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, JANUARY 17, 2012 – 5:00 P.M.

Next Resolution # 4769
Next Ordinance # 1469

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) -1- matters

1. City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -2- matter.

1. Claim 10-35 - Wyle
2. Claim 11-57 - Garton

Initiation of litigation pursuant to Government Code §54956.9(c): -0- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov’t Code §54957): - 0- matter

APPOINTMENT OF PUBLIC EMPLOYEE (Gov’t. Code § 54957) -0- matter
CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): -1-matters

1. Represented Group: Supervisory and Professional Association
   Negotiators: Doug Willmore, City Manager
   Deborah Cullen, Finance Director

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): -0-matters
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, JANUARY 17, 2012 - 7:00 P.M.

Next Resolution # 4769
Next Ordinance # 1469

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor John Svendsen, First Baptist Church

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Bill Fisher
PRESENTATIONS

(a) Presentation - of trophies to the 2011 Holiday Parade winners by Julie Warner.

(b) Commendation - to City of El Segundo Fire Department Engineer, Mitch Emerson, for his courageous and exemplary actions in helping to foil a home burglary.

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 2585527 to 2585767 on Register No. 6 in the total amount of $708,754.92 and Wire Transfers from 12/09/11 through 12/22/11 in the total amount of $2,685,994.00; and Warrant Numbers 2585768 to 2585936 on Register No. 7 in the total amount of $779,630.59 and Wire Transfers from 12/23/11 through 01/05/12 in the total amount of $601,718.32.
Recommendation – Approve Warrant DemandRegisters 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. Regular/Special City Council Meeting Minutes of December 20, 2011.
Recommendation – Approval.

3. Consideration and possible action regarding a request for an Administrative Use Permit to modify an existing Administrative Use Permit to expand the hours to sell beer, wine and distilled spirits at an existing market (Type 21 State of California Alcoholic Beverage Control License) located at 601 Virginia Street. Applicant: Chaddeh Abboud.
(Fiscal Impact: N/A)
Recommendation – 1) Receive and file this report without objecting to the approval of a modification to an existing Administrative Use Permit to expand the hours to sell beer, wine and distilled spirits at an existing market; and/or; 2) Alternatively, discuss and take other possible action related to this item.

4. Consideration and possible action regarding an expansion of an existing Alcoholic Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 41 Alcoholic Beverage Control License) at Rock and Brews restaurant located at 139-147 Main Street.
(Fiscal Impact: N/A)
Recommendation – 1) Receive and file this report without objecting to an expansion of a Type 41 ABC license at 139-147 Main Street; and/or; 2) Alternatively, discuss and take other possible action related to this item.

5. Consideration and possible action to approve continuation of the steps necessary to complete the emergency repair and replacement of the netting and poles at "The Lakes" Golf Course Driving Range.
(Fiscal Impact: $420,000.00)
Recommendation – 1) Approve the continuation of the steps necessary to complete the emergency repair and replacement of the netting and poles at "The Lakes" Golf Course Driving Range, or 2) Alternatively, discuss and take other possible action related to this item.
6. Consideration and possible action to adopt Ordinance No. 1468 approving new Class Specifications for the at-will positions of Director of Community Services and City Librarian, and reorganization of the Library Department and the Recreation and Parks Department into the Community Services Department.  
(Fiscal Impact: $0)  
Recommendation – 1) Second reading by title only and adopt ordinance No. 1468; or 2) Alternatively, discuss and take other action related to this item.

7. Consideration and possible action to award a standard Public Works Contract to the lowest responsible bidder, United Paving Company, Inc. for the Maryland Street Improvement Project from Mariposa Avenue to Palm Avenue. Project No.: PW 11-12.  
(Fiscal Impact: $153,000.00)  
Recommendation – 1) Waive minor irregularities in the bid received from United Paving Company, Inc.; 2) Authorize the City Manager to execute a standard Public Works Contract in a form as approved by the City Attorney with United Paving Company, Inc., in the amount of $138,486; 3) Alternatively, discuss and take other action related to this item.

8. Consideration and possible action regarding adoption of Plans and Specifications for Installation of Fiber Optic Cable (Phase 2 for future I-Net connection) for non-City Hall City Facilities, Project No. PW 11-13. Approved Capital Improvement Project.  
(Fiscal Impact: $130,000.00)  
Recommendation – 1) Adopt Plans and Specifications; 2) Authorize staff to advertise the project for receipt of Construction Bids 3) Alternatively, discuss and take other action related to this item.

CALL ITEMS FROM CONSENT AGENDA

F. NEW BUSINESS

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK
J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fuentes –

Council Member Brann –

Council Member Jacobson –

Mayor Pro Tem Fisher –

Mayor Busch –

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: Jan. 11, 2012
TIME: 03:30 PM
NAME: MONA F. SHILLING
PRESENTATIONS

(a) Presentation - of trophies to the 2011 Holiday Parade winners by Julie Warner.
PRESENTATIONS

(b) Commendation - to City of El Segundo Fire Department Engineer, Mitch Emerson, for his courageous and exemplary actions in helping to foil a home burglary.
## CITY OF EL SEGUNDO
### WARRANTS TOTALS BY FUND

<table>
<thead>
<tr>
<th>Code</th>
<th>Fund Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>GENERAL FUND</td>
<td>369,462.63</td>
</tr>
<tr>
<td>104</td>
<td>TRAFFIC SAFETY FUND</td>
<td>-</td>
</tr>
<tr>
<td>106</td>
<td>STATE GAS TAX FUND</td>
<td>245,672.00</td>
</tr>
<tr>
<td>108</td>
<td>ASSOCIATED RECREATION ACTIVITIES FUND</td>
<td>-</td>
</tr>
<tr>
<td>109</td>
<td>ASSET FORFEITURE FUND</td>
<td>332.22</td>
</tr>
<tr>
<td>111</td>
<td>COMM. DEV. BLOCK GRANT</td>
<td>5,655.10</td>
</tr>
<tr>
<td>112</td>
<td>PROP 'A' TRANSPORTATION</td>
<td>69.11</td>
</tr>
<tr>
<td>114</td>
<td>PROP 'C' TRANSPORTATION</td>
<td>15,024.42</td>
</tr>
<tr>
<td>115</td>
<td>AIR QUALITY INVESTMENT PROGRAM</td>
<td>-</td>
</tr>
<tr>
<td>116</td>
<td>HOME BOUND INSTALLATION FUND</td>
<td>883.08</td>
</tr>
<tr>
<td>117</td>
<td>HYPERION MITIGATION FUND</td>
<td>429.59</td>
</tr>
<tr>
<td>118</td>
<td>TDA ARTICLE 3 - SB 821 BIKEWAY FUND</td>
<td>-</td>
</tr>
<tr>
<td>119</td>
<td>MTA GRANT</td>
<td>-</td>
</tr>
<tr>
<td>121</td>
<td>FEMIA</td>
<td>-</td>
</tr>
<tr>
<td>120</td>
<td>C.O.P.S. FUND</td>
<td>-</td>
</tr>
<tr>
<td>122</td>
<td>L.A.W.A. FUND</td>
<td>-</td>
</tr>
<tr>
<td>301</td>
<td>ASSESSMENT DISTRICT #73</td>
<td>-</td>
</tr>
<tr>
<td>302</td>
<td>CAPITAL IMPROVEMENT FUND</td>
<td>21,541.90</td>
</tr>
<tr>
<td>303</td>
<td>INFRASTRUCTURE REPLACEMENT FUND</td>
<td>-</td>
</tr>
<tr>
<td>405</td>
<td>FACILITIES MAINTENANCE</td>
<td>-</td>
</tr>
<tr>
<td>501</td>
<td>WATER UTILITY FUND</td>
<td>18,868.65</td>
</tr>
<tr>
<td>503</td>
<td>WASTEWATER FUND</td>
<td>12,540.04</td>
</tr>
<tr>
<td>503</td>
<td>GOLF COURSE FUND</td>
<td>9,000.00</td>
</tr>
<tr>
<td>601</td>
<td>EQUIPMENT REPLACEMENT</td>
<td>566.70</td>
</tr>
<tr>
<td>602</td>
<td>LIABILITY INSURANCE</td>
<td>1,710.17</td>
</tr>
<tr>
<td>603</td>
<td>WORKERS COMP. RESERVE/INSURANCE</td>
<td>600.65</td>
</tr>
<tr>
<td>701</td>
<td>RETIRED EMP. INSURANCE</td>
<td>1,349.76</td>
</tr>
<tr>
<td>702</td>
<td>EXPENDABLE TRUST FUND - DEVELOPER FEES</td>
<td>3,024.62</td>
</tr>
<tr>
<td>703</td>
<td>EXPENDABLE TRUST FUND - OTHER</td>
<td>6,765.76</td>
</tr>
<tr>
<td>709</td>
<td>OUTSIDE SERVICES TRUST</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL WARRANTS</strong></td>
<td><strong>$ 709,754.92</strong></td>
<td></td>
</tr>
</tbody>
</table>

### STATE OF CALIFORNIA
### COUNTY OF LOS ANGELES

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

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

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

**CODES:**
- **R =** Computer generated checks for all non-emergency/urgent payments for materials, supplies and services in support of City Operations.
- **A =** Payroll and Employee Benefit checks.
- **B - F =** Computer generated Early Release disbursements and/or adjustments approved by the City Manager. Such as: payments for utility services, petty cash and employee travel expense reimbursements, various refunds, contract employee services consistent with current contractual agreements, instances where prompt payment discounts can be obtained or late payment penalties can be avoided or when a situation arises that the City Manager approves.
- **H =** Handwritten Early Release disbursements and/or adjustments approved by the City Manager.

**FINANCE DIRECTOR:**

**CITY MANAGER:**

**DATE:** 12-27-11
CITY OF EL SEGUNDO  
PAYMENTS BY WIRE TRANSFER  
12/9/11 THROUGH 12/22/11

<table>
<thead>
<tr>
<th>Date</th>
<th>Payee</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/8/2011</td>
<td>Cal Pers</td>
<td>444,670.41</td>
<td>EFT Health</td>
</tr>
<tr>
<td>12/9/2011</td>
<td>State of CA EFT</td>
<td>1,047.21</td>
<td>EFT Child support payment</td>
</tr>
<tr>
<td>12/9/2011</td>
<td>UB</td>
<td>7,318.54</td>
<td>PARS payment</td>
</tr>
<tr>
<td>12/9/2011</td>
<td>Manufacturers &amp; Traders</td>
<td>192.31</td>
<td>IRA payment Vantagepoint</td>
</tr>
<tr>
<td>12/9/2011</td>
<td>Manufacturers &amp; Traders</td>
<td>141,738.89</td>
<td>457/401 payment Vantagepoint</td>
</tr>
<tr>
<td>12/9/2011</td>
<td>Nationwide EFT</td>
<td>42,797.54</td>
<td>EFT 457 payment</td>
</tr>
<tr>
<td>12/12/2011</td>
<td>West Basin</td>
<td>1,527,948.67</td>
<td>H2O payment</td>
</tr>
<tr>
<td>12/13/2011</td>
<td>Nationwide EFT</td>
<td>47,906.68</td>
<td>EFT 401 payment</td>
</tr>
<tr>
<td>12/14/2011</td>
<td>Health Comp</td>
<td>930.27</td>
<td>Weekly claims</td>
</tr>
<tr>
<td>12/15/2011</td>
<td>Cal Pers</td>
<td>110,808.61</td>
<td>EFT Retirement Safety</td>
</tr>
<tr>
<td>12/15/2011</td>
<td>Cal Pers</td>
<td>37,312.06</td>
<td>EFT Retirement Misc</td>
</tr>
<tr>
<td>12/20/2011</td>
<td>La Salle</td>
<td>43,725.00</td>
<td>EFT ABAG</td>
</tr>
<tr>
<td>12/21/2011</td>
<td>Health Comp</td>
<td>1,481.82</td>
<td>Weekly claims</td>
</tr>
<tr>
<td>12/22/2011</td>
<td>IRS</td>
<td>202,790.66</td>
<td>Federal Taxes</td>
</tr>
<tr>
<td>12/22/2011</td>
<td>Employment Development</td>
<td>46,622.87</td>
<td>State Taxes</td>
</tr>
<tr>
<td>12/22/2011</td>
<td>Employment Development</td>
<td>3,869.25</td>
<td>State Taxes</td>
</tr>
<tr>
<td>12/22/2011</td>
<td>Manufacturers &amp; Traders</td>
<td>192.31</td>
<td>IRA payment Vantagepoint</td>
</tr>
<tr>
<td>12/9-12/22/11</td>
<td>Workers Comp Activity</td>
<td>24,640.90</td>
<td>SCRMA checks issued</td>
</tr>
</tbody>
</table>

DATE OF RATIFICATION: 01/03/12  
TOTAL PAYMENTS BY WIRE: 2,685,994.00

Certified as to the accuracy of the wire transfers by:

Deputy City Treasurer  
Date 12/22/11

Director of Finance  
Date 12/24/11

City Manager  
Date 1-27-11

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
### CITY OF EL SEGUNDO

**WARRANTS TOTALS BY FUND**

<table>
<thead>
<tr>
<th>Code</th>
<th>Fund Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>General Fund</td>
<td>544,936.56</td>
</tr>
<tr>
<td>104</td>
<td>Traffic Safety Fund</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td>State Gas Tax Fund</td>
<td></td>
</tr>
<tr>
<td>108</td>
<td>Associated Recreation Activities Fund</td>
<td></td>
</tr>
<tr>
<td>109</td>
<td>Asset Forfeiture Fund</td>
<td>9,862.06</td>
</tr>
<tr>
<td>111</td>
<td>Comm. Dev. Block Grant</td>
<td>290.00</td>
</tr>
<tr>
<td>112</td>
<td>Prop &quot;A&quot; Transportation</td>
<td>105.38</td>
</tr>
<tr>
<td>114</td>
<td>Prop &quot;C&quot; Transportation</td>
<td>14.40</td>
</tr>
<tr>
<td>115</td>
<td>Air Quality Investment Program</td>
<td></td>
</tr>
<tr>
<td>116</td>
<td>Home Sound Installation Fund</td>
<td>1,687.59</td>
</tr>
<tr>
<td>117</td>
<td>Hyperion Mitigation Fund</td>
<td></td>
</tr>
<tr>
<td>119</td>
<td>TDA Article 3 - SB 661 Bikeway Fund</td>
<td></td>
</tr>
<tr>
<td>121</td>
<td>FEMA</td>
<td></td>
</tr>
<tr>
<td>122</td>
<td>C.O.P.S. Fund</td>
<td>173.68</td>
</tr>
<tr>
<td>123</td>
<td>L.A.W.A. Fund</td>
<td></td>
</tr>
<tr>
<td>202</td>
<td>Assessment District #7</td>
<td></td>
</tr>
<tr>
<td>301</td>
<td>Capital Improvement Fund</td>
<td>138,498.34</td>
</tr>
<tr>
<td>302</td>
<td>Infrastructure Replacement Fund</td>
<td></td>
</tr>
<tr>
<td>405</td>
<td>Facilities Maintenance</td>
<td></td>
</tr>
<tr>
<td>501</td>
<td>Water Utility Fund</td>
<td>4,883.40</td>
</tr>
<tr>
<td>502</td>
<td>Wastewater Fund</td>
<td>3,741.13</td>
</tr>
<tr>
<td>503</td>
<td>Golf Course Fund</td>
<td></td>
</tr>
<tr>
<td>601</td>
<td>Equipment Replacement</td>
<td>6,279.69</td>
</tr>
<tr>
<td>602</td>
<td>Liability Insurance</td>
<td>1,800.06</td>
</tr>
<tr>
<td>603</td>
<td>Workers Comp., Reserve/Insurance</td>
<td>655.69</td>
</tr>
<tr>
<td>701</td>
<td>Retired Emp. Insurance</td>
<td>229.11</td>
</tr>
<tr>
<td>702</td>
<td>Expendable Trust Fund - Developer Fees</td>
<td>1,024.00</td>
</tr>
<tr>
<td>703</td>
<td>Expendable Trust Fund - Other</td>
<td>64,002.46</td>
</tr>
<tr>
<td>706</td>
<td>Outside Services Trust</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL WARRANTS</strong></td>
<td>$ 779,630.59</td>
</tr>
</tbody>
</table>

**STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES**

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

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

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

**CODES:**

- **R** = Computer generated payments for non-emergency/urgent payments for materials, supplies and services in support of City Operations.

- **A** = Payroll and Employee Benefit checks.

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

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

**FINANCE DIRECTOR**

**CITY MANAGER**

**DATE:** 1/5/12

**DATE:** 1/5/12
CITY OF EL SEGUNDO
PAYMENTS BY WIRE TRANSFER
12/23/11 THROUGH 1/05/12

<table>
<thead>
<tr>
<th>Date</th>
<th>Payee</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/1/2011</td>
<td>Lane Donovan Golf Ptr</td>
<td>21,491.03</td>
<td>Payroll Transfer (corr prior memo)</td>
</tr>
<tr>
<td>12/15/2011</td>
<td>Lane Donovan Golf Ptr</td>
<td>18,500.43</td>
<td>Payroll Transfer (corr prior memo)</td>
</tr>
<tr>
<td>12/22/2011</td>
<td>IRS</td>
<td>798.46</td>
<td>Federal Taxes</td>
</tr>
<tr>
<td>12/22/2011</td>
<td>Employment Development</td>
<td>118.61</td>
<td>State Taxes</td>
</tr>
<tr>
<td>12/22/2011</td>
<td>Employment Development</td>
<td>37.85</td>
<td>State Taxes</td>
</tr>
<tr>
<td>12/23/2011</td>
<td>State of CA EFT</td>
<td>1,047.21</td>
<td>EFT Child support payment</td>
</tr>
<tr>
<td>12/23/2011</td>
<td>UB</td>
<td>7,131.47</td>
<td>PARS payment</td>
</tr>
<tr>
<td>12/23/2011</td>
<td>Manufacturers &amp; Traders</td>
<td>192.31</td>
<td>IRA payment Vantagepoint</td>
</tr>
<tr>
<td>12/23/2011</td>
<td>Manufacturers &amp; Traders</td>
<td>23,390.40</td>
<td>457 payment Vantagepoint</td>
</tr>
<tr>
<td>12/23/2011</td>
<td>Nationwide EFT</td>
<td>38,192.82</td>
<td>EFT 457 payment</td>
</tr>
<tr>
<td>12/23/2011</td>
<td>Unum</td>
<td>319.20</td>
<td>LTD</td>
</tr>
<tr>
<td>12/28/2011</td>
<td>Health Comp</td>
<td>1,225.25</td>
<td>Weekly claims</td>
</tr>
<tr>
<td>12/28/2011</td>
<td>Lane Donovan Golf Ptr</td>
<td>17,775.29</td>
<td>Payroll Transfer</td>
</tr>
<tr>
<td>12/29/2011</td>
<td>IRS</td>
<td>148.20</td>
<td>Federal Taxes</td>
</tr>
<tr>
<td>1/4/2012</td>
<td>Health Comp</td>
<td>4,628.57</td>
<td>Weekly claims</td>
</tr>
<tr>
<td>1/5/2012</td>
<td>Pitney Bowes</td>
<td>10,000.00</td>
<td>City Hall Postage Machine</td>
</tr>
<tr>
<td>1/5/2012</td>
<td>IRS</td>
<td>278,193.02</td>
<td>Federal Taxes</td>
</tr>
<tr>
<td>1/5/2012</td>
<td>Employment Development</td>
<td>64,286.46</td>
<td>State Taxes</td>
</tr>
<tr>
<td>1/5/2012</td>
<td>Employment Development</td>
<td>3,802.18</td>
<td>State Taxes</td>
</tr>
<tr>
<td>12/23-1/5/12</td>
<td>Workers Comp Activity</td>
<td>25,713.18</td>
<td>SCRMA checks issued</td>
</tr>
<tr>
<td></td>
<td></td>
<td>601,718.32</td>
<td></td>
</tr>
</tbody>
</table>

DATE OF RATIFICATION: 01/17/12
TOTAL PAYMENTS BY WIRE:

Certified as to the accuracy of the wire transfers by:

Deputy City Treasurer
(Date)

Director of Finance
(Date)

City Manager
(Date)

Information on actual expenditures is available in the City Treasurer's Office of the City of El Segundo.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL  
TUESDAY, DECEMBER 20, 2011 – 5:00 P.M.  

AND  

SPECIAL MEETING OF THE EL SEGUNDO CITY COUNCIL  
TUESDAY, DECEMBER 20, 2011 – 5:00 P.M.  

(Held Concurrently)  

5:00 P.M. SESSION  

CALL TO ORDER – Mayor Busch at 5:00 p.m.  

ROLL CALL  

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

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

SPECIAL MATTERS:  

Appointment of Real Property Negotiator – Appoint City Manager Doug Willmore and Planning and Building Safety Director Greg Carpenter as the City’s Real Property Negotiators relating to City owned real property located at Corner of Main Street and Grand Avenue (Assessor Parcel Number: 4135-003-901 lots 20 through 23 and lot 43). The Real Property Negotiators may negotiate the terms and conditions of purchase or lease of property.  

Council Member Jacobson left the dais due to a potential conflict.  

MOTION by Council Member Brann, SECONDED by Mayor Busch to appoint City Manager Doug Willmore and Planning and Building Safety Director Greg Carpenter as the City’s Real Property Negotiators relating to City owned real property located at Corner of Main Street and Grand Avenue. MOTION PASSED BY THE FOLLOWING VOTE: AYES: MAYOR BUSCH, COUNCIL MEMBERS BRANN AND FUENTES; ABSENT: MAYOR PRO TEM FISHER; NOT PARTICIPATING: COUNCIL MEMBER JACOBSON. 3/0/1  

Mayor Pro Tem Fisher arrived at the meetings at 5:01 p.m.
Council Member Jacobson returned to the dais.

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(a) -1- matters

City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -3- matter.

Claim 10-35 - Wyle
Claim 11-57 - Garton
Claim 11-57A - City of Hawthorne (Garton)

Initiation of litigation pursuant to Government Code §54956.9(c): -0- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov’t Code §54957): - 0- matter

APPOINTMENT OF PUBLIC EMPLOYEE (Gov’t. Code § 54957) -0- matter

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov’t Code §54956.8): -1- matters

Sale or Lease of City Owned Property (Price and Terms):

Real Property: City owned parking lot at Corner of Main Street and Grand Avenue (Assessor Parcel Number: 4135-003-901 lots 20 through 23 and lot 43)

City’s Negotiators: Doug Willmore, City Manager; Greg Carpenter, Director of Planning and Building Safety

Council recessed at 6:50 p.m.
REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, DECEMBER 20, 2011 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor Busch

INVOCATION – Father Alexei Smith, St. Andrew Russian Greek Catholic Church

PLEDGE OF ALLEGIANCE – Council Member Don Brann

PRESENTATIONS

(a) Presentation – Megan Berry, Director of Business Development, Muscular Dystrophy, presented a plaque to the El Segundo Fire Department’s for their “Fill the Boot” drive.

(b) Dedication – Presentation by Amanda Hunter, California Map Art Company, Justin Meza, artist, and Chris Miller, Beach Reporter, of Original Artwork of the El Segundo Town Map.

ROLL CALL

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

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

A. PROCEDURAL MOTIONS

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

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action regarding (Public Hearing) totaling approximately $66,271 with another CDBG participating city within the Los Angeles Urban County. (Fiscal Impact: $66,271)

Mayor Busch stated this was the time for a Public Hearing on the proposed exchange of FY 2012/13 Community Development Block Grant (CDBG) funds totaling approximately $66,271 with another CDBG participating city within the Los Angeles Urban County.

Clerk Mortesen stated that proper notice of the Hearing was done and no written communication had been received in the City Clerk’s Office.

Tina Gall, CDGB Consultant, gave a report.

MOTION by Council Member Jacobson, SECONDED by Council Member Fuentes to close the public hearing.

MOTION by Council Member Brann, SECONDED by Mayor Pro Tem Fisher to: Authorize staff to proceed with identifying an interested participating city to begin negotiations for the exchange of FY 2012/13 CDBG funds, establish an exchange rate, and return to the City Council with a resolution authorizing the exchange of CDBG funds with another City; Authorize the City Manager to execute the contracts, as to form approved by the City Attorney, with the Los Angeles County Community Development Commission, and with all sub-recipients receiving CDBG funds. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

C. UNFINISHED BUSINESS

2. Consideration and possible action regarding 1) approving a new Class Specification for the at-will position of Director of Community Services; 2) approving a new class specification for the at-will position of City Librarian; 3) approving the reorganization of the Library Department, and Parks & Recreation Department into the Community Services Department; 5) introduce and waive first reading of an ordinance implementing such changes; 6) adopting a resolution amending the City’s Conflict of Interest Code to reflect these changes; and 7) adopting a resolution establishing basic monthly salary for job classifications of Director of Community Services and City Librarian 8) taking such additional, related, action that may be desirable. (Fiscal Impact: $0)

Deborah Cullen, Finance Director, gave a report.

Karl Berger, Assistant City Attorney, read by title only:
ORDINANCE NO. 1468

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE §§ 1-6-3, 1-6-4, AND 1-6-5 REGARDING CITY DEPARTMENTS AND DEPARTMENT DIRECTORS.

Council Member Brann introduced the Ordinance.

MOTION by Council Member Fisher, SECONDED by Mayor Busch to adopt Resolution No. 4766 amending the City’s 2010 Conflict of Interest Code for the City of El Segundo in accord with the Political Reform Act and Resolution No. 4767 establishing a basic monthly salary for the job classifications of Director of Community Services and City Librarian. MOTION PASSED BY THE FOLLOWING VOICE VOTE. AYES: BUSCH, FISHER, BRANN. NOES: JACOBSON AND FUENTES. 3/2

3. Oral Report by the City of El Segundo Chief of Police, Mitch Tavera, related to public parking on Washington Street in the City of El Segundo.

Council Member Jacobson left the dais due to his ownership of property in the discussed area.

Council Member Jacobson returned to the dais after the report.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

4. Consideration and possible action to open the recruitment process for the positions on the Committees, Commissions and Boards (“CCBs”) that will expire in the year 2012. (Fiscal Impact: None)

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Brann to open the recruitment process for the positions on the CCBs, as listed. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

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.

5. Approved Warrant Numbers 2585280 to 2585526 on Register No. 5 in the total amount of $656,084.96 and Wire Transfers from 11/24/11 through 12/08/11 in the total amount of $ 523,019.94. Authorized staff to release. Ratified: Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.
6. Approved Regular City Council Meeting Minutes of December 6, 2011 and Special City Council Meeting Minutes of December 6, 2011.

7. Waived second reading and adopted Ordinance No. 1467 approving an Environmental Assessment (EA 944) for a Categorical Exemption and Zone Text Amendment amending the El Segundo Municipal Code ("ESMC") § 15-2-7 regulating of open space areas and encroachments. Applicant: City Initiated. (Fiscal Impact: None)

8. Approved continuation of the steps necessary to complete the emergency repair and replacement of the netting and poles at "The Lakes" Golf Course Driving Range. (Fiscal Impact: $400,000.00)

9. Approved a revised Class Specification and title change for the position of Principal Engineer to Principal Civil Engineer and approved Examination Plan for Principal Civil Engineer.

10. Approved Amendment No. 4105C to an existing Professional Services Agreement with Willdan to increase the amount of the agreement by $50,000 for planning consulting services. (Fiscal Impact: $50,000) Authorized the City Manager to execute the amendment approved as to form by the City Attorney.

11. Adopted Resolution No. 4768 by four-fifths vote to authorize a no-bid public works contract for the emergency repair of the cooling tower system at the City Public Library located at 111 W. Mariposa Avenue. (Fiscal Impact: $10,811.00) Authorized the City Manager to award Contract No. 4211 to Siemens for the bid amount of $10,811.00 for the repair of the cooling system.

12. Approved Agreement No. 4210 between the City of El Segundo and El Segundo Energy Center (ESEC) for connection of a sanitary sewer line from the new Beach Bathroom Facility at El Segundo Beach to the retention basin located on property owned by El Segundo Power. (Fiscal Impact: $0) Authorized the City Manager to execute the agreement, in a form approved by the City Attorney, related to the design, permitting, financing, and construction of the Sanitary Sewer pipelines.

MOTION by Council Member Fuentes, SECONDED by Mayor Pro Tem Fisher to approve Consent Agenda Items 5, 6, 7, 8, 9, 10, 11, and 12. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

F. NEW BUSINESS

13. Consideration and possible action regarding rejecting all bids received for construction related to Group 41 of the City's Residential Sound Insulation (RSI)
Program (Project RSI 11-04) and a status report on the City’s RSI Program. (Fiscal Impact: $0)

James O’Neil, RSI Manager, gave a report.

MOTION by Mayor Pro Tem Fisher, SECONDED by Council Member Brann to reject all bids received for construction related to Group 41 (Project RSI 11-04). MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

13a. Consideration and possible action to direct the City Attorney’s Office to draft the necessary documents for the Council to consider placing a ballot measure on the April 10, 2012 election to amend El Segundo Municipal Code (“ESMC”) Section 4-2-17 (“Chemical, Petroleum, Cement or Cryogenic Products; Smelters or Refineries”), and other related sections, for purposes of increasing the acreage tax contained in this code section. (Fiscal Impact: $10,237,200)

Doug Willmore gave a brief presentation.

Rod Spackman, Chevron Public and Government Affairs, made a brief presentation.

Lilly Craig, Chevron Representative; spoke against the possible Council initiative for the purpose of increasing the acreage tax.

Joe Harding, Resident and President of the Hacienda Hotel; spoke against the possible Council initiative for the purpose of increasing the acreage tax.

Sandy Jacobs, Resident; spoke against the possible Council initiative for the purpose of increasing the acreage tax.

Chris Powell, Resident; spoke against the possible Council initiative for the purpose of increasing the acreage tax.

Linda Johnson, Resident, and representing the Chamber Executive Board of Directors, spoke against the possible Council initiative for the purpose of increasing the acreage tax.

Gene Mick, Resident; spoke against the possible Council initiative for the purpose of increasing the acreage tax.

Mike Robbins, Resident; spoke against the possible Council initiative for the purpose of increasing the acreage tax.

Dave Burns, Resident; spoke against the possible Council initiative for the purpose of increasing the acreage tax.
Bill Bue, Resident; spoke against the possible Council initiative for the purpose of increasing the acreage tax. He stated that this has not been done in a fair manner and more time should be used to consider this item more carefully.

Mike Dugan, Resident; spoke against the possible Council initiative for the purpose of increasing the acreage tax.

Liz Garnholtz, Resident; spoke against the possible Council initiative for the purpose of increasing the acreage tax.

Barbara Briney, Resident; spoke about the process and encouraged Council to approach this taxation differently.

Rod Spackman, Chevron; stated there were many different types of elections and the City had the ability to call an election at a different time.

MOTION by Mayor Busch, SECONDED by Council Member Brann to direct the City Attorney's Office to draft the necessary documents for the Council to consider placing a ballot measure on the April 10, 2012 election to amend ESMC Section 4-2-17, and other related sections, for purposes of increasing the acreage tax contained in this code section; 2) Call a Special Meeting on January 13, 2012, at 7 p.m. to consider adoption of the necessary documents to place the proposed amendment to ESMC Section 4-2-17 on the April election; 3) amount for the tax to be determined at the Special Meeting. 
MOTION PASSED BY THE FOLLOWING VOICE VOTE. AYES: BUSCH, FISHER, BRANN. NOES: JACOBSON, FUENTES. 3/2

MOTION by Mayor Pro Tem Fisher, SECONDED by Mayor Busch to direct the City Attorney to prepare an advisory measure for the ballot, with blanks to be filled in at the time of the meeting and an advisory committee to be formed to oversee the proposed tax revenue. MOTION FAILED BY THE FOLLOWING VOICE VOTE. AYES: BUSCH, FISHER NOES: JACOBSON, FUENTES, BRANN. 2/3

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK - Reminder that the January 3, 2012 City Council Meeting was cancelled and the next regularly scheduled meeting will be January 17, 2012.

J. REPORTS – CITY TREASURER - Merry Christmas and Happy and prosperous New Year.

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fuentes – Commented on all the celebrations this month.
Council Member Brann – Merry Christmas.

Council Member Jacobson – Commented on the Christmas celebrations.

Mayor Pro Tem Fisher – Commented on the Christmas celebrations and Candy Cane Lane.

Mayor Busch – Commented on the Holiday celebrations.

14. Consideration and possible action regarding the annual request of Mr. S. Claus for variances from the Municipal Code. (Fiscal Impact: None)

MOTION by Council Member Jacobson, SECONDED by Council Member Brann to approve the request by Mr. S. Claus for a waiver of the permits required for doing business within the City of El Segundo as follows: Approval of a Conditional Use Permit and waiver of regulations in ESMC Section 15-23-4; The use of air rights and waiver of the Santa Monica Radial 160 R procedure (FAA should be contacted); Grant a free business license for a non-profit organization (ESMC 4-1-7); Waiver of ESMC 8-4-11B (Driveway Permits Required) and ESMC 8-5-11 (Parking on Grades); Waiver of the Noise Ordinance to permit the sound of bells (ESMC 7-2-3); and; Waiver of the Trespass Ordinance (ESMC 7-6-3) including 6-5-11 dealing with trespassing animals; Waiver of the ordinance on Animal Regulations (ESMC 6-2-1).

Additionally, Mr. S. Claus has been directed to the Coastal Commission for clearance over the ocean; D.M.V. for a valid vehicle registration; Department of Health & Welfare to ensure his elves are receiving minimum wage; and the Air Quality Management District to ensure a safe and clear sleigh ride.

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.

Mike Robbins, Resident; spoke regarding negotiations with Chevron and the possible measure for the April, 10 2012 election.

Dave Burns, Resident; spoke about Council Member Jacobson concerns on the acreage tax, and if this item was brought to the Council legally. Spoke on the recent power failure and public safety response.

Lilly Craig, Chevron; spoke about Council comments on the relationships with Chevron.
Marc Rener, Resident; spoke about the possible mis-information presented regarding the acreage tax item and the possible ballot measure.

MEMORIALS – NONE

CLOSED SESSION – NONE

ADJOURNMENT at 10:03 p.m.

Cindy Mortesen, City Clerk
AGENDA DESCRIPTION:
Consideration and possible action regarding a request for an Administrative Use Permit to modify an existing Administrative Use Permit to expand the hours to sell beer, wine and distilled spirits at an existing market (Type 21 State of California Alcoholic Beverage Control License) located at 601 Virginia Street. Applicant: Chaddeh Abboud. (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:
1. Receive and file this report without objecting to the approval of a modification to an existing Administrative Use Permit to expand the hours to sell beer, wine and distilled spirits at an existing market; 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 December 8, 2011
5. Revised Administrative Use Permit Letter, dated December 27, 2011

FISCAL IMPACT: None

<table>
<thead>
<tr>
<th>Amount Budgeted:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Appropriation:</td>
<td>N/A</td>
</tr>
<tr>
<td>Account Number(s):</td>
<td>N/A</td>
</tr>
</tbody>
</table>

ORIGINATED BY: Kimberly Christensen, AICP, Planning Manager
REVIEWED BY: Greg Carpenter, Planning and Building Safety Director
APPROVED BY: Doug Willmore, 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 retail establishments, 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 Crime and Arrest statistics report prepared by the Police Department, the existing market is located in Reporting District (RD) 107. Based on the January – June 2011 reported data prepared by the Police Department, the district had a total of 13 Part I crimes (criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson) and 40 Part II crimes for a total of 53 crimes. The Reporting District is considered a high crime area. However, the Police Department and the Planning and Building Safety Department do not object to the issuance of the license.

The property is developed with a 3,500 square-foot market, a one-bedroom dwelling unit, and a three-bedroom dwelling unit. The display and sale of alcohol is limited to 50% of the total building area and occupies no more than 1,000 square feet of the interior shopping floor area. The market is required to have meat, poultry, cheese, produce, and other food products available for customers. The proposed new hours of operation to sell alcohol will be daily from 8 AM to 10 PM. The previously approved hours were Monday through Friday, 8 AM to 10 PM and Saturday through Sunday, 8AM to 9 PM. No entertainment, dancing, or amplified sound is proposed.

On December 8, 2011, the Planning Commission received testimony opposing the applicants' request. The public speakers focused their attention on lights from vehicles in the parking lot, lights mounted on the northern exterior wall of the market to provide parking lot lighting, noise, dumping, and poor maintenance of the parking lot. The Planning Commission continued this item (Environmental Assessment No. EA-941 and Administrative Use Permit No. 11-10) to its December 15, 2011 meeting. Based on the evidence and testimony provided by the applicant and public speakers (nearby neighbors), the Planning Commission directed Planning staff to seek resolution to the matters discussed at the public hearing. Between the December 8th and December 15th hearings, Staff discussed possible conditions that would abate these nuisance issues with the applicant and with the neighbor.

Staff prepared a revised Administrative Use Permit letter with additional conditions of approval for consideration at the December 15th Planning Commission meeting. On December 15, 2011, the Planning Commission chose to Receive and File a modification to the existing Administrative Use Permit for the alcohol licenses limiting the hours of alcohol sale to 8 AM to 10 PM daily (the applicant had proposed 8 AM to 11 PM daily). The Planning Commission included five additional conditions of approval in its decision. On December 27, 2011, the Director of Planning and Building Safety approved the modification to the existing Administrative Use Permit for 601 Virginia Street incorporating the conditions of approval approved by the Planning Commission at its December 15, 2011 meeting.

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 the extension of hours to serve alcohol for a Type 21 ABC license for the existing market at 601 Virginia Street.
<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>4</td>
<td>30</td>
<td>34</td>
</tr>
<tr>
<td>102</td>
<td>4</td>
<td>14</td>
<td>18</td>
</tr>
<tr>
<td>103</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>104</td>
<td>10</td>
<td>23</td>
<td>33</td>
</tr>
<tr>
<td>105</td>
<td>8</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>106</td>
<td>1</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>107</td>
<td>13</td>
<td>40</td>
<td>53</td>
</tr>
<tr>
<td>108</td>
<td>2</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>109</td>
<td>5</td>
<td>9</td>
<td>14</td>
</tr>
<tr>
<td>110</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>111</td>
<td>11</td>
<td>33</td>
<td>44</td>
</tr>
<tr>
<td>112</td>
<td>8</td>
<td>16</td>
<td>24</td>
</tr>
<tr>
<td>113</td>
<td>7</td>
<td>13</td>
<td>20</td>
</tr>
<tr>
<td>114</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>115</td>
<td>0</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>116</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>201</td>
<td>10</td>
<td>9</td>
<td>19</td>
</tr>
<tr>
<td>202</td>
<td>5</td>
<td>11</td>
<td>16</td>
</tr>
<tr>
<td>203</td>
<td>3</td>
<td>9</td>
<td>12</td>
</tr>
<tr>
<td>204</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>205</td>
<td>10</td>
<td>7</td>
<td>17</td>
</tr>
<tr>
<td>206</td>
<td>14</td>
<td>7</td>
<td>21</td>
</tr>
<tr>
<td>207</td>
<td>12</td>
<td>20</td>
<td>32</td>
</tr>
<tr>
<td>208</td>
<td>10</td>
<td>18</td>
<td>28</td>
</tr>
<tr>
<td>209</td>
<td>12</td>
<td>18</td>
<td>30</td>
</tr>
<tr>
<td>210</td>
<td>9</td>
<td>16</td>
<td>25</td>
</tr>
<tr>
<td>211</td>
<td>9</td>
<td>10</td>
<td>19</td>
</tr>
<tr>
<td>212</td>
<td>3</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>213</td>
<td>1</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>214</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>301</td>
<td>9</td>
<td>13</td>
<td>22</td>
</tr>
<tr>
<td>302</td>
<td>10</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>303</td>
<td>0</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>304</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>305</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>306</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>307</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>308</td>
<td>17</td>
<td>15</td>
<td>32</td>
</tr>
<tr>
<td>309</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>310</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>311</td>
<td>6</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>312</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>313</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>314</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>315</td>
<td>4</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>316</td>
<td>1</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>317</td>
<td>3</td>
<td>10</td>
<td>13</td>
</tr>
<tr>
<td>318</td>
<td>25</td>
<td>14</td>
<td>39</td>
</tr>
<tr>
<td>319</td>
<td>13</td>
<td>15</td>
<td>28</td>
</tr>
<tr>
<td>320</td>
<td>5</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>321</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>322</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>323</td>
<td>3</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>290</strong></td>
<td><strong>482</strong></td>
<td><strong>772</strong></td>
</tr>
</tbody>
</table>

Number of Reporting Districts = 53
Total Part I Crimes and Part II Crimes = 772
City Average for all Reporting Districts (772/ 53) = 15

High Crime Area per B&P Code Section 23958.4 (15 x 120%) = 18
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: December 8, 2011

SUBJECT: Environmental Assessment No. EA-941
Administrative Use Permit No. 11-10

APPLICANT: Chaddeh Abboud

PROPERTY OWNER: Al Marco

REQUEST: A Request for to modify an existing Administrative
Use Permit to expand the hours to sell beer, wine
and distilled spirits at an existing market (Type 21
State of California Alcoholic Beverage Control
License).

PROPERTY INVOLVED: 601 Virginia Street

I. INTRODUCTION

The Planning and Building Safety Department received an application to modify an
existing approved Administrative Use Permit (EA-832 and AUP 08-06) to expand
the hours to sell beer, wine and distilled spirits for off-site consumption (Type 21
Alcoholic Beverage Control license) at an existing market (Hometown Market) at
601 Virginia Street. The proposed new hours of operation to sell alcohol will be
daily, 8 AM to 11 PM. The previously approved hours were Monday through Friday,
8 AM to 10 PM and Saturday through Sunday, 8 AM to 9 PM. The existing market
is approximately 3,500 square feet in area. The market currently has an
Administrative Use Permit to allow the sale of beer, wine and distilled spirits for off-
site consumption (Type 21 Alcoholic Control Beverage License). The project site is
located in the Multi-Family Residential (R-3) Zone on the block bounded to the
south by West Mariposa Avenue and to the north by West Palm Avenue.

II. ANALYSIS

The zoning for the site is Multi-Family Residential (R-3) Zone and the General Plan
land use designation is Multi-Family Residential. The property is developed with a
3,500 square-foot market, a one-bedroom dwelling unit, and a three-bedroom
dwelling unit. The display and sale of alcohol will be limited to 50% of the total
building area and occupy no more than 1,000 square feet of the interior shopping floor area. The market will have meat, poultry, cheese, produce, and other food products available for customers. The proposed new hours of operation to sell alcohol will be daily, 8 AM to 11 PM. The previously approved hours were Monday through Friday, 8 AM to 10 PM and Saturday through Sunday, 8AM to 9 PM.

The current use is consistent and compatible with the purpose of the Zone in which the site is located. The current use (on-site sale and off-site consumption of beer, wine, and distilled spirits at an existing market) requires an Administrative Use Permit (AUP) in accordance with ESMC § 15-22-5, which was approved by the Planning Commission on June 25, 2009. The use of the site as a market is legal nonconforming. An AUP was approved on February 1, 2000 which allowed the sale of beer and wine for off-site consumption (Type 20 ABC License). The current (Type 21 ABC) license is for the on-site sale of beer, wine and distilled spirits for off-site consumption, which is a permitted accessory use for a market and is not considered an expansion of the nonconformity.

The site was developed as a market in 1940. The use became legal-nonconforming in 1947 when the first Zoning Map and zoning regulations were adopted. The site was zoned R-3 in 1947. In 1953, the site was rezoned to Neighborhood Commercial (C-2). In 1993, the site was rezoned again to R-3, and the use became nonconforming a second time.

Legal non-conforming uses are permitted to continue, and remodel or rebuild, however, they may not be enlarged, expanded, extended, or reestablished after abandonment. The sale of alcohol is a permitted accessory use to the legal-nonconforming use and is not considered an expansion of the nonconformity.

The minimum number of required parking spaces for the market is 12 spaces and there are currently 4 off-street parking spaces on the property. The property is legal nonconforming as to parking, because it was developed before the current parking standards. Since no additional square footage is proposed, no additional parking is required.

The area surrounding the market is comprised of single-family residential units to the west, a multifamily residential area to the north and south, and an elementary school (Richmond Street Elementary School) across Virginia Street to the east. These uses are compatible with the purpose and intent of the proposed use. The market serves the neighboring residential area providing a safe and convenient place within walking distance. The existing market will continue to meet the needs of the surrounding residential community and the added sale of distilled spirits for off-site consumption is accessory to the food sales.

The proposed location and use, and the conditions under which the use would be operated and maintained will not be detrimental to the public health, safety, or
welfare, or materially injurious to properties or improvements in the vicinity. The expansion of hours to sell alcohol will not create any new impacts that would not be normally associated with the operation of a market. The parking lot is currently paved with asphalt and is not expected to generate dust or smoke. The proposed use will not increase noise, fumes, vibration, odors, traffic, or hazards.

The new hours for alcohol sales will extend only the night time hours. The market is proposed to operate the same hours and there will be no signs on the building advertising the sale of alcohol. The proposed hours of operation for alcohol sales and the location of the market will help to minimize impacts on surrounding uses.

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

III. ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The project includes an Administrative Use Permit to allow the sale of alcohol at an existing market. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. No structural changes inside and outside the building is proposed. Further, the site has no value as habitat for endangered, rare, or threatened species. There are adequate utilities and public services to serve the project.

IV. INTER-DEPARTMENTAL COMMENTS

The project applications and plans were circulated to all the relevant City Departments and are attached to this report. The Police Department had no comments or objections.

V. RECOMMENDATION

Receive and File.
VI. EXHIBITS

A. Administrative Use Permit Approval Letter, dated November 28, 2011
B. Administrative Use Permit Approval Letter, dated June 16, 2009 (EA-832 and AUP No. 08-06)
C. Site Plan

Prepared by: Bryan Fernandez, Assistant Planner

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

Greg Carpenter, Director
Department of Planning & Building Safety

P:\Planning & Building Safety\0 Planning - Old\PROJECTS (Planning)\926-950\EA-941\EA-941 AUP 11-10 601 Virginia Street.pcsr.doc
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: December 15, 2011
SUBJECT: Environmental Assessment No. EA-941 and Administrative Use Permit No. 11-10
APPLICANT: Chaddeh Abboud
PROPERTY OWNER: Al Marco
REQUEST: A Request for to modify an existing Administrative Use Permit to expand the hours to sell beer, wine and distilled spirits at an existing market (Type 21 State of California Alcoholic Beverage Control License).
PROPERTY INVOLVED: 601 Virginia Street

I. INTRODUCTION

At its December 8, 2011 meeting, the Planning Commission continued this item (Environmental Assessment No. EA-941 and Administrative Use Permit No. 11-10) to its December 15, 2011 meeting. Based on the evidence and testimony provided by the applicant and public speakers (nearby neighbors), the Planning Commission directed Planning staff to seek resolution to the matters discussed at the public hearing.

II. BACKGROUND ANALYSIS

On December 8, 2011, the Planning Commission received testimony opposing the applicants’ request. The public speakers focused their attention on lights from vehicles in the parking lot, lights mounted on the northern exterior wall of the market to provide parking lot lighting, noise, dumping, and poor maintenance of the parking lot.

Staff and the applicant discussed possible conditions that would abate these nuisance issues that included locking the trash enclosure overnight and erecting a property line wall or solid fence adjacent to 613 Virginia Street. The applicant agreed to locking the trash enclosure and erecting a property line wall or fence.
Staff has added five Conditions of Approvals intended to mitigate the impact of the store operations on the neighbors on 613 Virginia Street (see Condition Nos. 3 through 7) in the attached revised decision letter dated December 13, 2011.

The modification to the previously approved Administrative Use Permit would extend the hours to serve alcohol by the market to 11 p.m. daily. The discretionary permit is for the purpose of regulating the alcohol use. No crimes were reported on the property at 601 Virginia Street (Exhibit C) between October 2010 and October 2011. Two incidents were reported in that time span within 300 feet of 601 Virginia Street, one involved an alcohol-related offense (DUI) that occurred during the day. The Police Department does not object to the expansion of hours for the market.

III. RECOMMENDATION

The Planning and Building Safety Department recommends that the Planning Commission Receive and File Environmental Assessment No. EA-941 and Administrative Use Permit No. AUP 11-10, as revised with added conditions.

IV. EXHIBITS

A. Administrative Use Permit Approval Letter, dated December 13, 2011
B. Administrative Use Permit Approval Letter, dated June 16, 2009 (EA-832 and AUP No. 08-06)
C. Crime Report for 601 Virginia Street, October 2010-October 2011
D. Site Plan

Prepared by: Bryan Fernandez, Assistant Planner

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

Greg Carpenter, Director
Department of Planning & Building Safety
December 27, 2011

Chaddeh Abboud
Hometown Market
601 Virginia Street
El Segundo, CA 90245

RE: Environmental Assessment No. EA-941 and Administrative Use Permit (AUP) No. 11-10 (REVISED)
Modification to hours for On-Site Sale and off-site Consumption of beer, wine and distilled spirits at an Existing market (Type 21 State of California Alcoholic Beverage Control License) at an existing market.
Address: 601 Virginia Street

Dear Mr. Abboud:

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-941 and Administrative Use Permit No. 11-10 to modify existing hours for the sale of beer, wine and distilled spirits for off-site consumption at an existing market at 601 Virginia Street. 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. 941

Finding 1

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

1. The project includes an alcohol license for the sale of beer, wine, and distilled spirits for an existing market which results in a minor alteration in the operation of an existing building involving no expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. Moreover, there is no new construction proposed for this project. There are adequate utilities and public services to serve the project. The property is in an urbanized area where it has adequate access and all public services and facilities are available. The site is currently developed and is not in an area that is 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 11-10

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 modify the hours for on-site sale and off-site consumption of beer, wine, and distilled spirits at an existing market. The proposed new hours of operation to sell alcohol will be daily from 8 AM to 10 PM. The previously approved hours were Monday through Friday, 8 AM to 10 PM and Saturday through Sunday, 8AM to 9 PM. The 3,500 square-foot building contains a market that is located in the Multi-Family Residential (R-3) Zone at 601 Virginia Street. The surrounding area is composed of single-family residential units to the west, a multifamily residential area to the north and south, and an elementary school (Richmond Street Elementary School) across Virginia Street to the east. The market currently has an Administrative Use Permit for on-site sale and off-site consumption of beer, wine, and distilled spirits (Type 21 Alcoholic Beverage Control License).

2. The proposed new hours of operation to sell alcohol will be daily from 8 AM to 10 PM. The previously approved hours were Monday through Friday, 8 AM to 10 PM and Saturday through Sunday, 8AM to 9 PM. The market is proposed to operate the same hours and there will be no signs on the building advertising the sale of alcohol.

3. Four on-site parking spaces are provided.
4. The neighborhood market is compatible with the surrounding land uses which include single-family residential units to the west, multifamily residential units to the north and south, and an elementary school (Richmond Street Elementary School) across Virginia Street to the east.

5. The General Plan land use designation for the site is Multi-Family Residential.

6. The Zoning for the site is Multi-Family Residential (R-3). The proposed use requires an Administrative Use Permit (AUP) in accordance with ESMC § 15-22-5.

7. The market must maintain a California Alcohol and Beverage Control (ABC) license for off-site sale and consumption of alcohol (Type 21).

8. On December 8, 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 zoning for the site is Single-Family Residential (R-3) Zone. The proposed modification of hours to the existing use (on-site sale and off-site consumption of beer, wine, and distilled spirits at an existing market) requires an Administrative Use Permit (AUP) in accordance with ESMC § 15-22-5. The use of the site as a market is legal nonconforming. The market was previously approved for an AUP on February 1, 2000 which allowed the sale of beer and wine for off-site consumption (Type 20 ABC License). The current (Type 21 ABC) license was approved by the Planning Commission on June 25, 2009 for the on-site sale of beer, wine and distilled spirits for off-site consumption, which is a permitted accessory use for a market and is not considered an expansion of the nonconformity.

2. The site was developed as a market in 1940. The use became legal nonconforming in 1947 when the first Zoning Map and zoning regulations were adopted. The site was zoned R-3 in 1947. In 1953, the site was rezoned to Neighborhood Commercial (C-2). In 1993, the site was rezoned again to R-3, and the use continued to be legal nonconforming.

3. Legal non-conforming uses are permitted to continue, and remodel or rebuild, however, they may not be enlarged, expanded, extended, or reestablished after abandonment. The sale of alcohol is a permitted accessory use to the legal nonconforming use and is not considered an expansion of the nonconformity.
4. The minimum number of required parking spaces for the market is 12 spaces and there are currently four (4) off-street parking spaces on the property. The property is legal nonconforming as to parking, because it was developed before the current parking standards. Since no additional square footage is proposed, no additional parking is required.

5. The market must obtain a California Alcohol and Beverage Control (ABC) license for on-site sale and off-site consumption of alcohol (Type 21).

Finding 3

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

Facts in Support of Finding 3

1. The existing market will continue to meet the needs of the surrounding residential community and provide additional service with the sale of beer, wine, and distilled spirits for off-site consumption. The market currently has an Administrative Use Permit to allow the sale of beer, wine and distilled spirits for off-site consumption (Type 21 Alcoholic Beverage Control License).

2. The surrounding land uses include single-family residential units to the west, a multifamily residential area to the north and south, and an elementary school (Richmond Street Elementary School) across Virginia Street to the east. These uses are compatible with the purpose and intent of the proposed use. The market serves the neighboring residential area providing a safe and convenient place at walking distance to purchase food and alcohol that will include distilled spirits.

3. The proposed hours of operation for the market are limited to: Monday through Sunday from 8 AM to 10 PM. The sale of alcohol will be the same hours as the market.

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 market. Any additional traffic trips associated
with the sale of alcohol will be accommodated with the existing four (4) off-street parking spaces available on the site.

2. The parking lot is currently paved with asphalt and is not expected to generate dust or smoke. The proposed use will not increase noise, fumes, vibration, odors, traffic or hazards.

3. The proposed hours of operation for alcohol sales and the location of the market will help to minimize impacts on surrounding uses.

4. The hours of operation for the market are limited to: Monday through Sunday from 8 AM to 10 PM. The sale of alcohol will be the same hours as the market. The sale of food is required and must be available in the market during the hours of operation. In addition, the subject site is accessible to pedestrians from the surrounding area.

5. In addition to complying with the City of El Segundo and the State of California Department of Alcoholic Beverage Control, the market 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 maintain a license from the State of California Department of Alcoholic Beverage Control (Type No. 21).

PLANNING AND BUILDING SAFETY DEPARTMENT DIRECTOR ACTION

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

1. The proposed hours of operation for the market are limited to: Monday through Sunday from 8:00 AM to 10:00 PM. The sale of alcohol will be limited to the same hours as the market. Food must be available for sale inside the market during the hours of operation.

2. The alcohol available for sale within the market will be limited to 50% of the total building area and occupy no more than 1,000 square feet of the interior shopping floor area. Additionally, there must be meat, poultry, cheese, produce, and other food products available for sale within the market.
3. Trash enclosures must be secured with locks daily between 8 PM and until the business opens the next day at 8 AM, except during the time period when garbage pickup and waste disposal occurs.

4. The unenclosed storage bin located in the parking lot area adjacent to the trash enclosure must be removed.

5. Exterior lighting fixtures on the north side of the property must be replaced or redesigned to include a light shield that directs light downward and away from the adjacent residential uses north and west of the parking lot to the satisfaction of the Director of Planning and Building Safety.

6. The applicant must submit a parking lot plan for approval and obtain a building permit for the revised parking lot that provides a minimum of four parking spaces on-site that are designed and striped in compliance with ESMC Chapter 15-15 to the satisfaction of the Director of Planning and Building Safety. Tire stops must be provided for each space and must be a minimum of 6" high and 6" wide that are permanently affixed to the ground.

7. In addition to complying with the requirements of the City of El Segundo and the California Department of Alcoholic Beverage Control the market is subject to County Health Department regulations for the storage of food, the delicatessen, and the future sandwich preparation area.

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

9. 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 21 license.

10. 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.

11. 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.
12. 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, trash bin debris, debris in the market, or debris in the parking lot. Said contact's name and phone number must also be available through the restaurant staff at all times.

13. 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.

14. 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.

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

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

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

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

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

16. 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.
17. If complaints are received regarding excessive noise, parking availability, lighting, building access, and the like associated with the market, the city may, in its discretion, take action to review the Administrative Use Permit, including without limitation, adding conditions or revoking the permit.

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

19. The building must comply with California Building and Fire Code requirements, as adopted by the ESMC.

20. This Administrative Use Permit (EA-941) shall be subject to review by the Planning Commission six months from the date of the final action to verify compliance with all conditions.

21. 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. 941 and Administrative Use Permit No. 11-10. 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-941 or AUP 11-10, 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 was Received and Filed by the Planning Commission at its December 15, 2011 meeting. The City Council will determine whether or not to protest the modification to existing hours to sell alcohol at its next scheduled meeting on January 17, 2012. If you have any questions regarding this project, please contact Assistant Planner Bryan Fernandez at (310) 524-2343.

Sincerely,

[Signature]

Greg Carpenter, Director
Department of Planning and Building Safety
November 30th, 2011

To the El Segundo Planning Commission:

My name is Charlotte Hefti, and I live at 637 Virginia St., which is a few houses down from the Village Wine and Cigar Shop. I’m sorry that I cannot be at this meeting today due to work, but I want to express to you what a great neighbor this little shop has been.

I recently had a baby, and being able to walk up quickly to the store to get milk, cereal, and pretty much anything I need, has truly been a Godsend.

So many times I have needed something at night, and the store has been closed. To have the store open until 11 p.m. would be wonderful.

Being that I live so close, I have the opportunity to see what the impact to the neighborhood has been. There are no untoward characters that hang out at the store. There has been no impact of noise to the neighborhood at all. Really all I see is local El Segundo residents quietly and conveniently shopping and getting what they need on their way home, as well as a place for parents and kids to grab a soda and snack during the variety of sports practices that occur on the field across the street.

Mr. Abboud and his wonderful staff run a terrific store. It is clean and friendly and a real boost to the neighborhood.

I wholeheartedly support his effort to allow his store to remain open until 11:00 p.m.

If you have any questions, please don’t hesitate to call me on my cell. My number is 310-505-6765.

Best,

Charlotte Hefti
AGENDA DESCRIPTION:
Consideration and possible action regarding an expansion of an existing Alcoholic Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 41 Alcoholic Beverage Control License) at Rock and Brews restaurant located at 139-147 Main Street. (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:
1. Receive and file this report without objecting to an expansion of a Type 41 ABC license at 139-147 Main Street; 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
4. Approval Letter to Applicant dated December 13, 2011

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, Director of Planning and Building Safety
APPROVED BY: Doug Willmore, 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 (January – June 2011, Exhibit 1) prepared by the Police Department, the proposed restaurant is located in Reporting District (RD) 112. Based on 2011 reported data prepared by the Police Department, the district had a total of 8 Part I crimes (criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson), and 7 felony and misdemeanor arrests. The Reporting District is considered a high crime area with a total of 15 Part I crimes and all arrests for other crimes reported between January and June 2011. 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 an expansion of the sale of beer and wine in conjunction with the operations of a restaurant. A request for a license expansion is required, because the applicant is increasing the area that is licensed for alcohol service. 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: 8:00 a.m. to 11:00 p.m. seven days a week.

On December 13, 2011, the Director of Planning and Building Safety approved an Administrative Use Permit application (EA No. 953, AUP No. 11-14) for 139-147 Main Street. The Director’s decision was forwarded to the Planning Commission on December 15, 2011. On December 15, 2011, the Planning Commission chose to Receive and File the Administrative Use Permit 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 an expanded Type 41 ABC license at 139-147 Main Street.
<table>
<thead>
<tr>
<th>REPORTING DISTRICT</th>
<th>PART I CRIMES</th>
<th>FELONY/MISD ARRESTS</th>
<th>TOTAL</th>
<th>AVERAGE BY RD PERCENTAGE +/-</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>4</td>
<td>14</td>
<td>18</td>
<td>+100%</td>
</tr>
<tr>
<td>102</td>
<td>4</td>
<td>5</td>
<td>9</td>
<td>0%</td>
</tr>
<tr>
<td>103</td>
<td>3</td>
<td>0</td>
<td>3</td>
<td>-67%</td>
</tr>
<tr>
<td>104</td>
<td>10</td>
<td>11</td>
<td>21</td>
<td>+133%</td>
</tr>
<tr>
<td>105</td>
<td>8</td>
<td>3</td>
<td>11</td>
<td>+22%</td>
</tr>
<tr>
<td>106</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>-89%</td>
</tr>
<tr>
<td>107</td>
<td>13</td>
<td>15</td>
<td>28</td>
<td>+211%</td>
</tr>
<tr>
<td>108</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>-44%</td>
</tr>
<tr>
<td>109</td>
<td>5</td>
<td>5</td>
<td>10</td>
<td>+11%</td>
</tr>
<tr>
<td>110</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-100%</td>
</tr>
<tr>
<td>111</td>
<td>11</td>
<td>5</td>
<td>16</td>
<td>+78%</td>
</tr>
<tr>
<td>112</td>
<td>8</td>
<td>7</td>
<td>15</td>
<td>+67%</td>
</tr>
<tr>
<td>113</td>
<td>7</td>
<td>4</td>
<td>11</td>
<td>+22%</td>
</tr>
<tr>
<td>114</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-100%</td>
</tr>
<tr>
<td>115</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>116</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>-78%</td>
</tr>
<tr>
<td>201</td>
<td>10</td>
<td>1</td>
<td>11</td>
<td>+22%</td>
</tr>
<tr>
<td>202</td>
<td>5</td>
<td>3</td>
<td>8</td>
<td>-11%</td>
</tr>
<tr>
<td>203</td>
<td>3</td>
<td>7</td>
<td>10</td>
<td>+11%</td>
</tr>
<tr>
<td>204</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>-56%</td>
</tr>
<tr>
<td>205</td>
<td>10</td>
<td>3</td>
<td>13</td>
<td>+44%</td>
</tr>
<tr>
<td>206</td>
<td>14</td>
<td>3</td>
<td>17</td>
<td>+89%</td>
</tr>
<tr>
<td>207</td>
<td>12</td>
<td>8</td>
<td>20</td>
<td>+122%</td>
</tr>
<tr>
<td>208</td>
<td>10</td>
<td>1</td>
<td>11</td>
<td>+22%</td>
</tr>
<tr>
<td>209</td>
<td>12</td>
<td>6</td>
<td>18</td>
<td>+100%</td>
</tr>
<tr>
<td>210</td>
<td>9</td>
<td>5</td>
<td>14</td>
<td>+56%</td>
</tr>
<tr>
<td>211</td>
<td>9</td>
<td>2</td>
<td>11</td>
<td>+22%</td>
</tr>
<tr>
<td>212</td>
<td>3</td>
<td>0</td>
<td>3</td>
<td>-67%</td>
</tr>
<tr>
<td>213</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>-78%</td>
</tr>
<tr>
<td>214</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-100%</td>
</tr>
<tr>
<td>301</td>
<td>9</td>
<td>10</td>
<td>19</td>
<td>+11%</td>
</tr>
<tr>
<td>302</td>
<td>10</td>
<td>0</td>
<td>10</td>
<td>+11%</td>
</tr>
<tr>
<td>303</td>
<td>0</td>
<td>5</td>
<td>5</td>
<td>-44%</td>
</tr>
<tr>
<td>304</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>-78%</td>
</tr>
<tr>
<td>305</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>-89%</td>
</tr>
<tr>
<td>306</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>-89%</td>
</tr>
<tr>
<td>307</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>-89%</td>
</tr>
<tr>
<td>308</td>
<td>17</td>
<td>14</td>
<td>31</td>
<td>+244%</td>
</tr>
<tr>
<td>309</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>-56%</td>
</tr>
<tr>
<td>310</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>-78%</td>
</tr>
<tr>
<td>311</td>
<td>6</td>
<td>1</td>
<td>7</td>
<td>-22%</td>
</tr>
<tr>
<td>312</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>-78%</td>
</tr>
<tr>
<td>313</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>-78%</td>
</tr>
<tr>
<td>314</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-100%</td>
</tr>
<tr>
<td>315</td>
<td>4</td>
<td>3</td>
<td>7</td>
<td>-22%</td>
</tr>
<tr>
<td>316</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>-78%</td>
</tr>
<tr>
<td>317</td>
<td>3</td>
<td>1</td>
<td>4</td>
<td>-56%</td>
</tr>
<tr>
<td>318</td>
<td>25</td>
<td>9</td>
<td>34</td>
<td>+278%</td>
</tr>
<tr>
<td>319</td>
<td>13</td>
<td>2</td>
<td>15</td>
<td>+67%</td>
</tr>
<tr>
<td>320</td>
<td>5</td>
<td>1</td>
<td>6</td>
<td>-33%</td>
</tr>
<tr>
<td>321</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td>-56%</td>
</tr>
<tr>
<td>322</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>-78%</td>
</tr>
<tr>
<td>323</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>-44%</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>290</strong></td>
<td><strong>177</strong></td>
<td><strong>467</strong></td>
<td></td>
</tr>
</tbody>
</table>

Number of Reporting Districts = 53  
Average # of Part I Crimes per Reporting District = 5  
Average # of Felony/Misdemeanor Part I Crime Arrests per Reporting District = 3  
Average # of Crimes and Arrests per Reporting District = 9  
(Results from 01/01/2011 through 06/30/2011)

**High Crime Area per B&P Code Section 23958.4 = >20%**
CITY OF EL SEGUNDO

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: December 15, 2011

SUBJECT: Environmental Assessment No. EA-953, Conditional Use Permit No. 11-12, Administrative Use Permit No. 11-14, and Architectural Design Review MISC 11-08

APPLICANT: Rock and Brews – David Furano

PROPERTY OWNER: Garden on Main, LLC – David Furano

REQUEST: A request to modify a Conditional Use Permit for outdoor live entertainment with dancing and amplified sound, to modify an Administrative Use Permit for onsite alcohol service, and for Architectural Design Review of a remodel, an addition, and an expansion of an outdoor dining area for a restaurant

PROPERTY INVOLVED: 139-147 Main Street

I. Introduction

The proposed project is a request for: 1) a modification to an Administrative Use Permit for the onsite sale and consumption of alcohol; 2) a modification to a Conditional Use Permit for outdoor entertainment including live bands, dancing, and amplified sound; and 3) Architectural Review for the expansion of the outdoor dining area of a restaurant located at 139-147 Main Street in the Main Street Transitional District (MSTD) of the Downtown Specific Plan (DSP). The Director made the necessary findings to grant an Administrative Use Permit for the on-site sale and consumption of alcohol and approved Administrative Use Permit on December 13, 2011 (see Exhibit B).
II. Recommendation

Planning Staff recommends that the Planning Commission: 1) review the facts and findings contained within this report, 2) adopt Resolution No. 2669 approving Environmental Assessment No. EA-953, Conditional Use Permit No. CUP 11-12, and Architectural Design Review MISC 11-08 with conditions; and 3) receive and file Administrative Use Permit No. AUP 11-14.

III. Background

The project site is located at the southwest corner of Franklin Avenue and Main Street in the Main Street Transitional District (MSTD) of the Downtown Specific Plan (DSP). It is comprised of five parcels (140' x 25' each) and a portion of a sixth lot (10' x 35') totaling 17,850 square feet. It is developed with a single-story, 1,470 square-foot restaurant building with 33 seats, and a 2,205 square-foot outdoor dining area with 72 seats. The restaurant building is located in the southeast corner of the property along Main Street and the existing outdoor dining area is directly north of the restaurant building and also faces Main Street. The northeast part site (corner of Main Street and Franklin Avenue) and the west part of the site are the restaurant's surface parking area which holds 20 parking spaces. Currently, the southeast part of the site is temporarily used as an outdoor dining area extension, subject to a Special Event Permit approved by the City.

Surrounding Land Uses

The subject site is surrounded by other commercial office, retail, and restaurant uses. The surrounding land uses are as follows:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Restaurant</td>
<td>Main Street Transitional District (MSTD)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Downtown Specific Plan (DSP)</td>
</tr>
<tr>
<td>East</td>
<td>Office and Brewery</td>
<td>Main Street Transitional District (MSTD)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Downtown Specific Plan (DSP)</td>
</tr>
<tr>
<td>South</td>
<td>Hair Salon</td>
<td>Main Street Transitional District (MSTD)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Downtown Specific Plan (DSP)</td>
</tr>
<tr>
<td>West</td>
<td>Art Studio, Banquet Hall, and Parking Lot</td>
<td>Richmond Street District (RSD)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Downtown Specific Plan (DSP)</td>
</tr>
</tbody>
</table>
Site Permit History

The existing restaurant has operated with different names and ownership for at least 50 years (Anthony's, Vinny's Pizza, and Rock and Brews). On August 6, 1996, the City approved an Administrative Use Permit (EA 396 and AUP 96-1) to extend the sale and consumption of beer and wine onsite (Type 41 ABC License) to the new outdoor dining area (See Exhibits C and D). The AUP also established the exact seating count (33 interior and 72 exterior) and limited the restaurant's hours of operation and alcohol service from 8:00 a.m. to 11:00 p.m. seven days a week.

On April 14, 2005, the Planning Commission adopted Resolution No. 2581, granting approval of Environmental Assessment No. EA-662 and Conditional Use Permit No. CUP 05-2 to allow live entertainment and dancing with amplified sound in the outdoor dining area (See Exhibit E). The Conditional Use Permit established the following conditions regarding the outdoor live entertainment:

1. Outdoor entertainment and dancing with amplified sound is prohibited on Mondays and Tuesdays, excluding holidays, and allowed on Wednesdays and Thursdays between the hours of 5:00 p.m. and 8:00 p.m., on Fridays and Saturdays between 1:00 p.m. and 10:00 p.m., and on Sundays between 11:30 a.m. and 8:00 p.m.

2. The applicant may seek a Temporary Use Permit in accordance with the ESMC for four events in a calendar year outside the scope of the restrictions in Condition No. 1 (e.g., New Years Eve Party).

Conditions in Resolution No. 2581 were also included for the purpose of muffling and directing the sound from the live entertainment away from residential and other sensitive uses. The resolution required a six month review of the CUP to verify compliance with all the conditions and to respond to concerns raised by the public at the public hearing in 2005.

On October 27, 2005, the Planning Commission reviewed the restaurant operations and adopted Resolution No. 2594 granting a minor modification to the conditions of approval regarding muffling the sound from live entertainment (See Exhibit F).

Project description

The proposed project is a request to modify the existing Administrative Use Permit for the sale and consumption of alcohol onsite and the existing Conditional Use Permit for the outdoor live entertainment with dancing and amplified sound. No changes are proposed to the hours of operation for service of alcohol (AUP 96-1) or to the hours when outdoor live entertainment is permitted (CUP 05-2). The project also includes a request for Architectural Design Review of the proposed physical changes to the restaurant building, outdoor dining, and parking area, which are outlined below.
Building remodel and addition

The following list summarizes the proposed changes to the existing 1,249 square-foot (net area) building:

- The interior dining area (484 square feet) and seating (33 seats) will be eliminated and replaced with a small arcade room with three arcade machines and an area for the food take-out operations.
- The existing public restrooms will be replaced by an employee changing room and restroom.
- The existing office area will be expanded from 35 square feet to 74 square feet.
- An existing outdoor service area (approximately 227 square feet) behind the restaurant will be enclosed and will contain an expanded food prep and storage area.
- The kitchen area will be expanded from 260 to 450 square feet.
- A new service area (240 square feet) and an audio/video room (44 square feet) will be added to the north side of the building, which faces the outdoor dining area.
- The collective proposed changes will add approximately 511 net square feet (569 gross square feet) to the building, which will increase the net floor area to 1,760 square feet.

Outdoor dining area remodel

The following list summarizes changes to the outdoor dining area:

- The originally approved outdoor dining area will be expanded to the north edge of the property (Franklin Avenue) and will increase in size from 2,205 to 3,090 square feet.
- An existing 145 square-foot outdoor bar area attached to the existing building will be removed and a new detached bar (246 square feet) will be constructed in the same area.
- A new cold storage and mechanical equipment room (185 square feet) will be constructed behind the new outdoor bar between the new bar and the parking lot.
- A new restroom building (352 square feet) will be constructed in the new portion of the outdoor dining area to replace the existing public restrooms inside the building that will be remodeled and restricted to employee use only. The restroom area will be separate and screened from the outdoor dining area by a 20-foot long wall that also provides the sinks from the men's and women's restroom.
- A new landscaped playground area will be constructed directly next to the new restrooms. The playground area and the arcade room inside the building will serve young children who accompany adult restaurant patrons.
- A new, 50 by 53.5-foot permanent canopy will cover most of the existing outdoor dining area adjacent to the restaurant building. The canopy will be of metal construction, have a gabled roof with a 3' by 12' pitch, and will face Main Street.
and the parking area to the rear. It will have a height of 26 feet, 9 inches to the top of the ridge.

- A new entrance to the outdoor dining area will be constructed at the corner of Main Street and Franklin Avenue, which will serve as a focal point for the restaurant. The entrance will have 8-foot tall double swing metal doors to match the existing entrance to the outdoor dining area along Main Street. The doors will be framed by a 14-foot tall metal cover of similar gabled-roof design as the outdoor dining area canopy.

- A new 3-foot tall wall with a smooth stucco finish, 7-foot, 2-inch columns, and non-reflective glass between the columns will be installed along the east and north sides of the new outdoor dining area. The proposed wall is designed to match the existing wall around the existing outdoor dining area facing Main Street.

Seating Layout
The interior dining area will be eliminated and the outdoor dining area will be expanded to 3,090 square feet. The following table summarizes the existing and proposed area and seating calculations in the outdoor dining area:

<table>
<thead>
<tr>
<th>RESTAURANT</th>
<th>DINING AREA</th>
<th>NUMBER OF SEATS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing</td>
<td>Proposed</td>
</tr>
<tr>
<td>Interior Dining Area</td>
<td>484 SF</td>
<td>0 SF</td>
</tr>
<tr>
<td>Covered Outdoor Dining</td>
<td>0 SF</td>
<td>1,490 SF</td>
</tr>
<tr>
<td>Uncovered Outdoor Dining</td>
<td>2,205 SF</td>
<td>1,600 SF</td>
</tr>
<tr>
<td>Total</td>
<td>2,689 SF</td>
<td>3,090 SF</td>
</tr>
</tbody>
</table>

* The high-top tables do not provide seating.

Parking area improvements
The existing parking area contains 20 parking spaces which are accessible only via the alley west of the property that is accessed from Franklin Avenue. These spaces do not conform with the current parking standards. The applicant proposes to redesign the parking area to conform to current parking standards. Specifically, the applicant proposes to re-grade the parking area to create two parking levels that will meet the maximum five percent (5%) slope limit in the ESMC. The first parking
level will be located directly behind the outdoor dining and restaurant building and will be accessible through a new driveway approach along Franklin Avenue. It will include 18 parking spaces, one loading space, 2 motorcycle spaces, and six bicycle spaces. It will also include a new trash enclosure behind the restaurant building and new landscaping along the street frontage and dispersed in the parking area.

The upper parking level will take access from the alley to the west of the property with vehicles backing out onto the alley. It will include 13 standard parking spaces and two motorcycle spaces. It will also include landscaping at the northwest corner, near the intersection of the alley with Franklin Avenue.

IV. ANALYSIS

CONDITIONAL USE PERMIT

The proposed project is a request to modify an existing Conditional Use Permit (CUP) for outdoor live entertainment with dancing and amplified sound to address the physical changes proposed for the site. A CUP is required pursuant to Downtown Specific Plan §VI(B)(5)(b) and §VI(B)(5)(c). 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 that 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.

1) Compatibility

Restaurants are a permitted use and outdoor dining is a permitted accessory use in the Main Street Transitional District (MSTD) of the Downtown Specific Plan (DSP). There are several restaurants with outdoor dining areas in the immediate vicinity of the subject property. 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 uses on site and the retail, restaurant, and office uses in the surrounding area. These uses are customarily located to serve the dining needs of local employees and residents. Currently, the restaurant has a CUP that allows outdoor entertainment and amplified sound in the existing outdoor dining area. The applicant is requesting an expansion of the outdoor dining area and the area where outdoor entertainment with dancing and amplified sound is allowed. No change is proposed to the hours of operation or the hours when outdoor entertainment with dancing and amplified sound is allowed. As a result, the proposed use will remain compatible with the surrounding existing and potential uses.
2) Zoning Consistency

The proposed outdoor expansion and remodel of the area where outdoor live entertainment with dancing and amplified sound is proposed is a permitted use within the Main Street Transitional District (MSTD) subject to a conditional use permit. The following chart contains the development standards for the Main Street Transitional District (MSTD):

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>MAIN STREET TRANSITIONAL DISTRICT (MSTD) STANDARDS</th>
<th>PROPOSED PROJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Uses</td>
<td>DSP §VI(B)(2)(a)(ii): Restaurants</td>
<td>Restaurant.</td>
</tr>
<tr>
<td>permitted accessory uses</td>
<td>DSP §VI(B)(3)(e): Outdoor dining, subject to design review and compliance with ESMC §15-2-16 - Outdoor Dining Areas</td>
<td>3,090 square-foot outdoor dining area.</td>
</tr>
<tr>
<td>Uses Subject to an Administrative Use Permit</td>
<td>DSP §VI(B)(4)(a): On-site sale and consumption of alcohol at restaurants</td>
<td>Type 41 ABC License for On-site sale and consumption of alcohol.</td>
</tr>
<tr>
<td>Uses Subject to a Conditional Use Permit</td>
<td>DSP §§VI(B)(5)(b), and VI(B)(5)(c): Outdoor entertainment and dancing, and Outdoor amplified sound, which exceeds more than four single events in one calendar year</td>
<td>Outdoor entertainment with dancing and amplified sound.</td>
</tr>
<tr>
<td>General Provisions</td>
<td>DSP §VI(B)(7)(a): i) All uses shall be conducted within a fully enclosed building, except the outdoor uses detailed under Permitted, Accessory, Administrative and Conditional Uses, and Outdoor Recreational uses.</td>
<td>The proposed outdoor dining and outdoor entertainment with dancing and amplified sound are among the permitted accessory uses and the uses subject to a Conditional Use Permit.</td>
</tr>
<tr>
<td>Lot Area;</td>
<td>DSP §VI(B)(7)(b): Minimum of 3,500 square feet for new lots.</td>
<td>The site consists of five 3,500 square-foot lots and a 350 square-foot portion of a sixth lot. No new lots are proposed.</td>
</tr>
<tr>
<td>Height</td>
<td>DSP §VI(B)(7)(c):</td>
<td>One story, 26 feet, 9 5/16 inches. (Complies)</td>
</tr>
<tr>
<td>--------</td>
<td>------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>i) 45 feet measured vertically from the existing grade at the front and street side property lines to the peak or the highest point of the structure</td>
<td></td>
</tr>
<tr>
<td>Setbacks</td>
<td>DSP §VI(B)(7)(d):</td>
<td>Front: 0 feet (existing building and proposed canopy). (Complies)</td>
</tr>
<tr>
<td></td>
<td>i) Front and street side: Zero setback required, except pedestrian-oriented plazas or architectural features, up to 10 feet in depth subject to design review.</td>
<td>Street Side: 4 feet (New restroom building). (Complies)</td>
</tr>
<tr>
<td></td>
<td>ii) Side and Rear: Zero setback allowed.</td>
<td>Side (south): 0 feet. (Complies)</td>
</tr>
<tr>
<td>Lot Width</td>
<td>DSP §VI(B)(7)(e):</td>
<td>Rear: 73 feet, 3 inches. (Complies)</td>
</tr>
<tr>
<td></td>
<td>Minimum of 25 feet for new lots.</td>
<td></td>
</tr>
<tr>
<td>Building Area (Density)</td>
<td>DSP §VI(B)(7)(f):</td>
<td>The site consists of five 25-foot wide lots and a 10-foot wide portion of a sixth lot. No new lots are proposed. (Complies)</td>
</tr>
<tr>
<td></td>
<td>The total net “floor area” of all buildings shall not exceed the total net square footage of the property or a Floor Area Ratio, FAR, of 1.0:1.</td>
<td>The required net floor area is 17,850 square feet x 1.0 = 17,850 square feet. (Complies - Legal Nonconforming)</td>
</tr>
<tr>
<td>Walls and Fencing</td>
<td>DSP §VI(B)(7)(g) and ESMC §15-2-4:</td>
<td>The proposed net floor area is 2,200 square feet or 0.12 FAR. (Complies)</td>
</tr>
<tr>
<td></td>
<td>Wall, fence and hedge heights in nonresidential zones shall be subject to the approval of the Director of Planning and Building Safety</td>
<td>7-foot, 6-inch perimeter fencing. (Complies)</td>
</tr>
<tr>
<td>Access</td>
<td>DSP §VI(B)(7)(h): Safe and convenient pedestrian access shall be provided between buildings and sidewalks, or modes of transportation, and between buildings for multi-building projects.</td>
<td>The project provides a four to seven-foot wide sidewalk along north property line facing Franklin Avenue, a 12 to 17-foot sidewalk along the east property line facing Main Street. In addition, there is adequate access within the outdoor dining area and between it and the parking area, including a sloped walkway and a lift for disabled persons. (Complies)</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Landscaping</td>
<td>DSP §VI(B)(7)(i) and ESMC §15-2-14(B): 1. A minimum of five percent (5%) of all surface vehicular use areas (VUA).</td>
<td>Required VUA landscaping: 9,099 square feet x 5% = 454.95 square feet Provided VUA landscaping: 573 square feet (Complies)</td>
</tr>
<tr>
<td>Parking</td>
<td>DSP §VII(3)(b)(iii) and ESMC §15-15-6(A): <strong>Full service restaurants:</strong> 1 space for each 75 square feet of dining area, including outdoor dining areas (parking for outdoor dining areas is required only for the portion that exceeds 200 square feet or 20 percent of the indoor dining area, whichever is less), and 1 space for each 250 square feet of non-dining areas.</td>
<td><strong>Outdoor dining area:</strong> 3,090 square feet – 200 square feet = 2,890 square feet Required: 2,890/75= 38.53 spaces <strong>Non-dining area:</strong> 2,200 square feet (Indoor Area) Required: 2,200/250= 8.8 spaces Total Required: 47 Total Provided: 47 (31 onsite, 16 in-lieu) (Complies)</td>
</tr>
<tr>
<td>Loading</td>
<td>DSP §VII (6): Commercial Uses: 1-15,000 square feet – 0 spaces</td>
<td>One 12’ x 15’ loading space for a 2,200 square-foot restaurant (Complies)</td>
</tr>
</tbody>
</table>

**Parking:**
The proposed restaurant remodel and the outdoor dining area expansion will require 47 parking spaces. The applicant proposes to reconfigure the existing parking area to provide 31 standard parking spaces on site. In addition, the applicant will pay parking in-lieu fees for an additional 16 spaces. Pursuant to Downtown Specific Plan Chapter VII, Section 3, subsection c. (ii), “the number of parking spaces required by this chapter due to the addition of floor area to an existing building or the construction of a new building may be reduced by the payment of a parking in-
lieu fee." Therefore, the applicant will meet the minimum requirements for parking spaces. The applicant will also provide six new bicycle spaces and four new motorcycle spaces to accommodate patrons and employees that visit the site using alternative transportation means.

3) Impacts:

The proposed expansion of the outdoor dining and outdoor entertainment area will not be detrimental to the public health, safety or welfare. The restaurant is located in an urbanized area with a mixture of commercial and residential uses.

Noise is an impact associated with outdoor entertainment. This restaurant utilized a Conditional Use Permit for outdoor entertainment and dancing with amplified sound for six years without a significant impact. Outdoor entertainment and dancing with amplified sound is currently prohibited on Mondays and Tuesdays, excluding holidays, and allowed on Wednesdays and Thursdays between the hours of 5:00 p.m. and 8:00 p.m., on Fridays and Saturdays between 1:00 p.m. and 10:00 p.m., and on Sundays between 11:30 a.m. and 8:00 p.m. The applicant is not proposing to change the hours when outdoor entertainment is allowed or any of the operational conditions in the existing Conditional Use Permit. The general hours of operation for the restaurant and the outdoor dining, including alcohol service, are from 8:00 a.m. to 11:00 p.m. seven days a week. Any change to the hours of operation or the hours when outdoor entertainment is allowed 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 Main Street Transitional District (MSTD), and it will have less than significant impacts on the surrounding properties and the environment.

FINDINGS:

Pursuant to ESMC §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. 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.
ADMINISTRATIVE USE PERMIT

Findings for Administrative Use Permits

The Director of Planning and Building Safety may grant an Administrative Use Permit upon making the findings in ESMC §15-22-5. Staff believes that there is adequate evidence to support the required Administrative Use Permit findings subject to the listed conditions of approval in the attached approval letter dated December 12, 2011.

ARCHITECTURAL REVIEW

The primary change to the property design will be the construction of a 50' x 53.5' permanent canopy over a portion of the outdoor dining area. The canopy will have a gabled roof, it will be open on the sides, but have metal cladding along the top part of each elevation and around each of the support posts. The new restrooms and the existing restaurant building will use the same metal cladding along the top parts of their façades to match the main canopy. All the buildings (including the existing restaurant, its additions, the restrooms and the new cold storage room) will use smooth stucco to match the perimeter wall around the outdoor dining area. All the buildings on the property and the perimeter wall will use the same red color and a black horizontal strip detail with a guitar emblem.

Another improvement will be to create a focal point at the entrance to the outdoor dining area at corner of the property. The new entrance will be framed by a metal cover that will be gabled and use metal cladding matching the appearance of the new patio canopy. In addition, all the entrances to the outdoor dining area and the new entrance to the lower parking level on Franklin Avenue will be treated with decorative paving, which will be subject to review and approval of the Director of Planning and Building Safety. Furthermore, the parking area will be reconfigured, repaved, and landscaped with approximately 573 square feet, and a new trash enclosure will be constructed adjacent to the restaurant building to screen the existing trash bins. Finally, the project will widen the sidewalks on Main Street and Franklin Avenue to improve pedestrian circulation around the property. Along Main Street, the applicant will remove existing raised planters that were originally constructed without permits within the public right-of-way. Along Franklin Avenue, the applicant will set the perimeter wall back two feet from the property line in order to widen the sidewalk and/or plant additional landscaping. The paving and landscaping along this portion of the site will be subject to review and approval of the Director of Planning and Building Safety.

To approve the subject Architectural Design Review request, the Planning Commission must find that the project is consistent with the Design Standards of the Downtown Specific Plan (DSP). Staff believes that the project is consistent with the design standards in DSP § VIII(A)(1) regarding Site Development and Planning
as set forth in the draft Resolution.

The Commission must also determine that the project design, colors, and materials are consistent with DSP §VIII(A)(4) regarding Architecture. DSP §VIII(A)(4) requires new projects to be consistent with the variety of architectural styles in the Downtown, which span the entire 20th century. New projects must relate to the existing scale, rhythm, design, and character of Downtown and retain its charm and other-century feel.

V. GENERAL PLAN CONSISTENCY

The General Plan land use designation for the site is Downtown Specific Plan and is consistent with the current zoning designation which is Main Street Transitional District (MSTD). 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 have been incorporated in the conditions of approval for the project.

VII. ENVIRONMENTAL REVIEW

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations §15301 as a Class 1 categorical exemption (Existing Facilities); §15303 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures); §15304 as a Class 4 categorical exemption (Minor Alterations to Land); §15311 as a Class 11 categorical exemption (Accessory Structures); and §15332 as a Class 32 categorical exemption (In-Fill Development Projects). The project involves interior remodeling and an addition of less than fifty percent (50%) of floor area to an existing restaurant building, and an expansion of the restaurant’s outdoor dining and entertainment area. In addition, the existing permit for on-site sale and consumption of beer and wine will extend to the proposed dining and entertainment area expansion. The project involves construction of a new accessory storage room, restrooms, an outdoor canopy, and extension of an existing perimeter wall. It also involves grading and reconstruction of the existing parking lot and installation of new landscaping in the parking area and the property perimeter. The project site is approximately 17,850 square feet, it is located in an urbanized area, and is surrounded by similar and compatible uses. It is consistent with its general plan and zoning designations, the permitted uses and the development standards of the Main
Street Transitional District (MSTD), and the design standards of the Downtown Specific Plan (DSP). The site is currently developed with a restaurant building, an outdoor dining and entertainment area, and a parking lot and thus, has no value as a habitat for endangered, rare or threatened species. As a result, 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. 2713, approving Environmental Assessment No. EA-953, Conditional Use Permit No. CUP 11-12, and Architectural Design Review MISC 11-08, with conditions based upon the findings as contained in this report; and 2) Receive and File Administrative Use Permit No. AUP 11-14.

V. EXHIBITS

A. Draft Resolution No. 2713
B. Administrative Use Permit Approval Letter, dated December 13, 2011
C. City Council Staff Report Dated September 17, 1996 with Attachments
D. Administrative Use Permit No. AUP 96-1 Approval Letter Dated August 6, 1996
E. Planning Commission Staff Report Dated April 14, 2005 with Attachments including Resolution No. 2581
F. Planning Commission Staff Report Dated October 27, 2005 with Attachments including Resolution No. 2594
G. 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
December 13, 2011

David Furano
Garden on Main, LLC
149 Standard Street
El Segundo, CA 90245

RE: Environmental Assessment No. EA-953 and Administrative Use Permit (AUP) No. 11-14
On-Site Sale and Consumption of Beer and Wine (Type 41 State of California Alcoholic Beverage Control License) in Conjunction with the Operation of an existing restaurant with 3,090 square-foot outdoor dining area (Rock and Brews)
Address: 139 – 147 Main Street
El Segundo CA

Dear Mr. Furano:

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-953 and Administrative Use Permit No. 11-14 for the on-site sale and on-site consumption of beer and wine at 139-147 Main Street. 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-953

Finding 1

- The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations §15301 as a Class 1 categorical exemption (Existing Facilities); § 15303 as a Class 3 categorical exemption (New Construction or Conversion of Small Structures); § 15304 as a Class 4 categorical exemption (Minor Alterations to Land); § 15311 as a Class 11 categorical exemption (Accessory Structures); and §15332 as a Class 32 categorical exemption (In-Fill Development Projects).

Facts in Support of Finding 1

1. The applicant proposes to extend existing permit for the sale of beer and wine for on-site consumption into the expanded outdoor dining area of an existing restaurant. The existing restaurant currently is approximately 1,249 net square feet and has an indoor dining area of 484 square feet and an outdoor dining area of 2,205 square feet. The proposed project includes a 511 square-foot addition and remodeling of the existing building that will eliminate the indoor dining area. In addition, the restaurant's outdoor dining area will increase to 3,090 square feet. The project also involves construction of a new 270 gross square-foot bar and cold storage building, a new 570 gross square-foot restroom building, and a new 2,675 square-foot canopy in the 3,090 square-foot outdoor dining and entertainment area.

2. The project involves grading and re-configuration of the existing parking area to increase the number of parking spaces provided onsite from 20 to 31. The applicant will also pay parking in-lieu fees for an additional 16 parking spaces to meet the minimum ESMC and DSP parking requirements.

3. The project involves design improvements to the exterior of the existing, building, the perimeter wall, the main entrance to the outdoor patio, the paving, and landscaping on the site.

4. The project site is approximately 17,850 square feet; is located in an urbanized area; and is surrounded by similar and compatible uses. It is consistent with its general plan and zoning designations, the permitted uses and the development standards of the Main Street Transitional District (MSTD), and the design standards of the Downtown Specific Plan (DSP). The site is currently developed with a restaurant, an outdoor dining and entertainment area, and a parking lot. Consequently, it is improbable as a habitat for endangered, rare or threatened species. As a result, 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.

Administrative Use Permit 11-14

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 an expanded outdoor dining and entertainment area of an existing restaurant. The existing restaurant is located in the Main Street Transitional District in the Downtown Specific Plan (DSP) at 139-147 Main Street. The existing restaurant currently is approximately 1,249 net square feet and has an indoor dining area of 484 square feet and an outdoor dining area of 2,205 square feet. The proposed project includes a 511 square-foot addition and remodeling of the existing building that will eliminate the indoor dining area. In addition, the restaurant's outdoor dining area will increase to 3,090 square feet. Alcohol service will only occur in the 3,090 square-foot outdoor dining and entertainment area. The project also involves construction of a new 270 gross square-foot cold storage building, a new 570 gross square-foot restroom building, and a new 2,675 square-foot canopy in the outdoor dining and entertainment area. The outdoor area will contain 180 seats and spaces. The outdoor dining area is proposed at the northeast corner of the property along Main Street and Franklin Avenue.

2. The minimum number of required parking spaces for the restaurant and patio is 47 parking stalls. The applicant will provide 31 parking spaces onsite and will pay parking in-lieu fees for an additional 16 spaces.

3. The General Plan Land Use designation for the site is Downtown Specific Plan. This land use designation permits a mix of office, commercial, retail, and related recreational uses. The proposed restaurant with outdoor dining, onsite sale and consumption of alcohol, and outdoor entertainment with dancing and amplified sound is consistent with this designation in that it is similar to and compatible with the uses permitted in the Downtown Specific Plan area.

4. The surrounding land uses include: commercial retail sales and services, restaurants, art studios, banquet halls, and office uses. These uses are permitted in the DSP and the proposed restaurant will be similar and compatible with them.
5. The site is located in the Main Street Transitional District (MSTD) of the DSP. Restaurants are a permitted use and outdoor dining is a permitted accessory use, subject to design review in the MSTD.

6. An Administrative Use Permit is required for on-site sale and consumption of alcohol at restaurants in the MSTD.

7. The restaurant must obtain a State of California Alcohol and Beverage Control (ABC) license for on-site sale and consumption of alcohol (Type 47).

8. On December 15, 2011, the El Segundo Planning Commission is scheduled to consider receiving and filing the Administrative Use Permit request.

Finding 2

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

Facts in Support of Finding 2

1. The General Plan Land Use designation for the site is Downtown Specific Plan.

2. The site is located in the Main Street Transitional District (MSTD) of the DSP. Restaurants are a permitted use and outdoor dining is a permitted accessory use, subject to design review in the MSTD.

3. The purpose of the MSTD is to serve as a transition and gateway between the Chevron refinery and the Downtown Core. The proposed project helps serve this purpose in that it is consistent with the district’s design and development standards, and it is compatible with the existing mixture of commercial uses serving the residents, local employees and visitors to the City. The project is consistent with the height and scale of development in the area, it meets the setback and perimeter wall requirements, and it provides additional landscaping and parking onsite to meet the MSTD minimum requirements. The proposed sale and consumption of beer and wine in conjunction with a restaurant with outdoor dining and entertainment with amplified sound is compatible with other restaurants, commercial, and residential uses in the area.

4. The surrounding land uses include: commercial retail sales and services, restaurants, art studios, banquet halls, and office uses. These uses are permitted in the DSP and the proposed restaurant will be similar and compatible with them.
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 zoning designation for the subject site is Main Street Transitional District (MSTD) in the Downtown Specific Plan. This district allows on-site sale and consumption of alcohol at restaurants subject to an administrative use permit.

2. Under the existing Administrative Use Permit No. AUP 96-1, the restaurant has sold beer and wine for on-site consumption since 1996.

3. The proposed project will expand the existing outdoor dining and alcohol service area to 3,090 square feet. This area will extend from the restaurant building on the southeast to the northeast corner of the site at the intersection of Main Street and Franklin.

4. The applicant will maintain the same operation restrictions under the existing administrative use permit, including the hours of operation and alcohol service.

5. The restaurant and outdoor dining area hours of operation are limited from 8:00 a.m. to 11:00 p.m. seven days a week. The hours of alcohol service will be the same hours as the restaurant and outdoor dining area. The restaurant will be required to meet the noise and vibration requirements of ESMC § 7-2-1. The proposed hours are similar to other businesses in the immediate vicinity. Therefore, the proposed restaurant, including the outdoor dining area will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Finding 4

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

Facts in Support of Finding 4

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

2. The restaurant and outdoor dining area hours of operation are limited from 8:00 a.m. to 11:00 p.m. seven days a week. The hours of alcohol service will be the
same hours as the restaurant and outdoor dining area. The proposed restaurant is located in a predominantly commercial area that is not immediately adjacent to any residential uses, which will minimize noise impacts on sensitive uses.

3. Alcohol service will only occur in the 3,090 square-foot outdoor dining and entertainment area.

4. The proposed restaurant will provide adequate parking on-site and through the payment of parking in-lieu fees. In addition, the restaurant is located on the ground level at the intersection of Main Street and Franklin Avenue, which will make it accessible by pedestrians on site and limit the vehicular traffic to and from the site.

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 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 restaurant and outdoor dining area hours of operation are limited from 8:00 a.m. to 11:00 p.m. seven days a week. The hours of alcohol service will be the same hours as the restaurant and outdoor dining area. Food service must be available in the outdoor dining area 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 is limited to 180 seats, including 10 bar seats.

3. Alcohol service will only occur in the 3,090 square-foot outdoor dining and entertainment area.
4. 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.

5. Any subsequent changes to the floor plan, seating count, or areas where alcohol will be served must be reviewed and approved to the satisfaction of the Director of Planning and Building Safety.

6. 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 47 license.

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

8. 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.

9. 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.

10. 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.

11. 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.

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

13. 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.

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

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

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

   c. The ABC-licensed proprietors must have confirmed with the Planning and Building Safety Department within fifteen (15) days of the 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.

15. 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.

16. 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.

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

18. The building cannot be occupied by more persons than allowed by the California Building Code, as adopted by the ESMC.

19. The building and any outdoor seating must comply with the applicable requirements of the 2010 California Building and Fire Code, and the 2009 International Fire Code, as adopted by the ESMC, and with El Segundo Fire Department Regulations, including disabled access compliance.
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. 953 or Administrative Use Permit No. 11-14. 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-953 or AUP 11-14, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.

PLANNING COMMISSION

This determination is scheduled to be received and filed by the Planning Commission at its December 15, 2011 meeting. Please be advised that this does not conclude the review process. The City Council will determine whether or not to protest the issuance of the ABC License (Type 41) at its meeting on January 17, 2011.

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

Sincerely,

[Signature]

Kimberly Christensen, AICP, Acting Director
Department of Planning and Building Safety
AGENDA DESCRIPTION:

Consideration and possible action to approve continuation of the steps necessary to complete the emergency repair and replacement of the netting and poles at "The Lakes" Golf Course Driving Range. (Fiscal Impact: $420,000.00)

RECOMMENDED COUNCIL ACTION:

1. Approve the continuation of the steps necessary to complete the emergency repair and replacement of the netting and poles at "The Lakes" Golf Course Driving Range, or

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

ATTACHED SUPPORTING DOCUMENTS:

FISCAL IMPACT: Budget Adjustment Requested

| Amount Budgeted: | $0 |
| Additional Appropriation: Yes | $287,000 was appropriated by Council on December 6, 2011; an additional $20,000 is being requested. |

Account Number(s): Continuing Appropriations: 503-400-5301-8104 ($43,000); 503-400-5302-6215 ($9,500); 503-400-5307-6215 ($10,500); FY 11-12: 503-400-5301-8104 ($60,000); 601-400-5301-8104 ($45,000); 405-400-0000-6215 ($139,000)

ORIGINATED BY: Stephanie Katsouleas, Public Works Director

REVIEWED BY: Bob Cummings, Parks and Recreation Director

APPROVED BY: Doug Willmore, City Manager

BACKGROUND AND DISCUSSION:

On December 6, 2011, City Council adopted Resolution No. 4765 and authorized staff to proceed with the repair and replacement of "The Lakes" Golf Course Driving Range netting and poles that were damaged in the November 30th wind storm. After receiving three spot bids, selecting the low bidder and negotiating scope of work and contract terms, staff awarded a contract to Judge Netting for $409,300 on December 22, 2011. Staff is requesting an additional contingency of $10,700 for unforeseen circumstances during construction. Judge netting has already placed its order for materials and submitted construction plans to the City’s Planning and Building Safety Department for review and approval. Once plans are approved and the materials arrive, Judge Netting will begin installation of the new netting and poles. The company estimates it will be completed with the job before the end of January.

Please note that Resolution No. 4765 requires that staff provide a status update at each City Council meeting until the repair is completed and that City Council determine, by four-fifths vote, that there is a need to continue repair work. Staff recommends that the City Council authorize this emergency repair until it is completed.
AGENDA DESCRIPTION:

Consideration and possible action to adopt Ordinance No. 1468 approving new Class Specifications for the at-will positions of Director of Community Services and City Librarian, and reorganization of the Library Department and the Recreation and Parks Department into the Community Services Department. (Fiscal Impact: $0)

RECOMMENDED COUNCIL ACTION:

1. Second reading by title only and adopt ordinance No. 1468; or
2. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Ordinance No. 1468

FISCAL IMPACT: $0

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

PREPARED BY: REVIEWED BY: APPROVED BY: Doug Willmore, City Manager

BACKGROUND & DISCUSSION:

On December 20, 2011, City Council introduced an Ordinance approving new Class Specifications for the at-will positions of Director of Community Services and City Librarian, and the reorganization of the Library Department and the Recreation and Parks Department into the Community Services Department.

If Ordinance is adopted without any changes, Ordinance No. 1468 will become effective in 31 days.
ORDINANCE NO. 1468

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE §§ 1-6-3, 1-6-4, AND 1-6-5 REGARDING CITY DEPARTMENTS AND DEPARTMENT DIRECTORS.

The city council of the City of El Segundo does ordain as follows:

SECTION 1: ESMC § 1-6-3 is amended in its entirety to read as follows:

"Sec. 1-6-3: CITY DEPARTMENTS:

Effective February 17, 2012, the organization of city government consists of the following departments:

City administration
Finance department
Community services department
Fire department
Human resources department
Planning and building safety department
Police department
Public works department"

SECTION 2: ESMC § 1-6-4 is amended in its entirety to read as follows:

"1-6-4: EXCLUSIONS:

Those officers and members of departments in addition to department heads and elected officers who are expressly excluded from the merit system are:

Assistant city manager
City attorney
City engineer
City librarian
City manager
Construction coordinator
Economic development analyst
Economic development manager
Property owner coordinator
Senior executive assistant"

SECTION 3: ESMC § 1-6-5 is amended in its entirety to read as follows:
"Sec. 1-6-5: DEPARTMENT HEADS:

For the purpose of this chapter and for the purpose of initiative ordinance 586 and for the purpose of ordinances expanding the coverage of initiative ordinance 586, and not by way of limitation, effective February 17, 2012, the term "department head" includes:

Assistant city manager
Chief of police
City manager
Director of finance
Director of human resources
Director of community services
Director of planning and building safety
Director of public works
Fire chief."

SECTION 4: All references in the ESMC to the “director recreation and parks” or “recreation and parks director” mean the “director of community services.”

SECTION 5: Repeal of any provision of the ESMC herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 6: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 7: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.
SECTION 8: This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED AND ADOPTED this 17th day of January, 2012.

Eric Busch, Mayor

ATTEST:

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

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 1468 was duly introduced by said City Council at a regular meeting held on the 20th day of December, 2011, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 17th day of January, 2012, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cindy Mortesen, City Clerk

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

By: Karl H. Berger, Assistant City Attorney

Page 3 of 3
AGENDA DESCRIPTION:

Consideration and possible action to award a standard Public Works Contract to the lowest responsible bidder, United Paving Company, Inc. for the Maryland Street Improvement Project from Mariposa Avenue to Palm Avenue. Project No.: PW 11-12. (Fiscal Impact: $153,000)

RECOMMENDED COUNCIL ACTION:

1. Waive minor irregularities in the bid received from United Paving Company, Inc.
2. Authorize the City Manager to execute a standard Public Works Contract in a form as approved by the City Attorney with United Paving Company, Inc., in the amount of $138,486.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Location Map

FISCAL IMPACT: Included in Adopted Budget

Amount Requested: $153,000
Additional Appropriation: No
Account Number(s): 106-400-8203-8986

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

BACKGROUND AND DISCUSSION:

The City Council approved plans and authorized staff to-advertise a project for the Pavement Rehabilitation of Maryland Street between Mariposa Ave. and Palm Ave. On December 14, 2011, the City Clerk received and opened nine (9) bids as follows:

1. United Paving Company $138,486.00
2. Palp, Inc. dba Excel Paving Company $163,026.00
3. Nobest, Incorporated $163,037.00
4. Terra Pave, Inc. $169,273.50
5. Hardy & Harper, Inc. $177,000.00
6. All American Asphalt $183,000.00
7. Silvia Construction, Inc. $183,648.00
8. Padilla Paving $187,767.92
9. Shawnan $194,623.50
The second lowest bidder, Palp, Inc. dba Excel Paving Company submitted a protest letter indicating that the lowest bidder United Paving Company, Inc. bid was nonresponsive based on their lack of acknowledgement of addendum No. 3 in their bid package. Staff, in consultation with the City Attorney, reviewed both items and found that these were minor irregularities that the City Council could waive. Staff has contacted references of the lowest responsible bidder and has received favorable responses.

The proposed project will replace the existing rolled curbs with a standard 6” curb and 12” gutter, and includes construction of new sidewalks, driveway approaches, concrete cross gutter and two handicap ramps. The proposed project also includes replacement of the southerly 350’ of the street pavement and overlay of the remaining pavement areas between Mariposa and Palm Avenues.

The total amount ($153,000) requested includes the contract amount and an additional $14,514 for construction related contingencies. This project is fully funded through a grant allocation from State Proposition 1B. City staff will provide inspection and construction management for this project.
AGENDA DESCRIPTION:

Consideration and possible action regarding adoption of Plans and Specifications for Installation of Fiber Optic Cable (Phase 2 for future I-Net connection) for non-City Hall City Facilities, Project No. PW 11-13. Approved Capital Improvement Project. (Fiscal Impact: $130,000.00)

RECOMMENDED COUNCIL ACTION:

1. Adopt Plans and Specifications.
2. Authorize staff to advertise the project for receipt of Construction Bids.
3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

Location Map

FISCAL IMPACT: Included in Adopted Budget

Amount Budgeted: $130,000.00
Additional Appropriation: No $
Account Number(s): 301-400-8201-8497

ORIGINATED BY: Arianne Bola, Engineering Associate & Maryam Jonas, Principal Engineer
REVIEWED BY: Stephanie Katsouleas, Public Works Director
APPROVED BY: Doug Willmore, City Manager

BACKGROUND AND DISCUSSION:

On August 2, 2011, the City Council adopted Plans and Specifications for and authorized staff to proceed with a project to complete the installation 2-inch and 4-inch PVC conduits so that all City facilities could receive fiber connectivity. The completion of the conduit installation is nearing completion and thus staff recommends that City Council adopt Plans and Specifications for the next phase of the project, which includes the installation of ducts, cables, fiber optic wires, fiber optic termination units and termination of fiber optic wires.

Once the project is completed, all City facilities, including the Library, Recreation Park, the Water Department and Maintenance Yard will be connected to City Hall through fiber. The connections will greatly improve the connection speed between the outlying areas and the City’s main frame computers. It will also lay the foundation for moving away from using individual hard drives and toward hosting a City-wide centralized hard drive with satellite terminals, which in turn will reduce the future need for individual computer upgrades and replacements.