AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBERS - 350 Main Street

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

Unless otherwise noted in the Agenda, the Public can only comment on City-related business that is within the jurisdiction of the City Council and/or items listed on the Agenda during the Public Communications portions of the Meeting. Additionally, the Public can comment on any Public Hearing item on the Agenda during the Public Hearing portion of such item. The time limit for comments is five (5) minutes per person.

Before speaking to the City Council, please come to the podium and state: Your name and residence and the organization you represent, if desired. Please respect the time limits.

Members of the Public may place items on the Agenda by submitting a Written Request to the City Clerk or City Manager’s Office at least six days prior to the City Council Meeting (by 2:00 p.m. the prior Tuesday). 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 City Clerk two (2) working days prior to the meeting and they do not exceed five (5) minutes in length.

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

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JUNE 16, 2009 – 6:00 P.M.

Next Resolution # 4605
Next Ordinance # 1430

6:00 P.M. SESSION

CALL TO ORDER

ROLL CALL

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250.
SPECIAL ORDER OF BUSINESS:

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov't Code §54956.9(a)) -0- matter

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -0- potential case (no further public statement is required at this time); Initiation of litigation pursuant to Government Code §54956.9(c): -0- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov't Code §54957): - 1- matters

1. Represented Group: Supervisory and Professional Employees' Bargaining Unit
   City's Representatives: Jack Wayt (City Manager), Bob Hyland (Human Resources Director) and Deborah Cullen (Finance Director)

CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): -0- matters

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): - 0- matter

SPECIAL MATTERS: - 1- matter

1. Interview of candidates and potential appointee for Library Board of Trustees [Note: the interviews will commence at approximately 6:15 p.m. and take place in the West Conference Room in City Hall]
The City Council, with certain statutory exceptions, can only take action upon properly posted and listed agenda items. Any writings or documents given to a majority of the City Council regarding any matter on this agenda that the City received after issuing the agenda packet, are available for public inspection in the City Clerk's office during normal business hours. Such Documents may also be posted on the City's website at www.elsegundo.org and additional copies will be available at the City Council meeting.

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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JUNE 16, 2009 - 7:00 P.M.

Next Resolution # 4605
Next Ordinance # 1430

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor Wesley Harding, El Segundo Foursquare Church

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Eric Busch
PRESENTATIONS

a. Proclamation announcing July 2009 as Parks & Recreation Month.

ROLL CALL

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only.

Recommendation – Approval.

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action (Public Hearing) regarding the introduction and first reading of an Ordinance adopting Development Agreement No. 09-01 (Third Amendment to Development Agreement No.03-01 with Rosecrans-Sepulveda Partners, 2, LLC and PES Partners, LLC for EA 631) for the Plaza El Segundo development project located at 710-850 South Sepulveda Boulevard, 700-740 Allied Way, and 2005-2015 East Park Place to allow the following uses: 1) Fast food restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines (the southwest portion of the site), 2) banks and similar institutions up to a total of 10,000 square feet of floor area, 3) day spas up to a total of 10,000 square feet of floor area, 4) health clubs and fitness centers up to a total of 10,000 square feet of floor area, 5) indoor sale of motorcycles, motor scooters and the sale of related parts and accessories only as an ancillary use, and 6) dance and music instruction studios up to 6,000 square feet of floor area. Applicant: PES Partners, LLC.

Recommenda­tion – (1) Open Public Hearing; (2) Discussion; (3) Introduce and waive first reading of an Ordinance adopting Development Agreement No. 09-01 (Third Amendment to Development Agreement No. 03-01); (4) Schedule second reading and adoption of the Ordinance on July 7, 2009; (5) Alternatively, discuss and take other possible action related to this item.
C. UNFINISHED BUSINESS

2. Consideration and possible action to amend the El Segundo Municipal Code film regulations within the City of El Segundo and direct staff to not allow any filming in Library Park. (Fiscal Impact: None)
Recommendation – (1) Filming Sub-committee recommended changes to film regulations and, if appropriate, introduce and waive first reading of an Ordinance; (2) Consider directing staff to prohibit filming in Library Park; (3) Alternatively, discuss and take other possible action related to this item.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

3. Consideration and possible action regarding the announcement of the appointment of candidate of the Library Board of Trustees. (Fiscal Impact: None)
Recommendation – (1) Announce the appointee to the Library Board of Trustees, if any; (2) Alternatively, discuss and take other action related to this item.

E. CONSENT AGENDA
All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.

4. Warrant Numbers 2571991 to 2572229 on Register No. 17 in the total amount of $1,180,117.63 and Wire Transfers from 05/22/09 through 06/04/09 in the total amount of $766,153.67.
Recommendation – Approve Warrant Demand Register and authorize staff to release. Ratify: Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.

Recommendation – Approval.
6. Consideration and possible action regarding acceptance of the project for trenchless rehabilitation of the sanitary sewer main on Imperial Highway from east to west City limit. Project No.: PW 08-10  (Fiscal Impact: $465,795.00)

Recommendation – (1) Accept the work as complete; (2) Authorize the City Clerk to file a Notice of Completion in the County Recorder’s Office; (3) Alternatively, discuss and take other action related to this item.

7. Consideration and possible action regarding the award of a Standard Public Works Contract to Malibu Pacific Tennis Courts, Inc. for the installation of a retaining wall at the Softball Field at 339 Sheldon Street – Project No. PW 09-03  (Fiscal Impact: $184,750.00)

Recommendation – (1) Authorize the City Manager to execute a Standard Public Works Contract in a form approved by the City Attorney with Malibu Pacific Tennis Courts, Inc. in the amount of $184,750.00; (2) Alternatively, discuss and take other action related to this item.

8. Consideration and possible action on the awarding of RFP # 09-07 (Police Uniforms and Accessories) to the three most responsive bidders, and authorize the City Manager to execute three (3) year agreements with a renewal option for each of an additional three (3) year period, for a maximum total contract length of six (6) years. (Fiscal Impact: Included in adopted budget)

Recommendation – (1) Award three (3) year contracts to Galls Uniforms, Quartermaster Uniforms, and Carmen’s Uniforms for use as the police department’s primary suppliers of uniforms and accessories; (2) Authorize the City Manager to exercise the renewal option for each contract of an additional three year period if in the City’s best interest; (3) Alternatively discuss and take other action related to this item.

CALL ITEMS FROM CONSENT AGENDA

F. NEW BUSINESS

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY
I. REPORTS – CITY CLERK

9. Consideration and possible action regarding Council consensus to cancel the July 7, 2009 City Council Meeting. (Fiscal Impact: None)

Recommendation – (1) Approve cancellation of the July 7, 2009 City Council Meeting; (2) Alternatively, discuss and take other possible action related to this item.

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann –

Council Member Fisher –

Council Member Jacobson –

Mayor Pro Tem Busch –

Mayor McDowell –

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MEMORIALS –
CLOSED SESSION

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

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

ADJOURNMENT

POSTED: 
DATE: June 10, 2009
TIME: 4:00 p.m.
NAME: [Signature]
Proclamation

City of El Segundo,

WHEREAS, the National Recreation & Parks Association (NRPA) and the California Park & Recreation Society (CPRS) have chosen to celebrate July as Parks & Recreation Month; and

WHEREAS, in El Segundo, California, we are fortunate to have a variety of recreation programs, parks and recreation facilities, providing countless opportunities for residents to recreate; and

WHEREAS, our parks help preserve and protect our natural resources, preserve our urban forests, offer pleasant surroundings for relaxation, leisure activities, and positive recreational experiences; and

WHEREAS, recreation and parks programs reach thousands of young children, youth and teens, adults, and seniors, who benefit through participation in a multitude of programs, at a variety of different types of parks and recreation facilities; and

WHEREAS, by creating community through people, parks, and programs, parks and recreation strengthens community unity, community image, and our sense of belonging; and

WHEREAS, recreation and parks programs provide positive alternatives for youth, involving them in enrichment and learning activities that foster positive development and help them grow into healthy and productive adults; and

WHEREAS, recreation and parks programs teach and contribute to the health and wellness of all, promoting active lifestyles and helping to provide an overall improved quality of life for everyone; and

NOW, THEREFORE, the Mayor and members of the City Council of the City of El Segundo, California, do hereby proclaim July 2009 as Parks & Recreation Month, and urge all El Segundo residents to enjoy, recognize, and help promote the benefits derived from quality recreation and park experiences, which provide something of value to everyone.

Mason \[Signature\]
Mayor Kelly McDowell

Eric H. Busch
Council Member

Bill Fisher
Council Member

Carl Jacobson
Council Member

Don Brown

09
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

AGENDA DESCRIPTION:
Consideration and possible action (Public Hearing) regarding the introduction and first reading of an Ordinance adopting Development Agreement No. 09-01 (Third Amendment to Development Agreement No.03-01 with Rosecrans-Sepulveda Partners, 2, LLC and PES Partners, LLC for EA 631) for the Plaza El Segundo development project located at 710-850 South Sepulveda Boulevard, 700-740 Allied Way, and 2005-2015 East Park Place to allow the following uses: 1) Fast food restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines (the southwest portion of the site), 2) banks and similar institutions up to a total of 10,000 square feet of floor area, 3) day spas up to a total of 10,000 square feet of floor area, 4) health clubs and fitness centers up to a total of 10,000 square feet of floor area, 5) indoor sale of motorcycles, motor scooters and the sale of related parts and accessories only as an ancillary use, and 6) dance and music instruction studios up to 6,000 square feet of floor area. Applicant: PES Partners, LLC. (Fiscal Impact: None).

RECOMMENDED COUNCIL ACTION:
1. Open Public Hearing;
2. Discussion;
3. Introduce and waive first reading of an Ordinance adopting Development Agreement No. 09-01 (Third Amendment to Development Agreement No. 03-01);
4. Schedule second reading and adoption of the Ordinance on July 7, 2009; and/or
5. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Draft Ordinance
2. Draft Third Amendment to Development Agreement No. 03-01
3. Draft Third Amendment to Development Agreement No. 03-01 (strike-out/underline version)
4. Planning Commission Staff Report Dated May 28, 2009 and Attachments
5. Draft Planning Commission Minutes

FISCAL IMPACT: None

| Amount Budgeted: | N/A |
| Additional Appropriation: | N/A |
| Account Number(s): | N/A |

ORIGINATED BY: Kimberly Christensen, AICP, Planning Manager
REVIEWED BY: Greg Carpenter, Planning and Building Safety Director
APPROVED BY: Jack Wayt, City Manager

1
BACKGROUND AND DISCUSSION:

I. Background

The Plaza El Segundo Development site is approximately 41.7 acres and generally located at the northeast corner of Sepulveda Boulevard and Rosecrans Avenue within the C-4 (Commercial Center) Zone. The development consists of 378,829 square feet of net floor area already built (Phase 1) and approximately 70,000 square feet that has been approved (Phase 1B) but not constructed. The existing uses at the shopping center consist of large retail stores, specialty retail, a grocery store, restaurants, a spa and a small fitness center (yoga studio).

The project is subject to the development standards in the C-4 Zone (ESMC Chapter 15-5G), conditions of approval, mitigation measures, and the requirements adopted in Development Agreement No. 03-01.

On March 20, 2009, as a result of changing economic conditions, PES Partners, LLC (the developer) requested an amendment to the Development Agreement. The proposed amendment would allow the following:

A. Fast food restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines (the, yet to be constructed, southwest portion of the project site). However, fast food restaurants will not be allowed within 150 feet of Sepulveda Boulevard or within 150 feet of Rosecrans Avenue, which is consistent with the existing restrictions on Phase 1 of the project. Fast food restaurants are currently permitted north of the railroad right-of-way.

B. Banks and Day Spas, provided that the floor area devoted to each use does not exceed 10,000 square feet, where one bank is permitted currently and one day spa with a minimum of 5,000 square feet is permitted currently.

C. Health Clubs and Fitness Centers provided such use does not exceed 10,000 square feet of floor area, where such use is limited to one facility not to exceed 6,500 square feet.

D. The indoor sale of motorcycles and motor scooters, and the sale of related parts and accessories only as an ancillary use, where such uses are not permitted currently. However, no outdoor display or storage, and no on-site repair or maintenance shall be permitted in conjunction with the sale of motorcycles or motor scooters or as a stand alone use.

E. Dance and music instruction studios and ancillary uses, provided such uses do not exceed a total of 6,000 square feet of floor area, where such uses are not permitted currently.

The specific language of the amendment is incorporated in the attached draft ordinance and Development Agreement.
The following applications are proposed:

1) **Environmental Assessment No. 831 (EA No. 831)** – The City certified a Final Environmental Impact Report ("FEIR") for this project on February 15, 2005. In accordance with CEQA Guidelines § 15168(c)(2), a new environmental document is not required for the proposed DA amendment since the proposed changes would not result in a significant impact to the environment or require new mitigation measures.

2) **Development Agreement No. 09-01** – A Development Agreement is required to amend Development Agreement No. 03-01 (See Attachment 2).

**II. Analysis**

**General Plan and Specific Plan Consistency**

The El Segundo General Plan land use designation for the subject site is currently Commercial Center and the Zoning designation is C-4 (Commercial Center). The project is consistent with its Zoning designation in that the proposed uses are permitted in the C-4 Zone. In addition, the project does not propose to add new floor area to the previously approved project and thus will remain consistent with the C-4 Zone development standards.

The proposed project is also consistent with relevant City of El Segundo General Plan Element Goals, Objectives and Policies. The Land Use Element includes the goal of providing a stable tax base for the City, promoting high quality retail facilities and allowing development the flexibility to mix uses. The uses proposed in the development agreement will help achieve this goal by maintaining and expanding a vibrant high quality shopping center in the City.

In addition, the Economic Development Element aims to create a strong healthy economic community, to retain existing businesses and maintain a stable tax base for the City. Permitting the proposed uses will help fill vacant commercial space at the shopping center and provide tenants for the Phase 1B portion of the center that has yet to be constructed. Therefore, the proposed amendments to the existing development agreement are consistent with the City of El Segundo General Plan and as specified in the attached ordinance.

**Traffic Analysis and Trip Generation**

The applicant submitted a memorandum prepared by the traffic engineer, which previously provided a traffic analysis for the Plaza El Segundo Phase 1B project and EIR Addendum. The memorandum concludes that the proposed amendment would not result in a new significant impact or require additional mitigation measures. Any increase in traffic generated by the project would not exceed the maximum number of vehicle trips allowed by the FEIR and project approvals. Assuming the DA were amended, Phase 1 and Phase 1B are together estimated to generate approximately 14,834 weekday daily trips, of which 448 are estimated to occur during the AM peak hour and 1,461 are estimated to occur during the PM peak hour. Approximately 1,778 trips are estimated to
occur during a Saturday midday peak hour. The respective number of trips allowed by the FEIR and project approvals is 16,645 weekday daily trips, 779 AM peak hour trips, 1,477 PM peak hour trips, and 2,205 Saturday midday peak hour trips. The memorandum conclusions were confirmed by Kimley-Horn and Associates, Inc., a traffic engineering consultant hired by the City to provide an independent third-party review.

Environmental Review

CEQA Guidelines § 15168(c)(2) states that if a project is proposed which has been the subject of a prior certified EIR or adopted Negative Declaration, and “[i]f the [City] finds that pursuant to Guidelines § 15162, no new effects could occur or new mitigation measures would be required, the [City] can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.”

The proposed amendment is consistent with the FEIR, entitled Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo Development Final Environmental Impact Report (State Clearinghouse No. 2003121037), certified by the City Council on March 15, 2005 and the Statement of Overriding Considerations adopted as Section IV of City Council Resolution No. 4415. None of the elements set forth in Public Resources Code § 21166 or CEQA Guidelines § 15162 exists since the proposed changes in uses would not result in a new significant impact to the environment or require new mitigation measures. Accordingly, no subsequent or supplemental Environmental Impact Report, Mitigated Negative Declaration or Addendum is required to be prepared before adopting the draft Ordinance approving the proposed amendment.

Planning Commission Action

At its May 28, 2009 meeting, the Planning Commission reviewed the matter, considered the public testimony, and recommended to the City Council approval of Environmental Assessment No. EA-831 and Development Agreement No. 09-01. The applicant responded to questions from the Commission. No other members of the public spoke at the Planning Commission meeting or submitted any written correspondence regarding this matter. The Commissioners’ comments are provided in the attached draft meeting minutes (Attachment 4).

III. Recommendation

Planning Division Staff recommends that the City Council introduce the attached draft Ordinance to adopt Development Agreement No. 09-01 (Third Amendment to Development Agreement No. 03-01). Second reading and adoption of the Ordinance would occur on July 7, 2009.
ORDINANCE NO. _____

AN ORDINANCE AMENDING DEVELOPMENT AGREEMENT NO. 03-01 BETWEEN ROSECRANS-SEPULVEDA 2, LLC, AND ROSECRANS-SEPULVEDA 3, LLC (PES PARTNERS, LLC), AND THE CITY OF EL SEGUNDO AFFECTING THE PLAZA EL SEGUNDO DEVELOPMENT.

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

SECTION 1: The City Council finds and declares that:

A. On March 15, 2005, the City Council of the City of El Segundo approved Environmental Assessment No. 631, General Plan Amendment (GPA No. 03-4), Zone Change (ZC No. 03-2) and Subdivision (SUB 03-7, Vesting Tentative Tract Map No. 061630), and Development Agreement No. 03-01, to re-designate and re-zone an approximately 54.9-acre property at the northeast corner of Sepulveda Boulevard and Rosecrans Avenue. The applicant is developing a 425,000 square foot shopping center, known as Plaza El Segundo;

B. On July 17, 2007, the City Council approved Environmental Assessment No. 763 and a Development Agreement amendment DA 07-02 ("First Amendment") to the original Development Agreement. The amendment allowed Health Clubs and Fitness Centers, provided such uses did not exceed 6,500 square feet of floor area;

C. On February 19, 2008, the City Council approved Environmental Assessment No. 768 for an expansion of Phase 1 of the project (Phase 1B) and a second Development Agreement amendment DA 07-03 ("Second Amendment"). This amendment allowed Health/Skin Care uses, not to exceed two tenants and 3,000 square feet of floor area for each. The amendment also allowed automobile sales uses with up to 5,000 square feet of floor area;

D. On March 20, 2009, the applicant filed an application for a third amendment ("Third Amendment") to Development Agreement No. 03-01;

C. The application from PES Partners, LLC 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");

D. 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);

E. The Planning Commission held a public hearing regarding the application on May 28, 2009. Thereafter, the Planning Commission adopted Resolution No. 2655, recommending that the City Council amend Development Agreement No. 03-01;

F. On June 16, 2009, the Council held a public hearing and considered the information provided by the Planning Commission, City Staff, public testimony, and representatives of the applicant PES Partners, LLC; and

G. This Ordinance and its findings are made based upon the testimony and evidence presented to the Council at its June 16, 2009, public hearing including, without limitation, the staff report submitted by the Planning and Building Safety Department.

SECTION 2: Environmental Assessment. Because of the findings set forth in Planning Commission Resolution No. 2655, adopted May 28, 2009, and the facts set forth in the administrative record including, without limitation, the staff report presented to the City Council, the proposed Third Amendment to Development Agreement No. 03-01 is consistent with the FEIR, entitled Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo Development Final Environmental Impact Report (State Clearinghouse No. 2003121037), certified by the City Council on March 15, 2005 and the Statement of Overriding Considerations adopted in Section 5 of City Council Resolution No. 4415 on March 1, 2005. None of the elements set forth in Public Resources Code § 21166 or CEQA Guidelines § 15162 exist. Accordingly, the City need not prepare a subsequent or supplemental Environmental Impact Report, Mitigated Negative Declaration, or Addendum before the City Council adopts this Ordinance approving the Third Amendment to Development Agreement No. 03-01. Nevertheless, the City Council reaffirms and readopts the Statement of Overriding Considerations set forth in Exhibit "A" to Resolution No. 4415 adopted by the City Council at a duly noticed public hearing on March 15, 2005, which is incorporated by reference as if fully set forth in this Ordinance.

SECTION 3: Amendments to the Development Agreement. Development Agreement No. 03-01 is amended as set forth in attached Exhibit "A," which is incorporated into this Ordinance by reference.

SECTION 4: 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 5: This Ordinance will remain effective until superseded by a subsequent ordinance.
SECTION 6: 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 7: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.
PASSED, APPROVED AND ADOPTED this 7th day of July 2009.

__________________________
Kelly McDowell, 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 16th day of June 2009, 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 7th day of July, 2009, 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
THIRD AMENDMENT TO DEVELOPMENT AGREEMENT
BY AND AMONG
THE CITY OF EL SEGUNDO AND
ROSECRANS-SEPULVEDA PARTNERS, 2, LLC AND
PES PARTNERS, LLC

(AREA A)

THIS AGREEMENT SHALL BERecorded WITHIN TEN DAYS OF EXECUTION BY
ALL PARTIES HERETO PURSUANT TO THE REQUIREMENTS OF GOVERNMENT
CODE §65868.5
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**DEFINITIONS**

EXHIBIT A
THIRD AMENDMENT TO DEVELOPMENT AGREEMENT

This Third Amendment to Development Agreement ("Third Amendment") is made and entered into by and among the CITY OF EL SEGUNDO, a municipal corporation ("City") and ROSECRANS-SEPULVEDA PARTNERS, 2, LLC, a Delaware limited liability company ("RSP 2") and PES PARTNERS, LLC, a Delaware limited liability company ("PESP") as of this ___ day of ________, 2009. RSP 2 and PESP are hereinafter referred to collectively as "Developer." City and Developer are referred to hereinafter individually as "Party" and collectively as "Parties." In consideration of the mutual covenants and agreements contained in this Third Amendment, City and Developer agree as follows:

1. Recitals. This Third Amendment is made with respect to the following facts and for the following purposes, each of which is acknowledged as true and correct by the Parties:

1.1 RSP 2’s and PESP’s predecessor-in-interest, Rosecrans-Sepulveda Partners, LLC ("RSP"), and the City are parties to a Development Agreement dated March, 2005 (the "Development Agreement"), which Development Agreement was recorded on April 6, 2005 in the Official Records of Los Angeles County as Instrument No. 05 0797875.

1.2 Unless otherwise stated in this Third Amendment, all capitalized terms used in this Third Amendment will carry the same definitions as those set forth in the Development Agreement.

1.3 On November 10, 2005, RSP and RSP 2 executed an Assignment and Assumption Agreement (the "RSP 2 Assignment") whereby RSP conveyed to RSP 2, in accordance with the provisions of Section 3 of the Development Agreement, RSP’s right, title, and interest in and to the Development Agreement and the Project Approvals with respect to approximately 4.7 acres of the Property (the "RSP 2 Property"). The RSP 2 Assignment was recorded on January 19, 2006 in the Official Records of Los Angeles County as Instrument No. 06 0128517.

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1.5 On July 31, 2007, RSP 3 executed an Assignment and Assumption Agreement ("PESP Assignment") whereby RSP 3 conveyed to PESP, in accordance with the provisions of Section 3 of the Development Agreement, RSP 3’s right, title and interest in and to the Development Agreement and the Project Approvals with respect to the PESP Property. The PESP Assignment was recorded on August 3, 2007 in the Official Records of Los Angeles County as Instrument No. 2007 1838772.
1.6 As of June 19, 2007, City, RSP 2 and RSP 3 executed Operating Memorandum No. 1 to the Development Agreement ("Operating Memorandum No. 1"), which Operating Memorandum No. 1 was recorded on August 14, 2007 in the Official Records of Los Angeles County as Instrument No. 20071901777.

1.7 As of July 30, 2007, City, RSP 2 and RSP 3 executed a First Amendment to Development Agreement (the "First Amendment") which First Amendment was recorded on October 2, 2007 in the Official Records of Los Angeles County as Instrument No. 20072256909.

1.8 As of March 4, 2008, City, RSP 2 and PESP executed a Second Amendment to Development Agreement (the "Second Amendment") which Second Amendment was recorded on March 25, 2008 in the Official Records of Los Angeles County as Instrument No. 20080507797. For purposes of this Third Amendment, the term "Development Agreement" shall include the First and Second Amendments.

1.9 The limitations imposed within the Development Agreement were intended primarily to insure that the Project provide primarily high quality retail uses. Based upon evolution of the Project and the current economic climate, the Developer believes that the addition of a very limited square footage of certain service-oriented businesses may provide an excellent complement to the retail tenant base and, in fact, have and will greatly assist in insuring the survival of the small tenants who are not destination-oriented. The addition of the proposed uses within this Third Amendment is consistent with the goal of maintaining a thriving high quality retail center and with the attendant production of sales tax proceeds to the City. Without these uses, the Developer believes that the vacancies that currently exist will remain for the foreseeable future and the boutique tenants will face a greater chance of failure.

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1.11 Section 4.1.4 of the Development Agreement limits the number of banks in the Project to one, and the number of day spas to one with a minimum floor area of 5,000 square feet. This Third Amendment permits bank, savings and loan and/or credit union uses up to a maximum total area of 10,000 square feet of floor area, and permits day spa uses limited to a total of 10,000 square feet of floor area. While banks/savings & loan/credit unions do not provide direct sales tax proceeds, the ability of the Owners to lease to this type of tenant will provide a convenience factor for shoppers and, perhaps more importantly, may provide the
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1.12 Section 4.1.6 of the Development Agreement limits the use of a health club or fitness center to one, not to exceed 6,500 square feet of leasable floor area. This Third Amendment permits an additional health club or fitness center, provided the totality of the two permitted health clubs or fitness center do not exceed 10,000 square feet of floor area. The Developer believes that this type of usage provides a desirable service to the same customer base that will shop in the remaining stores.

1.13 Section 4.1.9 is added by this Third Amendment as a clarification that the retail of new motorcycle and motor scooters is an allowed use. This may provide significant sales tax in the event such use is implemented.

1.14 Section 4.1.10 is added by this Third Amendment to allow the uses of a dance instruction and music instruction studio as allowable uses. These uses are intended to be primarily oriented towards children, and it is anticipated that parents will remain in the center and shop or dine while lessons are underway. Lessons are typically not offered during the busy lunchtime period and, as such, parking will not be impacted during that period. Adult classes may also be offered, but generally during off-peak hours, primarily morning and late afternoon or evening.

1.15 The City Council has determined that none of the elements set forth in Public Resources Code Section 21166 or Section 15162 of the State CEQA Guidelines ("CEQA Guidelines") exists and therefore has determined, in accordance with Public Resources Code Section 21166 and Section 15162 of the CEQA Guidelines, that no subsequent or supplemental Environmental Impact Report or Mitigated Negative Declaration is required to be prepared prior to adopting the Ordinance approving this Third Amendment.

1.16 Section 15 of the Development Agreement provides for amendment of the Development Agreement upon mutual consent of the parties and in accordance with the procedures established by the Development Agreement Act. The City Council has found that this Third Amendment has been adopted in conformance with the procedures of the Development Agreement Statute set forth in Government Code Section 65865, et seq.

1.17 On May 28, 2009, the Planning Commission held a duly noticed public hearing on this Third Amendment and, at the conclusion thereof, adopted Resolution No. 2655, recommending to the City Council approval of this Third Amendment.

1.18 On _______________, 2009, the City Council held a duly noticed public hearing on this Third Amendment and, at the conclusion thereof, introduced Ordinance No. ___________ and on ________________, 2009, the City Council adopted Ordinance No. ___________ approving this Third Amendment. Ordinance No. ______________ became effective on _______________, 2009.
2. Amendments to Section 4.1 of the Development Agreement. Section 4.1 of the Development Agreement is hereby amended to revise Sections 4.1.3, 4.1.4 and 4.1.6 and to add new Sections 4.1.9 and 4.1.10 to read as follows:

   “4.1.3 Fast Food Restaurants. Unless such use is incidental to the primary business of an occupant of a building, “Fast food” restaurants shall not be allowed within 150 feet of Sepulveda Boulevard or within 150 feet of Rosecrans Avenue. “Fast food” restaurant is defined as “A restaurant where customers purchase food and beverages and either consume the food and beverages on the premises within a short period of time or take the food and beverages off the premises. Typical characteristics of a fast food restaurant include but are not limited to, the purchase of food and beverages at a walk-up window or counter, no table service by a server, payment for food and beverages prior to consumption, and the packaging of food and beverages in disposable containers. A restaurant shall not be considered a fast food or take-out restaurant solely on the basis of incidental or occasional take-out sales.

   “4.1.4 Banks and Day Spas. Bank, savings and loan and/or credit union uses shall be permitted, provided such uses do not exceed a total of 10,000 square feet of floor area. Day spas shall be permitted, provided such uses do not exceed a total of 10,000 square feet of floor area.”

   “4.1.6 Health Clubs and Fitness Centers. No health club or fitness center shall be permitted except as follows: up to two (2) health clubs or fitness centers shall be permitted, provided that no such use exceeds 6,500 square feet and the combined square footage of both does not exceed in total 10,000 square feet of leasable floor area.”

   “4.1.9 Motorcycle and Motor Scooter Sales. The indoor sale of motorcycles motor scooters shall be permitted and the sale of related parts and accessories shall only be permitted as an ancillary use. No outdoor display or storage, and no on site repair or maintenance shall be permitted in conjunction with the sale of motorcycles or motor scooters or as a stand alone use.”

   “4.1.10 Dance and Music Instruction Studios. Dance and music instruction studios and ancillary uses shall be permitted, provided such uses do not exceed a total of 6,000 square feet of floor area.”

3. Remainder of Development Agreement to Remain in Full Force and Effect. Except as set forth in this Third Amendment, all terms and conditions of the Development Agreement shall remain in full force and effect.
IN WITNESS WHEREOF, Developer and City have executed this Third Amendment on the date first above written.

CITY:

CITY OF EL SEGUNDO, a municipal corporation

By: __________________________
    Kelly McDowell, Mayor

ATTEST

______________________________
Cindy Mortesen
City Clerk

APPROVED AS TO FORM:

By: __________________________
    Mark D. Hensley, City Attorney

[SIGNATURES CONTINUED ON NEXT PAGE]
DEVELOPER

ROSECRANS-SEPULVEDA PARTNERS, 2, LLC, a Delaware limited liability company

By: CCA Sepulveda, LLC, a California limited liability company
Its: Managing Member

By: ___________________________
Name: _________________________
Its: ___________________________

By: ___________________________
Name: _________________________
Its: ___________________________

PES PARTNERS, LLC,
a Delaware limited liability company

By: Rosecrans-Sepulveda Partners 3, LLC,
a Delaware limited liability company
Its: Sole Member

By: CCA Sepulveda, LLC
a California limited liability company
Its: Managing Member

By: ___________________________
Name: _________________________
Its: ___________________________

By: ___________________________
Name: _________________________
Its: ___________________________
STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On ____________ , 2009 before me, _________________________ (here insert name of the officer), Notary Public, personally appeared ________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

________________________
Signature of Notary Public

[Seal]

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On ____________ , 2009 before me, _________________________ (here insert name of the officer), Notary Public, personally appeared ________________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

________________________
Signature of Notary Public

[Seal]
STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On ____________, 2009 before me, ______________________ (here insert name of the officer), Notary Public, personally appeared ____________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Signature of Notary Public

[Seal]

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

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WITNESS my hand and official seal.

_____________________________________________________
Signature of Notary Public

[Seal]
EXHIBIT “A”

DEFINITIONS

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THIRD AMENDMENT TO DEVELOPMENT AGREEMENT
BY AND AMONG
THE CITY OF EL SEGUNDO AND
ROSECRANS-SEPULVEDA PARTNERS, 2, LLC AND
PES PARTNERS, LLC

(AREA A)

THIS AGREEMENT SHALL BE RECORDED WITHIN TEN DAYS OF EXECUTION BY ALL PARTIES HERETO PURSUANT TO THE REQUIREMENTS OF GOVERNMENT CODE §65868.5
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DEFINITIONS                                                                                           EXHIBIT A
THIRD AMENDMENT TO DEVELOPMENT AGREEMENT

This Third Amendment to Development Agreement ("Third Amendment") is made and entered into by and among the CITY OF EL SEGUNDO, a municipal corporation ("City") and ROSECRANS-SEPULVEDA PARTNERS, 2, LLC, a Delaware limited liability company ("RSP 2") and PES PARTNERS, LLC, a Delaware limited liability company ("PESP") as of this ___ day of __________, 2009. RSP 2 and PESP are hereinafter referred to collectively as “Developer.” City and Developer are referred to hereinafter individually as “Party” and collectively as “Parties.” In consideration of the mutual covenants and agreements contained in this Third Amendment, City and Developer agree as follows:

1. **Recitals.** This Third Amendment is made with respect to the following facts and for the following purposes, each of which is acknowledged as true and correct by the Parties:

   1.1 RSP 2's and PESP's predecessor-in-interest, Rosecrans-Sepulveda Partners, LLC ("RSP"), and the City are parties to a Development Agreement dated March, 2005 (the "Development Agreement"), which Development Agreement was recorded on April 6, 2005 in the Official Records of Los Angeles County as Instrument No. 05 0797875.

   1.2 Unless otherwise stated in this Third Amendment, all capitalized terms used in this Third Amendment will carry the same definitions as those set forth in the Development Agreement.

   1.3 On November 10, 2005, RSP and RSP 2 executed an Assignment and Assumption Agreement (the "RSP 2 Assignment") whereby RSP conveyed to RSP 2, in accordance with the provisions of Section 3 of the Development Agreement, RSP’s right, title, and interest in and to the Development Agreement and the Project Approvals with respect to approximately 4.7 acres of the Property (the "RSP 2 Property"). The RSP 2 Assignment was recorded on January 19, 2006 in the Official Records of Los Angeles County as Instrument No. 06 0128517.

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1.15 The City Council has determined that none of the elements set forth in Public Resources Code Section 21166 or Section 15162 of the State CEQA Guidelines ("CEQA Guidelines") exists and therefore has determined, in accordance with Public Resources Code Section 21166 and Section 15162 of the CEQA Guidelines, that no subsequent or supplemental Environmental Impact Report or Mitigated Negative Declaration is required to be prepared prior to adopting the Ordinance approving this Third Amendment.

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1.17 On May 28, 2009, the Planning Commission held a duly noticed public hearing on this Third Amendment and, at the conclusion thereof, adopted Resolution No. 2655, recommending to the City Council approval of this Third Amendment.

1.18 On ______________, 2009, the City Council held a duly noticed public hearing on this Third Amendment and, at the conclusion thereof, introduced Ordinance No. ____________ and on ______________, 2009, the City Council adopted Ordinance No. ____________ approving this Third Amendment. Ordinance No. ____________ became effective on ______________, 2009.
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"4.1.3 Fast Food Restaurants. Unless such use is incidental to the primary business of an occupant of a building, "Fast food" restaurants shall not be allowed within 150 feet of Sepulveda Boulevard or within 150 feet of Rosecrans Avenue, or south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines. "Fast food" restaurant is defined as "A restaurant where customers purchase food and beverages and either consume the food and beverages on the premises within a short period of time or take the food and beverages off the premises. Typical characteristics of a fast food restaurant include but are not limited to, the purchase of food and beverages at a walk-up window or counter, no table service by a server, payment for food and beverages prior to consumption, and the packaging of food and beverages in disposable containers. A restaurant shall not be considered a fast food or take-out restaurant solely on the basis of incidental or occasional take-out sales."

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"4.1.6 Health Clubs and Fitness Centers. No health club or fitness center shall be permitted; provided, however, one (1) except as follows: up to two (2) health club clubs or fitness center centers shall be permitted, provided that no such use does not exceed 6,500 square feet and the combined square footage of both does not exceed in total 10,000 square feet of leasable floor area.”

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IN WITNESS WHEREOF, Developer and City have executed this Third Amendment on the date first above written.

CITY:

CITY OF EL SEGUNDO, a municipal corporation

By: __________________________
    Kelly McDowell, Mayor

ATTEST

______________________________
Cindy Mortesen
City Clerk

APPROVED AS TO FORM:

By: __________________________
    Mark D. Hensley, City Attorney

[SIGNATURES CONTINUED ON NEXT PAGE]
DEVELOPER

ROSECRANS-SEPULVEDA PARTNERS, 2, LLC, a Delaware limited liability company

By: CCA Sepulveda, LLC, a California limited liability company
Its: Managing Member

By: ____________________________
Name: __________________________
Its: ____________________________

By: ____________________________
Name: __________________________
Its: ____________________________

PES PARTNERS, LLC,
a Delaware limited liability company

By: Rosecrans-Sepulveda Partners 3, LLC,
a Delaware limited liability company
Its: Sole Member

By: CCA Sepulveda, LLC
a California limited liability company
Its: Managing Member

By: ____________________________
Name: __________________________
Its: ____________________________

By: ____________________________
Name: __________________________
Its: ____________________________
STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On ____________, 2009 before me, __________________________ (here insert name of the officer), Notary Public, personally appeared __________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

______________________________________________
Signature of Notary Public

[Seal]

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On ____________, 2009 before me, __________________________ (here insert name of the officer), Notary Public, personally appeared __________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

______________________________________________
Signature of Notary Public

[Seal]
STATE OF CALIFORNIA
      )
      ) ss:
COUNTY OF LOS ANGELES
      )

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officer), Notary Public, personally appeared ________________________________,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

______________________________
Signature of Notary Public

[Seal]

STATE OF CALIFORNIA
      )
      ) ss:
COUNTY OF LOS ANGELES
      )

On ____________, 2009 before me, ______________________ (here insert name of the
officer), Notary Public, personally appeared ________________________________,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

______________________________
Signature of Notary Public

[Seal]
## EXHIBIT “A”

### DEFINITIONS

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CITY OF EL SEGUNDO
PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: May 28, 2009

SUBJECT: Environmental Assessment No. 831 for Development Agreement No. 09-01 (Third Amendment to Development Agreement No. 03-01)

APPLICANT: PES Partners, LLC – Daniel Crosser

PROPERTY OWNER: PES Partners, LLC

REQUEST: Amend Development Agreement No. 03-01 for Plaza El Segundo to allow the following uses:
1) “Fast food” restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines (the southwest portion of the site);
2) Banks and similar institutions up to a total of 10,000 square feet of floor area;
3) Day spas up to a total of 10,000 square feet of floor area;
4) Health Clubs and Fitness Centers up to 10,000 square feet of floor area;
5) Indoor sale of motorcycles, motor scooters and related parts and accessories; and
6) Dance and music instruction studios up to 6,000 square feet of floor area.

PROPERTY INVOLVED: 710-860 South Sepulveda Boulevard; 700-740 Allied Way; 2003-2015 East Park Place

I. Introduction & Background Discussion

The Plaza El Segundo Development site is approximately 41.7 acres and generally located at the northeast corner of Sepulveda Boulevard and Rosecrans Avenue within the C-4 (Commercial Center) Zone. The development consists of 378,829 square feet of net floor area already built (Phase 1) and approximately 70,000 square feet that has been approved (Phase 1B) but not constructed. The existing uses at the shopping center consist of large retail stores, specialty retail, a grocery store, restaurants, a spa and a small fitness center (yoga studio).
The project is subject to the development standards in the C-4 Zone (ESMC Chapter 15-5G), conditions of approval, mitigation measures, and the requirements adopted in Development Agreement No. 03-01.

On March 20, 2009, as a result of changing economic conditions, PES Partners, LLC (the developer) requested an amendment to the Development Agreement. The proposed amendment would allow the following:

A. Fast food restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines (the, yet to be constructed, southwest portion of the project site). However, fast food restaurants will not be allowed within 150 feet of Sepulveda Boulevard or within 150 feet of Rosecrans Avenue, which is consistent with the existing restrictions on Phase 1 of the project. Fast food uses in the Development Agreement are defined as restaurants “where customers purchase food and beverages and either consume the food and beverages on the premises within a short period of time or take the food and beverages off the premises. Typical characteristics of a fast food restaurant include but are not limited to, the purchase of food and beverages at a walk-up window or counter, no table service by a server, payment for food and beverages prior to consumption, and the packaging of food and beverages in disposable containers. A restaurant shall not be considered a fast food or take-out restaurant solely on the basis of incidental or occasional take-out sales.” Fast food restaurants are currently limited to north of the railroad right-of-way.

B. Banks and Day Spas, provided that the floor area devoted to each use does not exceed 10,000 square feet, where one bank is permitted currently and one day spa with a minimum of 5,000 square feet is permitted currently.

C. Health Clubs and Fitness Centers provided such use does not exceed 10,000 square feet of floor area, where such use is limited to one facility not to exceed 6,500 square feet.

D. The indoor sale of motorcycles and motor scooters, and the sale of related parts and accessories only as an ancillary use, where such uses are not permitted currently. However, no outdoor display or storage, and no on site repair or maintenance shall be permitted in conjunction with the sale of motorcycles or motor scooters or as a stand alone use.

E. Dance and music instruction studios and ancillary uses, provided such uses do not exceed a total of 6,000 square feet of floor area, where such uses are not permitted currently.

The specific language of the amendment is incorporated in the attached draft ordinance.
II. **Recommendation**

Planning staff recommends that the Planning Commission review the facts as contained within this report, conduct a public hearing, and adopt Resolution No. 2655 (Exhibit 1) recommending that the City Council amend Development Agreement No. 03-01.

III. **Traffic Analysis and Trip Generation**

The applicant submitted a memorandum prepared by the traffic engineer, which previously provided a traffic analysis for the Plaza El Segundo Phase 1B project and EIR Addendum. The memorandum concludes that the proposed amendment would not result in a new significant impact or require additional mitigation measures. Any increase in traffic generated by the project would not exceed the maximum number of vehicle trips allowed by the FEIR and project approvals. Assuming the DA were amended, Phase 1 and Phase 1B are together estimated to generate approximately 14,834 weekday daily trips, of which 448 are estimated to occur during the AM peak hour and 1,461 are estimated to occur during the PM peak hour. Approximately 1,778 trips are estimated to occur during a Saturday midday peak hour. The respective number of trips allowed by the FEIR and project approvals is 16,645 weekday daily trips, 779 AM peak hour trips, 1,477 PM peak hour trips, and 2,205 Saturday midday peak hour trips. The memorandum conclusions were confirmed by Kimley-Horn and Associates, Inc., a traffic engineering consultant hired by the City to provide an independent third-party review.

IV. **Zoning and General Plan Consistency**

The El Segundo General Plan land use designation for the subject site is currently Commercial Center and the Zoning designation is C-4 (Commercial Center). The project is consistent with its Zoning designation in that the proposed uses are permitted in the C-4 Zone. In addition, the project does not propose to add new floor area to the previously approved project and thus will remain consistent with the C-4 Zone development standards.

The proposed project is also consistent with relevant City of El Segundo General Plan Element Goals, Objectives and Policies summarized below.

The General Plan Land Use Element goals and objectives include providing a stable tax base for the City, promoting high quality retail facilities and allowing development the flexibility to mix uses. The proposed uses will help maintain and expand a vibrant high quality shopping center, which will maintain and improve the tax base in the City.

In addition, the Economic Development Element aims to create a strong healthy economic community, to retain existing businesses and maintain a stable tax base for the City. Permitting the proposed uses will help fill vacant commercial space at the shopping center and provide tenants for the Phase 1B portion of the center that has yet to be constructed. Therefore, the proposed amendments to the existing development agreement are consistent with the City of El Segundo General Plan and as specified in the attached resolution.
V. **Environmental Review**

CEQA Guidelines § 15168(c)(2) states that if a project is proposed which has been the subject of a prior certified EIR or adopted Negative Declaration, and "[i]f the [City] finds that pursuant to Guidelines § 15162, no new effects could occur or new mitigation measures would be required, the [City] can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required."

The proposed amendment is consistent with the FEIR, entitled *Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo Development Final Environmental Impact Report* (State Clearinghouse No. 2003121037), certified by the City Council on March 15, 2005 and the Statement of Overriding Considerations adopted as Section IV of City Council Resolution No. 4415. None of the elements set forth in Public Resources Code § 21166 or CEQA Guidelines § 15162 exists since the proposed changes in uses would not result in a new significant impact to the environment or require new mitigation measures. Accordingly, no subsequent or supplemental Environmental Impact Report, Mitigated Negative Declaration or Addendum is required to be prepared before adopting the draft Ordinance approving the proposed amendment.

VI. **Conclusion**

Staff recommends that the Planning Commission adopt Resolution No. 2655 which recommends that the City Council approve the draft DA amendment.

VII. **Exhibits**

1. Draft Planning Commission Resolution No. 2655
2. Draft Ordinance
3. Third Amendment to Development Agreement 03-01
4. Third Amendment to Development Agreement 03-01 (Strike-out/underline version)
5. Traffic Analysis Memorandum by Fehr and Peers dated May 20, 2009
6. Site plans of Phase 1 and Phase 1B
7. Application form

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

Greg Carpenter, Director
Planning and Building Safety Department
RESOLUTION NO. 2655

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A THIRD AMENDMENT TO DEVELOPMENT AGREEMENT NO. 03-01, FOR THE PLAZA EL SEGUNDO DEVELOPMENT PROJECT.

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

SECTION 1: The Planning Commission finds and declares that:

A. On March 15, 2005, the City Council of the City of El Segundo approved Environmental Assessment No. 631, General Plan Amendment (GPA No. 03-4), Zone Change (ZC No. 03-2) and Subdivision (SUB 03-7, Vesting Tentative Map No. 061630), and Development Agreement No. 03-01, to re-designate and re-zone an approximately 54.9-acre property at the northeast corner of Sepulveda Boulevard and Rosecrans Avenue. The applicant is developing a 425,000 square foot shopping center, known as Plaza El Segundo;

B. On July 17, 2007, the City Council approved Environmental Assessment No. 763 and a Development Agreement amendment DA 07-02 ("First Amendment") to the original Development Agreement. The amendment allowed Health Clubs and Fitness Centers, provided such uses did not exceed 6,500 square feet of floor area;

C. On February 19, 2008, the City Council approved Environmental Assessment No. 768 for an expansion of Phase 1 of the project (Phase 1B) and a second Development Agreement amendment DA 07-03 ("Second Amendment"). This amendment allowed Health/Skin Care uses, not to exceed two tenants and 3,000 square feet of floor area for each. The amendment also allowed automobile sales uses with up to 5,000 square feet of floor area;

D. On March 20, 2009, the applicant filed an application for a third amendment ("Third Amendment") to Development Agreement No. 03-01;

E. The application from PES Partners, LLC 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");

F. 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);

G. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for May 28, 2009;

H. On May 28, 2009, the Commission opened the public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Commission by City Staff, public testimony, and representatives of the applicant; and

I. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its May 28, 2009, public 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 following facts exist:

A. The proposed amendment would allow fast food restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines (the southwest portion of the project site).

B. The proposed amendment would allow banks and day spas, provided that the floor area devoted to each use does not exceed 10,000 square feet.

C. The proposed amendment would allow health clubs and fitness centers provided such use does not exceed 10,000 square feet of leaseable floor area.

D. The proposed amendment would allow the indoor sale of motorcycles and motor scooters, and related parts and accessories as ancillary uses.

E. The proposed amendment would allow dance and music instruction studios and ancillary uses, provided such uses do not exceed a total of 6,000 square feet of floor area.

SECTION 3: Environmental Assessment. Because of the facts set forth above, the proposed amendment is consistent with the FEIR, entitled Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo Development Final Environmental Impact Report (State Clearinghouse No. 2003121037), certified by the City Council on March 15, 2005 and the Statement of Overriding Considerations adopted as Section IV of City Council Resolution No. 4415. None of the elements set forth in Public Resources Code § 21166 or CEQA Guidelines § 15162 exists. Accordingly, no subsequent or supplemental Environmental Impact Report, Mitigated Negative Declaration or Addendum is required.
to be prepared before adopting the draft Ordinance approving the proposed amendment.

SECTION 4: General Plan. The proposed project conforms with the City’s General Plan as follows:

A. The General Plan contains relevant Goals, Objectives, and Policies in the Land Use Element. The goal stated in Goal LU4 is to “provide a stable tax base for the City through development of new commercial uses, primarily within a mixed-use environment, without adversely affecting the viability of Downtown.” The proposed commercial uses would add to the stable tax base for the City by diversifying the mix of uses in the Plaza El Segundo shopping center without adversely affecting the Downtown.

B. The goal of Objective LU4-1 is to “promote the development of high quality retail facilities in proximity to major employment centers.” The Plaza El Segundo Development project is located in close proximity to major employment centers and the proposed commercial uses would help maintain it as a quality retail center and help create more employment opportunities in the City.

C. The goal of Objective LU4-4 is to “provide areas where development has the flexibility to mix uses, in an effort to provide synergistic relationships which have the potential to maximize economic benefit, reduce impacts, and encourage pedestrian environments.” The proposed commercial uses within the Plaza El Segundo Development project would help to provide synergistic relationships with the other retail businesses in the shopping center which would have the potential to maximize economic benefits, reduce traffic impacts because of reduced number of vehicle trips by consumers to multiple commercial uses within the shopping center, and to encourage greater pedestrian activities within the shopping center.

D. The General Plan contains a number of relevant Goals, Objectives, and Policies in the Economic Development Element. Goal ED1 aims “to create in El Segundo a strong, healthy economic community in which all diverse stakeholders may benefit.” The proposed uses at the Plaza El Segundo Development project would strengthen the shopping center, which is a major employer and tax contributor in the City of El Segundo. As a result, the proposed uses would improve the employment base and have a positive fiscal impact on the City of El Segundo.

E. Objective ED1-1 is to build “support and cooperation among the City of El Segundo and its businesses and residential communities for the mutual benefits derived from the maintenance and expansion of El Segundo’s economic base.” Allowing the proposed uses at the Plaza El Segundo Development project is consistent with that objective in that it
demonstrates the support and cooperation between the City of El Segundo and one of its major business centers.

F. According to Policy ED1-1.2, long-run efforts for economic development should focus on "diversification of El Segundo's economic base in order to meet quality of life goals." The project would add to the diversification of the economic base in the City. Therefore, the uses permitted by this amendment will meet quality of life goals by benefiting the residential and business communities with more diverse retail uses not currently available in the City.

G. Policies ED1-2.1 and ED1-2.2, both seek to promote land uses, which improve the City's retail and commercial tax base. The stated purpose of the Commercial Center Land Use Designation is to provide for retail and other commercial services which provide a fiscal benefit to the City.

H. Goal ED2 aims "to provide a supportive and economically profitable environment as the foundation of a strong local business community." Allowing the proposed uses at the Plaza El Segundo Development project would be consistent with this goal.

I. Objective ED2-1 is "to strengthen the partnerships between local government, the residential community, and El Segundo's business community." Allowing the proposed uses would be consistent with this objective, in that it would help strengthen the partnership between the City of El Segundo and a major business center in the City.

SECTION 5: Development Agreement Findings. The project approved as part of the Third Amendment to the Development Agreement would be as generally described in this Resolution relating to Sections 4.1.3, 4.1.4, and 4.1.6, of the existing Development Agreement and the addition of Sections 4.1.9 and 4.1.10 to the existing Development Agreement. Pursuant to City Council Resolution No. 3268, adopted June 26, 1984, the Planning Commission finds that:

A. The project is consistent with the objectives, policies, general land uses, and programs specified in the general plan and any applicable specific plan. The Third Amendment to Development Agreement No. 03-01 would provide the following public benefits in exchange for valuable development rights (eight-year entitlement):

1. Increasing and further stabilizing the City's tax base through development of new commercial businesses.
2. The proposed amendment will provide fiscal benefit to the City by generating additional business license and sales tax revenue for the City's General Fund.
3. Increasing the diversity of retail uses and services in the City.
4. Increasing City revenues through the generation of taxes that outweigh the City cost of services.
5. Development of a project that is consistent with the Elements of the General Plan.

B. The project is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located. These uses and development standards are similar and compatible with the other commercially zoned districts in the City. The proposed amendment to allow restaurants, banks, day spas, health clubs, sales of motorcycles and motor scooters and related parts and accessories as an ancillary use; and dance and music studios would be similar to and compatible with other uses permitted in the C-4 Zone. The proposed uses would be subject to the existing development standards in the C-4 Zone and adequate parking will be provided in compliance with the requirements of ESMC Chapter 15-15.

C. The project is in conformity with the public convenience, general welfare and good land use practice. The proposed uses would be located within existing buildings and approved buildings in Phase 1 and Phase 1B in compliance with the existing development standards in the C-4 Zone. The C-4 Zone has a lower floor area ratio (0.275:1) than other commercial zones throughout the City. The uses would be compatible with other retail uses permitted in the C-4 Zone and continue diversification of the southeast quadrant of the City by providing a broad range of commercial uses consistent with the General Plan.

D. The project will not be detrimental to the health, safety and general welfare. The proposed project will not create any negative environmental impacts in that it involves uses that are a minor alteration in land use limitations which do not result in any changes in land use or density and will not significantly increase traffic impacts. The uses will be contained within an existing shopping center without increasing the square footage or floor area ratio within the center. Adequate parking will be provided for the use in compliance with the requirements of ESMC Chapter 15-15.

E. The project will not adversely affect the orderly development of property or the preservation of property values. The proposed C-4 development standards and development agreement will ensure that the project will be developed in an orderly fashion.

SECTION 6: Recommendation. The Planning Commission recommends that the City Council adopt the draft ordinance, attached as Exhibit "A," and incorporated by reference, which would amend Development Agreement No. 03-01 to allow:
A. Fast food restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines (the southwest portion of the project site). Fast food restaurants shall not be allowed within 150 feet of Sepulveda Boulevard or within 150 feet of Rosecrans Avenue;

B. Banks and day spas, provided that the floor area devoted to each use does not exceed 10,000 square feet;

C. A maximum of two health clubs or fitness centers provided such use does not exceed 10,000 square feet of total floor area;

D. The indoor sale of motorcycles and motor scooters, and the sale of related parts and accessories only as an ancillary use. No outdoor display or storage, and no on site repair or maintenance shall be permitted in conjunction with the sale of motorcycles or motor scooters or as a stand alone use; and

E. Dance and music instruction studios and ancillary uses, provided such uses do not exceed a total of 6,000 square feet of floor area.

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

SECTION 8: The Commission Secretary is directed to mail a copy of this Resolution to PES Partners, LLC 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 Planning Commission's final decision and will become effective immediately upon adoption.

PASSED, APPROVED AND ADOPTED this 28th day of May 2009.

__________________________________________
David Wagner, Chairperson
City of El Segundo Planning Commission

ATTEST:

____________________________
Greg Carpenter, Secretary

____________________________
Wagner
Fellhauer
Baldino
Fuentes
Newman

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

By: ______________________
Karl H. Berger, Assistant City Attorney

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-7-
ORDINANCE NO.

AN ORDINANCE AMENDING DEVELOPMENT AGREEMENT NO. 03-01 BETWEEN ROSECRANS-SEPULVEDA 2, LLC, AND ROSECRANS-SEPULVEDA 3, LLC (PES PARTNERS, LLC), AND THE CITY OF EL SEGUNDO AFFECTING THE PLAZA EL SEGUNDO DEVELOPMENT.

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

SECTION 1: The City Council finds and declares that:

A. On March 15, 2005, the City Council of the City of El Segundo approved Environmental Assessment No. 631, General Plan Amendment (GPA No. 03-4), Zone Change (ZC No. 03-2) and Subdivision (SUB 03-7, Vesting Tentative Tract Map No. 061630), and Development Agreement No. 03-01, to re-designate and re-zone an approximately 54.9-acre property at the northeast corner of Sepulveda Boulevard and Rosecrans Avenue. The applicant is developing a 425,000 square foot shopping center, known as Plaza El Segundo;

B. On July 17, 2007, the City Council approved Environmental Assessment No. 763 and a Development Agreement amendment DA 07-02 (“First Amendment”) to the original Development Agreement. The amendment allowed Health Clubs and Fitness Centers, provided such uses did not exceed 6,500 square feet of floor area;

C. On February 19, 2008, the City Council approved Environmental Assessment No. 768 for an expansion of Phase 1 of the project (Phase 1B) and a second Development Agreement amendment DA 07-03 (“Second Amendment”). This amendment allowed Health/Skin Care uses, not to exceed two tenants and 3,000 square feet of floor area for each. The amendment also allowed automobile sales uses with up to 5,000 square feet of floor area;

D. On March 20, 2009, the applicant filed an application for a third amendment (“Third Amendment”) to Development Agreement No. 03-01;

E. The application from PES Partners, LLC 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”);

F. 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);

E. The Planning Commission held a public hearing regarding the application on May 28, 2009. Thereafter, the Planning Commission adopted Resolution No. 2655, recommending that the City Council amend Development Agreement No. 03-01;

F. On June 16, 2009, the Council held a public hearing and considered the information provided by the Planning Commission, City Staff, public testimony, and representatives of the applicant PES Partners, LLC; and

G. This Ordinance and its findings are made based upon the testimony and evidence presented to the Council at its June 16, 2009, public hearing including, without limitation, the staff report submitted by the Planning and Building Safety Department.

SECTION 2: Environmental Assessment. Because of the findings set forth in Planning Commission Resolution No. 2655, adopted May 28, 2009, and the facts set forth in the administrative record including, without limitation, the staff report presented to the City Council, the proposed Third Amendment to Development Agreement No. 03-01 is consistent with the FEIR, entitled Sepulveda/Rosecrans Site Rezoning and Plaza El Segundo Development Final Environmental Impact Report (State Clearinghouse No. 2003121037), certified by the City Council on March 15, 2005 and the Statement of Overriding Considerations adopted in Section 5 of City Council Resolution No. 4415 on March 1, 2005. None of the elements set forth in Public Resources Code § 21166 or CEQA Guidelines § 15162 exist. Accordingly, the City needs not prepare a subsequent or supplemental Environmental Impact Report, Mitigated Negative Declaration, or Addendum before the City Council adopts this Ordinance approving the Third Amendment to Development Agreement No. 03-01. Nevertheless, the City Council reaffirms and readopts the Statement of Overriding Considerations set forth in Exhibit “A” to Resolution No. 4415 adopted by the City Council at a duly noticed public hearing on March 15, 2005, which is incorporated by reference as if fully set forth in this Ordinance.

SECTION 3: Amendments to the Development Agreement. Development Agreement No. 03-01 is amended as set forth in attached Exhibit "A," which is incorporated into this Ordinance by reference.

SECTION 4: 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 5: This Ordinance will remain effective until superseded by a subsequent ordinance.
SECTION 6: 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 7: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.
PASSED, APPROVED AND ADOPTED this 7th day of July 2009.

__________________________
Kelly McDowell, Mayor

ATTEST:

STATE OF CALIFORNIA    
COUNTY OF LOS ANGELES    
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 16th day of June 2009, 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 7th day of July, 2009, 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
TECHNICAL MEMORANDUM (3rd DRAFT)

TO: Department of Planning, City of El Segundo
CC: Dan Crosser, PES Partners, LLC
FROM: Anjum Bawa
DATE: May 20, 2009
SUBJECT: Trip Generation Assessment
          Plaza El Segundo – Phase 1

Ref: SM09-2137.01

Fehr & Peers has prepared this technical memorandum pursuant to the City of El Segundo's request to conduct a trip generation assessment in support of an application for a development agreement by the developer, PES Partners, LLC. This memorandum assesses the proposed changes to the land use mix of the Phase 1 development for the Plaza El Segundo project to ensure that the proposed development will remain under the trip cap approved in the certified Environmental Impact Report (EIR).

PROPOSED CHANGES TO LAND USE MIX

In the most recently approved trip generation analysis (Fehr & Peers/Kaku Associates, January, 2008), the Phase 1 site was approved for a total of 378,829 square feet (sf) of development for the Phase 1A site and a total of 70,000 sf of development for the Phase 1B site.

The proposed changes to the land use mix for Phase 1 development are described below.

Phase 1A Development

Six thousand sf of the previously proposed shopping center (252,356 sf) use is proposed to be changed to a dance studio.

Phase 1B Development

Of the previously approved 70,000 sf of shopping center use, a total of approximately 32,000 sf is proposed to be changed to the following land uses:
- Bank: A total of 10,000 sf is proposed to be converted into bank use
- Day Spa: A total of 7,816 sf is proposed to be converted into day spa use
- Scooter Sales: Approximately 2,000 sf is proposed to be converted into scooter sales
- Fitness Center: A total of 10,000 sf would be converted into a fitness center

The following table presents a list of currently approved land use mix and the proposed changes for the Plaza El Segundo Phase 1 development:

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<thead>
<tr>
<th>Previously Approved Phase 1A*</th>
<th>Land Use</th>
<th>SF</th>
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<tr>
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<tr>
<td>Supermarket (Whole Foods)</td>
<td>66,811</td>
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<tr>
<td>Electronic Superstore (Best Buy)</td>
<td>42,735</td>
<td></td>
</tr>
<tr>
<td>Quality Restaurant</td>
<td>14,743</td>
<td></td>
</tr>
<tr>
<td>Specialty Retail (Day Spa)</td>
<td>2,184</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>378,829</strong></td>
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<table>
<thead>
<tr>
<th>Proposed Changes to Phase 1A</th>
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<tr>
<td>Specialty Retail (Dance Studio)</td>
<td>6,000</td>
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<tr>
<td>Supermarket (Whole Foods)</td>
<td>66,811</td>
<td></td>
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<tr>
<td>Electronic Superstore (Best Buy)</td>
<td>42,735</td>
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<tr>
<td>Quality Restaurant</td>
<td>14,743</td>
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<td>Specialty Retail (Day Spa)</td>
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<td><strong>Total</strong></td>
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</table>

<table>
<thead>
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<th>Previously Approved Phase 1B*</th>
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<table>
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<th>Proposed Changes to Phase 1B</th>
<th>Land Use</th>
<th>SF</th>
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</thead>
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<tr>
<td>Bank</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Specialty Retail (Day Spa and Scooter Sales)</td>
<td>9,816</td>
<td></td>
</tr>
<tr>
<td>Fitness Center</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>70,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

Note:

- The highlighted shows the proposed additions/changes to land use
- * "Previously approved" refers to the approved Trip Generation Analysis Memorandum (Fehr & Peers/Kaku Associates, January 2008)

As can be seen, the total square footage for the Phase 1A and Phase 1B would remain the same at 378,829 sf and 70,000 sf, respectively, for a total of 448,829 sf for Phase 1 development as previously approved.

**TRIP GENERATION ASSESSMENT**

In order to estimate the trips generated by the Phase 1A and Phase 1B development of the site, specific assumptions were made regarding the proposed new land uses. These assumptions include weekday daily, morning, evening and Saturday midday peak hour trip generation rates, directional distribution percentages, etc. A summary of these assumptions is provided below.
Assumptions

- **Dance Studio (Phase 1A)** – The Institute of Transportation Engineers (ITE) trip generation handbook provides guidance for a dance studio land use under the “Specialty Retail” Category (ITE 814). According to the ITE, this category is to include centers that are generally small strip shopping centers that contain a variety of retail shops and specialize in quality apparel, hard goods, and services, such as real estate offices, dance studios, florists and small restaurants. Based on this guidance, the following rates were used:
  - Weekday daily: 44.32 per 1,000 sf gross leasable area (GLA)
  - Weekday AM peak hour: ITE does not provide AM peak hour rates for adjacent street traffic for this land use. Therefore, to be conservative, shopping center land use rates and directional distribution (ITE 820) were used to generate AM peak hour trips – 1.03 per 1,000 sf GLA (61% entering, 39% exiting).
  - Weekday PM peak hour: 2.71 per 1,000 sf GLA (44% entering, 56% exiting).
  - Saturday midday peak hour: ITE does not provide a Saturday midday peak hour rate for a specialty retail land use. These rates were derived from the proportion of Saturday midday peak hour rate as percentage of the Saturday daily rate for a shopping center land use (4.97/49.97 = 10%). Thus 10% of the Saturday daily rate (42.04) = 4.20 was used to estimate the Saturday midday peak hour of adjacent street traffic. Directional distribution was assumed to be same as for a shopping center (52% entering, 48% exiting).
  - No internal capture trip credit was applied to the trip generation estimates since this use would typically be the prime generator of the trip.
  - A 20% pass-by trip credit was applied to the land use, which was considered reasonable for a land use like this located along a major regional street. This pass-by trip credit accounts for the patrons who may already be on the regional streets interact with the site in numerous ways such as dropping their kids off in the morning or evening or attending a dance class after work in the evening, etc.

- **Bank (Phase 1B)** – ITE does not provide adequate guidance regarding trip generation rates for a commercial walk-in bank. The rates presented in the ITE handbook do not take into account the evolution of technology in the banking industry, as the rates available are only from one study and from the mid-1980s. Therefore, empirical data was used to generate trip rates for the commercial bank. Appendix A presents this empirical data, which was collected at three commercial banks (size range between 4,335 and 8,925 sf) in the City of Pasadena during a typical weekday and Friday in September 2004. The driveway in/out data was collected for the morning and evening peak period.
  - Weekday AM and PM peak hour: The survey estimated that an average of 2.43 trips (75% entering, 25% exiting) per 1,000 sf and 7.41 trips (48% entering, 52% exiting) per 1,000 sf were generated in the morning and the evening peak hours, respectively.
- Weekday daily trips: The weekday daily trip rate was estimated as part of the empirical data. This rate was derived as a percentage of PM peak hour trips using the proportion provided in the ITE for a Walk-in Bank (ITE 911). It was estimated that the PM peak hour rate is approximately 21.18% (33.15/156.48) of the daily rate. Thus a daily rate of 34.99 (7.41/21.18%) was used for the purpose of this trip generation assessment.

- Empirical data for a Saturday midday was not available, the rate was assumed to be 15% of PM peak hour rate per ratio derived from ITE suggested trip generation (7th Edition) for PM Peak Hour of Adjacent Street vs. Saturday peak hour of generator for a walk-in bank (ITE 911). The directional distribution was assumed to be similar to the PM peak hour.

- The three banks that were surveyed as part of the empirical data were stand-alone banks ranging from a Bank of America franchise to a much smaller regional franchise bank (all three banks were located in Pasadena). To account for the fact that the proposed bank would go into a shopping center such as Plaza El Segundo, an internal capture trip credit of 20% was applied to the trip generation estimates attributable to trips generated internal to the site.

- An additional 20% pass-by credit was applied to the estimates, given the location of the proposed bank at the corner of an intersection of major regional streets, Sepulveda Boulevard & Rosecrans Avenue.

- **Day Spa and Scooter Sales (Phase 1B)** – ITE does not provide any specific guidance for these uses although these uses are closer to the Specialty Retail (ITE 814) category given the nature of use and patronage. Therefore, Specialty Retail rates were used for the purpose of generating trips for proposed day spa and scooter sales shop.

  - Weekday daily: 44.32 per 1,000 sf GLA
  - Weekday AM peak hour: ITE does not provide AM peak hour rates for adjacent street traffic for this land use. Therefore, to be conservative, shopping center land use rates and directional distribution (ITE 820) were used to generate AM peak hour trips – 1.03 per 1,000 sf GLA (61% entering, 39% exiting).
  - Weekday PM peak hour: 2.71 per 1,000 sf GLA (44% entering, 56% exiting)
  - Saturday midday peak hour: ITE does not provide Saturday midday peak hour rate for a specialty retail land use. These rates were derived from the proportion of Saturday midday peak hour rate as percentage of Saturday daily rate for a shopping center land use (4.97/49.97 = 10%). Thus 10% of Saturday daily rate (42.04) = 4.20 was used to estimate the Saturday midday peak hour of adjacent street traffic. Directional distribution was assumed to be same as for a shopping center (52% entering, 48% exiting).
  - A 10% internal capture trip credit was applied to account for trips generated internal to the site.
  - A 10% pass-by trip credit was applied to account for trips attracted from traffic passing the site on Sepulveda Boulevard and Rosecrans Avenue providing direct access to the proposed land uses.
• **Fitness Center (Phase 1B)** – ITE provides guidance for a fitness center use under the category Health/Fitness Club (ITE 492). Following are the rates used for the purpose of trip generation:
  - Weekday daily: 32.93 trips per 1,000 sf GLA
  - Weekday AM peak hour: 1.21 trips (42% entering, 58% exiting) per 1,000 sf GLA
  - Weekday PM peak hour: 4.05 trips (51% entering, 49% exiting) per 1,000 sf GLA
  - Saturday midday peak hour: 2.60 trips per 1,000 sf GLA. Directional distribution is not available; therefore, PM peak hour directional distribution was assumed for trip generation purposes (51% entering, 49% exiting).
  - A 20% internal capture trip credit was applied to account for the trips internalized from other uses within the site. This assumption is consistent with the internal capture credit applied to the proposed Health Club land use in the original DEIR.
  - A 10% pass-by credit was applied to account for trips attracted from traffic passing the site on Sepulveda Boulevard and Rosecrans Avenue. This assumption is consistent with the internal capture credit applied to the proposed Health Club land use in the original DEIR.

An employee and visitor transit credit was applied to the total trip generation estimates for Phase 1A and Phase 1B, consistent with the previously approved trip generation analysis for Phase 1 (Fehr & Peers/Kaku Associates, January 2008). Assumptions and methodology used to estimate trips for all other land uses remain unchanged from the previously approved trip generation analysis.

Table 1 provides a summary of assumptions used for each land use in the trip generation assessment. It includes the trip generation rates for weekday daily, weekday morning and evening peak hour and Saturday midday peak hour; and internal capture and pass-by credit assumptions.

**RESULTS OF THE ASSESSMENT**

Using the assumptions and methodology described above, the proposed changes to Phase 1A development would result in a total of 13,207 weekday daily trips, of which 395 trips would occur during the AM peak hour and 1,289 trips would occur during the PM peak hour. Approximately 1,612 trips are estimated to occur during a Saturday midday peak hour. Table 2 shows the trip generation estimates for Phase 1A in detail by each land use. Phase 1B development would result in a total of 2,023 workday daily trips, of which 66 trips would occur during the AM peak hour and 212 trips would occur during the PM peak hour. Approximately 213 trips are estimated to occur during a Saturday midday peak hour. Table 3 shows the trip generation estimates for Phase 1B in detail by each land use.

After applying an employee and visitor transit credit, the proposed Phase 1A and Phase 1B developments are together estimated to generate approximately 14,834 weekday daily trips, of which 448 are estimated to occur during AM peak hour and 1,461 are estimated to occur during
the PM peak hour. Approximately 1,778 are estimated to occur during a Saturday midday peak hour.

As can be seen in Table 3, the change in trip generation resulting from the proposed changes to Phase 1 would still keep the Phase 1 development under the trip cap approved in the certified EIR for Phase 1.
<table>
<thead>
<tr>
<th>Land Use</th>
<th>ITE Code</th>
<th>Unit</th>
<th>Internal Capture</th>
<th>Pass-By</th>
<th>Daily</th>
<th>AM</th>
<th>PM</th>
<th>SAT MIDDAY</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shopping Center [1]</td>
<td>820</td>
<td>1,000 sf</td>
<td>-</td>
<td>25% P.M., SAT &amp; DAILY</td>
<td>In(7)=EXP(0.65 ln(X)+5.83)</td>
<td>61%</td>
<td>39%</td>
<td>In(7)=EXP(0.65 ln(X)+2.23)</td>
<td>48%</td>
</tr>
<tr>
<td>Specialty Retail (Dance Studio)</td>
<td>814</td>
<td>1,000 sf</td>
<td>-</td>
<td>20%</td>
<td>44.32</td>
<td>61%</td>
<td>39%</td>
<td>1.03</td>
<td>44%</td>
</tr>
<tr>
<td>Supermarkets (Whole Foods)</td>
<td>850</td>
<td>1,000 sf</td>
<td>20%</td>
<td>35%</td>
<td>T = 66.95 (X) + 1391.56</td>
<td>81%</td>
<td>39%</td>
<td>In(T)=EXP(1.70 ln(X) - 1.42)</td>
<td>51%</td>
</tr>
<tr>
<td>Electronic Superstore (Best Buy) [2]</td>
<td>863</td>
<td>1,000 sf</td>
<td>20%</td>
<td>10%</td>
<td>45.04</td>
<td>50%</td>
<td>47%</td>
<td>0.28</td>
<td>49%</td>
</tr>
<tr>
<td>Quality Restaurant [3]</td>
<td>931</td>
<td>1,000 sf</td>
<td>-</td>
<td>20%</td>
<td>89.95</td>
<td>62%</td>
<td>18%</td>
<td>0.81</td>
<td>67%</td>
</tr>
<tr>
<td>Bank [4]</td>
<td>1,000 sf</td>
<td>20%</td>
<td>20%</td>
<td>34.98</td>
<td>75%</td>
<td>25%</td>
<td>2.43</td>
<td>48%</td>
<td>52%</td>
</tr>
<tr>
<td>Specialty Retail (Day Spa and Scooter Sales)</td>
<td>814</td>
<td>1,000 sf</td>
<td>10%</td>
<td>10%</td>
<td>44.32</td>
<td>61%</td>
<td>39%</td>
<td>1.03</td>
<td>44%</td>
</tr>
<tr>
<td>Fitness Center</td>
<td>482</td>
<td>1,000 sf</td>
<td>20%</td>
<td>10%</td>
<td>32.93</td>
<td>42%</td>
<td>58%</td>
<td>1.21</td>
<td>51%</td>
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</table>

Note:
[1] ITE trip generation estimates were estimated for both Phase 1A and Phase 1B as one center; thus equation was applied to total Phase 1 shopping center GLA and proportionally allocating it to Phase 1A and Phase 1B.
[2] Saturday midday peak hour rates unavailable. PM peak hour rates utilized consistent with the original DEIR.
[3] Directional distribution percentages of A.M. peak hour of generator used for A.M. peak hour trips (7:00 - 9:00 AM)
[4] Empirical rates used for Bank. Empirical data was collected at three free standing franchise commercial banks. Following are the average AM and PM peak hour trips observed:

- AM Peak hour: 2.43 per 1000 sq.ft. (75% IN / 25% OUT)
- PM Peak hour: 7.41 per 1000 sq.ft. (48% IN / 52% OUT)

Daily rate was estimated based on the ITE rate for PM peak hour trip as a proportion of weekday daily trips = 21.18%.

Since empirical data for a Saturday midday is unavailable, the rate was assumed to be 15% of PM peak hour rate, that is 1.11 per 1,000 sf. The directional distribution was assumed to be similar to the PM peak hour.
<table>
<thead>
<tr>
<th>No.</th>
<th>Land Use</th>
<th>ITE Code</th>
<th>Size</th>
<th>Unit</th>
<th>Daily</th>
<th>AM</th>
<th>PM</th>
<th>SAT MIDDAY</th>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>Total</td>
<td>In</td>
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<tr>
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<td>Shopping Center</td>
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<td>(2,473)</td>
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<td>(Less-25% Pass By - P.M., SAT &amp; Daily)</td>
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<td>KSF</td>
<td>266</td>
<td>(53)</td>
<td>4</td>
<td>2</td>
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<td>(Less - 20% Pass By)</td>
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<tr>
<td>3</td>
<td>Supermarkets (Whole Foods)</td>
<td>850</td>
<td>66.811</td>
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<td>5,865</td>
<td>(1,173)</td>
<td>187</td>
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<td>(Less-35% Pass By)</td>
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<td><strong>Subtotal</strong></td>
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<td>3,050</td>
<td>97</td>
<td>62</td>
<td>159</td>
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<td>4</td>
<td>Electronic Superstore (Best Buy) [1]</td>
<td>863</td>
<td>42.735</td>
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<tr>
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<td>(Less-10% Pass By)</td>
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<td><strong>Subtotal</strong></td>
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<tr>
<td>6</td>
<td>Specialty Retail (Day Spa)</td>
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<td>KSF</td>
<td>97</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>(Less-10% Pass By)</td>
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<td></td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
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<td></td>
<td></td>
<td>78</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

**TOTAL** | 378,829 | KSF  | 13,207 | 242 | 153 | 395 | 648 | 643 | 1,289 | 839 | 774 | 1,612 |

**DEIR APPROVED MAXIMUM ALLOWABLE TRIPS** | 16,645 | 779 | 1,477 | 2,205 |

**UNUSED DEIR APPROVED TRIPS AFTER PHASE 1A DEVELOPMENT** | 3,438 | 384 | 188 | 593 |

**Note:**

Source: Trip Generation, 7th Edition (Institute of Transportation Engineers, 2003), unless otherwise noted.

[1] Saturday midday peak hour rates unavailable. PM peak hour rates utilized consistent with the original DEIR.

[2] Directional distribution percentages of AM peak hour of generator used for AM peak hour trips (7:00 - 9:00 AM)
<table>
<thead>
<tr>
<th>No.</th>
<th>Land Use</th>
<th>ITE Code</th>
<th>Size</th>
<th>Unit</th>
<th>Daily In</th>
<th>Daily Out</th>
<th>Daily Total</th>
<th>AM In</th>
<th>AM Out</th>
<th>AM Total</th>
<th>PM In</th>
<th>PM Out</th>
<th>PM Total</th>
<th>SAT MIDDAY In</th>
<th>SAT MIDDAY Out</th>
<th>SAT MIDDAY Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Shopping Center (Less-25% Pass By - P.M., SAT &amp; Daily)</td>
<td>820</td>
<td>40.184</td>
<td>KSF</td>
<td>1,613</td>
<td>(403)</td>
<td>(18)</td>
<td>72</td>
<td>(20)</td>
<td>(38)</td>
<td>107</td>
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</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>1,210</td>
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<td>54</td>
<td>113</td>
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<td>6</td>
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</tr>
<tr>
<td></td>
<td>(Less-20% Pass By)</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Specialty Retail (Day Spa and Scooter Sales)</td>
<td>814</td>
<td>9.816</td>
<td>KSF</td>
<td>435</td>
<td>(44)</td>
<td>(1)</td>
<td>12</td>
<td>(1)</td>
<td>(2)</td>
<td>20</td>
<td>2</td>
<td>41</td>
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</tr>
<tr>
<td></td>
<td>(Less-10% Internal)</td>
<td></td>
<td></td>
<td></td>
<td>352</td>
<td>(26)</td>
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<td>10</td>
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<tr>
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<td>(Less-10% Pass By)</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Fitness Center (Less-20% Internal)</td>
<td>492</td>
<td>10.000</td>
<td>KSF</td>
<td>329</td>
<td>(66)</td>
<td>(1)</td>
<td>21</td>
<td>(4)</td>
<td>(8)</td>
<td>13</td>
<td>3</td>
<td>26</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Less-10% Pass By)</td>
<td></td>
<td></td>
<td></td>
<td>237</td>
<td>(24)</td>
<td>(1)</td>
<td>15</td>
<td>(2)</td>
<td>(3)</td>
<td>9</td>
<td>1</td>
<td>19</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>SUBTOTAL</td>
<td>70.000</td>
<td></td>
<td></td>
<td>2,023</td>
<td>40</td>
<td>26</td>
<td>66</td>
<td>102</td>
<td>109</td>
<td>212</td>
<td>109</td>
<td>103</td>
<td>213</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PHASE 1A & 1B TOTAL TRIPS**

<table>
<thead>
<tr>
<th>Less: Employee Transit Credit for Phase 1A &amp; 1B [1]</th>
<th>15,230</th>
<th>262</th>
<th>179</th>
<th>461</th>
<th>750</th>
<th>752</th>
<th>1,501</th>
<th>948</th>
<th>877</th>
<th>1,825</th>
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</thead>
</table>

**DEIR APPROVED MAXIMUM ALLOWABLE TRIPS**

<table>
<thead>
<tr>
<th>NET PHASE 1 PROJECT TRIPS (OVER)/UNDER THE DEIR TRIP CAP</th>
<th>16,645</th>
<th>779</th>
<th>1,477</th>
<th>2,205</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM Peak hour</td>
<td>2.43 per 1000 sq.ft. (75% IN / 25% OUT)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM Peak hour</td>
<td>7.41 per 1000 sq.ft. (48% IN / 52% OUT)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daily</td>
<td>Daily rate was estimated based on the ITE rate for PM peak hour trip as a proportion of weekday daily trips = 21.16%</td>
<td>Since empirical data for a Saturday midday is unavailable, the rate was assumed to be 15% of PM peak hour rate, that is 1.11 per 1,000 sf. The directional distribution was assumed to be similar to the PM peak hour.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX A

EMPIRICAL DATA FOR BANK TRIP GENERATION
## APPENDIX A-1
TRIP GENERATION MEASUREMENTS
BANKS IN PASADENA

<table>
<thead>
<tr>
<th>BANK</th>
<th>Corridor</th>
<th>BANK SIZE (sf)</th>
<th>COUNT DAY</th>
<th>PEAK HOUR TRIPS</th>
<th>TRIP GENERATION RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>AM IN</td>
<td>OUT</td>
</tr>
<tr>
<td>A</td>
<td>Green St</td>
<td>4,335</td>
<td>Friday</td>
<td>10</td>
<td>3</td>
</tr>
<tr>
<td>B</td>
<td>Lake Ave</td>
<td>8,925</td>
<td>Friday</td>
<td>22</td>
<td>7</td>
</tr>
<tr>
<td>C</td>
<td>Lake Ave</td>
<td>5,525</td>
<td>Friday</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>Green St</td>
<td>4,335</td>
<td>Weekday</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>B</td>
<td>Lake Ave</td>
<td>8,925</td>
<td>Weekday</td>
<td>16</td>
<td>2</td>
</tr>
<tr>
<td>C</td>
<td>Lake Ave</td>
<td>5,525</td>
<td>Weekday</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Bank Hours of Operation**

<table>
<thead>
<tr>
<th>Bank</th>
<th>Mon-Thurs</th>
<th>Friday</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>8:30am – 3:30pm</td>
<td>8:30am – 6pm</td>
</tr>
<tr>
<td>B</td>
<td>9am – 5pm</td>
<td>9am – 6pm</td>
</tr>
<tr>
<td>C</td>
<td>9am – 4pm</td>
<td>9am – 6pm</td>
</tr>
</tbody>
</table>

Counts conducted in September 2004
APPENDIX A-2
PASADENA BANK TRIP GENERATION RATES COMPARED TO ITE

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>BASE RATE</th>
<th>WITH WALK-IN &amp; TRANSIT CONSIDERATIONS (25%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AM RATE</td>
<td>PM RATE</td>
</tr>
<tr>
<td>ITE TRIP GEN MANUAL</td>
<td>21.49</td>
<td>42.02</td>
</tr>
<tr>
<td>PASADENA COUNTS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FRIDAY</td>
<td>2.93</td>
<td></td>
</tr>
<tr>
<td>WEEKDAY</td>
<td>1.93</td>
<td></td>
</tr>
<tr>
<td>AVERAGE</td>
<td>2.43</td>
<td></td>
</tr>
</tbody>
</table>
City of El Segundo

APPLICATION FOR A DEVELOPMENT AGREEMENT

Environmental Assessment No: 831 Development Agreement No: 09-D1

Date: March 20, 2009

Applicant: PES Partners, LLC

Daniel Crosser

Name (print or type)
321 12th St., Ste. 200

Address
Manhattan Beach, CA 90266

City/State/Zip

Check One: Owner ☑ Lessee □ Agent □

Property Owner:
PES Partners, LLC, a Delaware limited liability company

Name (print or type)
321 12th St., Ste. 200

Address
Manhattan Beach, CA 90266

City/State/Zip

Representative of applicant: (i.e., attorney, expediter, etc.)

Dan Crosser

Name (print or type)
321 12th St., Ste. 200

Address
Manhattan Beach, CA 90266

310-546-5781 x204 310-545-2802

Phone dcrcrosser@comstock-homes.com

Fax

Email

Signature

310-546-5781 x204 310-545-2802

Phone dcrcrosser@comstock-homes.com

Fax

Email

Signature
Architect/Engineer:

Name (print or type) ____________________________ Phone ____________________________

Address ____________________________ Fax ____________________________

City/St/Zip ____________________________ Signature ____________________________

Property Situated at: See attached Legal description (Exhibit A)

(Exact legal description. Provide attachment, if necessary).

General Location:

710-800 S. Sepulveda Blvd, 2003-2015 E. Park Place, and 700-740 Allied Way, El Segundo, CA

Address ____________________________ Rosecrans Avenue ____________________________ Hughes Way ____________________________

between Street, Avenue ____________________________ and Street/Avenue ____________________________

Existing Zoning: C-4 Existing General Plan/Specific Plan: ____________________________

REQUEST: Under the provisions of City Council Resolution 3268 and Government Code Sec. 65864-65869.5, application for consideration of a revision to the existing Development Agreement for the above described property.

1. Describe the proposed project in its entirety. Include information on the type of construction proposed, materials to be used, and type of uses involved (i.e., bank, general office, restaurant, etc.). Provide details on square footages, heights, number of stories, number of parking spaces, etc.

The Project consists of an existing shopping center containing 378,829 square feet of leasable area (Phase 1A) and a proposed shopping center to contain 70,000 square feet (Phase 1B), all single storey with the exception of one 6,000 square foot second-storey space. Phase 1A consists of approximately 50 tenants comprised of a combination of big box retail tenants, numerous fashion and beauty oriented chain stores and mom-and-pop boutiques, several restaurants and ancillary uses including a yoga studio, a med-spa and an interior design studio. Phase 1B is currently being marketed to a large cross-section of retail and restaurant tenants and the final tenant mix is yet to be determined. The design currently contemplated will consist of four major one and two storey buildings of a contemporary modernistic design, surrounding a large landscaped plaza area.

The Owner is requesting the following revisions to the existing Development Agreement and the associated amendments:

Revise Section 4.1.3 as follows:

4.1.3 Fast Food Restaurants. Unless such use is incidental to the primary business of an occupant of a building, "Fast food" restaurants shall not be allowed within 150 feet of Sepulveda Boulevard, or south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines. "Fast food" restaurant is defined as "A restaurant where customers purchase food and beverages and either consume the food and beverages on the premises within a short period of time or take the food..."
and beverages off the premises. Typical characteristics of a fast food restaurant include but are not limited to, the purchase of food and beverages at a walk-up window or counter, no table service by a server, payment for food and beverages prior to consumption, and the packaging of food and beverages in disposable containers. A restaurant shall not be considered a fast food or take-out restaurant solely on the basis of incidental or occasional take-out sales.”

Revise Section 4.1.4 as follows:

4.1.4 Banks and Day Spas. One bank shall be permitted. One day spa with a minimum floor area of 5,000 square feet shall be permitted. Bank, savings and loan and/or credit union uses shall be permitted, provided such uses do not exceed a total of 10,000 square feet of floor area. Day spas shall be permitted, provided such uses do not exceed a total of 10,000 square feet of floor area.

Revise Section 4.1.6 as follows:

4.1.6 Health Clubs and Fitness Centers. No health club or fitness center shall be permitted except as follows; provided, however, one (1) health club or fitness center shall be permitted, provided such use does not exceed 6,500 to 10,000 square feet of leasable floor area.

Add new Section 4.1.9 as follows:

4.1.9 Motorcycle and Motor Scooter Sales. The indoor sale of motorcycles motor scooters and related parts and accessories shall be permitted. No outdoor display or storage, and no on site repair or maintenance shall be permitted in conjunction with these uses. The Planning and Building Safety Director may impose reasonable restrictions on the operation of such uses.

Add new Section 4.1.10 as follows:

Dance and Music Instruction Studios. Dance and music instruction studios and ancillary uses shall be permitted, provided such uses do not exceed a total of 6,000 square feet of floor area.

2. Provides a detailed explanation of how the proposed project is consistent with the goals, objectives, Policies, and programs specified in the General Plan and Specific Plan sections. Specifically reference the applicable General Plan and Specific Plan sections.

All of the proposed modifications to the Development Agreement as subsequently amended are allowed within the General Plan and the C-4 Zoning Code. The limitations imposed within the Development Agreement were intended primarily to insure that the Project remain primarily retail in nature and to prevent significant competition with the business in downtown El Segundo. As the Project evolved, the Owners have come to realize that certain service-oriented businesses provide an excellent complement to the retail tenant base and, in fact, have and will greatly assisted in insuring the survival of the small tenants who are not destination-oriented. The addition of the proposed uses are consistent with the goal of maintaining a thriving retail center with minimal vacancies and with the attendant production of sales tax proceeds to the City. Without these uses, the Owners believe that the vacancies that currently exist will remain for the foreseeable future and the boutique tenants will face a greater chance of failure.
3. Describe how the proposed project is compatible with the uses and regulations prescribed for the Zoning district in which it is located.

All of the proposed uses are allowed by the existing C-4 Zoning Code.

4. Describe how the proposed projects' design would be compatible and integrated with, and not be detrimental to, existing development on adjacent and surrounding neighboring properties.

The proposed uses are completely compatible with the retail uses in the Shopping Center for the reasons set forth above. Specifically:

Section 4.1.3: The original Phase 1B contained approximately 50% of the land area, all of which was located in close proximity to Sepulveda Blvd. The project was subsequently expanded to include an additional area of approximately 4 acres, adjacent to and east of the original acreage. The City was concerned about a proliferation of fast food establishments adjacent to Sepulveda Blvd. The revised Phase 1B design and the 150-foot restriction will prevent that from occurring and the modification will allow the Owners the flexibility required in order to complete the leasing of the proposed development.

Section 4.1.4: While banks/savings & loan/credit unions do not provide direct sales tax proceeds, the ability of the Owners to lease to this type of tenant will provide a convenience factor for shoppers and, perhaps more importantly, may provide the Owners the critical mass of leasing required in order to finance the Phase 1B project. The day spa usage is perhaps of greater importance with respect to drawing the type of customer base that complements the other retailers.

Section 4.1.6: The addition of Yoga Works has proven to be an excellent draw in Phase 1A for the most difficult-to-lease portion of the Project (the northeasterly portion, known as "The Edge"), which also is the area where the tenants are struggling to survive. The Owners believe that this type of usage provides a desirable service to the same customer base that will shop in the remaining stores.

New Section 4.1.9: This motorcycle and Motor Scooter sales provision is a clarification and should become a strong sales tax producer in the event such a use is implemented.

New Section 4.1.10: This use is recognized by the Owners as potentially providing a very strong customer draw and is currently being contemplated for The Edge portion of the Phase 1A project. The studio under consideration is primarily oriented to children, and it is anticipated that parents will remain in the center and shop or dine while lessons are underway. Lessons are typically not offered during the
busy lunchtime period and, as such, parking will not be impacted during that period. Adult classes are also offered, but generally during off-peak hours, primarily morning and late afternoon or evening.

5. Submit a scaled site-plan showing the location and dimensions of all existing and proposed buildings. Dimensions of the property, abutting streets, utilities, easements, ingress and egress, parking areas, loading area, landscaping etc., along with elevations, sections, floor plans, etc., all of existing and Proposed buildings and structures. (See Plot Plan checklist).

The most probable locations for the proposed uses are as follows:

**Banks and Day Spas:** In Phase 1, any of the buildings designated as B-1 through B-5 ("The Edge") with respect to both of these uses, and Pad B or Pad D for a bank. In Phase 1B, anywhere within the proposed development.

**Health Clubs and Fitness Centers:** In Phase 1, any of the buildings designated as B-1 through B-5 ("The Edge"). In Phase 1B, anywhere within the proposed development.

**Motorcycle and Motor Scooter Sales:** In Phase 1, any of the buildings designated as B-1 through B-5 ("The Edge"). In Phase 1B, anywhere within the proposed development.

**Dance and Music Instruction Studios:** In Phase 1, any of the buildings designated as B-1 through B-5 ("The Edge"). In Phase 1B, anywhere within the proposed development.

6. Attach the proposed Development Agreement. The Development Agreement shall include the duration of the agreement, permitted uses of the property, density or intensity of use, maximum height and size of all buildings, and provisions for reservation or dedication of land for public purposes.
NOTE: Separate Affidavits must be submitted if there are multiple owners.

OWNER'S AFFIDAVIT

I, We ___________________________ being duly sworn deprecate and say that I/we the OWNER of the property involved in this application and that I/we have familiarized myself (ourselves) with the rules and regulation of the City of El Segundo with respect to preparing and filing this application and that the foregoing statements herein contained and the information documents and all plans attached hereto are in all respects true and correct to the best of my/our knowledge and belief.

Signature

Date

STATE OF CALIFORNIA, )
County of Los Angeles )ss.

On his _______ day of ______, 2009, before me, the undersigned Notary Public in and for said County and State, personally appeared ________________________________________ known to me to be the person whose name is subscribe to the within instrument, and acknowledged to me that he/she executed the same.

WITNESS my hand and official seal.

______________________________
Notary Public in and for said County and State

JAYNE D. COBAN
Commission # 1654518
Notary Public - California
Los Angeles County
My Comm. Expires Mar 27, 2010

JAYNE D. COBAN
Commission # 1654518
Notary Public - California
Los Angeles County
My Comm. Expires Mar 27, 2010
AGENT AUTHORIZATION

I hereby authorize DANIEL CROSSEN to act for me in all matters relevant to this application. I understand that this person will be the primary contact on the project and will be sent all information and correspondence.

Owner's Signature  3/20/09  Date

AGENT AFFIDAVIT

I, We DANIEL CROSSEN the undersigned, depose and say that (I am/We are) the AGENT(S) of the property involved in this application and that I(We) have familiarized myself/ourselves with the rules and regulation of the City of El Segundo with respect to preparing and filing this application and that the foregoing statements herein contained and the information o all documents and all plans, attached hereto are in all respects true and correct to the best of my/our knowledge and belief.

Applicant's Signature  3-20-09  Date

EA-831; DA 09-01
850 S. Sepulveda Blvd.

7
EXHIBIT A

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF EL SEGUNDO, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

Legal Description of Phase 1 - 29.2 Acre Parcel

THOSE PORTIONS OF THE SOUTHWEST QUARTER OF SECTION 18 TOWNSHIP
3 SOUTH RANGE 14 WEST IN THE RANCHO SAUSAL REDONDO, IN THE CITY OF
EL SEGUNDO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

BEGINNING AT A POINT IN THE EASTERLY LINE OF SEPULVEDA BOULEVARD,
AS DESCRIBED IN THE FINAL DEGREE OF CONDEMNATION RECORDED IN BOOK
13174 AT PAGE 92, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT BEING
1040 FEET NORTHERLY, MEASURED ALONG SAID EASTERLY LINE, FROM THE
INTERSECTION OF SAID EASTERLY LINE WITH THE NORTHERLY LINE OF LOT 4
OF TRACT NO. 1314, AS PER MAP RECORDED IN BOOK 20, PAGE 161 OF MAPS,
IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG
SAID EASTERLY LINE AS FOLLOWS: SOUTH 0° 01' EAST A DISTANCE OF 70.16
FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE WEST AND
HAVING A RADIUS OF 3050.00 FEET; SOUTHERLY ALONG SAID CURVE A
DISTANCE OF 292.78 FEET; SOUTH 5° 29' WEST A DISTANCE OF 389.98 FEET TO
THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE EAST AND HAVING A
RADIUS OF 2950.00 FEET; SOUTHERLY ALONG SAID CURVE A DISTANCE OF
283.18 FEET; AND SOUTH 0° 01' EAST A DISTANCE OF 3.90 FEET TO THE
NORTHERLY LINE OF AFORESAID LOT 4 OF TRACT NO. 1314; THENCE ALONG
THE NORTHERLY LINE OF SAID LOT 4, SOUTH 60° 41' EAST A DISTANCE OF 5.74
FEET TO THE MOST WESTERLY CORNER OF THE LAND DESCRIBED IN THE
DEED TO THE PACIFIC ELECTRIC LAND COMPANY, RECORDED IN BOOK 5839,
PAGE 185 OF DEEDS, RECORDS OF SAID COUNTY; THENCE ALONG THE
NORTHERLY LINE OF SAID LAND SO DESCRIBED A PORTION OF WHICH IS
SHOWN ON A MAP FILED FOR RECORD WITH THE DEED RECORDED IN BOOK
6708 PAGE 304 OF SAID DEED RECORDS, SOUTH 70°41' EAST, A DISTANCE OF
219.75 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH AND
HAVING A RADIUS OF 458.59 FEET; THENCE EASTERLY ALONG SAID CURVE IN
SAID NORTHERLY LINE A DISTANCE OF 475.29 FEET; THENCE CONTINUING
ALONG SAID NORTHERLY LINE OF SAID LAND SO DESCRIBED, NORTH 49° 56' 05"
EAST A DISTANCE OF 1601.41 FEET TO AN INTERSECTION WITH A LINE WHICH
IS PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND
PASSES THROUGH THE POINT OF BEGINNING; THENCE NORTH 89° 59' 30"
WEST, A DISTANCE OF 1820.11 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND DESCRIBED AND
GRANTED IN THE DEED FROM ALLIED CORPORATION, A NEW YORK
CORPORATION TO CHEVRON U.S.A., INC., A CALIFORNIA CORPORATION
RECORDED OCTOBER 15, 1984, AS INSTRUMENT NO. 84-1233577, OFFICIAL
RECORDS ATTACHED THERETO A RESOLUTION OF THE CITY OF EL SEGUNDO
NO. 2030 DATED FEBRUARY 11, 1983, APPROVING SAID LOT LINE ADJUSTMENT.
Legal Description Of Phase 1 - 8.1 Acre Parcel

THOSE PORTIONS OF THE SOUTHWEST QUARTER OF SECTION 18 TOWNSHIP 3 SOUTH RANGE 14 WEST IN THE RANCHO SAUSAL REDONDO, IN THE CITY OF EL SEGUNDO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN DEED TO THE PACIFIC ELECTRIC LAND COMPANY RECORDED IN BOOK 5839, PAGE 185 OF DEEDS, WITH A LINE PARALLEL WITH THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 18, WHICH Passes THROUGH A POINT IN THE EASTERLY LINE OF SEPULVEDA BOULEVARD, AS DESCRIBED IN THE FINAL DECREE OF CONDEMNATION RECORDED IN BOOK 13174, PAGE 92, OFFICIAL RECORDS, SAID POINT BEING 1040 FEET NORTHERLY, MEASURED ALONG SAID EASTERLY LINE FROM THE INTERSECTION OF SAID EASTERLY LINE WITH THE NORTHERLY LINE OF LOT 4 OF TRACT NO. 1314, AS PER MAP RECORDED IN BOOK 20, PAGE 161 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE ABOVE MENTIONED NORTHWESTERLY LINE SOUTH 49° 56' 05" WEST A DISTANCE OF 1601.41 FEET TO THE BEGINNING OF A TANGENT CURVE IN SAID NORTHWESTERLY LINE CONCAVE NORTHERLY AND HAVING A RADIUS OF 458.59 FEET; THENCE WESTERLY ALONG SAID CURVE, A DISTANCE OF 347.79 FEET TO THE NORTHERLY LINE OF THE LAND DESCRIBED IN THE DEED RECORDED IN BOOK 6706, PAGE 304, OF DEEDS; THENCE ALONG THE NORTHERLY LINE OF SAID LAST MENTIONED LAND THE FOLLOWING COURSES AND DISTANCES; SOUTH 68° 48' 25" EAST 98.98 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 421.07 FEET; THENCE EASTERLY ALONG SAID CURVE 390.17 FEET; THENCE TANGENT TO SAID CURVE AT ITS POINT OF ENDING NORTH 58° 06' 05" EAST 172.86 FEET; THENCE NORTH 49° 56' 05" EAST A DISTANCE OF 1388.71 FEET TO A POINT WHICH BEARS SOUTH 40° 03' 55" EAST FROM THE POINT OF BEGINNING; THENCE LEAVING SAID NORTHERLY LINE, NORTH 40° 03' 55" WEST 200 FEET TO THE POINT OF BEGINNING.

Legal Description of Phase 1B

PARCEL 1, IN THE CITY OF EL SEGUNDO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, OF PARCEL MAP NO. 17911, AS PER MAP FILED IN BOOK 269 PAGES 82 THROUGH 84, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Assessor's Parcel Number 4138-015-025

ALL OF PARCEL 2 AND THAT PORTION OF PARCEL 3 OF PARCEL MAP NO. 17911, IN THE CITY OF EL SEGUNDO, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 269, PAGES 82 THROUGH 84 INCUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WESTERLY OF A LINE PARALLEL WITH AND 120.00 FEET EASTERLY OF THE LINE SHOWN ABOVE DESCRIBED "S 00° 02' 26"W 418.50" ON SAID PARCEL MAP

Assessor's Parcel Number 4138-015-026 (portion)
EXHIBIT B-1
SITE PLAN – PHASE 1
[FOLLOWING]
EXHIBIT B-2
SITE PLAN – PHASE 1B
[FOLLOWING]
MINUTES OF THE MEETING
OF THE PLANNING COMMISSION
OF THE CITY OF EL SEGUNDO, CALIFORNIA

May 28, 2009

Chairman Wagner called the El Segundo Planning Commission meeting to order at 7:00 p.m. in the El Segundo City Hall's Council Chambers, 350 Main Street, El Segundo, California.

CALL TO ORDER

Commissioner Fuentes led the Pledge of Allegiance to the Flag.

PLEDGE TO FLAG

PRESENT: WAGNER, FELLAUER, FUENTES, BALDINO and NEWMAN

ROLL CALL

None.

PUBLIC COMMUNICATIONS

Chair Wagner presented the Consent Calendar.

CONSENT CALENDAR

None.

CALL ITEMS FROM CONSENT

Commissioner Fuentes moved, seconded by Vice Chair Fellhauer, to approve the May 14, 2009, Minutes. Motion carried (5-0).

MOTION

None.

WRITTEN COMMUNICATIONS

Chair Wagner presented Agenda Item H-2, Environmental Assessment No. EA-831 and Development Agreement No. 09-01 (Third Amendment to Development Agreement No. 03-01 for EA-631) PLAZA EL SEGUNDO DEVELOPMENT PROJECT. Applicant: Daniel Crosser – PES Partners, LLC. Property Owner: PES Partners, LLC. Address: 710-860 South Sepulveda Boulevard: 700-740 Allied Way; 2003-2015 East Park Place (generally the northeast corner of Sepulveda Boulevard and Rosecrans Avenue).

NEW BUSINESS – PUBLIC HEARING for EA-831, DA 09-01

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

Commissioner Fuentes asked where the motorcycles or motor scooters would be test driven.

Commissioner Newman was curious as to why the applicant did not request a substantial amount of square footage in the first phase.

Vice Chair Fellhauer followed up regarding Commissioner Fuentes' question about test driving motorcycles or motorized bikes.

Planning Manager Kimberly Christensen replied that there is no provision to test drive vehicles on site but that it is not specifically prohibited either. She stated that this is more a specialized use and the applicant will be able to elaborate further on what is his intention for the site.
Commissioner Fuentes stated that she is concerned about the safety of the motorcycles or motorized bikes test drives in the parking lot.

**Daniel Crosser, PES Partners LLC, applicant**

Mr. Crosser stated that originally he had a specific tenant but due to the length of time that has passed the tenant is no longer involved. He still would like to obtain the right to the use. Mr. Crosser responded to Commissioner Fuentes question regarding the motor scooters being test driven is all theoretical and he has no objection to any restriction that the motor scooters be test driven by licensed drivers.

Vice Chair Fellhauer moved, seconded by Commissioner Baldino to approve Environmental Assessment No. 831 and DA 09-01. Motion carried (5-0).

Chair Wagner presented Agenda Item I-3, Environmental Assessment No. EA-808, Parking Demand Study 09-03 and Subdivision No. 09-03 (Vesting Tentative Tract Map No. 70996) 5-unit Commercial Condominium Project and Parking Reduction. Applicant: Matt Crabbs. Property Owners: CRS, LLC. Address: 141 Main Street.

Project Consultant Louis Morales presented the staff report (of record.)

**Elizabeth Srour, representing the applicant/property owner**

Ms. Srour gave a brief statement and is available to answer any questions.

Commissioner Baldino asked how the signage for the individual retail units will be addressed in CC & R's.

Ms. Srour replies that it has to comply with the guidelines of the City and the association committee.

Commissioner Fuentes is concerned about not having enough parking. She stated that so many buildings on Main Street are grandfathered and do not provide sufficient parking and that parking is at a premium. Ms. Fuentes commented that the Zone requires 35 parking spaces and they are not met and exceed the allowable percentage tandem parking requirement.

Vice Chair Fellhauer moved, seconded by Commissioner Newman to approve Environmental Assessment No. 808, PD 09-03 and SUB 09-03 and to adopt Resolution No. 2653. Motion carried (4-1).

Director Carpenter stated that there are two items for the June 11, 2009 meeting. Mr. Carpenter congratulated Vice Chair Fellhauer on being appointed to another four-year term.

Vice Chair Fellhauer thanked the Commission for their support in being appointed to another four-year term. She notified the public that the El Segundo Educational Foundation is holding its' 2nd Annual Benefit Car Show on May 30, 2009 at the Automobile Driving Museum.
Commissioner Fuentes thanked Director Greg Carpenter and staff for getting a sign installed on Eucalyptus to prevent school buses going down her street which is not a through street.

None.

Chairman Wagner adjourned the meeting. Motion carried (5-0).

The meeting adjourned at 7:48 p.m.

PASSED AND APPROVED ON THIS 28th DAY OF MAY 2009

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
AGENDA DESCRIPTION:
Consideration and possible action to amend the El Segundo Municipal Code film regulations within the City of El Segundo and direct staff to not allow any filming in Library Park. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Filming Sub-committee recommended changes to film regulations and, if appropriate, introduce and waive first reading of an Ordinance;
2. Consider directing staff to prohibit filming in Library Prk;
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Draft Ordinance (Redline)
Ordinance No. 1424, adopted October 7, 2008

FISCAL IMPACT: None
Amount Budgeted: $
Additional Appropriation: N/A
Account Number(s):

ORIGINATED BY: Steve Jones, Business Services Manager
REVIEWED BY: Mark Hensley, City Attorney and Deborah Cullen, Director of Finance
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
On May 6, 2009, the City Council appointed Mayor McDowell and Councilmember Fisher to form a sub-committee to review filming regulations. This action was prompted by a request from representatives of the El Segundo Unified School District. The sub-committee met on May 21 and May 27, 2009. ESUSD representatives, film industry representatives, and affected residents attended at least one of these meetings. After considering various concerns, the sub-committee recommended the following changes to the City's filming regulations:

1. Amend ESMC § 4-11-2 to change the term “impact zone” to “proximity zone.” Such a change does not have any legal impact on the filming regulations; it is simply a semantic change.

2. Amend ESMC § 4-11-2 to change the definition of “no impact filming” to be defined as filming that occurs pursuant to the terms of a valid permit that is conducted in a manner...
BACKGROUND AND DISCUSSION (continued):

where light, sound, smell, or vibrations resulting from the filming, or activities ancillary to filming, is imperceptible to properties near the filming site.

3. Amend ESMC § 4-11-16 to authorize the City manager to promulgate administrative policies and procedures which would require some film permittees to use particular types of equipment and utilize filming monitors. These changes are intended to reduce the impact of filming on neighbors.

4. Amend ESMC § 4-11-17 to increase the maximum film days for a filming site from twenty days to forty days. Also, there would be no maximum filming days for no impact filming. And, if there were no neighbor protests, filming days could be added to a film permit.

5. Amend ESMC § 4-11-23 to require filming, and all ancillary activities, to cease at 9:00 p.m. and prohibit filming on weekends.

While a great deal of the discussion focused on the residents located near the high school and the impact on the High School's ability to allow filming, these changes are applicable to all residential properties.

The sub-committee also recommends that the Council direct staff to not permit filming in Library Park. The reason for this recommendation is that because of the Park's proximity to the High School, filming at the Park would involve substantially the same "proximity zone" as filming at the High School. Consequently, filming at the Park would likely reduce the number of filming days available to the School.
ORDINANCE NO. ___

AN ORDINANCE AMENDING EL SEGUNDO CHAPTER 4-11
REGULATING MOTION PICTURE, RADIO AND TELEVISION
PRODUCTION WITHIN THE CITY OF EL SEGUNDO.

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

SECTION 1: The definitions of “impact zone” and “no impact filming” set forth in
El Segundo Municipal Code (“ESMC”) § 4-11-1 is amended to read as follows:

“Impact Proximity zone” means the area within a 300 foot radius surrounding
a filming site which is presumed to be affected by filming and activities
ancillary to filming.

“No impact filming” means filming that occurs pursuant to the terms of a valid
permit is conducted in a manner where light, sound, smell, or vibrations
resulting from the filming, or activities ancillary to filming, is imperceptible from
properties other than the property on which the filming is being conducted.
Does not interfere with neighbors’ comfortable enjoyment of life or property.”

SECTION 2: All references to “impact zone” within Chapter 4-11 are changed to
“proximity zone.”

SECTION 3: ESMC § 4-11-16 is amended to read as follows:

“4-11-16: ADMINISTRATIVE POLICIES AND PROCEDURES:

The city manager is authorized and directed to promulgate administrative
policies and procedures governing the form, time, and location within the city
to implement this chapter. The rules and regulations can be based upon the
following criteria:

A. Traffic congestion at particular locations within the city;

B. The written consent of all property owners or occupants in possession
of property within the impact zone, as determined by the administrator and
in accordance with this chapter;

C. The safety and convenience of all persons;

D. The disruption of normal activities of all persons at particular locations
within the city;

E. The safety of property within the city.
F. Whether particular types of equipment are required for certain film sites to reduce the impact on neighbors. Such equipment may include, without limitation, tow plant generators; and

G. Whether a film monitor is required to oversee filming at certain filming sites. If a film monitor is required, permittees must also abide with a filming code of conduct identified by the administrator. The cost of a monitor must be borne by permittees.”

SECTION 4: ESMC § 4-11-17 is amended to read as follows:

“4-11-17: MAXIMUM NUMBER OF FILMING DAYS ALLOWED:

A. No permit can be issued if it will result in any address being located within an impact proximity zone for more than twenty-four (240) days in the preceding twelve (12) month period.

B. The administrator may increase this twenty-four (240) day maximum if there are no neighbor protests from within the proximity zone of the filming site, to up to twenty-four (24) days if consent is received from one hundred percent (100%) of addresses that have been within an impact zone for more than twenty (20) days in the preceding twelve (12) month period.

C. There are no maximum filming days for no impact filming.”

SECTION 5: ESMC § 4-11-23 is amended to read as follows:

“4-11-23: GENERAL PERMIT CONDITIONS – ADDITIONAL REQUIREMENTS:

A. Filming cannot commence before 7:00 a.m. unless it is no impact filming allowed by a valid permit.

B. The permit, in its entirety, must be in the possession of the permittee at all times while filming.

C. A permittee must conduct operations in an orderly fashion. The area used must be cleaned of trash and debris upon completion and before leaving the filming site(s). A deposit to assure that a permittee removes all trash and debris from the filming site(s) may be required. This requirement and the amount may be determined by the administrator.

D. Vehicle parking for all filming related activities must be in accordance with the administrator’s directions.
E. All camera cars must have a police escort. The administrator may determine how many police officers will be required to escort camera cars.

F. All filming and ancillary activities must cease not later than 10:00 p.m. unless it is no impact filming allowed by a valid permit. Such ancillary activities include, without limitation, striking sets, loading equipment, and vehicle traffic.

G. Permittees must protect any neighbors within an impact proximity zone from glare caused by lighting used for filming after sunset.

H. Production companies cannot place equipment or vehicles on private property without the private property resident’s written consent.

I. Except for no impact filming with a valid permit, filming is prohibited on weekends.”

SECTION 6: 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 establishes rules and procedures to permit operation of existing facilities; minor temporary use of land; ensure maintenance, restoration and protection of the environment; and regulate normal operations of facilities for public gatherings. This Ordinance, therefore, is categorically exempt from further CEQA review under Cal. Code Regs. Title 14, §§ 15301, 15304(e), 15308, and 15323.

SECTION 7: 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 8: 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 9: 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 10: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this ___ day of __________, 2009.

______________________________
Kelly McDowell, 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 ______________, 2009, 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 ______________, 2009, 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
ORDINANCE NO. 1424

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE CHAPTER 4-11 IN ITS ENTIRETY TO REGULATE MOTION PICTURE, RADIO AND TELEVISION PRODUCTION WITHIN THE CITY OF EL SEGUNDO.

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

SECTION 1: El Segundo Municipal Code ("ESMC") Chapter 4-11 is amended in its entirety to read as follows:

"CHAPTER 11
MOTION PICTURE, RADIO AND TELEVISION PRODUCTION REGULATIONS

4-11-1: PURPOSE
4-11-2: DEFINITIONS
4-11-3: PERMIT REQUIRED; EXEMPTIONS
4-11-4: ADDITIONAL AGREEMENTS
4-11-5: ADMINISTRATION
4-11-6: APPLICATION FOR PERMIT; CONTENTS; ISSUANCE
4-11-7: APPLICATION AND PERMIT FEES
4-11-8: DIRECT OVERHEAD EXPENSES
4-11-9: CASH DEPOSIT FOR FEES AND SECURITY DEPOSIT REQUIRED
4-11-10: SECURITY DEPOSIT RETENTION; APPEAL
4-11-11: REVIEW BY CITY OFFICERS
4-11-12: TIME REQUIREMENTS
4-11-13: ACTION ON PERMIT APPLICATION – PERMIT ISSUANCE
4-11-14: ACTION ON PERMIT APPLICATION – PERMIT DENIAL
4-11-15: ALTERNATIVE TIME, PLACE, OR MANNER
4-11-16: ADMINISTRATIVE POLICIES AND PROCEDURES
4-11-17: MAXIMUM NUMBER OF FILMING DAYS ALLOWED
4-11-18: INDEMNIFICATION AGREEMENT
4-11-19: GENERAL PERMIT CONDITIONS – LIABILITY INSURANCE
4-11-20: NOTICE TO RESIDENCES AND BUSINESSES – GENERALLY
4-11-21: IMPACT ZONE PROTESTS
4-11-22: GENERAL PERMIT CONDITIONS – SPECIAL EFFECTS; FIRE PERMIT
4-11-23: GENERAL PERMIT CONDITIONS – ADDITIONAL REQUIREMENTS
4-11-24: SUBSEQUENT CONDITIONS
4-11-25: EMERGENCY SUSPENSION OF FILMING
4-11-26: LAND USE AND PARKING REGULATIONS INAPPLICABLE
4-11-27: CORDONING OFF THE ROUTE OR FILMING SITE
4-11-28: PUBLIC CONDUCT DURING FILMING
4-11-29: PROHIBITIONS
4-11-30: MISREPRESENTATION
4-11-31: PERMIT MODIFICATION
4-11-32: PROCEDURE FOR REVOCATION OR SUSPENSION OF PERMIT
4-11-33: APPEALS TO THE CITY COUNCIL
4-11-34: EXPEDITED REVIEW

4-11-1: PURPOSE:

This Chapter is adopted pursuant to the City's police powers for the purpose of establishing a permit system to regulate motion picture and television production in the City of El Segundo. Application of this Chapter is intended to protect community health, safety, welfare, and property rights by ensuring that motion picture and television production within the City has minimal impact upon businesses and residents.

4-11-2: DEFINITIONS:

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of words and phrases used in this chapter:

"Administrator" means the city manager or designee.

"Applicant" means a person seeking a filming permit pursuant to this chapter.

"Current news" means regularly scheduled news programs (excluding documentary programs) and special news programs which are not preplanned and are broadcast within seventy-two (72) hours after filming.

"Filming" includes all activity attendant to staging or shooting commercial motion pictures, video shows, programs, or commercials, and commercially prepared radio broadcasts. Filming also includes any noncommercial filming that obstructs, delays, disrupts, or otherwise interferes with the ordinary use of city streets, parking facilities, sidewalks or other public rights-of-way, including, without limitation, on-street parking and vehicle traffic within neighborhoods.

"Filming site" means the location designated by a valid permit issued pursuant to this chapter for filming and all ancillary uses including, without limitation, catering, storage, and parking.

"Impact zone" means the area within a 300 foot radius surrounding a filming site which is presumed to be affected by filming and activities ancillary to filming.
"Low Impact Filming" means filming where (a) the filming site involves limited use of the public right of way, is in non-residential areas, or experiences little or no vehicle traffic; or (b) the filming does not include lighting, noise, or special effects.

"Neighbors" means persons residing at residential dwelling units, including all residents in multi-tenant buildings, or operating at business addresses within an impact zone.

"No impact filming" means filming that occurs pursuant to the terms of a valid permit where light, sound, smell, or vibrations resulting from the filming, or activities ancillary to filming, does not interfere with neighbors' comfortable enjoyment of life or property.

"Permittee" means any natural person, entity, or combinations thereof possessing a film permit issued by the city pursuant to this chapter.

"Still Photography" means and includes all activity attendant to staging or shooting commercial still photographs.

4-11-3: PERMIT REQUIRED; EXCEPTIONS:

B. Except as otherwise provided, it is unlawful for any person to engage in, conduct, or carry on filming or commercial still photography on any public or private property, facility, or residence without a valid permit issued pursuant to this chapter.

C. A permit is not deemed issued until the administrator receives the applicant's written acceptance in accordance with this chapter.

D. Exemptions:

1. Current News: This chapter does not apply to or affect reporters, photographers, or cameramen in the employ of a newspaper, news service, radio broadcasting station, or similar entity engaged in broadcasting current news concerning those persons, scenes, or occurrences which are in the news and of general public interest.

2. Studios: This chapter does not apply to or affect a motion picture, television, or radio broadcasting studio operating within its physical confines at an established or fixed place of business in the city.

3. Charitable Purposes: A permit fee is not required for any permit issued for filming when the administrator
determines, based upon reasonable evidence, that filming is conducted or carried on wholly for a charitable or nonprofit purpose either directly or indirectly, by any individual.

4. Educational Purposes: A permit fee is not required for any permit issued for filming when the administrator determines, based upon reasonable evidence, that filming is conducted or carried on wholly for student and class photographs, sports pictures, Independent Student Media Film Class activities, Photography Class activities and student cable filming.

4-11-4: ADDITIONAL AGREEMENTS: In addition to, or in lieu of, a permit required by this chapter, use of any public facility within the City may require a rental or use agreement.

4-11-5: ADMINISTRATION: The administrator is authorized to receive applications, issue and revoke permits, and otherwise implement this chapter.

4-11-6: APPLICATION FOR PERMIT; CONTENTS; ISSUANCE:

A. Information Required: The following information must be included in the application:

1. The name, mailing address, and daytime telephone number of the person who will be present during, and responsible for, the filming

2. The address or place at which the activity is to be conducted;

3. The specific location(s) at such address or place;

4. The inclusive times and dates such activity will transpire;

5. A general statement of the character or nature of the proposed activity;

6. The number of personnel to be involved;

7. Anticipated use of any animals, pyrotechnics, fire, or explosives;

8. The food servicing arrangements;

9. Requests for special assistance at the location, including,
without limitation, street closure, traffic control, and emergency services;

10. Whether the activity to be filmed includes vehicle chases or other activities dangerous to the participants or to the public, with a description of the activity to be filmed;

11. The amount and type of equipment to be involved including without limitation, the number and size of vehicles, location of all vehicles and ancillary equipment, and the name of the person responsible for keeping the filming site clear and clean.

12. A declaration regarding notification of residences and businesses within the impact zone as required by this chapter; and

13. Such other information as the administrator deems appropriate.

B. In addition to the provisions of this Chapter, any applicant engaging in activity that requires compliance with federal, state, or local regulations, including additional licenses or permits, must present evidence of satisfactory compliance with those requirements.

4-11-7: APPLICATION AND PERMIT FEES:

A. Motion Picture, Radio, Or Television Productions:

1. A nonrefundable application fee for motion picture, radio or television productions as set by resolution of the city council must be paid.

2. A permit fee set by city council resolution must be paid whenever the permittee uses any portion of any public street, road, right of way or building, other than a building located in a public park, owned or controlled by the city.

3. The use of public parks and buildings located in public parks to the exclusion of the general public is discouraged; however, when such permit is granted, the permit fee will be fixed by city council resolution.

B. Still Photography:

1. A nonrefundable application fee for still photography
commercial advertising as set by resolution of the city council must be paid.

2. A permit fee set by city council resolution must be paid whenever the permittee uses any portion of any public street, road, right of way or building, other than a building located in a public park, owned or controlled by the city.

3. The use of public parks and buildings located in public parks to the exclusion of the general public is discouraged; however, when such permit is granted, the permit fee will be fixed by city council resolution.

4-11-8: DIRECT OVERHEAD EXPENSES:

In addition to the fees and charges established, the permittee must pay all costs and direct overhead of the city for supervising, controlling, and managing permittee's operation. This includes, without limitation, all personnel costs, all material and supply costs, and all other direct costs and expenses of the city. These costs and expenses will be computed at the conclusion of the project and be deducted from the deposit required.

4-11-9: CASH DEPOSIT FOR FEES AND SECURITY DEPOSIT REQUIRED:

A. Cash Deposit: After the application fee is paid and the application approved and before any permit is issued, permittee must deposit with the city a cash deposit computed as follows: Twice the amount determined by the city to be the total cost to the city plus a sum equal to all permit and license fees.

B. Conditions For Refund Of Security Deposit: At the conclusion of the project, the total of the deposit will be applied to the city's permit and license fees and to the city's costs and direct overhead of administering and supervising the permit; and the balance, if any, will be deemed a security deposit. The security deposit must be refunded by the city to the permittee if the permittee has fully complied with all of the conditions of the permit and all requirements of law. If the permittee has not complied with all conditions of the permit and all requirements of law, the security deposit will be retained by the city.

4-11-10: SECURITY DEPOSIT RETENTION; APPEAL:

Any person aggrieved by the administrator's determination concerning the amount of the deposit or the amount of any refund may file a written appeal as provided by this chapter.
4-11-11: REVIEW BY CITY OFFICERS:

A. After a film permit application is filed, the administrator must forward the application to directors, or designees (collectively "reviewing officers"), whose departments are affected by the proposed event for their recommendations. The reviewing officers may include, without limitation:

1. The fire chief;
2. The police chief;
3. The recreation and parks director; and/or
4. The public works director.
5. The El Segundo Unified School District superintendent when filming will occur along a route or at a location adjacent to a school or classroom.

B. Upon receiving an application, the reviewing officers must consider the application, conduct any necessary investigation, and provide the administrator with written recommendations regarding:

1. Any special conditions for a permit;
2. Whether, based on the scope of the proposed filming, a pre-filming operational meeting is required. Should such a meeting be necessary, the administrator will notify the applicant of the time and place of the meeting within a reasonable time before filming; and
3. Any additional recommendations.

C. The reviewing officers must complete their review before the administrator can make a decision on the application.

4-11-12: TIME REQUIREMENTS:

A. Except as provided in this Chapter, completed applications for a film permit must be filed in the administrator's office at least:

1. Three (3) business days before the filming date for a permit that does not require City services and is low impact filming; or
2. Five (5) business days before the filming date for filming involving stunts or traffic control; or

3. Ten (10) business days before the filming date for filming involving closure of public streets or rights-of-way, or use of pyrotechnics, fire, or explosives for special effects, except that an application may be filed pursuant to subsection A(1) if special effects are limited to the use of "squibs" as defined in Title 19, Section 980 of the California Code of Regulations, or any successor regulation, and the fire department determined the pyrotechnic operator's license to be in good standing within the previous twelve (12) months.

B. Except as provided in this Chapter, completed applications for a film permit must be denied, approved, or conditionally approved by the administrator within the applicable time periods established by Subsections A(1-3). Following his/her decision, the administrator will promptly attempt to notify the applicant orally and in writing.

C. Unless otherwise provided, the applicant's acceptance of the approval or conditional approval must be received by the administrator before the filming date. Failure to accept the decision or failure to file a request for appeal constitutes a withdrawal of the application.

4-11-13: ACTION ON PERMIT APPLICATION – PERMIT ISSUANCE:

A. The administrator must issue a permit if

1. The application was complete in accordance with this Chapter;

2. There are no grounds for denying the permit; and

3. Applicant accepts the permit approval or conditional approval in writing.

B. Use of any permit issued pursuant to this Chapter must conform to the general permit conditions of this Chapter and, if applicable, special permit conditions reasonably deemed necessary by the administrator to protect public safety and/or welfare. Such special conditions may include, without limitation, conditions for controlling pedestrian and/or vehicle traffic, for protecting public and/or private property, and/or for protecting public health and safety.

4-11-14: ACTION ON PERMIT APPLICATION – PERMIT DENIAL:
A. A permit may be denied for the following reasons:

1. The application is incomplete;

2. The applicant failed to provide reasonable supplemental application information requested by the administrator;

3. Information submitted by the applicant is materially false;

4. Applicant seeks approval for filming that is so close in time and location to another event scheduled for the same date as to cause unreasonable traffic congestion and/or to overextend public safety and/or emergency services;

5. Filming time and/or methodology will unreasonably interrupt the safe and orderly movement of traffic contiguous to the filming site;

6. The concentration of persons, animals, and/or vehicles at the filming prevents public safety and/or emergency services from reaching areas at or contiguous to the event;

7. The concentration of persons, animals, and/or vehicles at the filming on or adjacent to public institutions or schools prevents normal egress and ingress into the facility;

8. The size of filming will overextend public safety and/or emergency services to the extent that the safety of filming participants, attendees, and/or the remainder of the City will be seriously jeopardized; provided, however, that nothing authorizes denial of a permit because of the need to protect participants from the conduct of others if reasonable permit conditions can be imposed;

9. The filming location will substantially interfere with construction or maintenance work previously scheduled to take place on or along the City street, parking facility, sidewalk or other public right-of-way to be occupied by the event;

10. The filming will occur along a route or location adjacent to a hospital or extended care facility, and the noise
created by the filming would substantially disrupt the operation of the hospital or extended care facility or disturb the patients within;

11. The filming will occur at a location adjacent to a library and the noise created by the filming will substantially disrupt the library's operation or disturb a library's patrons;

12. The application is not timely submitted and there is insufficient time to investigate and process the application pursuant to the timelines in this Chapter;

13. The application fails to include a declaration regarding notification of residences and businesses within the impact zone as required by this chapter.

B. The administrator must consult with the city attorney before denying a filming permit.

4-11-15: ALTERNATIVE TIME, PLACE, OR MANNER:

If the administrator denies a film permit that would be acceptable by changing filming time, place, or manner, then the administrator may inform the applicant of such alternatives. Should the applicant accept the alternative time, place, or manner then the administrator will issue a permit in accordance with this Chapter.

4-11-16: ADMINISTRATIVE POLICIES AND PROCEDURES:

The city manager is authorized and directed to promulgate administrative policies and procedures governing the form, time, and location within the city to implement this chapter. The rules and regulations can be based upon the following criteria:

A. Traffic congestion at particular locations within the city;

B. The written consent of all property owners or occupants in possession of property within the impact zone, as determined by the administrator and in accordance with this chapter;

C. The safety and convenience of all persons;

D. The disruption of normal activities of all persons at particular locations within the city;

E. The safety of property within the city.
4-11-17:  MAXIMUM NUMBER OF FILMING DAYS ALLOWED:

No permit can be issued if it will result in any address being located within an impact zone for more than twenty (20) days in the preceding twelve (12) month period. The administrator may increase this twenty (20) day maximum to up to twenty-four (24) days if consent is received from 100% of addresses that have been within an impact zone for more than twenty (20) days in the preceding twelve (12) month period.

4-11-18:  INDEMNIFICATION AGREEMENT:

Permittees must enter into a hold harmless agreement with the City which, in part, indemnifies City, its officers, employees, and agents, from any liability arising from permittees’ filming in a form approved by the city attorney.

4-11-19:  GENERAL PERMIT CONDITIONS – LIABILITY INSURANCE:

A. Insurance Requirements. Permittee must obtain public liability insurance from an insurance company licensed to do business in the state of California and having a financial rating in Best’s Insurance Guide of not less than “A VII.” Such insurance must provide “occurrence” coverage against liabilities for death, personal injury, or property damage arising out of or in any way connected with filming. Such insurance shall be based upon the size and nature of filming, the risks foreseeably involved, and must be in the amount of at least one million dollars ($1,000,000), combined single limit, and name the City and the City’s officers, employees, agents, and volunteers as additional insureds under the coverage afforded. The city’s risk manager may increase this minimum limit depending on the risk involved with the proposed filming. In addition, such insurance must be primary and noncontributing with respect to any other insurance available to the City and include a severability of interest (cross-liability) clause. If alcoholic beverages are sold or served during filming, the policy must also include an endorsement for liquor liability in an amount not less than one million dollars ($1,000,000).

B. Certificates of Insurance. A copy of the policy or a certificate of insurance along with all necessary endorsements, in a form approved by the City’s risk manager, must be filed with the administrator not less than five (5) business days, except as otherwise provided in this Chapter, before filming unless the administrator for good cause waives the filing deadline.

C. Bonds. A bond/cash deposit may be required for purposes of repairing any damage and restoring City facilities to original condition. The amount will be determined by the administrator. In the event of such
damage, City will provide written notice to the permittee specifying the damage to be repaired and/or City facilities to be restored. If, after providing permittee with such written notice, the requested repairs and/or restoration of City facilities have not been commenced and/or completed within seven (7) days, City may draw upon the bond/cash deposit to effect said repairs and/or restoration of City facilities. In the event of damage requiring emergency repairs and/or restoration of City facilities by the City, the permittee is required to reimburse the City in full for all costs incurred within thirty (30) days receipt of invoice from City.

4-11-20: NOTICE TO RESIDENCES AND BUSINESSES – GENERALLY:

Before the administrator issues a filming permit, an applicant must notify neighbors within an impact zone as follows:

A. The applicant must make every reasonable effort to notify neighbors within the impact zones, by any reasonable means specified by the administrator, regarding the filming’s nature, date, and time.

B. Notifications must include applicant’s name, address, telephone number, date(s), and time(s) of filming.

C. The applicant must submit a declaration, signed under penalty of perjury, with a permit application stating that reasonable notice was provided to every neighbor within the impact zone.

D. The administrator may, at the applicant’s cost, prepare documentation showing the neighbors within an impact zone.

4-11-21: IMPACT ZONE PROTESTS:

A. The neighbors within the impact zone are entitled to one protest per address. All protests must be received by the administrator at least two (2) business days before the filming date;

B. The administrator cannot issue a filming permit if:

1. More than fifty percent (50%) of neighbors within the impact zone submit protests against Low Impact Filming. The administrator may, but is not required to, require a lower percentage of protests based upon the time, place, or manner of the proposed filming and its consequent impact on surrounding businesses or residences;

2. If the administrator receives at least one (1) protest from a neighbor within the impact zone for filming that
requires street closures; or

3. More than ten percent (10%) of neighbors within the impact zone for all other filming sites submit protests.

C. A rebuttable presumption of one hundred percent (100%) approval from neighbors within an impact zone is established if the administrator does not receive any protests from within an impact zone.

D. Neighbors may submit protests for all filming located within 300 feet of their property with the administrator. The administrator will keep a record of such protests until the end of each calendar year and apply such protests when determining the protest percentages established by this section. Protests must be resubmitted at the beginning of each calendar year to be effective.

4-11-22: GENERAL PERMIT CONDITIONS – SPECIAL EFFECTS; FIRE PERMIT:

An applicant must obtain a permit from the City fire department for filming that includes pyrotechnics, fires, or explosives. During filming the permittee must, at its own expense, use City fire personnel deemed necessary by the City fire department. All City fire permits must be obtained at least seventy-two (72) hours before filming.

4-11-23: GENERAL PERMIT CONDITIONS – ADDITIONAL REQUIREMENTS:

A. Filming cannot commence before 7:00 a.m.- unless it is -no impact filming allowed by a valid permit.

B. The permit, in its entirety, must be in the possession of the permittee at all times while filming.

C. A permittee must conduct operations in an orderly fashion. The area used must be cleaned of trash and debris upon completion and before leaving the filming site(s). A deposit to assure that a permittee removes all trash and debris from the filming site(s) may be required. This requirement and the amount may be determined by the administrator.

D. Vehicle parking for all filming related activities must be in accordance with the administrator’s directions.

E. All camera cars must have a police escort. The administrator may determine how many police officers will be required to escort camera cars.
F. All filming and ancillary activities must cease not later than 10:00 p.m. unless it is -no impact filming allowed by a valid permit. Such ancillary activities include, without limitation, striking sets, loading equipment, and vehicle traffic.

G. Permittees must protect any neighbors within an impact zone from glare caused by lighting used for filming after sunset.

H. Production companies -cannot place equipment or vehicles on private property -without the private property resident's written consent-

4-11-24: SUBSEQUENT CONDITIONS:

A. Grounds for Subsequent Conditions. The administrator may condition previously issued permits upon learning or discovering facts not previously disclosed or reasonably discoverable.

B. Notice of Subsequent Conditions. Should subsequent conditions be required, the administrator will serve written notice on the permittee of this decision. When acting upon information obtained twenty-four (24) hours before filming, the administrator may orally inform the permittee, and City personnel overseeing filming, of the new conditions.

4-11-25: EMERGENCY SUSPENSION OF FILMING:

The city manager, administrator, and/or any sworn public safety officer may temporarily suspend filming whenever there is an emergency that requires such action to protect public safety. Should this occur, the permittee and filming participants must immediately comply with the suspending officer’s instructions. The administrator will immediately attempt to notify the applicant orally and notify the applicant in writing, within twenty-four (24) hours after the suspension, citing with particularity the facts and the reasons for the suspension.

4-11-26: LAND USE AND PARKING REGULATIONS INAPPLICABLE:

Except as otherwise provided by this Chapter or the terms and conditions of a permit issued under this Chapter, those provisions of this Code regulating land use and parking do not apply to a permittee. All other provisions of this Code are applicable to the permittee’s conduct except as specifically provided in the permit.

4-11-27: CORDONING OFF THE ROUTE OR FILMING SITE:

The administrator, or designee, is authorized and directed to establish traffic and/or crowd control devices on or within the City’s streets, parking facilities,
sidewalks, or other public rights-of-way, and to undertake other actions necessary to cordon off the filming site. In addition, the administrator, can, when appropriate, cause the filming site to be posted as a no-parking zone for the duration of filming and sufficiently in advance thereof as may be necessary to prevent vehicles from parking along the route or at the filming location.

4-11-28: PUBLIC CONDUCT DURING FILMING:

A. Interference with Filming. It is unlawful for any person to physically obstruct, impede, hamper or otherwise interfere with any filming authorized by a permit or with any person, animal or vehicle participating or used in filming.

B. Driving Through the Filming Site. It is unlawful for any person to drive a vehicle between vehicles or persons authorized by a film permit when such vehicles or persons are in motion.

C. Prohibited Parking. It is unlawful for any person to park along or within any portion of the route or filming site, when the filming site is designated as a no-parking zone by the administrator in the manner authorized by this Chapter.

4-11-29: PROHIBITIONS:

It is unlawful for any person to engage in filming that would constitute a hazard to public safety or interfere with or endanger the public peace or rights of residents and other occupants of property to the quiet, peaceful, unmolested enjoyment of their property.

4-11-30: MISREPRESENTATION:

It is unlawful for any person to knowingly or intentionally misrepresent to any officer or employee of the city any material fact in procuring the permit provided for in this chapter.

4-11-31: PERMIT MODIFICATION:

A. If, due to inclement weather or other, similar, unforeseen circumstances, it is necessary to change the filming date and/or time, the administrator may, upon permittee's request, issue a film permit addendum authorizing filming at the same location for new times and dates. Permittee must comply with all applicable provisions of this Chapter, including notification, and pay any reasonable administrative fee that permit reissuance may cost.
B. If there is any substantial change in the filming from that described in the permit application, an applicant must pay the permit application fee and obtain an amended permit before the filming date.

4-11-32: PROCEDURE FOR REVOCATION OR SUSPENSION OF PERMIT:

A. The administrator can revoke a film permit upon learning or discovering facts requiring permit denial not previously disclosed or reasonably discoverable.

B. The administrator may revoke a film permit when the permittee and/or filming violates the permit’s terms and conditions, or when filming participants violate applicable laws or regulations; provided, however, that this subsection does not authorize revoking a permit because of the need to protect participants from the conduct of others; and, provided further, that the administrator cannot revoke a permit without warning the permittee and allowing him/her to correct the violation(s) within a reasonable time.

C. If the administrator revokes a permit before the filming date, the administrator must immediately serve written notice of revocation on the permittee and provide copies of the notice to all City personnel charged with carrying out any responsibility under this Chapter. If the administrator revokes a permit on the day of filming after learning of facts justifying revocation less than twenty-four (24) hours before the filming commenced, the administrator must announce such action to the filming participants, City officers and employees monitoring or controlling traffic during the filming, and the person in charge of the filming, if such person can be located at the filming location. Written notice must be delivered after such action to the permittee.

D. An applicant is entitled to an administrative hearing before a hearing officer designated by the city manager provided

1. The applicant appeals the administrator’s decision within twenty-four (24) hours of receiving notice of such conditions;

2. Filming is scheduled at least forty-eight (48) hours after the hearing time;

3. The hearing will be at the administrator’s office at 4:00 P.M. the day after the hearing is requested, unless otherwise agreed upon. The hearing officer will issue a decision orally at the conclusion of the hearing and also notify the applicant,
the administrator in writing of the hearing officer’s decision;

4. Any notification of action, whether oral or written, must describe with particularity the facts and the reasons for the decision;

E. The administrator must consult with the city attorney before revoking a filming permit.

F. Appeals To Council: Any person aggrieved by the decision of the administrator may appeal to the council in the manner provided by this chapter.

G. Failure To Appeal: In the event no appeal is taken by the permittee, the decision of the administrator revoking or suspending such permit becomes final and conclusive on the expiration of the time fixed for the appeal as set forth in this chapter.

4-11-33: APPEALS TO THE CITY COUNCIL:

A. Procedures: Any person aggrieved by any decision of the administrator or of any other officer of the city made pursuant to the provisions of this chapter may appeal to the council within fifteen (15) days after notice thereof by filing with the city clerk a written notice of appeal, briefly stating in such notice the grounds relied upon for appeal. If such appeal is made within the time prescribed, the city clerk will schedule a hearing before the council within thirty (30) days after the date of the receipt of such notice of appeal, giving the appellant not less than ten (10) days’ notice in writing of the time and place of the hearing. The findings and determinations of the council at such hearing are final and conclusive and within three (3) days after such findings and determinations are made, the city clerk will give notice thereof to the appellant.

B. Council Determination: For appeals relating to the suspension or revocation of permits issued pursuant to this chapter, the council’s determination become effective on the second day after the city clerk gives notice thereof to the appellant, unless otherwise provided by the council.

4-11-34: EXPEDITED REVIEW:

Pursuant to California Code of Civil Procedure § 1094.8(c), and any successor statute or regulation, the permits under this chapter are designated for expedited judicial review pursuant to the procedure set forth in California Code of Civil Procedure § 1094.8, or any successor statute or regulation.”
SECTION 2: 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 establishes rules and procedures to permit operation of existing facilities; minor temporary use of land; ensure maintenance, restoration and protection of the environment; and regulate normal operations of facilities for public gatherings. This Ordinance, therefore, is categorically exempt from further CEQA review under Cal. Code Regs. Title 14, §§ 15301, 15304(e), 15308, and 15323.

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 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 7th day of October, 2008.

Kelly McDowell, Mayor
ATTTEST:

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. 1424 was duly introduced by said City Council at a regular meeting held on the 16th day of September, 2008, 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 7th day of October, 2008, and the same was so passed and adopted by the following vote:

AYES:       McDowell, Busch, Fisher, Jacobson

NOES:       None

ABSENT:     Brann

ABSTAIN:    None

Cindy Mortesen, City Clerk

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

By: Karl H. Berger, Assistant City Attorney
AGENDA DESCRIPTION:
Consideration and possible action regarding the announcement of the appointment of candidate of the Library Board of Trustees. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:
1. Announce the appointee to the Library Board of Trustees, if any.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None

FISCAL IMPACT: Included in Adopted Budget

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<td>Account Number(s):</td>
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ORIGINATED BY: Mishia Jennings, Executive Assistant
REVIEWED BY: 
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

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STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Information on actual expenditures is available in the Director of Administrative Services office in the City of El Segundo.

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

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

CODES:

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

A = Payroll and Employee Benefit checks

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

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

FINANCE DIRECTOR: ______________________ CITY MANAGER: ______________________

DATE: 6/8/09  DATE: 6/8/09

VOID CHECKS DUE TO ALIGNMENT: N/A
VOID CHECKS DUE TO INCORRECT CHECK DATE: N/A
VOID CHECKS DUE TO COMPUTER SOFTWARE ERROR: N/A

NOTES:
# CITY OF EL SEGUNDO
## PAYMENTS BY WIRE TRANSFER
### 05/22/09 THROUGH 06/04/09

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**DATE OF RATIFICATION: 6/16/09**
**TOTAL PAYMENTS BY WIRE:**

Certified as to the accuracy of the wire transfers by:

- **Deputy City Treasurer**

- **Director of Finance**

- **City Manager**

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JUNE 2, 2009 – 5:00 P.M.

5:00 P.M. SESSION

CALL TO ORDER – Council Member Jacobson at 5:00 p.m.

ROLL CALL

Mayor McDowell                  -   Present – arrived at 5:01 p.m.
Mayor Pro Tem Busch             -   Present – arrived at 5:03 p.m.
Council Member Brann            -   Present
Council Member Fisher           -   Present
Council Member Jacobson         -   Present

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per
person, 30 minute limit total) Individuals who have received value of $50 or more to
communicate to the City Council on behalf of another, and employees speaking on
behalf of their employer, must so identify themselves prior to addressing the City
Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250.

SPECIAL ORDER OF BUSINESS:

Mark Hensley, City Attorney, announced that Council would be meeting in closed
session pursuant to items listed on the agenda.

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code
§54956.9(a) -0- matter

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -0-
potential case (no further public statement is required at this time); Initiation of litigation
pursuant to Government Code §54956.9(c): -0- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov’t Code §54957): - 2- matters
1. Public Employee Performance Evaluation
   Title: City Manager

2. Public Employment
   Title: City Manager

CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): -2-
matters

1. Represented Group: Supervisory and Professional Employees' Bargaining Unit
   City's Representatives: Jack Wayt (City Manager), Bob Hyland (Human
   Resources Director) and Deborah Cullen (Finance Director)

2. Unrepresented Employee: City Manager, Jack Wayt
   City's Representative: City Attorney, Mark Hensley

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): -0-
matter

SPECIAL MATTERS: - 0- matter

Council recessed at 6:50 p.m.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JUNE 2, 2009 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor McDowell at 7:00 p.m.

INVOCATION – Cindy Mortesen, City Clerk

PLEDGE OF ALLEGIANCE – Council Member Carl Jacobson

PRESENTATIONS

a. Mayor ProTem Busch presented a Proclamation announcing June 13, 2009 for Beauty and the Beach Day in El Segundo.

ROLL CALL

Mayor McDowell  -  Present
Mayor Pro Tem Busch  -  Present
Council Member Brann  -  Present
Council Member Fisher  -  Present
Council Member Jacobson  -  Present

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only.

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

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)
C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

E. CONSENT AGENDA

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

1. Approved Warrant Numbers 2571785 to 2571990 on Register No. 16 in the total amount of $958,134.71 and Wire Transfers from 05/08/09 through 05/21/09 in the total amount of $1,802,166.68. Authorized staff to release. Ratified: Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.


3. Adopted Ordinance No.1429 amending the Downtown Specific Plan regarding temporary and permanent outdoor dining and retail uses, permit fee parking, and establishing a payment program and procedures for making parking in-lieu fee payments within the Downtown Specific Plan. (Fiscal Impact: None)

3a. Adopted Resolution No. 4599, establishing procedures for paying an in-lieu fee in accordance with the Downtown Specific Plan. (Fiscal Impact: None)

4. Received and filed report without objecting to a new Alcoholic Beverage Control (ABC) license for on-site sale and on-site consumption of alcohol (Type 41 – On-Sale Beer and Wine) at an existing restaurant located at 2251 E. Maple Avenue (Kaya Sushi Restaurant), EA No. 823 for AUP No. 09-01. Applicant: Dae Kil Kim/Kaya Sushi Restaurant (Fiscal Impact: None)

5. Approved amendment to the Professional Services Agreement with Tetra Tech, Inc. in conjunction with the 3.1 Million Gallon (MG) Water Reservoir Seismic Retrofit project RFP 07-04 located at 400 Lomita Street. (Fiscal Impact: $63,625.00) Authorized the City Manager to execute the amendment to the existing Professional Services Agreement No. 3742.

6. Authorized the City Manager to enter into a Lease Agreement No. 3947, in a form approved by the City Attorney, for office space located at 333 Main Street for the purpose of relocating the Residential Sound Insulation (RSI) program offices. (Fiscal Impact: $7,000 for the remainder of FY 2008-2009 and annual cost of $40,000)

7. PULLED FROM THE AGENDA BY THE CITY MANAGER
8. Waived the formal bidding process pursuant to the El Segundo Municipal Code § 1-7-10 and authorized the Fire Department to purchase twenty-five (25) self-contained breathing apparatus units under a sole source purchase through Allstar Fire Equipment. The City will be reimbursed for these expenditures through the Urban Area Security Initiative Fiscal Year 2006 grant funding. (Fiscal Impact: Not to exceed $140,725)

9. Rejected bid from Harry H. Joh Construction, Inc.; Awarded Contract No. 3948 to Professional Building Contractors, Inc. for construction related to Group 32 (24 homes) of the City's Residential Sound Insulation Program (Project No. RSI 09-09). (Estimated construction costs and retention: $909,013); Authorized the City Manager to execute the contract in a form approved by the City Attorney.

10. Rejected Bid submitted by S&L Specialty Contracting, Inc.; Awarded Contract No. 3949 to Professional Building Contractors, Inc. for construction related to Group 33 (30 homes) of the City's Residential Sound Insulation Program (Project No. RSI 09-10). (Estimated construction costs and retention: $633,996); Authorized the City Manager to execute the contract in a form approved by the City Attorney.

11. Awarded Contract No. 3950 to Professional Building Contractors, Inc. for construction related to Group 36 (30 homes) of the City's Residential Sound Insulation Program (Project No. RSI 09-11). (Estimated construction costs and retention: $751,188) Authorized the City Manager to execute the contract in a form approved by the City Attorney.

12. Waived the formal bidding process per the El Segundo Municipal Code Section 1-7-10 and authorized the Fire Department to issue a purchase order enabling Valley Fire Service to perform a major engine overhaul for Engine 32. (Fiscal Impact: $27,760)

13. Adopted required resolutions updating the employer’s contribution under the Public Employees’ Medical and Hospital Care Act for El Segundo Fire Fighters’ Association, Resolution No. 4601, El Segundo Police Officers’ Association, Resolution No. 4602, El Segundo Police Management Association, Resolution No. 4603, and the El Segundo Management / Confidential Group, Resolution No. 4604. (Fiscal Impact: Included in adopted budget)

MOTION by Mayor ProTem Busch, SECONDED by Council Member Fisher to approve Consent Agenda Items 1, 2, 3, 3a, 4, 5, 6, 8, 9, 10, 11, 12 and 13. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA
7. Consideration and possible action to amend the base salary of police officer trainees from 80% of Step A of the Police Salary Table to 100% of Step A of the Police Salary Table. (Fiscal Impact: $27,000)

Item pulled by the City Manager for further review and returned to Council at a later date.

F. NEW BUSINESS

14. Consideration and possible action to receive and file in accordance with the independent auditor’s opinion on the City’s Comprehensive Annual Financial Report, and its various fund financial statements, schedules, and agreements. (Fiscal Impact: None)

Deborah Cullen presented Mark Davis of Mayer Hoffman McCann P.C. who updated Council with the new audit requirements.

Council consensus to receive and file in accordance with the independent auditor’s opinion on the City’s Comprehensive Annual Financial Report, and its various fund financial statements, schedules, and agreements.

REPORTS – CITY MANAGER

Spoke regarding the City’s Environmental Council meetings which are to be held at least quarterly and more often if necessary.

REPORTS – CITY ATTORNEY

REPORTS – CITY CLERK

REPORTS – CITY TREASURER

Announced that he represented the City at the Annual Municipal Treasurers’ Conference, and the California Municipal Treasurers’ Division Two Luncheon.

REPORTS – CITY COUNCIL MEMBERS

Council Member Brann – NONE


Council Member Jacobson – Reported on CPR Saturday.

Mayor Pro Tem Busch – Announced Beauty and the Beach June 13, 2009 and closing ceremony for Little League.
Mayor McDowell – Congratulated his brother for his White House re-nomination to the Federal Communications Committee.

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have receive value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

MEMORIALS – Vu Nguyen, reporter for the Daily Breeze, and Jim Weber former City employee.

CLOSED SESSION - NONE

ADJOURNMENT at 7:20. p.m.

Cindy Mortesen, City Clerk
AGENDA DESCRIPTION:
Consideration and possible action regarding acceptance of the project for trenchless rehabilitation of the sanitary sewer main on Imperial Highway from east to west City limit. Project No.: PW 08-10
(Fiscal Impact: $465,795.00)

RECOMMENDED COUNCIL ACTION:
1. Accept the work as complete.
2. Authorize the City Clerk to file a Notice of Completion in the County Recorder's Office.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
Notice of Completion

FISCAL IMPACT: Included in Adopted Budget
Amount Requested: $465,795.00
Additional Appropriation: No
Account Number(s): 502-400-8204-8647

ORIGINATED BY: Maryam M. Jonas, Principal Engineer
REVIEWED BY: Dana Greenwood, Public Works Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
On December 2 2009, the City Council awarded a contract to Southwest Pipeline and Trenchless Corporation, in the amount of $465,795.00 to install a lining inside the existing sewer mains by slip lining method. With this method, the installation of the lining is done from the public street without excavation.

All work associated with this project has now been completed to the satisfaction of the City and staff recommends acceptance of the complete project.

The final contract amount is $465,795.00. Funding for this project is provided from the sewer enterprise fund for the annual sewer main repair program.
NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name: Trenchless Rehabilitation Of The Sanitary Sewer Mains On Imperial Highway
Project No.: PW 08-10

Notice is hereby given pursuant to State of California Civil Code Section 3093 et seq that:

1. The undersigned is an officer of the owner of the interest stated below in the property hereinafter described.

2. The full name of the owner is: City of El Segundo

3. The full address of the owner is: City Hall, 350 Main Street, El Segundo, CA, 90245

4. The nature of the interest of the owner is: Public Sanitary Sewer Mains

5. A work of improvement on the property hereinafter described was field reviewed by the City Engineer on May 28, 2009. The work done was: Slip lining of existing sewer mains

6. On June 16, 2009, City Council of the City of El Segundo accepted the work of this contract as being complete and directed the recording of this Notice of Completion in the Office of the County Recorder.

7. The name of the Contractor for such work of improvement was: Southwest Pipeline and Trenchless Corporation.

8. The property on which said work of improvement was completed is in the City of El Segundo, County of Los Angeles, State of California, and is described as follows: Public utilities

9. The street address of said property is: East to West City Limit on Imperial Highway

Dated: ________________________

Dana Greenwood
Public Works Director

VERIFICATION

I, the undersigned, say: I am the Director of Public Works/City Engineer of the City El Segundo, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury the foregoing is true and correct.

Executed on ________________, 2009 at El Segundo, California.

Dana Greenwood
Public Works Director

Notice of Completions/PW 08-16
AGENDA DESCRIPTION:
Consideration and possible action regarding the award of a Standard Public Works Contract to Malibu Pacific Tennis Courts, Inc. for the installation of a retaining wall at the Softball Field at 339 Sheldon Street – Project No. PW 09-03 (Fiscal Impact: $184,750.00)

RECOMMENDED COUNCIL ACTION:
(1) Authorize the City Manager to execute a Standard Public Works Contract in a form approved by the City Attorney with Malibu Pacific Tennis Courts, Inc. in the amount of $184,750.00; (2) Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
None.

FISCAL IMPACT: Included in Adopted Budget

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<thead>
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<th>Amount Budgeted:</th>
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<tr>
<td>Account Number(s):</td>
<td>301-400-8202-8996</td>
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ORIGINATED BY: Dan Garcia, Assistant City Engineer
REVIEWED BY: Dana Greenwood, Public Works Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:
On April 21, 2009, City Council approved the plans and specifications and authorized staff to solicit bids for the installation of a retaining wall at the Softball Field. On May 26, 2009, five bids were received. The bids varied from $184,750.00 to $349,764.00. Malibu Pacific Tennis Courts, Inc. was the lowest responsible bidder at $184,750.00. This amount was very close to the engineer’s estimate ($186,000.00) and within the project budget. Malibu Pacific Tennis Courts, Inc. is a well qualified contractor with verified experience with similar projects.
AGENDA DESCRIPTION:

Consideration and possible action on the awarding of RFP # 09-07 (Police Uniforms and Accessories) to the three most responsive bidders, and authorize the City Manager to execute three (3) year agreements with a renewal option for each of an additional three (3) year period, for a maximum total contract length of six (6) years. (Fiscal Impact: Included in adopted budget)

RECOMMENDED COUNCIL ACTION:

1. Award three (3) year contracts to Galls Uniforms, Quartermaster Uniforms, and Carmen’s Uniforms for use as the police department’s primary suppliers of uniforms and accessories.
2. Authorize the City Manager to exercise the renewal option for each contract of an additional three (3) year period if in the City’s best interest.
3. Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Uniform Specification List

FISCAL IMPACT: Included in Adopted Budget

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<th>Amount Budgeted</th>
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<td>Account Number(s)</td>
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ORIGINATED BY: Bob Turnbull, Captain

REVIEWED BY: David Cummings, Chief of Police

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

The police department uniform contract recently expired. RFP #09-07 was issued to (5) five companies on March 23, 2009 with completed bid responses due back and opened on April 7, 2009. The City received responses from three (3) companies; Galls Uniforms, Quartermaster Uniforms, and Carmen’s Uniforms.

All three responses were evaluated with the following criteria: physical location, level of service, facilities, ability to meet the departments needs, and cost. The department’s most recent contract has been with Galls Uniform. They have consistently provided staff with acceptable service thus meeting the police department’s standards. The department has also used Carmen’s Uniforms in
Torrance for approximately seven years as a second source for department uniforms, which also provided quick, responsive, and quality service. The attached "Police Department Uniforms Specification List" matrix summarizes the three vendor's bids. The low bidder varies depending on the item to be purchased, resulting in all three companies being lowest bidder for some equipment, and the highest bidder for others.

Therefore, staff recommends that all three vendors, Gall's Uniforms, Quartermaster Uniforms, and Carmen's Uniforms be awarded as police department suppliers of uniforms and accessories. This will allow staff to purchase needed items from the lowest priced bidder for the particular item being purchased.
<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>SPECIFICATIONS</th>
<th>GALL'S UNIT PRICES</th>
<th>CARMEN'S UNIT PRICES</th>
<th>QUARTERMASTER UNIT PRICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uniform Shirt – Light weight</td>
<td>LAPD approved Long Sleeve with zipper, tailoring, and shoulder patches sewn on.</td>
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<tr>
<td></td>
<td>Size 14.5 - 18 $85.95 $57.95 $48.99</td>
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<td>Size 18.5 - 20 $77.95 $66.64 $58.99</td>
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<td>Short Sleeve with zipper and tailoring</td>
<td>Size 14.5 - 18 $51.95 $52.95 $45.99</td>
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<td></td>
<td>Size 18.5 - 20 $90.95 $60.89 $55.99</td>
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<tr>
<td>Uniform Trousers</td>
<td>LAPD approved Wool, Navy, includes tailoring</td>
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<td>Size 28 - 42 $54.95 $57.95 $54.99</td>
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<td>Size 44 - 50 $59.95 $66.64 $59.99</td>
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<td>Size 52 - 54 $65.95 $75.34 $69.99</td>
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<td>Tie</td>
<td>Black- Clip On</td>
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<td>Tie Bar</td>
<td>Gold Metal</td>
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<td>Hat</td>
<td>Round, LAPD Style</td>
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<td>Shoes</td>
<td>Thorogood Low Quarter Black Leather</td>
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<td>Boots</td>
<td>Black, Leather</td>
<td>$114.95</td>
<td>$68.95-114.95</td>
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Page 1 of 8
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<th>ITEM DESCRIPTION</th>
<th>SPECIFICATIONS</th>
<th>GALL’S UNIT PRICES</th>
<th>CARMEN’S UNIT PRICES</th>
<th>QUARTERMASTER UNIT PRICES</th>
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<tbody>
<tr>
<td>Jacket</td>
<td>Spiewak or Horace Small Black Water Repellent w/removable liner and gold buttons, with shoulder patches, name tape and cloth badge sewn on.</td>
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<tr>
<td></td>
<td>Size SM – XL</td>
<td>$69.95</td>
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<td>Size 2XL</td>
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<td>Trouser Belt</td>
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<td>Size 26 – 44</td>
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<td>Holster - Patrol</td>
<td>Safarland 070, SSIII Black Basket weave, Level III Retention Holster Extension</td>
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Page 2 of 8
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<th>QUARTERMASTER UNIT PRICES</th>
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<td>Detectives</td>
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<td>Flashlight</td>
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<td>Size SM - XL</td>
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<td>Size 2XL</td>
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<td>Size 3XL</td>
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<td>Replacement Vest Cover-Extreme Akwadyne</td>
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<td>Size 3XL</td>
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<tr>
<td>Point Blank- Threat Level II Legacy Series</td>
<td>BP382/Threat Level Alternate Vision Series Vision Highlite I</td>
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<td>Size 3XL</td>
<td>$300.22</td>
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<td>Point Blank- Threat Level IIIA Vision Series Vision Highlite III-A</td>
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<td>Size SM-XL</td>
<td>$322.95</td>
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<td>Size 2XL</td>
<td>$330.24</td>
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<td>Size 3XL</td>
<td>$330.24</td>
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# EL SEGUNDO POLICE DEPARTMENT UNIFORM SPECIFICATION LIST

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION:</th>
<th>SPECIFICATIONS</th>
<th>GALL'S UNIT PRICES</th>
<th>CARMEN'S UNIT PRICES</th>
<th>QUARTERMASTER UNIT PRICES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MOTORS</strong></td>
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<tr>
<td>Protective Glasses</td>
<td>Clear</td>
<td>$2.25</td>
<td>$79.95</td>
<td>$12.99</td>
</tr>
<tr>
<td>Sunglasses</td>
<td></td>
<td>$4.95</td>
<td>$30.00-79.99</td>
<td>15.99 + VP</td>
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<tr>
<td>Motor Breeches</td>
<td>LAPD approved, with white stripe W/ Saddle Seat, All Sizes</td>
<td>$197.25</td>
<td>$149.95</td>
<td>$NO PRICE</td>
</tr>
<tr>
<td>Leather Jacket</td>
<td>Custom fit Black Motor Style</td>
<td>$401.95</td>
<td>$355.00</td>
<td>$499.99</td>
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<tr>
<td>Motor Boots</td>
<td>Danner Jr. or All-American Black Leather</td>
<td>$133.95</td>
<td>$359.99-425.00</td>
<td>$399.99</td>
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<tr>
<td>Motor Gloves</td>
<td>Hatch or Damascus Summer riding gloves Motor Gauntlets</td>
<td>$28.95</td>
<td>$23.50</td>
<td>$24.99</td>
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<tr>
<td></td>
<td></td>
<td>$32.95</td>
<td>$36.95</td>
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# BICYCLE PATROL

<table>
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<tr>
<th>ITEM DESCRIPTION:</th>
<th>SPECIFICATIONS</th>
<th>GALL'S UNIT PRICES</th>
<th>CARMEN'S UNIT PRICES</th>
<th>QUARTERMASTER UNIT PRICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bicycle Helmet</td>
<td>Pro Police Bike Helmet, #140176/ Shoel Police Helmet</td>
<td>$32.95</td>
<td>$372.00</td>
<td>$24.50</td>
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<tr>
<td>Shoes</td>
<td>Men's Bike Shoes, #190107/ #6931, #6501, #6874/</td>
<td>$57.25</td>
<td>$69.95/$85/$99</td>
<td>$89.00</td>
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<tr>
<td>Pants</td>
<td>Black Bike Trouser, supplex – Mocean, #090089/#2150/</td>
<td>$55.95</td>
<td>$69.95</td>
<td>$33.00</td>
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</tbody>
</table>

Page 5 of 8
## EL SEGUNDO POLICE DEPARTMENT UNIFORM SPECIFICATION LIST

<table>
<thead>
<tr>
<th>ITEM DESCRIPTION</th>
<th>SPECIFICATIONS</th>
<th>GALL’S UNIT PRICES</th>
<th>CARMEN’S UNIT PRICES</th>
<th>QUARTERMASTER UNIT PRICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shorts</td>
<td>Black Bike Shorts, supplex – Moistex, #090188/#1020</td>
<td>$33.25</td>
<td>$42.95</td>
<td>$23.00</td>
</tr>
<tr>
<td>Shirt</td>
<td>Polo shirt, black, with “POLICE” (silk screened white letters with white border) on back, cloth badge sewn on upper left breast, patches sewn on sleeves.</td>
<td>$15.95</td>
<td>$19.95</td>
<td>$34.99</td>
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<tr>
<td>SWAT</td>
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<tr>
<td>Trousers</td>
<td>Super Deluxe Green 50/50 Poly Cotton</td>
<td>$32.46</td>
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<tr>
<td>Shirt</td>
<td>Super Deluxe Green Tactical, Long Sleeve 50/50 Poly Cotton</td>
<td>$32.46</td>
<td>$24.95</td>
<td>$24.50</td>
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<tr>
<td>MISC</td>
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<tr>
<td>Nametape</td>
<td>Green W/ 5/8” Black Letters</td>
<td>$1.95</td>
<td>$2.00</td>
<td>$5.00</td>
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<tr>
<td></td>
<td>Black W/ 5/8” Gold Letters</td>
<td>$1.95</td>
<td>$4.00</td>
<td>$5.00</td>
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<tr>
<td>Chevrons</td>
<td>CHP style</td>
<td>$1.25</td>
<td>$3.50</td>
<td>$1.99</td>
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<tr>
<td>Service Stripes</td>
<td>CHP style Hash Marks-Sewn On (per patch)</td>
<td>$0.95</td>
<td>$0.90</td>
<td>$1.99</td>
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<tr>
<td></td>
<td>CHP style Hash Marks-Direct Embroidered (each)</td>
<td>$2.95</td>
<td>$3.50</td>
<td>$1.99</td>
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<tr>
<td>Motor Insignia</td>
<td>Gold, wheel with arrow, sewn on</td>
<td>$0.95</td>
<td>$1.95</td>
<td>$4.99</td>
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<tr>
<td>Name plates</td>
<td>Gold with blue letters</td>
<td>$2.95</td>
<td>$4.00</td>
<td>$6.99</td>
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<tr>
<td>ITEM DESCRIPTION:</td>
<td>SPECIFICATIONS</td>
<td>GALL’S UNIT PRICES</td>
<td>CARMEN’S UNIT PRICES</td>
<td>QUARTERMASTER UNIT PRICES</td>
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<tr>
<td>------------------</td>
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<td>----------------------</td>
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<tr>
<td><strong>DISPATCH / RECORDS</strong></td>
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<tr>
<td>Pants</td>
<td>Edwards Casual wear, Black Pleated #8670-10</td>
<td>$17.95</td>
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<td>Non-pleated #2570-10</td>
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<tr>
<td>Belt</td>
<td>Chambers, black, smooth</td>
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<tr>
<td>Windbreaker</td>
<td>Black, lined (no patches, no insignias)</td>
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<td>$13.95</td>
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<td>Shoes</td>
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<td>Shirts - Records</td>
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<td>Shirts - Dispatch</td>
<td>Port Authority, Gray colored, with supplied embroidered logo</td>
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<td>Long Sleeve, SS00T</td>
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<td>$18.95</td>
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<td>Short Sleeve, K420</td>
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<td><strong>CLASS &quot;C&quot; BDU</strong></td>
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<tr>
<td>Trousers</td>
<td>BDU, Black, 6-pocket, heavy weight, with tailoring</td>
<td>$16.95</td>
<td>$39.95</td>
<td>$24.50</td>
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<tr>
<td>Shirt</td>
<td>BDU, Black, 2-pocket, heavy weight, long sleeve with zipper and tailoring &amp; patches sewn on (shoulder patches, cloth badge, name tape with 5/8&quot; letters)</td>
<td>$17.95</td>
<td>$39.95</td>
<td>$36.50</td>
</tr>
<tr>
<td>ITEM DESCRIPTION:</td>
<td>SPECIFICATIONS</td>
<td>GALL'S UNIT PRICES</td>
<td>CARMEN'S UNIT PRICES</td>
<td>QUARTERMASTER UNIT PRICES</td>
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<td>GRAND TOTAL ALL:</td>
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AGENDA DESCRIPTION:

Consideration and possible action regarding Council consensus to cancel the July 7, 2009 City Council Meeting. (Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

(1) Approve cancellation of the July 7, 2009 City Council Meeting;
(2) Alternatively discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

None

FISCAL IMPACT: None

Amount Budgeted: $  
Additional Appropriation: N/A 
Account Number(s): 

ORIGINATED BY: Cindy Mørtesen

REVIEWED BY:

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

In the past, the City Council has cancelled the first meeting in July due to conflicts in schedules. In addition, this year the Council Strategic Planning Session is scheduled for July 8.

It is therefore requested that Council approve the cancellation of the July 7, 2009 regularly scheduled meeting.