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, MARCH 2, 2010 – 5:00 P.M.

Next Resolution # 4645
Next Ordinance # 1441

5:00 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 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) -2- matter

1. City of El Segundo vs. City of Los Angeles, et. Al. LASC Case No. BS094279
2. Coleman v. City of El Segundo, LASC Case No. YC057685

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): - 0- matters

CONFERENCE WITH CITY’S LABOR NEGOTIATOR (Gov’t Code §54957.6): -1- matters

1. Represented Group: Police Support Services Employees Association (PSSEA), City Employees Association (CEA), Firefighters Association (FFA), Police Managers Association (PMA), Police Officers Association (POA), Supervisory and Professional Employees (S&P)
   Negotiators: Jack Wayt, Bob Hyland and Rich Kreisler

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov’t Code §54956.8): -0- matters

SPECIAL MATTERS: - 0- matter
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REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, MARCH 2, 2010 - 7:00 P.M.

Next Resolution # 4645
Next Ordinance # 1441

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor Brandon Cash, Oceanside Christian Fellowship

PLEDGE OF ALLEGIANCE – Council Member Carl Jacobson
PRESENTATIONS

a. Proclamation announcing March 6, 2010 as California Arbor Day.

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)

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. Warrant Numbers 2576016 to 2576217 on Register No. 10 in the total amount of $1,014,514.78 and Wire Transfers from 2/05/10 through 2/18/10 in the total amount of $2,379,663.18.

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.
2. Consideration and possible action regarding acceptance of the project for rehabilitating of Sycamore Park Playground (southeast corner of Sycamore Avenue and California Street) Approved Capital Improvement Project. Project No. PW 09-07  (Fiscal Impact: $105,958)  
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.

3. Consideration and possible action regarding a new Alcoholic Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 41 Alcoholic Beverage Control License) at the California Fish Grill located at 730 Allied Way, Suite H.  (Fiscal Impact: N/A)  
Recommendation – (1) Receive and file this report without objecting to a new Type 41 ABC license at 730 Allied Way, Suite H; (2) Alternatively, discuss and take other possible action related to this item.

4. Consideration and possible action regarding a new Alcoholic Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 41 Alcoholic Beverage Control License) at the Malibu Fish Grill located at 400 North Sepulveda Boulevard, Suite B  (Fiscal Impact: N/A)  
Recommendation – (1) Receive and file this report without objecting to a new Type 41 ABC license at 400 North Sepulveda Boulevard, Suite B; (2) Alternatively, discuss and take other possible action related to this item.

5. Consideration and possible action regarding an offer from El Segundo Kiwanis Club to host and operate a “Beer Garden” at the annual Hometown Fair event and waive ESMC section 10-1-4D on Saturday, May 1, 2010 at Library Park from 12 noon to 4:00 p.m.  (Fiscal Impact: None)  
Recommendation – (1) Approve the offer to host and operate a “Beer Garden” from El Segundo Kiwanis Club at the 2010 Hometown Fair at Library Park on May 1st; (2) Alternatively, discuss and take other possible action related to this item.
6. Receive and file report on recently accepted donation from El Segundo AYSO – Region 92 in the amount of $2,974 for the purchase of one new set of soccer goals for the Campus El Segundo Athletic Fields. (Fiscal Impact: None)

Recommendation – (1) Receive and file report on the accepted donation from AYSO – Region 92 in the amount of $2,974 for the purchase of soccer goals for the Campus El Segundo Athletic Fields; (2) Alternatively, discuss and take other possible 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

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann –

Council Member Fisher –

Council Member Jacobson –
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 –

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: 2-24-2010
TIME: 1:50 p.m.
NAME: [Signature]

7
WHEREAS, Arbor Day was founded by J. Sterling Morton and first celebrated in the United States in 1872 as a special day for the planting of trees. In the State of California, Arbor Day has been observed since 1911 to enhance appreciation and knowledge of the State's natural wonders; and

WHEREAS, El Segundo Arbor Day celebrations have been presented annually since 1988 by local youth of Tree Musketeers, and as a result of our City's commitment to its community forest, El Segundo has been named a Tree City USA since 2003; and

WHEREAS, Arbor Day is a time to recognize the value of our community's trees that clean the air, reduce noise, absorb smells, produce life sustaining oxygen, prevent erosion, help conserve energy and water, increase property values, enhance the economic vitality of business areas, beautify our community, and wherever trees are planted, they are a source of joy and spiritual renewal that bring people together as neighbors; and

WHEREAS, Tree Musketeers in partnership with the City of El Segundo, its conscientious business citizens, service clubs and residents tall or small will plant trees along Washington Street on March 6, 2010 at 9:30 a.m. in observance of California Arbor Day; and

WHEREAS, This Arbor Day project further signifies the City of El Segundo's commitment to the environment and the fight against global warming.

NOW, THEREFORE, the Mayor and members of the City Council of the City of El Segundo, California, join with communities across the State of California in proclaiming March 6, 2010 as California Arbor Day and invite all citizens to participate with Tree Musketeers or to otherwise honor all trees and the young people of our community for the important roles they play in improving our hometown quality of life.
## CITY OF EL SEGUNDO PAYMENTS BY WIRE TRANSFER 2/05/10 THROUGH 2/18/10

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**DATE OF RATIFICATION: 3/02/10**

**TOTAL PAYMENTS BY WIRE:**

2,379,663.18

Certified as to the accuracy of the wire transfers by:

- **Deputy City Treasurer**
  
  **Date: 2/18/10**

- **Director of Finance**
  
  **Date: 2/22/10**

- **City Manager**
  
  **Date: 2/22/10**

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
AGENDA DESCRIPTION:
Consideration and possible action regarding acceptance of the project for rehabilitating of Sycamore Park Playground (southeast corner of Sycamore Avenue and California Street) Approved Capital Improvement Project. Project No. PW 09-07 (Fiscal Impact: $105,958.00)

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: $105,958.00
Additional Appropriation: No
Account Number(s): 301-400-8202-8978

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

BACKGROUND AND DISCUSSION:
On August 4, 2009, the City Council awarded a contract to International Pavement Solutions, Inc. in the amount of $106,006.00 for the rehabilitation of Sycamore Park Playground. The final contract amount of $105,598.00 represents actual measured quantities at the completion of the job. The work included replacement of an existing swing set, replacement of an existing concrete pad and picnic tables, installation of a poured-in-place rubber surfacing, and installation of an ADA accessible ramp from the adjacent sidewalk into the park.

All work has now been completed to the satisfaction of the City and staff recommends acceptance of the project. The funding for this project was provided as follow:

2000 Roberti-Z’Berg-Harris (RZH) Bond Act $ 49,061.00
2002 Roberti-Z’Berg-Harris (RZH) Bond Act $ 44,680.00
Approved FY 2008-2009 budget (Matching fund) $ 12,217.00
Fund Total $105,598.00
NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name: Rehabilitation of Sycamore Park Playground

Project No.: PW 09-07

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 Park

5. A work of improvement on the property hereinafter described was field reviewed by the City Engineer on February 3, 2010. The work done was: Rehabilitation of Public Park

6. On March 2, 2010, 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: International Pavement Solutions, Inc.

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 Park.

9. The street address of said property is: Southeast corner of Sycamore Avenue and California Street.

Dated: __________________________

Stephanie Katsouleas
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 ________________, 2010 at El Segundo, California.

Stephanie Katsouleas
Public Works Director

Notice of Completion PW 09-07
AGENDA DESCRIPTION:
Consideration and possible action regarding a new Alcoholic Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 41 Alcoholic Beverage Control License) at the California Fish Grill located at 730 Allied Way, Suite H (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:
1. Receive and file this report without objecting to a new Type 41 ABC license at 730 Allied Way, Suite H; and/or,
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Crime and Arrest Statistics by Reporting Districts (RD)
2. Police Reporting Districts Map
3. Planning Commission Staff Report dated February 11, 2010
4. Approval Letter to Applicant dated February 1, 2010
5. Correspondence received from the public

FISCAL IMPACT: None

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ORIGINATED BY: Kimberly Christensen, AICP, Planning Manager

REVIEWED BY: Greg Carpenter, Planning and Building Safety Director

APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

I. **Background**

In 1995, the City Council directed staff to bring all future ABC licenses to it for review. For alcohol sales at restaurants, California regulations require a 30-day review and comment period after notifying local police and planning departments. The grounds of a protest, if any, should relate to public health, safety or welfare concerns. Based upon previous Council direction, staff is providing background information regarding this application.
II. **Analysis**

According to the most recent Crime and Arrest statistics report (July 2009 – December 2009, Exhibit 1) prepared by the Police Department, the proposed restaurant is located in Reporting District (RD) 318. Based on 2009 reported data prepared by the Police Department, the district had a total of 39 Part I crimes (criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson), and 44 Part II crimes. The Reporting District is considered a high crime area with a total of 83 crimes reported between July and December 2009. However, the Police Department and the Planning and Building Safety Department do not object to a new ABC license for the proposed restaurant.

This license request will allow the sale of beer and wine in conjunction with the operations of a restaurant. A request for a new license is required, since no previous alcohol license existed at the proposed location. The applicant’s proposed hours for alcohol sales will be the same as the hours the restaurant is open. The restaurant’s hours of operation are limited to: 11:00 a.m. to 11:00 p.m. on Monday through Sunday.

On February 1, 2010, the Director of Planning and Building Safety approved an Administrative Use Permit application (EA No. 854, AUP No. 09-10) for 730 Allied Way, Suite H. The Director’s decision was forwarded to the Planning Commission on February 11, 2010. On February 11, 2010, the Planning Commission chose to Receive and File the item with the conditions of approval.

ABC license review requires mandatory findings that are regulated by the Department of Alcoholic Beverage Control. The City’s AUP process is separate. The Department of Alcoholic Beverage Control (ABC) is responsible for running a complete background check on all alcohol license applicants, as well as conducting site inspections, before issuing any type of alcohol license.

III. **Conclusion**

Planning staff recommends that the Council receive and file this report without objecting to a new Type 41 ABC license at 730 Allied Way, Suite H.
### REPORTED PERIOD: JULY - DECEMBER, 2009
### PART I AND PART II CRIMES STATISTICAL REPORT
### HIGH CRIME AREA BY REPORTING DISTRICT

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<td>1</td>
<td>4</td>
</tr>
<tr>
<td>323</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>405</strong></td>
<td><strong>665</strong></td>
<td><strong>1,070</strong></td>
</tr>
</tbody>
</table>

Number of Reporting Districts = 51
Total Part I Crimes and Part II Crimes = 1,070
City Average for all Reporting Districts (1,070 / 51) = 21
High Crime Area per B&P Code Section 23958.4 (21 x 120%) = 25
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: February 11, 2010

SUBJECT: Environmental Assessment No. EA-854, Administrative Use Permit No. 09-10, and Off-Site Parking Covenant MISC 10-01

APPLICANT: California Fish Grill, Inc Victor Topete

PROPERTY OWNER: PES Partners, LLC

REQUEST: A Request for an Administrative Use Permit to allow the sale of beer and wine are sold for on-site consumption (Type 41 Alcoholic Beverage Control License) at a new restaurant (California Fish Grill) and patio, and to allow an Off-Site Parking Covenant for the use of parking spaces on a neighboring parcel

PROPERTY INVOLVED: 730 Allied Way, Suite H

I. DESCRIPTION

The Planning and Building Safety Department received the above referenced application for a modification to an Administrative Use Permit (AUP) to allow the sale of beer and wine for on-site consumption at a new restaurant (California Fish Grill) and outdoor patio. The business is located at the eastern edge of the Plaza El Segundo shopping center at 730 Allied Way, Suite H in the Commercial Center (C-4) Zone. The application also includes a request for an Off-Site Parking Covenant to allow businesses on the subject parcel (including California Fish Grill) to use parking spaces on a neighboring parcel to meet the minimum parking requirements of the El Segundo Municipal Code (ESMC). The original development was approved on March 15, 2005. A certified Final Environmental Impact Report (EIR) was required and approved for the development of the shopping center.
The AUP is required for the restaurant in accordance with ESMC § 15-5G-4(B), because there was no previous business with a license at the location. Restaurants and outdoor dining areas are permitted uses in accordance with the Commercial Center (C-4) Zone and Section 4.1.5 of the Development Agreement for the Plaza El Segundo project.

The following chart describes the proposed dining and seating areas as revised:

<table>
<thead>
<tr>
<th>PROPOSED RESTAURANT</th>
<th>PROPOSED SQUARE FOOTAGE</th>
<th>NUMBER OF SEATS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indoor Dining</td>
<td>2,668 SF</td>
<td>75 seats</td>
</tr>
<tr>
<td>Outdoor Patio</td>
<td>696 SF</td>
<td>50 seats</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,364 SF</strong></td>
<td><strong>125 seats</strong></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>PROPOSED RESTAURANT</th>
<th>PROPOSED SQUARE FOOTAGE - REQUIRED PARKING RATIO</th>
<th>REQUIRED PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indoor Dining Net Area</td>
<td>2,668 net SF – 1 Space/75 SF</td>
<td>35.57 Parking Spaces</td>
</tr>
<tr>
<td>Outdoor Patio (north)</td>
<td>696 net SF – 1 Space/75 SF</td>
<td>9.28 Parking Spaces</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,364 net SF</strong></td>
<td><strong>44.85 Parking Spaces</strong></td>
</tr>
</tbody>
</table>

*Note: Pursuant to ESMC §15-15-2.G, fractional spaces are rounded to the nearest whole number.*

A parking covenant for 36 parking spaces will be recorded before the final occupancy permit is issued transferring parking rights from Parcel No. 6 to Parcel No. 9 (VTM 61630) to accommodate the required parking necessary for the restaurant and subject property. Parcel 6 is occupied by a 65,000 square-foot grocery store (Wholefoods) with indoor and outdoor seating. The parking area on Parcel 6 contains 383 parking spaces (148 spaces in excess of the minimum requirement).

The restaurant dining hours of operation are limited from 11:00 a.m. to 11:00 p.m.
Monday through Sunday. The outdoor patio would be open the same hours as the restaurant. Any change to the hours of operation is subject to review and approval by the Director of Planning and Building Safety.

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

II. Inter-Departmental Comments

The project applications and plans were circulated to the Police Department and Building Division for review. The Police Department had no comments. The Building Division's comments are attached (See Exhibit B).

III. RECOMMENDATION

Planning staff recommends that the Planning Commission receive and file Administrative Use Permit 09-10 and approve an off-site parking covenant for 36 parking spaces (Off-Site Parking Covenant MISC 10-01), with conditions.

IV. EXHIBITS

A. Administrative Use Permit Approval Letter, dated February 1, 2010
B. Applications
C. Inter-Departmental Comments
D. Plans

Prepared by: Paul Samaras, Principal Planner

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

Greg Carpenter, Director
Department of Planning & Building Safety
February 1, 2010

Victor Topete
1015 East Chapman Avenue, Suite A
Fullerton, CA 92831

RE: Environmental Assessment No. EA-854 and Administrative Use Permit (AUP) No. 09-10
On-Site Sale and Consumption of Beer and Wine (Type 41 State of California Alcoholic Beverage Control License) in Conjunction with the Operation of a Restaurant (California Fish Grill)

Address: 730-H Allied Way (The Edge at Plaza El Segundo)

Dear Mr. Topete:

In accordance with El Segundo Municipal Code (ESMC) Chapter 15-22, the Planning Division reviewed your application for the above-referenced project and the Director of Planning and Building Safety APPROVED Environmental Assessment No. EA-854 and Administrative Use Permit No. 09-10 for the on-site sale and on-site consumption of beer and wine at 730-H Allied Way. The Director did not identify a reason to oppose a Type 41 license issued by the Alcoholic Beverage Control Department for expanding the existing restaurant located at 730 Allied Way, Suite H. This decision incorporates the approval in Environmental Assessment No. EA-854 and Administrative Use Permit No. 09-10 by reference. The following are the findings and facts in support of each finding for this decision:
FINDINGS AND FACTS IN SUPPORT OF FINDINGS:

Environmental Assessment No. EA-854

Finding 1

- The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities) and § 15303 as a Class 3 (New Construction of Small Structures).

Facts in Support of Finding 1

1. The applicant is requesting an alcohol license for the on-site sale and consumption of beer and wine at a new restaurant located within the Edge at the Plaza El Segundo development. The restaurant is proposed in a vacant commercial space within an existing building roughly 15,000 square feet in area. The restaurant itself is approximately 2,668 square feet with a 696 square-foot outdoor dining patio, which is bounded by three-foot, three-inch tall wrought iron fencing around its perimeter. The commercial space will be improved to accommodate the restaurant use and a new fence will be constructed to enclose the outdoor dining area. The property is in an urbanized and developed area where it has adequate access and all public services and facilities are available. Therefore, the project is not anticipated to have any significant impacts with regard to traffic, noise, air quality or water quality.

Administrative Use Permit 09-10

Finding 1

- There is compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which the use is proposed to be located.

Facts in Support of Finding 1

1. The applicant proposes to provide alcohol service at a new restaurant. The restaurant is located in a portion of the Plaza El Segundo shopping center (The Edge) at 730-H Allied Way in the Commercial Center (C-4) Zone. This portion of Plaza El Segundo is occupied primarily by small retail shops and restaurants with outdoor dining areas. The proposed restaurant is 2,668 net square feet in area and the outdoor dining area is 696 square feet. The indoor area contains 75 seats and the patio has 50 seats for a total of 125 seats. The minimum number of required parking spaces for the restaurant including the proposed patio is 45
parking stalls which will be provided on-site and on an adjacent parcel (9 parking spaces on site and 36 parking spaces on the adjacent parcel).

2. The proposed restaurant will be compatible with, and is intended to support the surrounding land uses which include commercial, retail, restaurant, and a fitness facility.

3. The General Plan Land Use designation for the site is Commercial Center. The zoning for the site is Commercial Center (C-4). Restaurants and outdoor dining areas are permitted uses in the Commercial Center (C-4) Zone in accordance with El Segundo Municipal Code ESMC Chapter 15-5G and on-site sale and consumption of alcohol is permitted with the approval of an Administrative Use Permit in accordance with ESMC § 15-5G-4(B).

4. The Commercial Center (C-4) Zone permits, and the surrounding land uses include: fitness centers, general offices, pet supplies and services, restaurants and cafes, and retail sales uses. The subject restaurant and outdoor dining area will be similar and compatible with the surrounding uses.

5. The restaurant must obtain a State of California Alcohol and Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 41).

6. On February 11, 2010 the El Segundo Planning Commission is scheduled to Receive and File the Administrative Use Permit request.

Finding 2

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

Facts in Support of Finding 2

1. The General Plan Land Use designation for the site is Commercial Center.

2. The zoning for the site is Commercial Center (C-4). Restaurants and outdoor dining patios are permitted uses in this Zoning District in accordance with ESMC. The proposed use, on-site sale and consumption of beer and wine at a new restaurant and outdoor patio, requires an Administrative Use Permit in accordance with ESMC §15-5G-4(B).

3. The purpose of the Commercial Center (C-4) Zone is to provide for developing commercial establishments (retail and services) serving the City and surrounding area. The proposed use is consistent with this purpose of the zone in that restaurant and outdoor dining uses are permitted in the Commercial Center (C-4) Zone.
4. The proposed use is consistent with the Land Use Element in that the Commercial Center Land Use Category is intended to permit a mixture of community-serving retail, restaurants and other commercial service uses in an integrated shopping center design to serve a broad cross section of the City and surrounding area.

5. The proposed use is consistent with Land Use Element Goal LU4 in that it provides a stable tax base for the City through development of new commercial uses, primarily within a mixed-use environment, without adversely affecting the viability of Downtown.

6. The proposed use is consistent with Land Use Element Objective LU4-1 in that it promotes the development of high quality retail facilities in proximity to major employment centers.

7. The surrounding land uses include: commercial retail, restaurant, and office and light industrial uses. The proposed restaurant will be compatible with the surrounding land uses.

Finding 3

• The proposed location and use and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Facts in Support of Finding 3

1. The restaurant is located inside an existing retail commercial building and no new construction is proposed as part of the current request for the alcohol license, with the exception of the railing to enclose the outdoor patio. Sufficient parking will be provided on-site and on a neighboring parcel in compliance with ESMC Chapter 15-15.

2. The surrounding land uses include commercial retail, restaurant, a fitness center, office, and light and heavy industrial uses. The proposed restaurant is a permitted use within the C-4 Zone.

3. The restaurant dining hours of operation are limited to: Monday through Sunday from 11:00 a.m. to 11:00 p.m. The patio area would be open the same hours as the restaurant. The restaurant will be required to meet the noise and vibration requirements of ESMC § 7-2-1.
Finding 4

- Potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic, and hazards have been recognized and mitigated.

Facts in Support of Finding 4

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

2. The hours of operation for alcohol sales are limited to: Monday through Sunday from 11:00 a.m. to 11:00 p.m. The patio area would be open the same hours as the restaurant. The restaurant will be required to meet the noise and vibration requirements of ESMC § 7-2-1.

3. The location of the existing restaurant is in a predominantly commercial/industrial area that is not adjacent to any residential uses. Therefore, the proposed expansion will not cause will noise impacts to sensitive uses.

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

Finding 5

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

Facts in Support of Finding 5

1. The applicant must obtain a license from the State of California Department of Alcoholic Beverage Control (Type No. 41).

DIRECTOR OF PLANNING AND BUILDING SAFETY DEPARTMENT ACTION

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

1. The restaurant dining hours of operation are limited to: Monday through Sunday from 11:00 a.m. to 11:00 p.m. The outdoor patio would be open the same hours as the restaurant. Food service must be available in the indoor dining area and the outdoor patio during the dining hours. Any change to the hours of operation
or the hours that alcohol may be served is subject to review and approval by the Director of Planning and Building Safety.

2. The seating within the restaurant must be limited to 75 indoor dining seats and 50 outdoor seats. The restaurant will contain a combined total of 125 seats.

3. Any subsequent modification to the project as approved must be referred to the Director of Planning and Building Safety for approval and a determination regarding the need for Planning Commission review of the proposed modification.

4. Any subsequent changes to the floor plan and areas where alcohol will be served must be reviewed and approved to the satisfaction of the Director of Planning and Building Safety Department.

5. The applicant must obtain and maintain all licenses required by the Alcoholic Beverage Control Act (Business & Professions Code §§ 23300 et seq.). The applicant must obtain and maintain a Type 41 license.

6. The restaurant operations must comply with ESMC §§ 7-2-1, et seq. regulating noise and vibration.

7. The Planning and Building Safety Department and the Police Department must be notified of any change of ownership of the approved use in writing within 10 days of the completion of the change of ownership. A change in project ownership may be cause to schedule a hearing before the Planning Commission regarding the status of the administrative use permit.

8. The applicant must comply with all regulations of the Alcoholic Beverage Control Act and the regulations promulgated by the Alcoholic Beverage Control Board including, without limitation, the regulations set forth in 4 Cal. Code of Regs. §§ 55, et seq.

9. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise in the restaurant, patio and parking lot. Said contact's name and phone number must also be available through the restaurant staff at all times.

10. The applicant must, at all times, display a Designated Driver sign of at least ten inches by ten inches (10" X 10") in the bar and restaurant dining areas at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a non-drinking driver.

11. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of
alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior must constitute a violation of this condition.

12. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.

13. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:

   a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Long Beach/Lakewood District Office administered Leadership and Education in Alcohol and Drugs (LEAD) Program in the form of an ABC-issued certificate; or,

   b. Completed an accepted equivalent by the ABC, Long Beach/Lakewood District Office to ensure proper distribution of beer, wine and distilled spirits to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then;

   c. The ABC-licensed proprietors must have confirmed with the Planning and Building Safety Department within fifteen (15) days of the Director’s decision, or by final project approval, that a date certain has been scheduled with the local ABC Office to complete the LEAD course.

   d. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.

14. The licensee must have readily identifiable personnel to monitor and control the behavior of customers inside the building premises. Staff must monitor activity outside in the parking lot and any adjacent property under the establishment’s control to ensure the areas are generally free of people and are cleared of patrons and their vehicles one-half hour after closing.

15. If complaints are received regarding excessive noise, parking availability, lighting, building access, and the like associated with the restaurant and two outdoor patio areas, the city may, in its discretion, take action to review the Administrative Use Permit, including without limitation, adding conditions or revoking the permit.

16. The outdoor dining/seating areas must comply with ESMC § 15-2-16.

17. The building must not be occupied by more persons than allowed by the California Building Code, as adopted by the ESMC.
18. The building and any outdoor seating must comply with California Building and Fire Code requirements, as adopted by the ESMC.

19. The applicant must record an Off-Site Parking Covenant in the Office of the Los Angeles County Recorder to allow the use of 36 parking spaces on a neighboring parcel. Prior to recordation, the Covenant must be reviewed and approved to the satisfaction of the Director of Planning and Building Safety and the City Attorney.

20. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney’s fees), injuries, or liability, arising from the City’s approval of Environmental Assessment No. 854 and Administrative Use Permit No. 09-10. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of EA-854 or AUP 09-10, the Applicant agrees to defend the City (at the City’s request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section “the City” includes the City of El Segundo’s elected officials, appointed officials, officers, and employees.

PLANNING COMMISSION

Please be advised that this does not conclude the review process. This determination will be transmitted to the Planning Commission at its February 11, 2010 meeting with the recommendation that the Planning Commission Receive and File the determination. The City Council will determine whether or not to protest the issuance of the ABC License (Type 41) at its meeting on March 2, 2010.

Should you have any questions, please contact Paul Samaras, Project Planner, at (310) 524-2312.

Sincerely,

[Signature]
Greg Carpenter, Director
Department of Planning and Building Safety
February 1, 2010

Victor Topete
1015 East Chapman Avenue, Suite A
Fullerton, CA 92831

RE: Environmental Assessment No. EA-854 and Administrative Use Permit (AUP) No. 09-10
On-Site Sale and Consumption of Beer and Wine (Type 41 State of California Alcoholic Beverage Control License) in Conjunction with the Operation of a Restaurant (California Fish Grill)

Address: 730-H Allied Way (The Edge at Plaza El Segundo)

Dear Mr. Topete:

In accordance with El Segundo Municipal Code (ESMC) Chapter 15-22, the Planning Division reviewed your application for the above-referenced project and the Director of Planning and Building Safety APPROVED Environmental Assessment No. EA-854 and Administrative Use Permit No. 09-10 for the on-site sale and on-site consumption of beer and wine at 730-H Allied Way. The Director did not identify a reason to oppose a Type 41 license issued by the Alcoholic Beverage Control Department for expanding the existing restaurant located at 730 Allied Way, Suite H. This decision incorporates the approval in Environmental Assessment No. EA-854 and Administrative Use Permit No. 09-10 by reference. The following are the findings and facts in support of each finding for this decision:
FINDINGS AND FACTS IN SUPPORT OF FINDINGS:

Environmental Assessment No. EA-854

Finding 1

- The proposed project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities) and § 15303 as a Class 3 (New Construction of Small Structures).

Facts in Support of Finding 1

1. The applicant is requesting an alcohol license for the on-site sale and consumption of beer and wine at a new restaurant located within the Edge at the Plaza El Segundo development. The restaurant is proposed in a vacant commercial space within an existing building roughly 15,000 square feet in area. The restaurant itself is approximately 2,668 square feet with a 696 square-foot outdoor dining patio, which is bounded by three-foot, three-inch tall wrought iron fencing around its perimeter. The commercial space will be improved to accommodate the restaurant use and a new fence will be constructed to enclose the outdoor dining area. The property is in an urbanized and developed area where it has adequate access and all public services and facilities are available. Therefore, the project is not anticipated to have any significant impacts with regard to traffic, noise, air quality or water quality.

Administrative Use Permit 09-10

Finding 1

- There is compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which the use is proposed to be located.

Facts in Support of Finding 1

1. The applicant proposes to provide alcohol service at a new restaurant. The restaurant is located in a portion of the Plaza El Segundo shopping center (The Edge) at 730-H Allied Way in the Commercial Center (C-4) Zone. This portion of Plaza El Segundo is occupied primarily by small retail shops and restaurants with outdoor dining areas. The proposed restaurant is 2,668 net square feet in area and the outdoor dining area is 696 square feet. The indoor area contains 75 seats and the patio has 50 seats for a total of 125 seats. The minimum number of required parking spaces for the restaurant including the proposed patio is 45
parking stalls which will be provided on-site and on an adjacent parcel (9 parking spaces on site and 36 parking spaces on the adjacent parcel).

2. The proposed restaurant will be compatible with, and is intended to support the surrounding land uses which include commercial, retail, restaurant, and a fitness facility.

3. The General Plan Land Use designation for the site is Commercial Center. The zoning for the site is Commercial Center (C-4). Restaurants and outdoor dining areas are permitted uses in the Commercial Center (C-4) Zone in accordance with El Segundo Municipal Code ESMC Chapter 15-5G and on-site sale and consumption of alcohol is permitted with the approval of an Administrative Use Permit in accordance with ESMC § 15-5G-4(B).

4. The Commercial Center (C-4) Zone permits, and the surrounding land uses include: fitness centers, general offices, pet supplies and services, restaurants and cafes, and retail sales uses. The subject restaurant and outdoor dining area will be similar and compatible with the surrounding uses.

5. The restaurant must obtain a State of California Alcohol and Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 41).

6. On February 11, 2010 the El Segundo Planning Commission is scheduled to receive and file the Administrative Use Permit request.

Finding 2

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

Facts in Support of Finding 2

1. The General Plan Land Use designation for the site is Commercial Center.

2. The zoning for the site is Commercial Center (C-4). Restaurants and outdoor dining patios are permitted uses in this Zoning District in accordance with ESMC. The proposed use, on-site sale and consumption of beer and wine at a new restaurant and outdoor patio, requires an Administrative Use Permit in accordance with ESMC §15-5G-4(B).

3. The purpose of the Commercial Center (C-4) Zone is to provide for developing commercial establishments (retail and services) serving the City and surrounding area. The proposed use is consistent with this purpose of the zone in that restaurant and outdoor dining uses are permitted in the Commercial Center (C-4) Zone.
4. The proposed use is consistent with the Land Use Element in that the Commercial Center Land Use Category is intended to permit a mixture of community-serving retail, restaurants and other commercial service uses in an integrated shopping center design to serve a broad cross section of the City and surrounding area.

5. The proposed use is consistent with Land Use Element Goal LU4 in that it provides a stable tax base for the City through development of new commercial uses, primarily within a mixed-use environment, without adversely affecting the viability of Downtown.

6. The proposed use is consistent with Land Use Element Objective LU4-1 in that it promotes the development of high quality retail facilities in proximity to major employment centers.

7. The surrounding land uses include: commercial retail, restaurant, and office and light industrial uses. The proposed restaurant will be compatible with the surrounding land uses.

Finding 3

- The proposed location and use and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Facts in Support of Finding 3

1. The restaurant is located inside an existing retail commercial building and no new construction is proposed as part of the current request for the alcohol license, with the exception of the railing to enclose the outdoor patio. Sufficient parking will be provided on-site and on a neighboring parcel in compliance with ESMC Chapter 15-15.

2. The surrounding land uses include commercial retail, restaurant, a fitness center, office, and light and heavy industrial uses. The proposed restaurant is a permitted use within the C-4 Zone.

3. The restaurant dining hours of operation are limited to: Monday through Sunday from 11:00 a.m. to 11:00 p.m. The patio area would be open the same hours as the restaurant. The restaurant will be required to meet the noise and vibration requirements of ESMC § 7-2-1.
Finding 4

- Potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic, and hazards have been recognized and mitigated.

Facts in Support of Finding 4

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

2. The hours of operation for alcohol sales are limited to: Monday through Sunday from 11:00 a.m. to 11:00 p.m. The patio area would be open the same hours as the restaurant. The restaurant will be required to meet the noise and vibration requirements of ESMC § 7-2-1.

3. The location of the existing restaurant is in a predominantly commercial/industrial area that is not adjacent to any residential uses. Therefore, the proposed expansion will not cause will noise impacts to sensitive uses.

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

Finding 5

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

Facts in Support of Finding 5

1. The applicant must obtain a license from the State of California Department of Alcoholic Beverage Control (Type No. 41).

DIRECTOR OF PLANNING AND BUILDING SAFETY DEPARTMENT ACTION

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

1. The restaurant dining hours of operation are limited to: Monday through Sunday from 11:00 a.m. to 11:00 p.m. The outdoor patio would be open the same hours as the restaurant. Food service must be available in the indoor dining area and the outdoor patio during the dining hours. Any change to the hours of operation
or the hours that alcohol may be served is subject to review and approval by the Director of Planning and Building Safety.

2. The seating within the restaurant must be limited to 75 indoor dining seats and 50 outdoor seats. The restaurant will contain a combined total of 125 seats.

3. Any subsequent modification to the project as approved must be referred to the Director of Planning and Building Safety for approval and a determination regarding the need for Planning Commission review of the proposed modification.

4. Any subsequent changes to the floor plan and areas where alcohol will be served must be reviewed and approved to the satisfaction of the Director of Planning and Building Safety Department.

5. The applicant must obtain and maintain all licenses required by the Alcoholic Beverage Control Act (Business & Professions Code §§ 23300 et seq.). The applicant must obtain and maintain a Type 41 license.

6. The restaurant operations must comply with ESMC §§ 7-2-1, et seq. regulating noise and vibration.

7. The Planning and Building Safety Department and the Police Department must be notified of any change of ownership of the approved use in writing within 10 days of the completion of the change of ownership. A change in project ownership may be cause to schedule a hearing before the Planning Commission regarding the status of the administrative use permit.

8. The applicant must comply with all regulations of the Alcoholic Beverage Control Act and the regulations promulgated by the Alcoholic Beverage Control Board including, without limitation, the regulations set forth in 4 Cal. Code of Regs. §§ 55, et seq.

9. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise in the restaurant, patio and parking lot. Said contact's name and phone number must also be available through the restaurant staff at all times.

10. The applicant must, at all times, display a Designated Driver sign of at least ten inches by ten inches (10" X 10") in the bar and restaurant dining areas at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a non-drinking driver.

11. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of
alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior must constitute a violation of this condition.

12. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.

13. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:

   a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Long Beach/Lakewood District Office administered Leadership and Education in Alcohol and Drugs (LEAD) Program in the form of an ABC-issued certificate; or,

   b. Completed an accepted equivalent by the ABC, Long Beach/Lakewood District Office to ensure proper distribution of beer, wine and distilled spirits to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then;

   c. The ABC-licensed proprietors must have confirmed with the Planning and Building Safety Department within fifteen (15) days of the Director's decision, or by final project approval, that a date certain has been scheduled with the local ABC Office to complete the LEAD course.

   d. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.

14. The licensee must have readily identifiable personnel to monitor and control the behavior of customers inside the building premises. Staff must monitor activity outside in the parking lot and any adjacent property under the establishment's control to ensure the areas are generally free of people and are cleared of patrons and their vehicles one-half hour after closing.

15. If complaints are received regarding excessive noise, parking availability, lighting, building access, and the like associated with the restaurant and two outdoor patio areas, the city may, in its discretion, take action to review the Administrative Use Permit, including without limitation, adding conditions or revoking the permit.

16. The outdoor dining/seating areas must comply with ESMC § 15-2-16.

17. The building must not be occupied by more persons than allowed by the California Building Code, as adopted by the ESMC.
18. The building and any outdoor seating must comply with California Building and Fire Code requirements, as adopted by the ESMC.

19. The applicant must record an Off-Site Parking Covenant in the Office of the Los Angeles County Recorder to allow the use of 36 parking spaces on a neighboring parcel. Prior to recordation, the Covenant must be reviewed and approved to the satisfaction of the Director of Planning and Building Safety and the City Attorney.

20. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney’s fees), injuries, or liability, arising from the City’s approval of Environmental Assessment No. 854 and Administrative Use Permit No. 09-10. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of EA-854 or AUP 09-10, the Applicant agrees to defend the City (at the City’s request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section “the City” includes the City of El Segundo’s elected officials, appointed officials, officers, and employees.

PLANNING COMMISSION

Please be advised that this does not conclude the review process. This determination will be transmitted to the Planning Commission at its February 11, 2010 meeting with the recommendation that the Planning Commission Receive and File the determination. The City Council will determine whether or not to protest the issuance of the ABC License (Type 41) at its meeting on March 2, 2010.

Should you have any questions, please contact Paul Samaras, Project Planner, at (310) 524-2312.

Sincerely,

[Signature]

Greg Carpenter, Director
Department of Planning and Building Safety
City of El Segundo
Inter-Departmental Correspondence

February 16, 2010

To: Greg Carpenter, Director of Planning and Building and Safety

From: Bob Turnbull, Captain, Administrative Services Bureau

Subject: 730 Allied Way, Suite H
Applicant: California Fish and Grill
Case No.: Environmental Assessment No. EA-854, Administrative Use Permit No. 09-10,
License type: Type 41 Alcoholic Beverage Control License

During the review process of the above listed ABC License application, the Police Department reviewed the application and approved its issuance without comment.

Based upon that process, the Police Department at this time does not intend on protesting the issuance of this license.
AGENDA DESCRIPTION:
Consideration and possible action regarding a new Alcoholic Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 41 Alcoholic Beverage Control License) at the Malibu Fish Grill located at 400 North Sepulveda Boulevard, Suite B (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:
1. Receive and file this report without objecting to a new Type 41 ABC license at 400 North Sepulveda Boulevard, Suite B; and/or,
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
1. Crime and Arrest Statistics by Reporting Districts (RD)
2. Police Reporting Districts Map
3. Planning Commission Staff Report dated February 11, 2010
4. Approval Letter to Applicant dated February 3, 2010
5. Correspondence received from the public

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

BACKGROUND AND DISCUSSION:

I. Background

In 1995, the City Council directed staff to bring all future ABC licenses to it for review. For alcohol sales at restaurants, California regulations require a 30-day review and comment period after notifying local police and planning departments. The grounds of a protest, if any, should relate to public health, safety or welfare concerns. Based upon previous Council direction, staff is providing background information regarding this application.
II. **Analysis**

According to the most recent Crime and Arrest statistics report (July 2009 – December 2009, Exhibit 1) prepared by the Police Department, the proposed restaurant is located in Reporting District (RD) 308. Based on 2009 reported data prepared by the Police Department, the district had a total of 32 Part I crimes (criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson), and 28 Part II crimes. The Reporting District is considered a high crime area with a total of 60 crimes reported between July and December 2009. However, the Police Department and the Planning and Building Safety Department do not object to a new ABC license for the proposed restaurant.

This license request will allow the sale of beer and wine in conjunction with the operations of a restaurant. A request for a new license is required, since no previous alcohol license existed at the proposed location. The applicant’s proposed hours for alcohol sales will be the same as the hours the restaurant is open. The restaurant’s hours of operation are limited to: 10:00 a.m. to 10:00 p.m. on Monday through Sunday.

On February 3, 2010, the Director of Planning and Building Safety approved an Administrative Use Permit application (EA No. 856, AUP No. 09-11) for 400 North Sepulveda Boulevard, Suite B. The Director’s decision was forwarded to the Planning Commission on February 11, 2010. On February 11, 2010, the Planning Commission chose to Receive and File the item with the conditions of approval.

ABC license review requires mandatory findings that are regulated by the Department of Alcoholic Beverage Control. The City’s AUP process is separate. The Department of Alcoholic Beverage Control (ABC) is responsible for running a complete background check on all alcohol license applicants, as well as conducting site inspections, before issuing any type of alcohol license.

III. **Conclusion**

Planning staff recommends that the Council receive and file this report without objecting to a new Type 41 ABC license at 400 North Sepulveda Boulevard, Suite B.
<table>
<thead>
<tr>
<th>REPORTING DISTRICT</th>
<th>PART I CRIMES</th>
<th>PART II CRIMES</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>11</td>
<td>35</td>
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<tr>
<td>102</td>
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</tr>
<tr>
<td>323</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>405</strong></td>
<td><strong>665</strong></td>
<td><strong>1,070</strong></td>
</tr>
</tbody>
</table>

Number of Reporting Districts = 51
Total Part I Crimes and Part II Crimes = 1,070
City Average for all Reporting Districts (1,070 / 51) = 21

High Crime Area per B&P Code Section 23958.4 (21 x 120%) = 25
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: February 11, 2010

SUBJECT: Environmental Assessment No. EA-856, Conditional Use Permit No. 09-08 and Administrative Use Permit No. 09-11

APPLICANT: Malibu Fish Grill c/o Vasilis Hatziris

PROPERTY OWNER: 400 N. Sepulveda Associates, LLC

REQUEST: A request for a Conditional Use Permit for the construction of an outdoor dining area and a request for an Administrative Use Permit to allow the on-site sale and consumption of alcohol (Type 41 Alcoholic Beverage Control License for beer and wine) at a new restaurant

PROPERTY INVOLVED: 400 N. Sepulveda Boulevard

I. Introduction

The proposed project is a request for a Conditional Use Permit to construct a new outdoor patio area and an Administrative Use Permit to allow the sale and consumption of alcohol at a new restaurant located at 400 North Sepulveda Boulevard, Suite B, in the Corporate Office (CO) Zone. The applicant is requesting a Type 41 license for the on-site sale and consumption of beer and wine from the California Department of Alcoholic Beverage Control; this is the second request for such a license at this location. The Director made the necessary findings to grant an Administrative Use Permit for the on-site sale and consumption of alcohol and approved Administrative Use Permit on February 3, 2010 (see Exhibit E).

II. Recommendation

Planning Staff recommends that the Planning Commission 1) review the facts and findings contained within this report, and adopt Resolution No. 2669 approving Environmental Assessment No. EA-856 and Conditional Use Permit No. 09-08, with
conditions, and 2) Receive and File Administrative Use Permit No. 09-11.

III. **Background**

The 12.3 acre project site is comprised of three parcels and is developed with three existing three-story office buildings on Parcel B totaling 353,718 square feet in area and two new commercial retail buildings on Parcel A. The new commercial building to the north is 6,227 gross square feet in area and the second commercial building to the south is 5,141 gross square feet. The new Malibu Fish Grill is located on the southwest side of the new southern commercial retail building.

The restaurant for Malibu Grill is 1,398 square feet in area and approximately 40 feet from the front property line along Sepulveda Boulevard. The proposed outdoor dining area is approximately 600 square feet. The combined total area of the restaurant will be 1,998 square feet. The interior dining area will contain 32 seats and the outdoor dining area will contain 36 seats. The proposed hours of operation are from 10:00 a.m. to 10:00 p.m. Monday through Sunday.

The 600 square-foot outdoor patio is proposed along the west side of the restaurant fronting on Sepulveda Boulevard. The patio area is enclosed by an existing three-foot tall concrete wall and a proposed three-foot tall fence.

The interior of the restaurant includes a main dining area, two restrooms, and a kitchen. The following chart summarizes the proposed dining and seating areas:

<table>
<thead>
<tr>
<th>RESTAURANT</th>
<th>PROPOSED SQUARE FOOTAGE</th>
<th>NUMBER OF SEATS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indoor Dining</td>
<td>1,398 SF</td>
<td>32 seats</td>
</tr>
<tr>
<td>Proposed Outdoor</td>
<td>600 SF</td>
<td>36 seats</td>
</tr>
<tr>
<td>Patio</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,998 SF</strong></td>
<td><strong>68 seats</strong></td>
</tr>
</tbody>
</table>

**Surrounding Land Uses**

The subject site is surrounded by other commercial office, retail, and restaurant uses. The surrounding land uses are as follows:
IV. CONDITIONAL USE PERMIT PURPOSE, FINDINGS, AND ANALYSIS

ESMC §15-23-5 discusses the purpose of a conditional use permit, which is to: 1) assure the compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which the use is proposed to be located; 2) assure the proposed use is consistent and compatible with the purpose of the zone in which the site is located; and 3) recognize and compensate for potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic and hazards.

PURPOSE:

The proposed project is a request to allow the construction of a new 600 square-foot outdoor dining area that exceeds 200 square feet, and to allow the on-site sale and consumption of alcohol at a new restaurant.

1) Compatibility:

Restaurants are a permitted use in the Corporate Office (CO) Zone. On-site sale and consumption of beer and wine at a new restaurant requires an Administrative Use Permit (AUP) and an outdoor patio area greater than 200 square feet (600 square feet proposed), requires a Conditional Use Permit (CUP), in accordance with the development standards contained in ESMC Chapter 15-5, Article D. Restaurants, such as the subject restaurant typically have outdoor dining areas that provide a choice of indoor or outdoor dining for their patrons. The proposed outdoor dining area will be compatible with the retail, restaurant and office uses on site and in the surrounding area. These uses are customarily located to serve the dining needs of corporate office employees.
2) Zoning Consistency:

The proposed 600 square-foot outdoor dining area is a permitted use within the Corporate Office (CO) Zone subject to a conditional use permit. The following chart contains the development standards for the Corporate Office Zone. The proposed new outdoor patio complies with the following requirements:

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>CORPORATE OFFICE (CO) ZONE STANDARDS</th>
<th>PROPOSED PROJECT STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>ESMC §15-5D-5(D): Outdoor dining area exceeding 200 square feet in area or 20% of the indoor dining area whichever is less subject to a conditional use permit.</td>
<td>600 square-foot outdoor dining area</td>
</tr>
<tr>
<td>Height</td>
<td>ESMC §15-5D-7(C): 200 feet maximum permitted height for buildings east of Sepulveda Boulevard</td>
<td>Existing three-story high office buildings and new 24-foot high commercial retail buildings. (Complies)</td>
</tr>
</tbody>
</table>
| Parking | ESMC §15-15-3(B):  
Office:  
1/300 first 25,000 square feet  
1/350 second 25,000 square feet  
1/400 area over 50,000 square feet  
Restaurant:  
1 parking space for every 75 square feet  
Outdoor Dining:  
1 parking space for every 75 square feet  
Retail:  
1 parking space for every 300 square feet of office or retail. | Office: 353,718 square feet  
Required: 914  
Provided: 914  
Restaurant: 9,040 square feet:  
Required: 121  
Provided: 121  
Outdoor Dining: 1,974 square feet:  
Required: 27  
Provided: 27  
Retail: 2,328 square feet  
Required: 8 spaces  
Provided: 8 spaces  
Total Required: 1,070 spaces and 1,158 spaces provided  
(Complies) |
| Loading | ESMC §15-5-6:  
1 loading area for a 1,000 to 25,000 square-foot building | 1 loading area for the two new commercial buildings.  
(Complies) |

**Parking:**  
The proposed new outdoor patio expansion was included in the analysis and complies with the minimum required parking. The new restaurant, including the proposed patio has a combined net floor area of 1,998 square feet which requires 27 parking spaces. A sufficient number of parking spaces is provided on the subject parcel (Parcel A - 26 spaces) and on the adjacent parcels (Parcels B and 3 - 142 spaces via covenant) to accommodate the restaurant use. The table on the following page (Table 1) provides a parking analysis for all the commercial uses on the subject parcel. Other restaurants will contain outdoor dining areas and have been included in the analysis to ensure that adequate parking is provided for the development. However, the outdoor dining areas listed for each restaurant that exceed 200 square feet in size will be processed by separate permit.
(Table 1) Gateway Center – Parking Analysis

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Area</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLDG 1, Suite A</td>
<td>2,061 square feet and a 430 square-foot outdoor dining area</td>
<td>33 spaces</td>
</tr>
<tr>
<td>(Restaurant)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLDG 1, Suite B</td>
<td>1,838 square feet and a 314 square-foot outdoor dining area</td>
<td>29 spaces</td>
</tr>
<tr>
<td>(Restaurant)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLDG 1, Suite C</td>
<td>2,328 square feet and no outdoor patio</td>
<td>8 spaces</td>
</tr>
<tr>
<td>(Retail) Xceed Credit Union</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLDG 2, Suite A</td>
<td>1,398 square feet and a 280 square-foot outdoor dining area</td>
<td>23 spaces</td>
</tr>
<tr>
<td>(Restaurant) California Fish Grill</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLDG 2, Suite B</td>
<td>1,398 square feet and a 600 square-foot outdoor dining area</td>
<td>27 spaces</td>
</tr>
<tr>
<td>(Restaurant)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>* BLDG 2, Suite C</td>
<td>2,345 square feet and a new 350 square-foot outdoor dining area</td>
<td>36 spaces</td>
</tr>
<tr>
<td>(Restaurant) Rubio’s Mexican Grill</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 restaurants w/outdoor dining; and 1 retail space</td>
<td>11,368 square feet of building area and 1,974 square feet of outdoor dining area;</td>
<td>156 spaces (Complies)</td>
</tr>
<tr>
<td>Total: 13,342 square feet</td>
<td></td>
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</tr>
</tbody>
</table>

3) Impacts:

The proposed new patio location is in front of the restaurant, facing west, and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety or welfare. The restaurant is located within a new commercial development (Gateway Center) consisting primarily of restaurant uses.
Noise is a potential impact that can be associated with the new outdoor dining area. However, the project is located in a commercial zone and there are no sensitive receptors such as residential dwelling units adjacent to the property. Additionally, the conditions of approval limit the restaurant hours of operation from 10:00 a.m. to 10:00 p.m. Monday through Sunday. The outdoor dining patio would be open the same hours as the restaurant. Any change to the hours of operation is subject to review and approval by the Director of Planning and Building Safety. Therefore, the proposed use is not anticipated to have significant impacts.

As demonstrated above, the proposed project is compatible with the existing and permitted uses surrounding the subject property, it is consistent with the zoning requirements in the CO Zone, and it will have less than significant impacts on the surrounding properties and the environment.

FINDINGS:

Pursuant to El Segundo Municipal Code §15-23-4, the Planning Commission is authorized to grant a conditional use permit if it makes the three required findings listed in ESMC §15-23-6. The required findings state that: 1) the proposed location of the conditional use permit is in accord with the objectives of the Title and the purposes of the zone in which the site is located; 2) the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and 3) the proposed conditional use will comply with each of the applicable provisions of this Chapter. Facts in support of said findings are outlined in the attached resolution of approval.

Staff believes that there is adequate evidence to support the three required Conditional Use Permit findings subject to the listed conditions of approval in the attached resolution. The Planning Commission may consider and impose additional conditions which it deems necessary, if it demonstrates a reasonable relationship between the condition it desires to impose and the project's impact.

V. GENERAL PLAN CONSISTENCY

The General Plan land use designation for the site is Corporate Office and is consistent with the current zoning designation which is Corporate Office (CO) Zone. The project is consistent with the General Plan as specified in the attached draft resolution.

VI. INTER-DEPARTMENTAL COMMENTS

The project applications and plans were circulated to all City Departments for
review. The comments received for the project are attached to this report (Exhibit B) and have been incorporated in the conditions of approval for the project.

VII. ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities) and pursuant to 14 California Code of Regulations § 15303 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures). The project includes an alcohol license for a new restaurant to be located in a currently vacant commercial space and installation of a three-foot tall fence to enclose a proposed 600 square-foot outdoor dining patio. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

VIII. CONCLUSION

Planning staff recommends that the Planning Commission: 1) adopt Resolution No. 2669, approving Environmental Assessment No. EA-856 and Conditional Use Permit No. 09-08, with conditions based upon the findings as contained in this report; and 2) Receive and File Administrative Use Permit No. 09-11.

V. EXHIBITS

A. Draft Resolution No. 2669
B. Inter-departmental Comments
C. Administrative Use Permit Application
D. Conditional Use Permit Application
E. Administrative Use Permit Approval Letter, dated February 3, 2010
F. Plans

Prepared by: Paul Samaras, Assistant Planner

Kimberly Christensen, AICP, Planning Manager
Department of Planning & Building Safety
RESOLUTION NO. 2669

A RESOLUTION APPROVING ENVIRONMENTAL ASSESSMENT NO. EA-856 AND CONDITIONAL USE PERMIT NO. 09-08 TO ALLOW A 600 SQUARE-FOOT OUTDOOR DINING AREA IN CONJUNCTION WITH A NEW RESTAURANT IN THE CORPORATE OFFICE (CO) ZONE AT 400 NORTH SEPULVEDA BOULEVARD.

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

SECTION 1: The Commission finds and declares that:

A. On December 29, 2009, Vasili Hatziris on behalf of Malibu Fish Grill 4 filed an application for Environmental Assessment No. EA-856 and Conditional Use Permit No. 09-08 to allow the construction and use of a 600 square-foot outdoor dining area in conjunction with a new restaurant at 400 North Sepulveda Boulevard;

B. The application was reviewed by the City's Planning and Building Safety Department for, in part, consistency with the General Plan and conformity with the El Segundo Municipal Code ("ESMC");

C. In addition, the City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"), and the City's Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993);

D. The Planning and Building Safety Department completed its review and scheduled a public hearing regarding the application before this Commission for February 11, 2010;

E. On February 11, 2010, the Commission held a public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Commission by Vasili Hatziris of Malibu Fish Grill and its representatives; and

F. The Commission considered the information provided by City staff, public testimony, and the representative for Malibu Fish Grill restaurant. This Resolution and its findings are made, in part, based upon the evidence presented to the Commission at its February 11, 2010 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 subject site is located in the Corporate Office (CO) Zone at 400 North Sepulveda Boulevard.

B. The subject site is currently developed with three existing three-story office buildings totaling 353,718 square feet in area and two new single-story commercial buildings totaling 11,368 square feet of area.

C. The new commercial building to the north is 6,227 gross square feet in area and the second commercial building to the south is 5,141 gross square feet. The two new buildings were constructed on the northwest corner of Parcel A and the restaurant for Malibu Fish Grill is located on the southwest side of the southern commercial building on that parcel (400 North Sepulveda Boulevard, Suite B).

D. The Gateway Center development contains 2,328 square feet of retail and four restaurants totaling 9,040 square feet of floor area.

E. The proposed new 600 square-foot outdoor patio area will be added to the 1,398 square-foot restaurant and will bring the total floor area to 1,998 square feet.

F. The subject site contains 1,158 off-street parking spaces and a total of 1,070 are required for the new single-story commercial buildings and the existing three-story office buildings. The indoor and outdoor dining area for the restaurant is required a total of 27 off-street parking spaces.

G. A Conditional Use Permit is required for outdoor dining areas which exceed 200 square feet or 20% of the indoor dining area, whichever is less, pursuant to El Segundo Municipal Code §15-5D-5(F).

H. The proposed outdoor dining area is approximately 600 square feet in area.

SECTION 3: Environmental Assessment. The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities) and pursuant to 14 California Code of Regulations § 15303 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures). The project includes an alcohol license for a new restaurant to be located in a currently vacant commercial space and installation of a three-foot tall fence to enclose a proposed 600 square-foot outdoor dining patio. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

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

A. The El Segundo General Plan land use designation for the property is
Corporate Office. This land use designation permits a mixture of office and food serving uses in single-tenant and multi-tenant buildings with limited retail uses. The proposed restaurant use is a permitted use in the Corporate Office (CO) Zone and the outdoor dining area will expand the seating for the restaurant. Outdoor dining areas in conjunction with a restaurant that exceed 200 square feet or 20% of the indoor dining area, whichever is less, are permitted with approval of a Conditional Use Permit.

B. The proposed use is consistent with Land Use Element Goal LU4 in that it provides a stable tax base for the City through development of new commercial uses, primarily within a mixed-use environment, without adversely affecting the viability of Downtown.

C. The proposed use is consistent with Land Use Element Objective LU4-4 in that it adds to the mixture of uses, which has the potential to maximize economic benefit, reduce traffic impacts, and encourage pedestrian environment.

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

A. The proposed location of the conditional use is in accord with the objectives of ESMC Title 15 and the purposes of the zone in which the site is located.

The zoning designation for the subject site is Corporate Office (CO). This zone allows outdoor dining areas which exceed 200 square feet or 20% of the indoor dining area, whichever is less, subject to the granting of a conditional use permit. The size of the outdoor dining area is appropriate to its location as it will be incidental to the restaurant. The principal uses in the zone are restricted to a mixture of office and food serving uses with limited retail uses. The subject site consists of roughly 353,718 square feet of commercial office floor area in three existing buildings and two new buildings containing approximately 2,328 square feet of retail and five restaurants totaling 9,040 square feet. The restaurant with the accompanying outdoor dining area is in accord with the principal objectives of the zone.

B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The 600 square-foot outdoor dining area is proposed along the west side of the new 1,398 square-foot restaurant at 400 North Sepulveda Boulevard, on a block bounded by Mariposa Avenue to the north, Continental Boulevard to the east, Grand Avenue to the south, and Sepulveda Boulevard to the west. No particular use is adjacent or near the proposed outdoor dining area that could be impacted by the operation of the outdoor dining area which faces Sepulveda Boulevard and the parking area. Outdoor dining activities are not
anticipated to be detrimental to adjacent businesses and no residential uses are located in the vicinity. As such, the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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

The proposed conditional use complies with the applicable provisions of ESMC Chapters 15-23 and 15-27 since proper notice was provided and a hearing was scheduled for February 11, 2010. In addition, proper hearing decision procedures and records will be complied with, and the required findings will be considered. The proposed project meets all of the current ESMC requirements.

SECTION 6: Approval. Subject to the conditions listed on the attached Exhibit “A,” which are incorporated into this Resolution by reference, the Planning Commission approves Environmental Assessment No. EA-856 and Conditional Use Permit No. 09-08.

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

SECTION 8: The Commission Secretary is directed to mail a copy of this Resolution to Vasili Hatziris of Malibu Fish Grill and to any other person requesting a copy.

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

SECTION 10: Except as provided in Section 9, this Resolution is the Commission’s final decision and will become effective immediately upon adoption.
PASSED, APPROVED AND ADOPTED this 11th day of February, 2010.

________________________
David Wagner, Chair
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
PLANNING COMMISSION RESOLUTION NO. 2669

Exhibit A

CONDITIONS OF APPROVAL

In addition to all applicable provisions of the El Segundo Municipal Code ("ESMC"), Malibu Fish Grill 4 agrees to comply with the following provisions as conditions for the City of El Segundo's approval of Environmental Assessment No. EA-856 and Conditional Use Permit No. 09-08 ("Project Conditions"):  

Zoning Conditions

1. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building Safety Department. Any subsequent modification must be referred to the Director of the Planning and Building Safety Department for a determination regarding the need for Planning Commission review and approval of the proposed modification.

2. The outdoor dining facilities must comply with the requirements of ESMC § 15-2-16.

3. This approval limits the hours of operation and alcohol service for the restaurant, including the outdoor dining area from 10:00 a.m. to 10:00 p.m. seven days a week.

4. No live entertainment is permitted. Only pre-recorded background music may be provided, and must meet the noise and vibration requirements of ESMC § 7-2-1.

5. Before the City issues building permits, the applicant/property owner must submit landscaping and irrigation plans for any new or modified landscaping areas to the Planning and Building Safety and Recreation and Parks Departments for review.

6. Pursuant to ESMC § 15-23-11(B)(1), this conditional use permit expires 24 months after its approval if the use does not commence or construction does not commence under a valid building permit. The City is not responsible for informing the applicant regarding a pending CUP expiration.

Miscellaneous Conditions

7. Malibu Fish Grill 4 restaurant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. EA-856 and Conditional Use Permit No. 09-08, except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of
Environmental Assessment No. EA-856 and Conditional Use Permit No. 09-08, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.

By signing this document, Vasili Hatziris of Malibu Fish Grill 4, certifies that they read, understood, and agree to the Project Conditions listed in this document.

Vasili Hatziris
Malibu Fish Grill 4

{If Corporation or similar entity, needs two officer signatures or evidence that one signature binds the company}
February 3, 2010

Vasili Hatziris
Malibu Fish Grill
17965 Beach Boulevard
Huntington Beach CA 92647

RE: Environmental Assessment No. EA-856 for Administrative Use Permit (AUP) No. 09-11
On-site Sale and Consumption of Beer and Wine (Type 41 Alcoholic Beverage Control License) in conjunction with the operation of a new Restaurant (Malibu Fish Grill).

Address: 400 N. Sepulveda Boulevard (Gateway Center)

Dear Mr. Hatziris:

The purpose of this letter is to inform you that, in accordance with El Segundo Municipal Code (ESMC) Chapter 15-22, the Planning Division reviewed your application for the above-referenced project and the Director of Planning and Building Safety APPROVED Environmental Assessment No. EA-856 for Administrative Use Permit No. 09-11 for the on-site sale and on-site consumption of beer and wine. The Director did not identify a reason to oppose the proposed Type 41 license by the Alcoholic Beverage Control Department for the existing restaurant located at 400 North Sepulveda Boulevard, within a new commercial development. The following are the findings and facts in support of each finding for this decision:
FINDINGS AND FACTS IN SUPPORT OF FINDINGS:

Environmental Assessment No. EA-856

Finding 1

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

Facts in Support of Finding 1

1. The applicant requests an alcohol license for the on-site sale and consumption of beer and wine at a new 1,398 square-foot restaurant located within Gateway Center. The request includes the approval to construct a fence to enclose a new 600 square-foot outdoor dining area on the west side of the restaurant with direct access from the interior. The Gateway Center contains two single-story structures totaling 11,368 square feet in area. The property is in an urbanized and developed area where it has adequate access and all public services and facilities are available. In addition, it is in an area that is not environmentally sensitive. Therefore, the project is not anticipated to have any significant impacts with regard to traffic, noise, air quality or water quality.

Administrative Use Permit 09-11

Finding 1

• There is compatibility of the particular use on the particular site in relationship to other existing and potential uses within the general area in which the use is proposed to be located.

Facts in Support of Finding 1

1. The applicant proposes to provide on-site sale and consumption of beer and wine in a new 1,398 square-foot restaurant and enclose a new 600 square-foot outdoor dining area. The restaurant is located within a new building in the northwest portion of the Gateway Center at 400 North Sepulveda Boulevard, Suite B. The restaurant and outdoor patio area total 1,998 square feet and contain 60 seats. The interior of the restaurant contains 32 seats and the new outdoor dining area on the north side of the building contains 36 seats. The minimum number of required parking spaces for the restaurant and outdoor patio is 27 parking stalls which will be provided on-site and on the adjacent parcels.

2. The General Plan Land Use designation for the site is Corporate Office and the zoning for the site is Corporate Office (CO). Restaurants are permitted uses in
the Corporate Office (CO) Zone in accordance with ESMC §15-5D-2 and on-site sale and consumption of alcohol is permitted with the approval of an Administrative Use Permit in accordance with ESMC §15-5D-4(B), and ESMC §15-22-5. Outdoor dining areas greater than 200 square feet are permitted with the approval of a Conditional Use Permit in accordance with ESMC §15-5D-5(F), and ESMC Chapter 15-23.

3. The Corporate Office (CO) Zone permits, and the surrounding land uses include commercial retail, restaurant, hotel, and office uses. The proposed restaurant will be similar and compatible with the surrounding uses.

4. The restaurant must obtain a State of California Alcohol and Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 41).

5. On February 11, 2011 the El Segundo Planning Commission is scheduled to Receive and File the Administrative Use Permit request.

Finding 2

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

Facts in Support of Finding 2

1. The General Plan Land Use designation for the site is Corporate Office.

2. The zoning for the site is Corporate Office (CO). Restaurants are a permitted use in this Zoning District in accordance with ESMC §15-5D-2. The proposed use (on-site sale and consumption of beer and at an existing restaurant) requires an Administrative Use Permit in accordance with ESMC §15-5D-4(B). In addition, the proposed outdoor dining area, which is greater than 200 square feet requires a Conditional Use Permit in accordance with ESMC §15-5D-5(F).

3. The purpose of the Corporate Office (CO) Zone is to provide areas where a mixture of office and food serving uses with limited retail in a mutually beneficial manner. It is the intent of the Corporate Office (CO) Zone to have several types of uses within a single building.

4. The surrounding land uses include: commercial retail, restaurant, and office uses. The proposed restaurant will be compatible with the surrounding land uses.

Finding 3

- The proposed location and use and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
Facts in Support of Finding 3

1. The restaurant is located inside a new commercial building within the Corporate Office (CO) Zone and includes a new 600 square-foot outdoor dining area. The restaurant and outdoor dining area meet all the development standards of the (CO) Zone and sufficient parking will be provided on-site and on adjacent parcels in compliance with ESMC Chapter 15-15.

2. The surrounding land uses include commercial retail, hotels, restaurants and office uses. The restaurant is a permitted use within the Corporate Office (CO) Zone and the 600 square-foot outdoor dining area is permitted with a Conditional Use Permit.

3. The proposed hours of operation and alcohol service for the restaurant are limited to: Monday through Sunday from 10:00 a.m. to 10:00 p.m. The outdoor dining area would be open the same hours as the restaurant. Background music is proposed. No live entertainment is proposed. The restaurant will be required to meet the noise and vibration requirements of ESMC § 7-2-1.

Finding 4

- Potential impacts that could be generated by the proposed use, such as noise, smoke, dust, fumes, vibration, odors, traffic, and hazards have been recognized and mitigated.

Facts in Support of Finding 4

1. The sale of alcohol will not create any new impacts that would not be normally associated with the operation of a restaurant with indoor and outdoor dining areas.

2. The proposed hours of operation and alcohol service for the restaurant are limited to: Monday through Sunday from 10:00 a.m. to 10:00 p.m. The outdoor dining area would be open the same hours as the restaurant. Background music is proposed. No live entertainment is proposed. The proposed restaurant is located in a predominantly commercial/retail area that is not adjacent to any residential uses, which will help to minimize noise impacts on sensitive uses.

3. Adequate parking will be provided for the new restaurant onsite and on the adjacent parcels via an existing parking covenant and reciprocal access easement. Thus, the proposed use will not generate dust or substantially increase vehicular traffic.

4. The proposed new restaurant and outdoor dining area is in an area that is not environmentally sensitive.
5. In addition to complying with the requirements of the City of El Segundo and the State of California Department of Alcoholic Beverage Control the restaurant is subject to County Health Department regulations that address and monitor impacts of fumes and odors.

**Finding 5**

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

**Facts in Support of Finding 5**

1. The applicant must obtain a license from the State of California Department of Alcoholic Beverage Control (Type No. 41).

**DIRECTOR OF PLANNING AND BUILDING SAFETY DEPARTMENT ACTION**

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

1. The proposed hours of operation and hours of alcohol service for the restaurant, including the outdoor dining patio are limited to: Monday through Sunday from 10:00 a.m. to 10:00 p.m. Food service must be available in the indoor dining area and the outdoor patio during the dining hours. Any change to the hours of operation or the hours that alcohol may be served is subject to review and approval by the Director of Planning and Building Safety.

2. The seating within the restaurant must be limited to 32 indoor dining seats and 36 seats in the outdoor dining area. The restaurant will contain a combined total of 68 seats.

3. Any subsequent modification to the project as approved, including the floor plan and areas where alcohol will be served, and/or the conditions of approval, must be referred to the Director of Planning and Building Safety for approval and a determination regarding the need for Planning Commission review of the proposed modification.

4. The applicant must obtain and maintain all licenses required by the Alcoholic Beverage Control Act (Business & Professions Code §§ 23300 et seq.). The applicant must obtain and maintain a Type 41 license.

5. The restaurant operations must comply with ESMC §§ 7-2-1, et seq. regulating noise and vibration.
6. The Planning and Building Safety Department and the Police Department must be notified of any change of ownership of the approved use in writing within 10 days of the completion of the change of ownership. A change in project ownership may cause to schedule a hearing before the Planning Commission regarding the status of the administrative use permit.

7. The applicant must comply with all regulations of the Alcoholic Beverage Control Act and the regulations promulgated by the Alcoholic Beverage Control Board including, without limitation, the regulations set forth in 4 Cal. Code of Regs. §§ 55, et seq.

8. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the establishment to address any concerns of the community regarding noise in the restaurant, patio and parking lot. Said contact's name and phone number must also be available through the restaurant staff at all times.

9. The applicant must, at all times, display a Designated Driver sign of at least ten inches by ten inches (10" X 10") in the bar and restaurant dining areas at eye level. The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a non-drinking driver.

10. There must be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior constitute a violation of this condition.

11. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) for the responsible sales of alcohol. The training must be offered to new employees on not less than a quarterly basis.

12. Any and all employees hired to sell alcoholic beverages must provide evidence that they have either:

   a. Completed training from the State of California Department of Alcoholic Beverage Control (ABC), Long Beach/Lakewood District Office administered Leadership and Education in Alcohol and Drugs (LEAD) Program in the form of an ABC-issued certificate; or,

   b. Completed an accepted equivalent by the ABC, Long Beach/Lakewood District Office to ensure proper distribution of beer, wine and distilled spirits to adults of legal age. If any prospective employee designated to sell alcoholic beverages does not currently have such training, then;
c. The ABC-licensed proprietors must have confirmed with the Planning and Building Safety Department within fifteen (15) days of the Director’s decision, or by final project approval, that a date certain has been scheduled within the local ABC Office to complete the LEAD course.

d. Within thirty (30) days of taking said course, the employees, or responsible employer must deliver each required certificate showing completion to the Police Department.

13. The applicant must have readily identifiable personnel to monitor and control the behavior of customers inside the building premises. Staff must monitor activity outside in the parking lot and any adjacent property under the establishment’s control to ensure the areas are generally free of people and are cleared of patrons and their vehicles one-half hour after closing.

14. If complaints are received regarding excessive noise, parking availability, lighting, building access, and the like associated with the restaurant and the outdoor patio area, the city may, in its discretion, take action to review the Administrative Use Permit, including without limitation, adding conditions or revoking the permit.

15. The outdoor dining/seating area must comply with ESMC § 15-2-16.

16. The building must not be occupied by more persons than allowed by the California Building Code, as adopted by the ESMC.

17. The building and any outdoor seating must comply with California Building and Fire Code requirements, as adopted by the ESMC.

18. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney’s fees), injuries, or liability, arising from the City’s approval of Environmental Assessment No. 856 for Administrative Use Permit No. 09-11, except for such loss or damage arising from the City’s sole negligence or willful misconduct. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of EA-856 or AUP 09-11, the Applicant agrees to defend the City (at the City’s request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section “the City” includes the City of El Segundo's elected officials, appointed officials, officers, and employees.
PLANNING COMMISSION

This determination was received and filed by the Planning Commission at its February 11, 2010 meeting. Please be advised that this does not conclude the review process. The City Council will determine whether or not to protest the issuance of the ABC License (Type 41) at its meeting on March 2, 2010.

Should you have any questions, please contact Paul Samaras, Project Planner, at (310) 524-2312.

Sincerely,

[Signature]

Greg Carpenter, Director
Department of Planning and Building Safety
City of El Segundo
Inter-Departmental Correspondence

February 16, 2010

To: Greg Carpenter, Director of Planning and Building and Safety
From: Bob Turnbull, Captain, Administrative Services Bureau

Subject: 400 North Sepulveda Boulevard, Suite B
Applicant: Malibu Fish Grill
Case No.: Environmental Assessment No. EA-856, Conditional Use Permit No. CUP 09-08, and Administrative Use Permit no. 09-11
License type: Type 41 Alcoholic Beverage Control License

During the review process of the above listed ABC License application, the Police Department reviewed the application and approved its issuance without comment.

Based upon that process, the Police Department at this time does not intend on protesting the issuance of this license.
EL SEGUNDO CITY COUNCIL
AGENDA STATEMENT

MEETING DATE: March 2, 2010
AGENDA HEADING: Consent Agenda

AGENDA DESCRIPTION:

Consideration and possible action regarding an offer from El Segundo Kiwanis Club to host and operate a “Beer Garden” at the annual Hometown Fair event and waive ESMC section 10-1-4 D on Saturday, May 1, 2010 at Library Park from 12 to 4 pm.
(Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Approve the offer to host and operate a "Beer Garden" from El Segundo Kiwanis Club at the 2010 Hometown Fair event at Library Park on May 1st.
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Hometown Fair 2010 Event Map

FISCAL IMPACT: None

Amount Budgeted: $0
Additional Appropriation: N/A
Account Number(s): N/A

ORIGINATED BY: Jeff Van Fossen, Interim Recreation Superintendent
REVIEWED BY: Bob Cummings, Recreation & Parks Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

In an effort to improve City sponsored events, the Recreation & Parks Department Staff are always looking at new ways to provide the best experience possible to its residents. The past several years have seen a decrease in attendance during the later hours of the Hometown Fair event. It is believed that a “Beer Garden” may promote greater community involvement with local organizations, as well as attract more participants for the event.

The El Segundo Kiwanis Club recently offered to host and operate a “Beer Garden” at the annual Hometown Fair event on Saturday, May 1, 2010 at Library Park. This “Beer Garden” would serve as a fundraising venture for the El Segundo Kiwanis Club.

In addition to the approval of the “Beer Garden” concept, El Segundo Kiwanis Club is requesting that City Municipal Code section 10-1-4 D be waived to allow alcohol at a park facility for this event. The El Segundo Kiwanis Club would be subject to compliance of state Alcohol Beverage Commission regulations and would need to obtain a permit from ABC to operate.
The “Beer Garden” would be centrally located at the event next to the Gazebo (where the Bake-Off Contest has been held in years past), with perimeter fencing to allow for greater control and supervision (please see attached event map). The event is scheduled from 10 am to 4 pm; however the “Beer Garden” would operate from 12 to 4 pm. Staff will continue to work with El Segundo Kiwanis Club Secretary Dave Wagner on the logistics for the event.

The “Beer Garden” concept, along with the offer from El Segundo Kiwanis Club to host and operate the “Beer Garden”, was recently approved by the Recreation & Parks Commission at the February 17, 2010 meeting. In addition, the El Segundo Kiwanis Club recently received approval from City Council regarding a similar request for the 2009 Richmond Street Fair.
AGENDA DESCRIPTION:

Receive and file report on recently accepted donation from El Segundo AYSO – Region 92 in the amount of $2,974 for the purchase of one new set of soccer goals for the Campus El Segundo Athletic Fields.
(Fiscal Impact: None)

RECOMMENDED COUNCIL ACTION:

1. Receive & file report on accepted donation from AYSO – Region 92 in the amount of $2,974 for the purchase of soccer goals for the Campus El Segundo Athletic Fields.

2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. None

FISCAL IMPACT: None

Amount Budgeted: $0
Additional Appropriation: N/A
Account Number(s): N/A

ORIGINATED BY: Jeff Van Fossen, Interim Recreation Superintendent
REVIEWED BY: Bob Cummings, Recreation & Parks Director
APPROVED BY: Jack Wayt, City Manager

BACKGROUND AND DISCUSSION:

Regional Commissioner Ricky Labayen from El Segundo AYSO – Region 92 contacted the Recreation & Parks Department indicating that two (2) soccer goals at the Campus El Segundo Athletic Fields were damaged and in need of repair or replacement. In addition, there was concern regarding the existing goals and their potential for injury due to exposed hardware that was unable to be repaired and/or covered effectively. Recreation and Parks Staff researched several options for repair and ultimately recommended that the damaged goals should be replaced.

All four (4) soccer goals have been replaced and AYSO – Region 92 recently offered to pay for one full set. The goals that were selected are “top-of-the-line” Euro Goals from Sator Sports, which are a premier soccer goal meant for professional tournament play. The goals will remain portable with an optional wheel assembly and do not have any hardware that protrudes into the area of play; therefore eliminating concerns with the previous goals.
The soccer goals were ordered and paid for in full by the City and AYSO – Region 92 generously offered to reimburse the City for half of the total cost. The assembly and installation was coordinated and completed by the Parks Staff.

The donation from El Segundo AYSO – Region 92 was approved and accepted by the Recreation & Parks Commission on Wednesday, February 17, 2010. Several Board members from AYSO – Region 92 were on hand that evening as the Commission thanked and recognized them for the league’s contribution.