. The proposed use is consistent with Economic Development Goal ED3 in that it preserves and improves the business environment and image of Downtown El Segundo. The proposed use is consistent with Objective ED3-1 of economic development in that it contributes to El Segundo's commercial options. The proposed is consistent with Policy 3-1.2, 3-1.3, and 3-1.5 in that it preserves Downtown's economic viability, encourage revitalization efforts Downtown, and encourage a mix of retail and commercial businesses that stimulate pedestrian

traffic and meet the communities need for changing needs for goods and services.

6. The proposed use is consistent with Land Use Element Goal LU4 in that it provides a stable tax base for the City through development of new commercial uses without adversely affecting the viability of Downtown. The proposed use is consistent with Objective LU4-2 in that it serves as a focal point for the social environment of the community. The proposed use is consistent Policy LU4-2.1 as it revitalizes and upgrades commercial areas, making them a part of a viable, attractive and people-oriented commercial district.
7. The surrounding land uses include: residential units, commercial retail, restaurants, a music hall and office uses. The proposed increase in the hours of operation and new (Type 47 ABC) License request are compatible with the surrounding uses.

Finding 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.

Facts in Support of Finding 3

1. The existing restaurant is located in the Downtown Specific Plan (DSP) Zone within the Richmond Street District (RSD) and includes 850 square-feet of new outdoor dining area. The restaurant and outdoor dining area meet all the development standards of the (DSP) Zone and the required parking will be provided in compliance with (DSP) § VII 3(a)(iii) Parking In-Lieu Fees.
2. The surrounding land uses include residential units, commercial retail, restaurants, a music hall and office uses. The restaurant is a permitted use within the Downtown Specific Plan (DSP) Zone and the existing 850 square-feet of outdoor dining area is a permitted accessory use. On-site sale and consumption of alcohol in new restaurants or outdoor dining areas are permitted with an Administrative Use Permit.
3. The proposed hours of operation for the restaurant are: Monday through Sunday from 9:00 a.m. to 1:00 a.m. for the indoor area and Monday through Sunday from 9:00 a.m. to 11:00 p.m. in the outdoor dining areas. No live entertainment is proposed.
4. The existing outdoor dining areas in the front of the building require 4 parking spaces, the indoor dining area requires 12, and the non-dining areas require 5 parking spaces for a total of 21. The number of parking spaces provided on the property is 4, which is 17 spaces less than the minimum requirement. However,

the property is considered legal nonconforming for parking purposes and no additional parking spaces are required (DSP § VII 10). When the parking area at the rear of the property is used as a temporary outdoor dining area, the total parking requirement increases to 30 spaces and the number of spaces provided decreases to zero. As a result, when the parking area is used as a temporary outdoor dining area, the property owner is required to purchase or lease 13 in-lieu parking spaces in the City parking structure (DSP § VII 3.c.ii) to compensate for the increased parking demand (9 spaces) and the decreased parking supply (4 spaces). The applicant leases the parking spaces from the City in the months that the outdoor dining area is utilized. Currently, the applicant is in compliance with this requirement.

Finding 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 mitigated.

Facts in Support of Finding 4

1. The sale of alcohol will not create any new impacts that would not be normally associated with the operation of a restaurant with indoor and outdoor dining areas.
2. The proposed hours of operation for alcohol sales and the location of the restaurant will help to minimize impacts on surrounding uses.
3. The proposed restaurant dining hours of operation are: Monday through Sunday from 9:00 a.m. to 1:00 a.m. for the indoor area and Monday through Sunday from 9:00 a.m. to 11:00 p.m. in the outdoor dining areas. Food service would be available in the existing indoor and outdoor dining areas during the hours of operation. In addition, the subject site is accessible to pedestrians from the surrounding area and the downtown.
4. In addition to complying with the requirements of the City of El Segundo and the State of California Department of Alcoholic Beverage Control the restaurant is subject to County Health Department regulations that address and monitor impacts of fumes and odors.

Finding 5

- The State of California Department of Alcoholic Beverage Control has issued or will issue a license to sell alcohol to the applicant.

Facts in Support of Finding 5

1. The applicant must obtain a license from the State of California Department of Alcoholic Beverage Control (Type No. 47).

PLANNING AND BUILDING SAFETY DEPARTMENT DIRECTOR ACTION

Based on these findings and facts in support of these findings, the Planning and Building Safety Department Director **APPROVES** the proposed project, subject to the following conditions:

1. The proposed restaurant dining hours of operation are: Monday through Sunday from 9:00 a.m. to 1:00 a.m. for the indoor area and Monday through Sunday from 9:00 a.m. to 11:00 p.m. in the outdoor dining areas. Food service must be available in the indoor and outdoor dining areas during the hours of operation. Any change to the hours of operation or the hours that alcohol may be served is subject to review and approval by the Director of Planning and Building Safety.
2. The seating for the restaurant must be limited to 58 seats in the interior dining area, 18 seats in the covered outdoor dining area in front of the building, 48 seats in the existing outdoor dining area to the rear, and 6 seats in the existing outdoor dining area in the public right-of-way in front of the building and a total of 130 seats for the subject site.
3. Any subsequent modification to the project as approved, including the floor plan and areas where alcohol will be served, and/or the conditions of approval must be referred to the Director of Planning or designee and Building Safety for approval and a determination regarding the need for Planning Commission review of the proposed modification.
4. The applicant must obtain and maintain all licenses required by the Alcoholic Beverage Control Act (Business & Professions Code §§ 23300 *et seq.*). The applicant must obtain and maintain a Type 41 license.
5. The applicant must maintain and comply with the terms of an encroachment permit from the Public Works Department for any use of the public right-of-way for outdoor dining and is subject to the requirements of ESMC § 9-2-1.
6. The restaurant operations must comply with ESMC §§ 7-2-1, *et seq.* regulating noise and vibration.
7. The Planning and Building Safety Department and the Police Department must be notified of any change of ownership of the approved use in writing within 10 days of the completion of the change of ownership. A change in project ownership may be cause to schedule a hearing before the Planning Commission regarding the status of the administrative use permit.

8. The applicant must comply with all regulations of the Alcoholic Beverage Control Act and the regulations promulgated by the Alcoholic Beverage Control Board including, without limitation, the regulations set forth in 4 Cal. Code of Regs. §§ 55 *et seq.*
9. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise in the restaurant, patio and parking lot. Said contact's name and phone number must also be available through the restaurant staff at all times.
10. The applicant must, at all times, display a *Designated Driver* sign of at least ten inches by ten inches (10" X 10") in the restaurant dining areas at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a *non-drinking* driver.
11. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior must constitute a violation of this condition.
12. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on *not less than a quarterly basis*.
13. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:
 - a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Inglewood District Office administered *Leadership and Education in Alcohol and Drugs* (LEAD) Program in the form of an ABC-issued certificate; or,
 - b. Completed an accepted equivalent by the ABC, Inglewood District Office to ensure proper distribution of beer, wine and distilled spirits to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then;
 - c. The ABC-licensed proprietors must have confirmed with the Planning and Building Safety Department within fifteen (15) days of the Planning Manager's decision, or by final project approval, that a date certain has been scheduled within the local ABC Office to complete the LEAD course.

- d. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.
14. The licensee must have readily identifiable personnel to monitor and control the behavior of customers inside the building premises. Staff must monitor activity outside in the parking lot and any adjacent property under the establishment's control to ensure the areas are generally free of people and are cleared of patrons and their vehicles one-half hour after closing.
15. If complaints are received regarding excessive noise, parking availability, lighting, building access, and the like associated with the restaurant, and outdoor dining area, the city may, in its discretion, take action to review the Administrative Use Permit, including without limitation, adding conditions or revoking the permit.
16. The outdoor dining and seating areas must comply with ESMC § 15-2-16. To the extent the outdoor dining area in back is utilized, there must be 13 spaces of parking made available consistent with requirements of DSP § VII 3(a)(iii) Parking In-Lieu Fees. When the outdoor dining is not in use, the gates must be open and the 4 parking spaces must be available during all hours of operation.
17. The building must not be occupied by more persons than allowed by the California Building Code, as adopted by the ESMC.
18. The building and any outdoor seating must comply with California Building and Fire Code requirements, as adopted by the ESMC.
19. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. 935 or Administrative Use Permit No. 11-09. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of EA-935 or AUP 11-09, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.

PLANNING COMMISSION

Please be advised that this **does not** conclude the review process. This determination will be transmitted to the Planning Commission at its September 22, 2011 meeting with the recommendation that the Planning Commission Receive and File the determination. The City Council will determine whether or not to protest the issuance of the ABC License (Type 41) at its meeting on October 4, 2011. If you have any questions, please contact the project planner Maria Baldenegro at (310) 524-2341 for further information.

Sincerely,



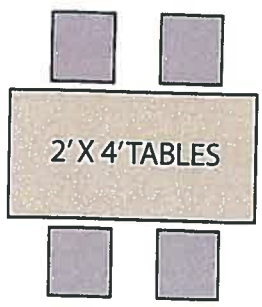
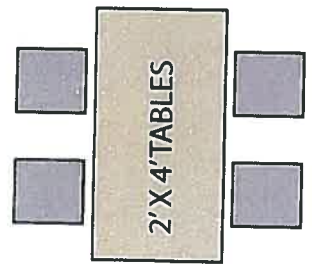
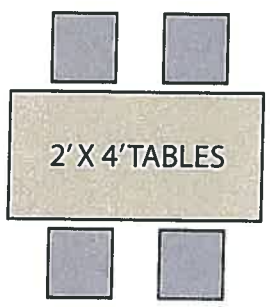
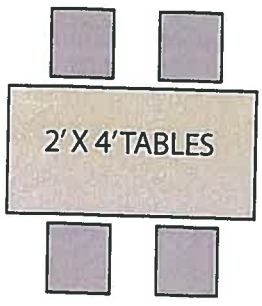
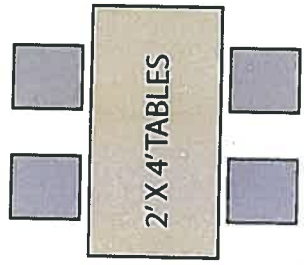
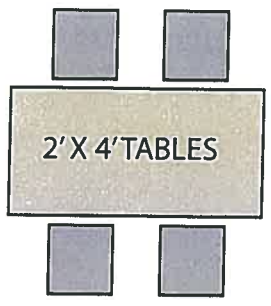
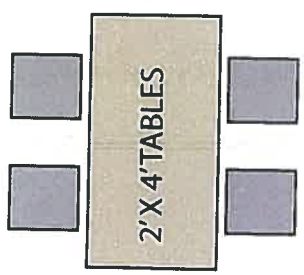
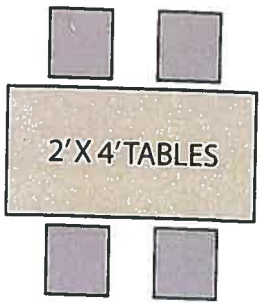
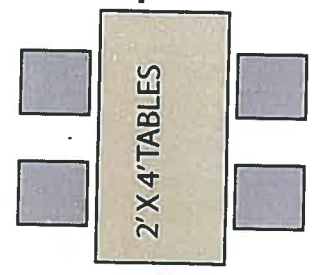
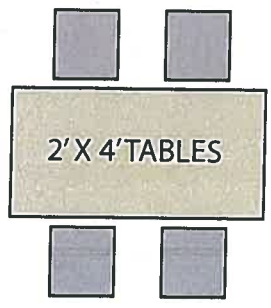
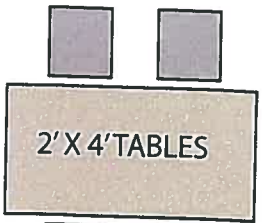
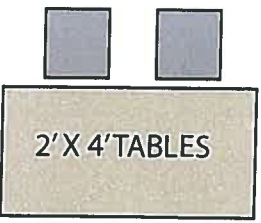
Greg Carpenter, Director
Department of Planning and Building Safety

P:\Planning & Building Safety\0 Planning - Old\PROJECTS (Planning)\926-950\EA-935\EA-935.AUP.letter.doc

25'

223 RICHMOND ST.
BACK PATIO SEATING

6' CLEARANCE



5' CLEARANCE

5' CLEARANCE

5' CLEARANCE

5' CLEARANCE

6' CLEARANCE

30'

RECEIVED
JUL 14 2009

PLANNING DIVISION

046

EMERGENCY EXIT

(2) 4' SWING OUT GATES

(2) 4' SWING OUT GATES

EXHIBIT B

CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 22, 2011

SUBJECT: Environmental Assessment No. 861 and Zone Text Amendment No. 10-01

REQUEST: An Ordinance to Add a New Chapter 15-24A to the El Segundo Municipal Code Regulating Dedication and Improvement of Public Rights-of-Way.

APPLICANT: City of El Segundo

PROPERTY OWNER: Various

PROPERTY INVOLVED: Citywide

I. Introduction

The proposed project is an ordinance amending the El Segundo Municipal Code (ESMC) to add a new Chapter 15-24A regulating dedication and improvement of public rights-of-way.

II. Recommendation

Planning staff recommends that the Planning Commission review the facts and findings as contained within this report, provide comments, and adopt Resolution No. 2703 recommending City Council approval of the draft ordinance to add a new Chapter 24-A to the ESMC regulating dedication and improvement of public rights-of-way.

III. Background

In February 2010, the City of El Segundo initiated an application for Environmental Assessment No. EA-861 and Zone Text Amendment No. 10-01, to add a new ESMC Chapter 15-24A regulating dedication and improvement of public rights-of-way.

IV. Analysis

The analysis section includes a discussion of the proposed Zone Text Amendment, its consistency with the ESMC and General Plan for the proposed amendment.

A. ZONE TEXT AMENDMENT:

The discussion of the Zone Text Amendment is divided into: 1) an overview of the existing requirements, 2) the primary objectives of the amendment, and 3) the changes to the regulations.

1. Existing Regulations.

The General Plan Circulation Element establishes street classifications, street widths, standards for streets (roadway, parkway, sidewalk, curb and gutter), and dedication and improvement requirements for public rights-of-way. Street widths are established for each type of street classification (major arterial, secondary arterial, collector (4 lane divided), collector (2 or 4 lane undivided), local commercial street, local residential street). Currently, the established street classifications and minimum width requirements are as follows:

Street Classifications

Street Classification	Roadway	Sidewalk & Curb	Parkway	Total ROW
(minimum width in feet)				
Major Arterial	118-128	6	6	142-150
Secondary Arterial	78-100	5	5	98-120
Collector (4-Lane Divided)	60	5	5	80
Collector (2 or 4 Lane)	44	5	5	64
Local Street (Commercial)	40-44	5	5	60-64
Local Street (Residential)	36	4	8	60
Alley	20	N/A	N/A	20

The required improvements for public rights-of-way (ROW) include:

- Minimum Roadway, Sidewalk, and Parkway Widths (per General Plan Circulation Element Master Plan of Streets, Title 14 Subdivision Regulations))
- Street and Alley Paving (per General Plan, Title 14 Subdivision Regulations, and Public Works Policy)
- Sidewalks, including wheel chair ramps/compliance with ADA minimum width (per General Plan Circulation Element Master Plan of Streets, Title 14 Subdivision Regulations)
- Curb and Gutter (per Circulation Element Master Plan of Streets, Title 14 and Subdivision Regulations)
- Parkway, including parkway trees (per General Plan Circulation Element Master Plan of Streets, Title 14 Subdivision Regulations)
- Street and Alley Lighting (per General Plan, Title 14 Subdivision Regulations)
- Traffic Signals and Street Signs (per General Plan Circulation Element, Title 14 Subdivision Regulations and ESMC Chapter 8-3)
- Utilities and Utility Relocation (per General Plan, Title 14 Subdivision Regulations and ESMC Titles 11 and 12)

The existing requirements for dedication and improvement of public rights-of-way (ROW) are as follows:

- Currently, subdivisions and other development projects subject to discretionary planning applications are required to provide right-of-way dedications if they do not meet the Circulation Element standards (per ESMC § 14-1-7, 14-2-5(A), 14-4-5(A), 14-5-4 (E), 14-5-5, 15-1-1).
- The option to comply with Circulation Element standards includes dedication or irrevocable offer to dedicate. The dedication or irrevocable offer to dedicate land requires at least meeting the minimum standards outlined in the street classification chart above.
- The General Plan and Municipal Code requirements as currently adopted do not allow staff discretion regarding application of dedication and improvement requirements.

2. Primary Objectives.

The purpose of the draft ordinance is primarily to authorize the Director of Public Works to waive, when appropriate, the general requirement that development provide street and right-of-way dedications. In addition, the ordinance identifies those conditions that are needed to adhere to the ESMC and General Plan requirements regarding circulation.

3. Proposed Regulations.

The proposed regulations will establish a new ESMC Chapter 15-24A regulating dedication and improvement of public rights-of-ways that will provide clearly defined requirements while maintaining flexibility to accommodate special needs and to address instances where either physical impediments affect the feasibility of right-of-way dedication and improvement or where traffic demand does not warrant the need for dedication and improvement within the foreseeable future. Specifically, the regulations will:

- Establish required improvements for all projects that include: sidewalk/wheel chair ramps and parkway, curb and gutter, and parkway trees.
- Establish required improvements for projects requiring an environmental assessment that include: alley paving, alley lighting, roadway paving, alley lighting, roadway paving, traffic signals and street signs, street lights, and utility relocation.
- Establish a waiver process to allow deviations from the requirements for dedication and improvement of public rights-of-way.
- Delegate authority to the Director of Public Works, or designee, to approve waivers or modifications to the requirements for dedication and improvement of public rights-of-way.
- Establish necessary findings and minimum criteria for the granting of waivers or modifications to the requirements for dedication and improvement of public rights-of-way.
- Allow the flexibility to use either dedication or an irrevocable offer to dedicate land if the improvements are needed immediately or to use a combination of dedication and an irrevocable offer to dedicate land.
- Require that the right-of-way dedication on an individual lot shall be that portion of private property necessary to provide one-half (1/2) of the required standard minimum width, measured from the centerline of the street.
- Require that street trees that are damaged or removed be replaced with a minimum 24-inch box size tree.
- Clarify the effect on building setbacks and floor area ratios.
- Ensure that the minimum roadway width necessary for emergency vehicle access is maintained.

- Ensure that the necessary roadway width for the traffic volumes projected during the General Plan buildout will be maintained unless it is determined that the dedication or irrevocable offer to dedicate will require the removal of all or a portion of an existing building.
- The right-of-way dedication and improvement will still be based upon Exhibit C-8 of the General Plan Circulation Element. Proposed waivers must maintain the minimum roadway width and lane widths deemed necessary for safe two-directional vehicular passage as determined by the Director of Public Works. It establishes minimum travel lane widths (10 feet) and parking lane widths (8 feet) for waivers or modification to the requirements for dedication and improvement of public rights-of-way. It allows discretion to determine if a greater width is needed to accommodate travel demand of a given street.

FINDINGS:

Consistency with the El Segundo Municipal Code

In accordance with the ESMC, the Planning Commission must find that the proposed zone text amendments are needed to fulfill the purpose of ESMC Title 15. As shown in the draft resolution, Planning staff believes that the Planning Commission can make the findings in order to recommend City Council approval of the proposed amendment.

V. Environmental Review

Approval of the proposed draft ordinance is exempt from additional review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and establishes rules and procedures to implement an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, the proposed draft Ordinance does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(2, 5)). Even if the Resolution were to qualify as a project, it would be categorically exempt as a Class 1 or Class 5 project since, at best, it would constitute a minor alteration of existing public structures involving no expansion of use, or a minor alteration in land use limitations (see 14 CCR §§ 15301, 15305). The City will conduct environmental review of each individual project affected by the proposed Ordinance.

VI. Conclusion

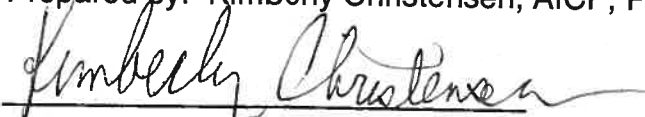
Planning staff recommends that the Planning Commission review the facts and

findings as contained within this report and adopt Resolution No. 2703 recommending City Council approval to add a new Chapter 15-24A to the El Segundo Municipal Code regulating dedication and improvement of public rights-of-way .

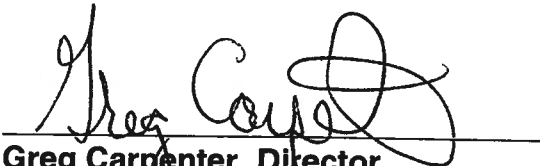
VII. Exhibits

- A. Draft Resolution No. 2703
- B. Draft Ordinance

Prepared by: Kimberly Christensen, AICP, Planning Manager



Kimberly Christensen, AICP, Planning Manager
Department of Planning & Building Safety



Greg Carpenter, Director
Planning and Building Safety Department

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RESOLUTION NO. 2703

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING A NEW CHAPTER 15-24A TO THE EI SEGUNDO MUNICIPAL CODE (“ESMC”) REGULATING DEDICATION AND IMPROVEMENT OF PUBLIC RIGHTS-OF-WAY.

(EA NO. 861 AND ZTA NO. 10-01)

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

SECTION 1: The Planning Commission finds and declares that:

- A. On February 8, 2010, the City of El Segundo initiated an application for Environmental Assessment No. EA-861 and Zone Text Amendment No. 10-01 to add a new Chapter 15-24A to the ESMC regulating dedication and improvement of public rights-of-way;
- B. The application was prepared and reviewed by the City's Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the ESMC;
- C. In addition, the City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”) the regulations promulgated thereunder (14 Cal Code of Regulations §§ 15000, et seq., the “CEQA Guidelines”) and the City's Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);
- D. On September 14, 2010, staff conducted a meeting with the Planning and Building Safety Advisory Group to review and discuss dedication and improvement of public rights-of-way and to consider information provided by City staff;
- E. The Planning and Building Safety Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for September 8, 2011;
- F. On September 8, 2011, the Planning Commission continued the public hearing to September 22, 2011;
- G. On September 22, 2011, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and

- H. This Resolution and its findings are made based upon the evidence presented to the Commission at its September 22, 2011, hearing including, without limitation, the staff report submitted by the Planning and Building Safety Department.

SECTION 2: Factual Findings And Conclusions. The Commission finds that the proposed ordinance adds a new ESMC Chapter 15-24A regulating dedication and improvement of public rights-of-way includes, without limitation, the following:

- A. It affects all zones in the City of El Segundo.
- B. It establishes required improvements for all projects that include: sidewalk/wheel chair ramps and parkway, curb and gutter, and parkway trees.
- C. It establishes required improvements for projects requiring an environmental assessment that include: alley paving, alley lighting, roadway paving, alley lighting, roadway paving, traffic signals and street signs, street lights, and utility relocation.
- D. It establishes a waiver process to allow deviations from the requirements for dedication and improvement of public rights-of-way.
- E. It delegates authority to the Director of Public Works, or designee, to approve waivers or modifications to the requirements for dedication and improvement of public rights-of-way, including but not limited to, right-of-way width dedication, roadway width, sidewalk, parkway, curb and gutter, wheel chair ramps, parkway trees, alley paving, alley lighting roadway paving, traffic signals, street signs, street lights, and utility relocation.
- F. It establishes necessary findings for the granting of waivers or modifications to the requirements for dedication and improvement of public rights-of-way.
- G. It established minimum travel lane widths and parking lane widths for waivers or modification to the requirements for dedication and improvement of public rights-of-way.
- H. It does not increase the permitted density of development in the City.

SECTION 3: General Plan Findings. As required under Government Code § 65454 the ESMC amendments proposed by the proposed Ordinance are consistent with the City's general plan as follows:

- A. It conforms with the Land Use Element Goals, Objectives and Policies. Specifically, the ordinance is consistent with Goal LU7, Objective LU7-1, Policy LU7-1.2, Policy LU 7-2.3, and Objective LU7-3, in that it provides

the highest quality public facilities, services, and public infrastructure possible to the community; provides the highest and most efficient level of public services and public infrastructure financially possible; all new development shall place utilities underground; and that no new development shall be allowed unless adequate public facilities are in place or provided for; and provides adequate maintenance for all public infrastructure facilities within the City.

- B. It conforms with the Circulation Element Goals, Objectives and Policies. Specifically, it helps implement Goal C1; Objective C1-1; and Policies C1-1.2 to C1-1.3; C1-1.5 to C1-1.7; C1-1.9; C1-1.11; C1-1.15; Objective C2-1; Policy C2-1.4; Policy 2-1.7; Objective C2-2; Policy C2-2.6; Policy C3-1.2; Policy C3-1.3; Policy C3-1.9; and Policy C4-2.1.
- C. It conforms with the Public Safety Element Goals, Objectives and Policies. Specifically, it is consistent with Goal PS7-1, Objective PS 7-1, Policy PS 7-1.3, and Policy PS7-1.4.

SECTION 4: Zone Text Amendment Findings. In accordance with ESMC § 15-26-4 and based on the findings set forth in Section 2, the proposed Zone Text Amendment is consistent with the goals, policies, and objectives of the General Plan as follows:

- A. It 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. It is necessary to facilitate the development process and ensure the orderly development of properties with adequate in number and well-designed parking and loading facilities.

SECTION 5: Environmental Assessment. Approval of the proposed draft ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and establishes rules and procedures to implement an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, the proposed draft Ordinance does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(2, 5)). Even if the Resolution were to qualify as a project, it would be categorically exempt as a Class 1 or Class 5 project since, at best, it would constitute a minor alteration of existing public structures involving no expansion of use, or a minor alteration in land use limitations (see 14 CCR §§ 15301, 15305). The City will conduct environmental review of each individual project affected by this Resolution.

SECTION 6: Recommendations. The Planning Commission recommends that the City Council adopt the ordinance set forth in attached Exhibit "A," which is incorporated by reference.

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

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

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

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

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

PASSED AND ADOPTED this 22nd day of September, 2011.

David Wagner, Chairperson
City of El Segundo Planning Commission

ATTEST:

Greg Carpenter, Secretary

Wagner -
Fellhauer -
Baldino -
Barbee -
Newman -

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

By: _____
Karl H. Berger, Assistant City Attorney

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ORDINANCE NO. _____

AN ORDINANCE ADDING A NEW CHAPTER 15-24A TO THE EL SEGUNDO MUNICIPAL CODE REGULATING DEDICATION AND IMPROVEMENT OF PUBLIC RIGHTS-OF-WAY.

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

SECTION 1: A new Chapter 15-24A entitled "*Right-of-Way Dedications and Improvements*," consisting of §§ 15-24A-1 to 15-24A-5, is added to the El Segundo Municipal Code ("ESMC") to read as follows:

"RIGHT-OF-WAY DEDICATIONS AND IMPROVEMENTS

- 15-24A-1: PURPOSE.**
- 15-24A-2: DEDICATION.**
- 15-24A-3: IMPROVEMENTS.**
- 15-24A-4: RELIEF FROM REQUIREMENTS.**
- 15-24A-5: NOTIFICATION.**

15-24A-1: Purpose.

This Chapter is intended to implement the orderly acquisition and improvement of public rights-of-way to benefit public health, safety and welfare. Private property owners should provide and improve public rights-of-way to ensure that private property development does not adversely impact other public and private facilities and services.

15-24A-2: Dedication.

- A. Dedication. Unless otherwise provided, any development located on a lot abutting public rights-of-way, must dedicate a portion of that lot to widen the public rights-of-way in accordance with the standards in Exhibit C-8 of the General Plan Circulation Element. Property dedications must be made before the City issues a building permit for a proposed project. The Director of Public Works is authorized to substitute an irrevocable offer to dedicate or to substitute a combination of a dedication and an irrevocable offer to dedicate for public rights-of-way in compliance with the standards in Exhibit C-8 of the General Plan Circulation Element and subject to § 15-24A-4 of this Chapter.
- B. Width. Table 1, below is based on Exhibit C-8 of the General Plan Circulation Element and establishes the standard right-of-way

widths for the various classifications for public rights-of-way. The right-of-way dedication on an individual lot is that portion of private property necessary to provide one-half (1/2) of the required standard width, measured from the centerline of the street.

Table 1

Right-of-way Classification	Minimum Width (feet)
Major Arterial	142-150 (varies based on lane configuration)
Secondary Arterial	98-120 (varies based on lane configuration)
Collector (divided)	80
Collector	64
Local – commercial	60-64 (varies based on lane configuration)
Local – residential	60
Alley	20

1. Greater Widths. Greater widths may be required as by the Director of Public Works or designee conditions of subdivision maps, site plan review, conditional use permits or standards variances.
 2. Reduced Widths. The required standard width may be reduced at specific locations on specific streets due to unusual conditions, as authorized by the Director of Public Works or designee.
- C. Effect on Required Yard Areas and Building Area Ratios. All required yard areas, lot coverage and floor area ratio calculations must be measured after the dedication or reservation. If the Director of Public Works requires an irrevocable offer to dedicate, the required yard areas, lot coverage and floor area ratio calculations may be measured not including the area of dedication or reservation.

15-24A-3: Improvements.

- A. Applicability. Before the City issues certificates of occupancy for any new development, a property owner must make all required improvements and repairs to abutting public rights-of-way. The improvements and repairs must extend along the width and depth of the property and for a reasonable distance beyond the property as is necessary to complete the improvement or repair. Existing

improvements that are damaged and that may have been damaged during construction of the building must also be repaired.

B. Required Improvements; All Projects. As determined by the Director of Public Works, all projects are required to provide the following right-of-way improvements that the Director of Public Works determines to be required and applicable:

1. Sidewalk/Wheel Chair Ramps and Parkway. Construction or repair of a sidewalk and parkway adjoining the site. The sidewalk must have a minimum clear width of five feet (5') with a parkway, or six feet (6') if the sidewalk adjoins the curb.
2. Curb and Gutter. Construction or repair of curbs and gutters adjoining the site. All unused curb cuts must be replaced with a full-height curb and gutter.
3. Parkway Trees. Any missing or damaged parkway trees must be replaced with a minimum 24-inch size box tree in accordance with Chapter 9-3 of this Code and administrative policies and procedures promulgated by the city manager.

C. Required Improvements; Projects requiring an Environmental Assessment. As determined by the Director of Public Works, and in addition to the improvements required by subsection B, the following right-of-way improvements must be provided:

1. Alley Paving. Construction, replacement, repair or extension of alley paving up to standard width. The alley must be paved the length of the site. If vehicle access is taken from the alley, the Director of Public Works may also require that the alley be paved to a point where the alley intersects a paved public right-of-way, and curb returns must be relocated as necessary.
2. Alley Lighting. Construct or install on-site alley lighting.
3. Roadway Paving. Construction, replacement, repair or extension of roadway paving to standard street width as required in Exhibit C-8 of the General Plan Circulation Element.
4. Traffic Signals and Street Signs. Provide a prorated share of the cost of all roadway signal and street sign modifications attributable or partly attributable to the development.

5. Street Lights. Install or relocate street lights. This may include widening the right-of-way as necessary.
 6. Utilities Relocation. Relocate utilities as necessary to provide for the improvements set forth above.
- D. Standards. All improvements within public rights-of-way must be installed in conformance with the specifications on file with the City Engineer's office.

15-24A-4: Relief from requirements.

The Director of Public Works may waive requirements of this Chapter if the Director of Public Works determines that such improvements are unnecessary for a public purpose or that the cost of the improvement is proportionally excessive when compared to the scale of the project or the demand generated by the project subject to the findings set forth below. The determination of the Director of Public Works may be appealed to the Planning Commission in accordance with Chapter 15-25 of this Code.

- A. To waive the need for improvements and dedications otherwise required by this Chapter, the Director of Public Works must find upo substantial evidence that:
1. The proposed waiver maintains the minimum roadway width necessary for emergency vehicle access as determined by the Fire Chief;
 2. The proposed waiver maintains the minimum roadway width and lane widths deemed necessary for safe two-directional vehicular passage. The minimum lane width cannot be less than 10 feet in width for a travel lane and 8 feet in width for a parking lane;
 3. The proposed waiver will maintain the necessary roadway width for the traffic volumes projected during the General Plan buildout as determined by the Director of Planning and Building Safety unless the Director of Public Works determines that the dedication or irrevocable offer to dedicate will require the removal of all or a portion of an existing building;
 4. The proposed waiver complies with any requirements of State and Federal regulations, including, without limitation, disabled access requirements for public sidewalks;

5. The proposed waiver would not be detrimental to the neighborhood or district in which the property is located;
 6. That the proposed waiver is necessary in order that the applicant is not unreasonably deprived the use or enjoyment of his property; and
 7. The proposed waiver is consistent with the legislative intent of this Title.
- B. Conditions. If the Director of Public Works grants a waiver, the Director of Public Works may impose such conditions necessary to safeguard public health, safety, and welfare. In all instances the Director of Public Works must impose the following conditions:
1. Establish a term during which the irrevocable offer to dedicate is effective.
 2. The waiver does not become effective for ten (10) days from when it is granted or, if an appeal is filed, there is a final determination.
 3. The waiver becomes null and void if it is unused for one hundred eighty (180) days from its effective date.

15-24A-5: Notification.

- A. Copies of the findings and decision of the Director of Public Works must be mailed to the applicant and all persons within three hundred feet (300') of the proposed project site.

SECTION 2: Environmental Review. This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment and establishes rules and procedures to implement an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Ordinance does not constitute a "project" that requires environmental review (*see specifically 14 CCR § 15378(b)(2, 5)*). Even if the Resolution were to qualify as a project, it would be categorically exempt as a Class 1 or Class 5 project since, at best, it would constitute a minor alteration of existing public structures involving no expansion of use, or a minor alteration in land use limitations (*see 14 CCR §§ 15301,*

15305). The City will conduct environmental review of each individual project affected by this Resolution.

SECTION 3: 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 4: Repeal or amendment of any provision of the El Segundo Municipal Code 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 5: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 6: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2011.

Eric Busch, Mayor

ATTEST:

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

I, Cindy Mortesen, 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 _____, 2011, 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 _____, 2011, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cindy Mortesen, City Clerk

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

By: _____
Karl H. Berger, Assistant City Attorney