



PLANNING COMMISSION AGENDA May 26, 2022

**PUBLIC ADVISORY:
THE CITY COUNCIL CHAMBER IS NOW OPEN TO THE PUBLIC.**

How Can Members of the Public Observe the Meeting?

The meeting may be viewed via Spectrum Channel 3 and 22, AT&T U-verse Channel 99, and/or El Segundo TV at YouTube.com.

How Can Members of the Public Participate in the Meeting and/or Provide Public Comments?

For Public Communications, members of the public may provide comments in the Lobby and/or Council Chamber. For in person comments, please fill out a Speaker Card located in the Chamber Lobby. *The time limit for comments is five (5) minutes per person. Before speaking to the Commission, please state: your name and residence or the organization you represent. Please respect the time limits.*

Members of the public may also provide comments electronically by sending an email to the following address prior to the start of the meeting: planning@elsegundo.org. ***Please include the meeting date and item number in the subject line.*** If you would like to request that your emailed comment be read into the record, please include that request at the top of your email, limit your comments to 150 words or less, and email your comments at least 30 minutes prior to the start of the meeting. Depending on the volume of communications, the emails may be read to Commission at the appropriate time. Please note that all emailed comments are public records subject to disclosure under the Public Records Act.

Additional Information:

Unless otherwise noted in the agenda, the public can only comment on City-related business that is within the jurisdiction of the Planning Commission 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 Planning Commission, please state your name and residence and the organization you represent, if desired. Please respect the time limits.*

DATE: Thursday May 26, 2022

TIME: 5:30 p.m.

PLACE: City Council Chambers, City Hall
350 Main Street, El Segundo, CA 90245

VIDEO: El Segundo Cable Channel 3 (Live).
Replayed Friday following Thursday's meeting
at 1:00 pm and 7:00 pm on Channel 3.
(Schedule subject to change)

All files related to this agenda are available for public review by appointment in the Planning Division office, Monday through Thursday 7:00 am to 5:00 pm and on Fridays until 4:00 pm, beginning at 7:00 am on the Monday prior to the Planning Commission meeting.

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

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

Playing of video tapes or use of visual aids may be permitted during meetings if they are submitted to the Planning and Building Safety Director a minimum of two working days before the meeting and they do not exceed five minutes in length. Written materials distributed to the Planning Commission within 72 hours of the Planning Commission meeting are available for public inspection immediately upon distribution in the Development Services Department and on the City's website, www.elsegundo.org.

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

- A. **Call to Order**
- B. **Pledge of Allegiance**
- C. **Roll Call**
- D. **Public Communications** (Related to items on the agenda only—5 minutes per person; 30 minutes total). Individuals who received value of \$50 or more to communicate to the Planning Commission on another’s behalf, and employees speaking on their employer’s behalf, must so identify themselves before addressing the Commission. Failure to do so is a misdemeanor. While all comments are welcome, the Brown Act does not allow the Commission to discuss, deliberate, or take action on any item not on the agenda. The Commission may respond to comments after public communications is closed.
- E. **Written Communications** (other than what is included in agenda packets)
- F. **Consent Calendar**
All items are to be adopted by one motion without discussion. If a request for discussion of an item is made, the items should be considered individually under the next agenda heading.
 - 1. **Approval of the Planning Commission Meeting Minutes:**
 - April 28, 2022
 - February 28, 2019
 - January 24, 2019

RECOMMENDED ACTION: Approve the Minutes.

G. **Continued Business – Public Hearing**

None.

H. **New Public Hearings**

- 2. **Environmental Assessment No. EA-1321, CUP No. 22-01, AUP No. 22-02, and PDS No. 22-01. Environmental Assessment, Conditional Use Permit, Administrative Use Permit, and Parking Demand Study for an Outdoor Cinema on the Top Deck of a Parking Structure (MB)**

Applicant: David Balian on behalf of Rooftop Cinema Club
Project Address: 1310 East Franklin Avenue, El Segundo, CA 90245

Project Description: A request for a Conditional Use Permit to allow an outdoor Cinema to operate on the top deck of a four-story Parking Structure; an Administrative Use Permit to allow the sale of beer and wine for on-site consumption; and, a Parking Demand Study to allow parking to be shared with office and light industrial buildings on the block.

Environmental Determination: 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 for (Existing Facilities) and § 15311 as a Class 11 categorical exemption for (Accessory Structures).

RECOMMENDED ACTION: Adopt Resolution No. 2920, conditionally approving Environmental Assessment No. EA-1321, Conditional Use Permit No. 22-01, Administrative Use Permit No. 22-02, and Parking Demand Study No. PDS 22-01.

I. New Business:

None.

J. Report from Director of Development Services or designee

K. Report from the City Attorney's office

L. Planning Commissioners' Comments

M. Adjournment—next regular scheduled meeting for June 09, 2022, at 5:30 pm.

POSTED:  5/20/2022
(Signature) (Date and time)



**MINUTES OF THE
EL SEGUNDO PLANNING COMMISSION
Regularly Scheduled Meeting**

April 28, 2022

A. Call to Order

Chair Baldino called the meeting to order at 5:31 p.m.

B. Pledge of Allegiance

Commissioner Keldorf led the pledge.

C. Roll Call

Present: Chair Baldino
Present: Vice Chair Newman
Present: Commissioner Keldorf
Present: Commissioner Hoeschler
Absent: Commissioner Maggay

D. Public Communications

None.

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

None.

F. Consent Calendar

1. Approval of the Planning Commission Meeting Minutes:

- March 24, 2022
- December 09, 2021
- December 10, 2020
- November 12, 2020
- October 22, 2020
- February 13, 2020
- January 09, 2020

MOTION: Approve the Planning Commission Meeting Minutes.

**Moved by Vice Chair Newman, second by Commissioner Keldorf.
Motion carried, 4-0, by the following vote:
Ayes: Baldino, Newman, Keldorf, Hoeschler.**

G. Call items from Consent Calendar

None.

H. Continued Business—Public Hearing

None.

I. New Public Hearings

None.

J. New Business

2. Presentation and Study Session Regarding Preparation of Ordinances on Affordable Housing Density Bonus, Transitional and Supportive Housing, and Micro-Unit regulations (PS)

Principal Planner Paul Samaras presented a PowerPoint presentation in which he summarized State Law for Affordable Housing Density Bonus and explained how developers can receive a higher density bonus, incentives/exceptions for developments. Mr. Samaras reminded the Commission that Staff's goal is to adopt an ordinance that incorporates the State's Density Bonus law into, to establish a review process and how to process Density Bonus requests. Mr. Samaras also provided a summary Transitional and Supportive Housing and micro-units.

Chair Baldino opened the discussion.

- Commissioner Keldorf inquired if micro-units would qualify towards the RENA numbers. Mr. Allen informed her that in order for the micro-units to qualify towards RENA numbers they would need to meet all the RENA required development standards; Staff will research what standards the State has for the micro-units to qualify to receive RENA credit.
- Chair Baldino questioned if the City can impose parking-in-lieu fees for high density bonus projects. Mr. Allen stated that if the projects are providing the adequate number of affordable units required by State law; the City cannot require anything that would render a project infeasible.
- Commissioner Keldorf believes that the current parking code is onerous. Mr. Allen agreed, and expressed that Staff needs to revisit the parking ordinance through either parking strategies or trip reduction strategies as housing and businesses are expanding.
- Chair Baldino inquired if projects that includes a density bonus would be presented to the Commission for review and approval. Mr. Samaras indicated that if there is a process requiring their review, then projects would be presented to the Commission; however, if a project proposes 20% or more affordable units then it qualifies for a "streamline" review. City Attorney Vasquez added that if upon application the developer is compliant with all objective standards that the City has, it would be subjected to a ministerial approval.
- Mr. Allen reminded the Commissioners that Staff appreciates their opinions, and Staff would like to take the Commissions suggestions and determine if they are things the City can legislate and incorporate into the zoning code. Mr. Allen expressed that Staff would provide guidance of what can and cannot be imposed if there are any discretions the City can practice.
- Chair Baldino inquired if there could be a mechanism for which a housing development with big density would trigger a public forum. Mr. Allen stated that

the current code only requires one action from the Commission, which is to provide a recommendation to the Council, however, he advised the Commission to make a recommendation unrelated to a project via a Resolution of what they would like to see from project and Staff can present this to Council for adoption. He shared, that Staff is suggesting the applicants to engage with the community via multiple platforms.

- Commissioner Keldorf inquired what a Design Review Board would entail and how they would comply with State mandates. Mr. Vasquez shared his experience with another client and stated that they made the Design Review Board strictly advisory to not make the process more costly or time consuming.
- Mr. Allen informed the Commission that the current Housing Element has not been certified. He explained that the current Housing Element addresses micro-units as one of the items the City will use to tackle Affordable Housing, and although the State is not requiring its incorporation it needs to be investigated. The Commission would like to know what requirements the micro-units need to follow for the units to qualify towards the RHNA numbers.

Chair Baldino opened the discussion.

K. Report from Planning and Building Safety Director or designee

Developmental Services Director Michael Allen informed the Commission that the inclusionary housing study has shifted gears and is now looking at increasing density in the R-3 zones either in part or in whole to incentivize the re-development of certain R-3 properties. He informed the Commission that the RFP issued for repurposing the Civic Center is on hold, and informed them that the Development Impact Fee study is almost complete and Finances anticipates presenting it to Council in June or July, in hopes to incorporate the new fees in August.

L. Report from City Attorney's Office

None.

M. Planning Commissioners' Comments

- Commissioner Hoeschler requested and update on the gateway project (signage) and on the greenway project on Aviation. Mr. Allen informed the Commission that Council provided direction for Staff to not be a part of the greenway project and has been informed that EDAC is one of the consultants working on a study.
- Chair Baldino requested an update on the Stick and Stein property, to which Mr. Allen and Mr. Schonborn stated that they have no update on.

N. Adjournment—the meeting adjourned at 6:50 pm.
The next meeting scheduled for May 12,2022 at 5:30 pm.

Michael Allen, Director of Planning and Building Safety

Ryan Baldino, Planning Commission Chair



**MINUTES OF THE
EL SEGUNDO PLANNING COMMISSION
Regularly Scheduled Meeting**

February 28, 2019

A. Call to Order

The meeting was called to order at 5:30 p.m.

B. Roll Call

Present: Chair Baldino
Present: Vice Chair Newman
Present: Commissioner Keldorf
Present: Commissioner Wingate
Absent: Commissioner Hoeschler

C. Pledge of Allegiance

Commissioner Wingate led the pledge.

D. Public Communications

None.

E. Consent Calendar

E-1. Director's Approval of an Administrative Use Permit to allow Type 41 Alcohol Service at Jetta. (BC)

F. Call items from Consent Calendar

E-1. Director's Approval of an Administrative Use Permit to allow Type 41 Alcohol Service at Jetta. (BC)

Planning Manager Gregg McClain gave a brief staff report. A representative for Jetta, Amonrat Jettaporn was present to answer questions from the Commission regarding the new restaurant, which is a traditional Thai restaurant.

**MOTION: Approve the recommendation of Environmental Assessment EA 1236.
Moved by Vice Chair Newman, second by Chair Baldino.**

**Motion carried, 4-0, by the following vote:
Ayes: Baldino, Newman, Wingate, Keldorf.**

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

Email attachment to Commissioners.

H. New Business—Public Hearing

H-1. Possible Amendment to the affordable housing requirement within the 540 East Imperial Avenue project to provide eight affordable units rather than six affordable units.

Chair Baldino addressed his disclosures, he met with Nick Biro July 16, 2018 to discuss the potential changes, he had a conversation with attorneys from the County of Los Angeles Melissa McCathery and Jill Jones, and the LA Regional County Planning Commissioner Doug Smith, to inquire how the county is targeting housing. Mr. Baldino also met with the City Attorney as he had some questions.

Commissioner Wingate, Vice Chair Newman, and Commissioner Keldorf all toured the townhomes.

Principal Planner Eduardo Schonborn summarized the staff report. Mr. Schonborn informed the Commission that the project dates to 2016 and is better known as the DR Horton project; which consists of fifty-eight (58) for sale units – twenty-four (24) single family and thirty-four (34) multifamily units split amongst six (6) buildings, he stated that the housing units account towards the City's Regional Housing Needs Assessment (RHNA). Mr. Schonborn explained that the developer has requested a change in the number of affordable housing units the project would provide. The request consists of providing eight (8) affordable housing units at a moderate-income level within the multifamily component rather than providing six (6) affordable housing units (two units at the extremely low level, two at the very low level, and two at the low income level). Mr. Schonborn explained how the price for the units is determined and brought to light that there are other daily/monthly/yearly household costs that were not accounted for in the overall affordability of the units for an extremely low, very low, and low income household.

The Commission asked what the administrative costs would be per unit, how qualifying for the units would work and the specific details of the 20-year affordability criteria for the applicants. Assistant City Attorney, David King, explained that the developer would be the first point of contact, the paperwork would be submitted to the developer, the developer would ensure the applicant meets the qualifications, and the developer would then send the file to the City for final review. Mr. McClain added that on an annual basis, Staff would conduct check-ins to ensure the applicants are still living in the unit and that their circumstances have not changed, Staff would then pass the information to a consultant for further action. Mr. McClain stated that the City can determine the affordability term, however, if it is below 20 years the City will not receive RHNA credit.

Chair Baldino opened Public Communication.

- DR Horton land-use council member, Fernando Via, informed the Commission that they are open to increase the administrative cost the City will receive to \$400,000, the team is also open to changing the affordability criteria from 20-years to 30-years

if the City believes this fits best for the future of the community, and they are in favor, if desired by the City, to give qualifying preference for residents of the City.

- Multiple residents expressed their frustration with Dr Horton requesting to change their contract with the City.
- The Commission recommended adjustments to Resolution No. 2858. The adjustments being:
 - Applicant preference to be given to Military individuals, Veterans, City of El Segundo residents and individuals who work in the City of El Segundo.
 - For the City to ensure DR Horton and Staff market the affordable units to their best ability.
 - An equity share requirement that allows the City to acquire 50% of the property sale earnings when resident's sale their affordable unit (at market value) after the 20-year affordability criteria is over.

Chair Baldino closed Public Communication.

**MOTION: To adopt Resolution No. 2858 and all accompanying ordinances and amendments with the adjustments as dictated to staff.
Moved by Commissioner Keldorf, second by Wingate.**

**Motion carried,4-0, by the following vote:
Ayes: Baldino, Newman, Wingate, Keldorf.**

I. Continued Business—Public Hearing

None.

J. Report from Planning and Building Safety Director or designee

None.

K. Planning Commissioners' Comments

Chair Baldino congratulated the High School soccer team for winning state again. Mr. Baldino volunteered to accompany Staff to the City Council meeting when Resolution No. 2858 is presented.

Adjournment—the meeting was adjourned at 7:30 PM. The next meeting scheduled for March 14, 2019 at 5:30 PM.

Sam Lee, Director of Planning and Building Safety

Ryan Baldino, Planning Commission Chair



**MINUTES OF THE
EL SEGUNDO PLANNING COMMISSION
Regularly Scheduled Meeting**

January 24, 2019

A. Call to Order

The meeting was called to order at 5:30 p.m.

B. Roll Call

Present: Chair Baldino
Present: Vice Chair Newman
Present: Commissioner Keldorf
Present: Commissioner Hoeschler
Present: Commissioner Wingate

C. Pledge of Allegiance

Commissioner Keldorf led the pledge.

D. Public Communications

None.

E. Consent Calendar

- 1. E-1. Consideration and possible other action regarding approval of the January 10, 2019 Planning Commission Meeting Minutes.**
- 2. E-4. Director's Approval of Elimination of a Requirement for Bollards or Tire Stops within the planned EVA Airways Corporation Parking Garage. (MB)**

**MOTION: Approve items E-1 and E-4 from the consent calendar.
Moved by Commissioner Wingate, second by Vice Chair Newman.**

**Motion carried, 5-0, by the following vote:
Ayes: Baldino, Newman, Wingate, Keldorf, Hoeschler**

F. Call items from Consent Calendar

Commissioner Hoeschler called items E-2 and E-3.

- 3. E-2. Director's Approval of an Administrative Use Permit to allow Type 47 Alcohol Service at a new AC Hotel by Marriott. (MB)**

Assistant Planner Mara Baldenegro summarize the staff report. Marriott representative, Arjun Shokkein, was present to answer questions.

MOTION: Approve the recommendation of Environmental Assessment EA

1238.

Moved by Commissioner Wingate, second by Commissioner Keldorf.

Motion carried, 5-0, by the following vote:

Ayes: Baldino, Newman, Wingate, Keldorf, Hoeschler

4. **E-3. Director's Approval of an Administrative Use Permit to allow Type 41 Alcohol Sales at BURGERIM. (BC)**

Assistant Planner Brenna Callero summarized the staff report. BURGERIM Representative, Liliger Damaso, informed the Commissioners of the food that will be served.

MOTION: Approve the Receive and File of the Director's approval of Environmental Assessment EA 1238.

Moved by Commissioner Wingate, second by Vice Chair Newman.

Motion carried, 5-0, by the following vote:

Ayes: Baldino, Newman, Wingate, Keldorf, Hoeschler

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

5. **Another packet on the Dias related to Item 5, and a letter related to item 6.**

MOTION: Move item H-6 up the agenda to address the request for continuance.

Moved by Vice Chair Newman, second by Commissioner Wingate.

Motion carried, 5-0, by the following vote:

Ayes: Baldino, Newman, Wingate, Keldorf, Hoeschler

H. New Business—Public Hearing

6. **Consideration and possible action regarding recommending approval of an ordinance amending and possibly eliminating the affordable housing requirement within the 540 East Imperial Avenue Specific Plan and Development Agreement. (ES)**

The applicant submitted a letter requesting that the item be moved to the regularly scheduled meeting on February 28th, 2019.

MOTION: Place on the agenda and re-notice Item H-6 to be discussed at the regularly scheduled meeting on February 28, 2019.

Moved by Vice Chair Newman, second by Commissioner Wingate.

Motion carried, 5-0, by the following vote:

Ayes: Baldino, Newman, Wingate, Keldorf, Hoeschler

7. **Consideration of the FEIR, adopt a resolution recommending that City Council approve the General Plan Amendment.**

Principal Planner Eduardo Schonborn provided a summary of the item and the previous requests. In November, the applicant submitted a letter requesting that the City reconsider the TopGolf Specific Plan, as slight modifications to the TopGolf building were made, resulting in a building size increase of 350 square feet. Staff concluded that the increase in building is not physically noticeable. A new specific plan was put together to add commercial golf entertainment facilities as a permitted use, allowing alcohol service through a CUP, and establishes development standards for the specific plan area. There is also a General Plan amendment that will amend the maps to read “The Lakes Specific Plan” and not “Open Space Parks. A zone change is required, and the proposed zoning for the site is “The Lakes Specific Plan”. There is also a Zone Text Amendment, which will add the “Lakes Specific Plan” to our list of Zoning Designations to the Municipal Code. Additionally, there is a site plan review, which will list the improvements on the site.

- Vice Chair Newman had a question about the traffic study, and whether City was comfortable with applying the traffic study done in 2017 to today. Mr. Schonborn confirmed that the Consultant Kimley Horn, the Project team and himself have discussed the study, the impacts and they have determined that the impacts are not enough to trigger a new Environmental Impact Report, and the existing study can be used.
- The Commission had questions regarding the SCE Easement behind the property and its availability for golf holes, as well as parking, and the vehicle exit path from the facility. Mr. Schonborn informed the Commission that a Conditional Use Permit to permit the sale of alcohol on both the TopGolf site as well as the Golf Course will be in place. He added that there is a Lot Line Adjustment application, which would adjust the property lines to match the boundaries of the subareas within the specific plan. Mr. Schonborn summarized the areas that are being mitigated, which includes noise, air quality, and hazards & hazardous materials and states that the modifications proposed were adequately covered by the existing EIR.
- Commissioner Wingate asked whether Chevron (who donated the land to the City) has accepted the changes from Open Space to TLSP, Mr. Schonborn said that they had not raised any concerns with the change. Commissioner Wingate inquired on what needed to happen should the edits need to be made. Mr. Schonborn stated that the comments are minor editorial changes and they can be given as instructions to Staff in the motion.

Chair Baldino opened Public Communications.

- Taynor Micheli, Director of Real Estate and Development for Top Golf, explained that the changes were made based on past experiences Top Golf has encountered in other locations. Mr. Micheli mentioned that they have developed enough venues to gain knowledge and create a more efficient design.
- The Commissioners had several questions for the applicant. Vice Chair Newman addressed that expansion of the bays, and the request to provide beverage service on all three levels. Mr. Micheli mentioned that the bays are being modified to be deeper, to allow staff to set up events on the tee line (better circulation), and the number of occupants in the bays are not

increasing nor has the number of bays. Chair Baldino mentioned that they received an email from someone inquiring about a restroom on Hole 4. Mr. Micheli stated that there would be two restrooms within the two buildings (clubhouse and TopGolf), but not on the course.

- Commissioner Hoeschler asked whether the 2:00 am cut off time was regarding people hitting at 2:00 am, Mr. Micheli said that people are still playing that late, and as an entertainment aspect the energy is on the tee line. He added that the 2:00 am cut off will be on Friday and Saturday nights, with a midnight closing time Sunday through Thursday. Chair Baldino addressed the ABC alcohol service training, asked if there is any other training provided to staff. Mr. Micheli mentioned that there is a Risk Management division, all staff are trained to identify and not over serve. They have an obligation to maintain the safety of their guests and take it very seriously. Vice Chair Newman asked if they have had any accidents. Mr. Micheli shared that there have been instances, such as ricocheting golf balls and having to remove people, but the security at the premises address the issues promptly and learn from anything that happens.
- Commissioner Keldorf inquired about the new timeline to obtain permits and start construction. Mr. Micheli informed her that it approximately takes 6-7 months to obtain permits and it takes at least 12 months to build. He added that during construction, part of the 9-hole course will be open.
- Commissioner Hoeschler expressed his concern with the two 50' screens in the driving range and whether or not they are visible while driving on PCH. Mr. Micheli said that it is possible that you could see it from PCH, but the screens are in the back and should be mostly screened behind the building.
- Tom Courtney a Resident of Manhattan Beach, who is also a Small Business Owner in El Segundo shared his longtime opposition of TopGolf and expressed his concerns with parking at the facility.
- Mary Courtney a Resident of Manhattan Beach suggested to make the rezoning a vote of the people and warned the commission that they will pursue a referendum should the project be approved. In addition, she expressed that the EIR is too old and that the information the City has provided has not been consistent.
- Resident Linda Pollard, expressed that the changes are extensive and the money coming back will never be enough to offset the impacts, there will be permanent damage to the surrounding community, the traffic study of the 2-year-old EIR is dated and should be redone and the item should not be approved.

Chair Baldino closed Public Communication.

- Commissioner Wingate discussed how TopGolf as presented is going to bring money into the city, and she understands that people want it to stay the same, but it has not been economically self-sufficient. The demands of the city financially are such that this will continue to provide opportunities to play, the putting green is still there, and there are arrangements for youth and El Segundo residents to have special rates. This is a positive thing for the city.
- Commissioner Hoeschler communicated that TopGolf will provide a lower level for those who want to hit balls without the entertainment.

- Vice Chair Newman informed Mr. Courtney that the parking concerns he has addressed in the Operational conditions # 45. Vice Chair Newman inquired about the legality of the referendum issue that Mrs. Courtney raised. Mr. King stated that there is no need for this to be approved by the voters as there is no legal requirement for the City to make this an option. Vice Chair Newman stated that the change of use is not changing as it is still golf and Mr. King confirmed that Chevron has not objected to the change as the maker of the gift. It is a quit-claim deed to the City.
- Commissioner Keldorf informed the public that there have been enough meetings where operations and financials were discussed in great detail, and that the City is currently subsidizing a public use, and that approval will not change the fact that golf is still available.
- Chair Baldino explained that the item was brought to the Planning Commission because there was a change of 350 square feet. The City hired an outside consultant to determine if the change would require a new EIR and the report identified that a new EIR was not needed. Mr. Baldino reminded the public that the facility requires 420 parking spaces, and they are providing 523. He shared that as a member of the Planning Commission, he was appointed to the RFP committee and the most lucrative proposal was for an outdoor music venue that would remove the golf course entirely. With TopGolf, the City can save the golf course, it will be able to sustain itself and give money back to the community, it is something the OSP has never been able to do. Mr. Baldino shared that The Planning Commissions job is to evaluate what the consultant has done in regards to the EIR, to approve the EIR and recommend to City Council what they approve but the final say is at the City Council level. He is satisfied that this is the right move for the people of El Segundo.
- Mr. King recommended that both resolution titles be read into the record and if it is the pleasure of the Planning Commission to include the recommendations of Sheppard Mullin in the motion, to read those as well.

**MOTION: Motion covers both resolutions and the amendment:
Moved by Commissioner Wingate, second by Chair Baldino.**

- **Approve PC Resolution 2856 recommending that the City Council certify that the Environmental Impact Report makes certain environmental findings pursuant to the California Environmental Quality Act and adopt a mitigation monitoring program for the Lakes Specific Plan and TopGolf Project Environmental Assessment number EA 1135 - SP 16-02, GPA 16-01, ZC 16-01, ZTA16-04, Site Plan No. 16-01, LLA/SUB16-03, and CUP 16-05, located at 400 S. Pacific Coast Highway.**
- **Approve PC Resolution 2857 a resolution that the Planning Commission recommend to the City Council that they conditionally approve Environmental Assessment EA 1135, Specific Plan SP 16-02, GPA 16-01, ZC 16-01, ZTA 16-04, Site Plan No. 16-01, LLA/SUB16-03, and CUP 16-05, for the Lakes Specific Plan and Top Golf Project located at 400 S. Pacific Coast Highway.**
- **Amend the resolution to include the modifications made in the letter from Sheppard Mullin dated January 23, 2019, addressed to Eduardo Schonborn.**

**Motion carried, 5-0, by the following vote:
Ayes: Baldino, Newman, Wingate, Keldorf, Hoeschler**

I. Continued Business—Public Hearing.

None.

J. Report from City Attorney's Office

None.

K. Report from Planning and Building Safety Director or designee

None.

L. Planning Commissioners' Comments

DR Horton item has been continued to February 28, 2019 and will be re-noticed in the paper. Commissioner Hoeschler stated that affordable housing is an important topic, and DR Horton is just a piece of that. He expressed his excitement to dive into the topic further given the affordable housing issues that are occurring in California and informed the Commissioners that he may attend an affordable housing seminar with Urban Land Institute.

M. Adjournment—the meeting was adjourned at 6:56 PM. The next meeting scheduled for February 14, 2019 at 5:30 pm.

Sam Lee, Director of Planning and Building Safety

Ryan Baldino, Planning Commission Chair



Planning Commission Agenda Statement

Meeting Date: May 26, 2022

Agenda Heading: New Public Hearing

TITLE

Conditional Use Permit No. 22-01, to Allow the Operation of an Outdoor Rooftop Cinema; Administrative Use Permit No. 22-02, to Allow the Sale of Beer and Wine for Onsite Consumption with Food Service; and Parking Demand Study No. PDS 22-01, to Allow Parking to be Shared with Office and Light Industrial Uses Located at 1310 East Franklin Avenue the Smoky Hollow East (SHE) zone within the Smoky Hollow Specific Plan. (Environmental Assessment No. EA-1321)

Applicant: David Balian representing Rooftop Cinema Club

RECOMMENDATION

Adopt Resolution No. 2920, conditionally approving Environmental Assessment No. EA-1321, Conditional Use Permit No. 22-01, Administrative Use Permit No. 22-02, and Parking Demand Study No. PDS 22-01.

BACKGROUND

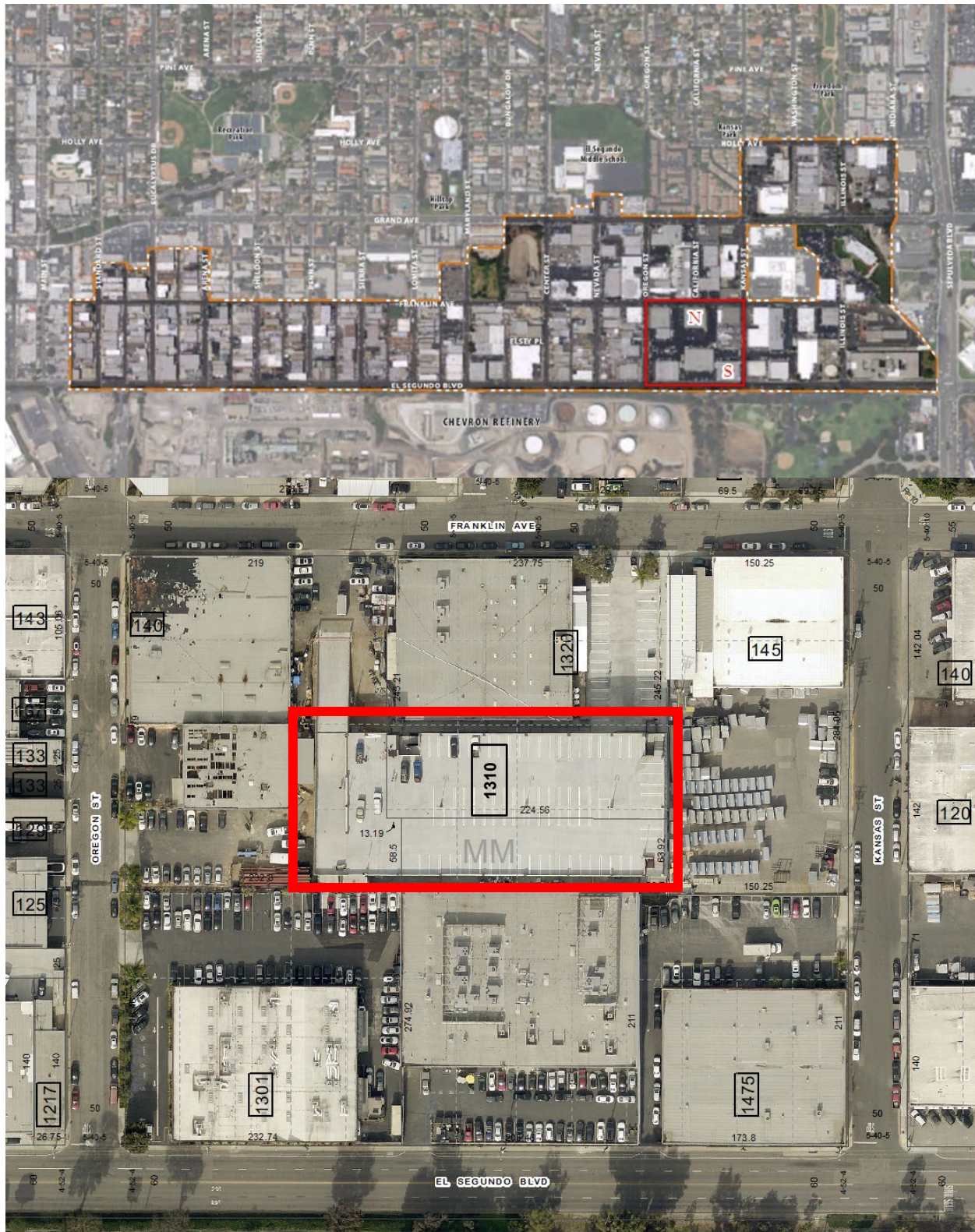
On May 5, 2021, the City approved Temporary Use Permit No. TUP 21-01 for Rooftop Cinema Club, which operated for 180 days. A conditional use permit (CUP) is required for the long term operation of the Cinema Club.

On February 16, 2022, applications for Environmental Assessment No. EA-1321, Conditional Use Permit No. 22-01, Administrative Use Permit No. 22-02, and Parking Demand Study No. PDS 22-01 were submitted to the Planning Division for processing. The project applications and plans were circulated to all City departments for comments, and no objections were received.

SITE DESCRIPTION

The project site is located in the Smoky Hollow East (SHE) Zone within the Smoky Hollow Specific Plan, and is generally bounded by Franklin Avenue to the north, Oregon Street to the west, Kansas Street to the east, and El Segundo Boulevard to the south (illustrated in Figure 1).

Figure 1: Aerial view of site



N



The site measures 257,490 square feet and is developed with five buildings and a four-story parking structure containing 398 parking spaces. The parking structure is in the center of the block, surrounded by five buildings. The parking structure was completed in advance to provide the required parking spaces for the recently approved Standard Works project. Build-out of the site is anticipated by the end of 2026 and will result in a total of 707 parking spaces provided, which exceeds the 673 required for the development.

The uses and zoning surrounding the project site are summarized in the following table:

TABLE 1 SURROUNDING LAND USES		
Direction	Land Use	Zone
North	Light Industrial and Office	Smoky Hollow East (SHE)
East	Office, Light Industrial, and Open Storage Yard	Smoky Hollow East (SHE)
South	Oil Refinery, Office, and Light Industrial	Heavy Industrial (M-2)
West	Warehouse, Autobody Shop, Open Storage, Light Industrial	Smoky Hollow East (SHE)

PROJECT DESCRIPTION

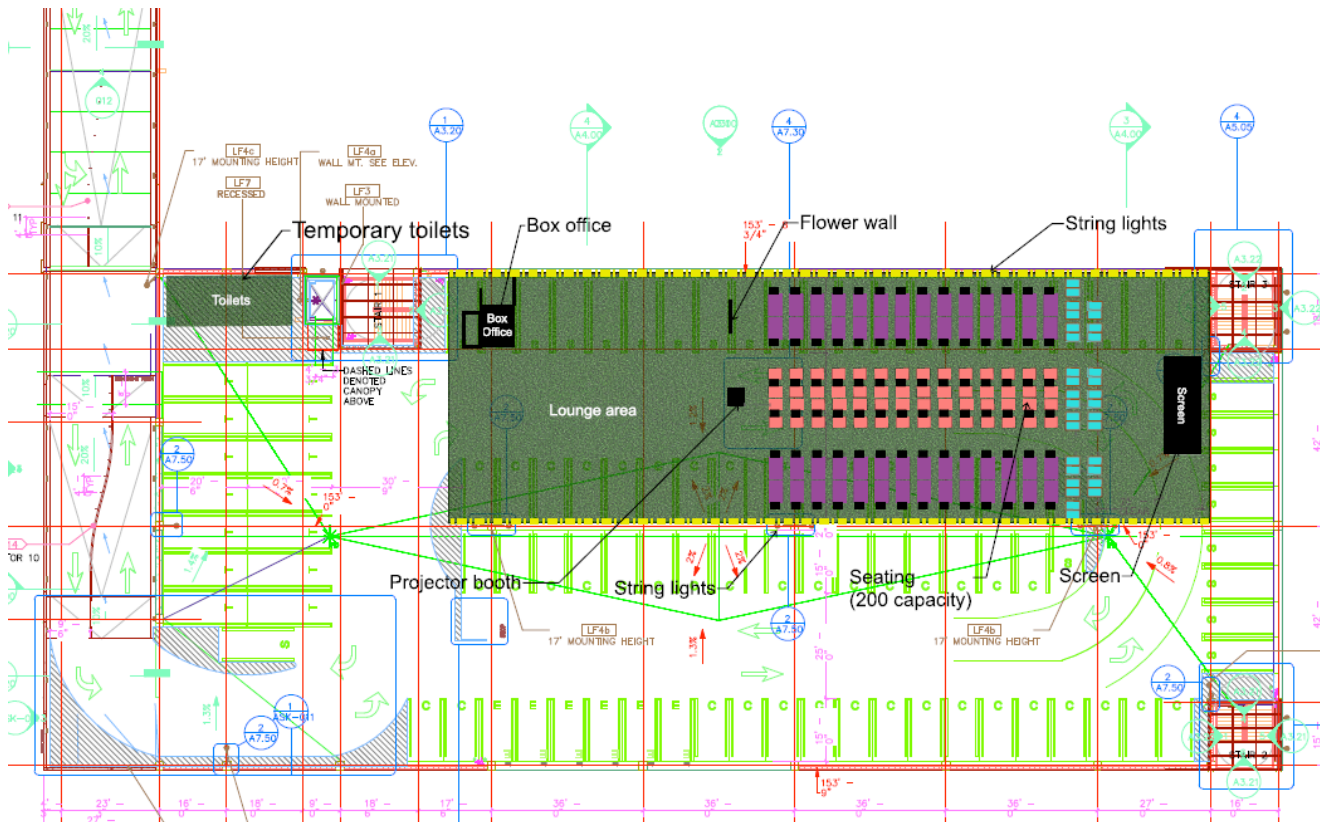
The applicant requests approval of a Conditional Use Permit to allow an outdoor cinema to operate on the top deck of the existing four-story parking structure; an Administrative Use Permit to allow the sale of beer and wine for on-site consumption; and, a Parking Demand Study to allow parking to be shared with office and light industrial buildings on the block.

The proposed cinema use includes a 21-foot tall by 22-foot wide electronic screen, a premanufactured box office booth, a prefabricated concession stand, a premanufactured food heating stand, restroom facilities, and seating. Portable toilets are proposed for guests of the cinema until permanent restrooms are constructed on the top floor of the parking structure. The proposed operational hours of the outdoor cinema are weekdays from 6:00 pm to 1:30 am, weekends from 2 pm to 1:30 am, and occasional special screenings from 9 am to 2 pm on weekends. No amplified sound is proposed, audio will be transmitted via wireless headphones provided to each guest. The sale of beer and wine for onsite consumption is proposed from 9 am to 1:30 am, seven days a week when the cinema is operating. Food and snacks will be available when alcoholic beverages are sold to guests.

The applicant and property owner anticipate operating the outdoor cinema through the end of 2026 until construction of the approved Standard Works project is complete.

Figure 2 below illustrates the proposed configuration of the seating and cinema equipment.

Figure 2: Rooftop Cinema Club Floor Plan



The proposed cinema club is located on the roof level of the four-story parking structure, while the lower levels of the structure will be used for customer parking. The fourth floor of the parking structure measures 30,789 square feet and contains 98 parking spaces. The proposed Rooftop Cinema Club operations utilizes 10,800 square feet of the top floor, temporarily removes 48 parking spaces, and accommodates a seating capacity of 200 seats.

Vehicular access to the parking structure is provided from two existing driveway entries along Franklin Avenue. Rooftop Cinema staff in bright reflective vests will be located at each driveway entry to supervise and direct vehicular traffic to the appropriate parking structure levels. Level four parking spaces will only be made available for guests needing wheelchair access and ADA parking.

ANALYSIS

The project includes a request for a Conditional Use Permit for an outdoor cinema, an Administrative Use Permit for alcohol service in conjunction with food service, and a Parking Demand Study to share the parking spaces at the site with five buildings.

The El Segundo General Plan Land Use designation of the site is Smoky Hollow Mixed-Use and is consistently zoned Smoky Hollow East (SHE). The Smoky Hollow Mixed-Use Land Use permits a range of incubator businesses, small and medium size industrial uses, research and development, and creative office uses. The specific plan also permits public facilities, parking facilities, and limited restaurant and retail uses. The maximum floor area ratio (FAR) for the specific plan is .75 in the western part (west of the alley between Lomita Street and Maryland Street) and 1.0 for the eastern part of the specific plan area. Additional FAR may be granted to development projects that provide public benefits, such as public parking and public open space.

Assembly uses such as an outdoor cinema are conditionally permitted uses in this Zoning District in accordance with Table 2-1 (page 36) in the Smoky Hollow Specific Plan. Alcohol sales for onsite consumption with food for the cinema requires approval of an Administrative Use Permit in the Smoky Hollow East (SHE) Zone. The proposed number of parking spaces is consistent with the ESMC parking standards and Smoky Hollow Specific Plan with the approval of a Parking Demand Study. The proposed project meets all the site development standards of the Smoky Hollow East (SHE) Zone and no increase to the FAR at the site is proposed. The proposed project is consistent with the City's General Plan, Smoky Hollow Specific Plan and the zoning regulations in the ESMC.

DISCUSSION

Conditional Use Permit

Before a Conditional Use Permit may be granted, the Commission must make the following findings as required by ESMC § 15-24-6A:

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

The project site is zoned Smoky Hollow East (SHE) within the Smoky Hollow Specific Plan. The SHE Zone conditionally permits cinema uses in the Smoky Hollow Specific Plan. The proposed location for the cinema is in accord with the purpose of the zone, in that it provides a creative opportunity for a new type of outdoor entertainment in close proximity to work or home without negatively impacting residents and businesses in the immediate vicinity.

Construction for the cinema will be limited, as only a 21-foot tall by 22-foot wide electronic screen, a premanufactured box office booth, a premanufactured concession stand, a premanufactured food heating stand, restroom facilities, and seating will be required. No amplified sound is required, guests will be provided headphones during screenings. Portable toilets will be available for the cinema while permanent restrooms are constructed on the top floor of the parking structure. No major alterations to the existing four-story parking structure are proposed.

Additionally, the parking structure is surrounded primarily by industrial and office uses. There are no residential or other sensitive land uses in the immediate vicinity that would negatively be affected by the operation of the cinema. The proposed cinema will not negatively affect the existing tenants or cause parking shortages by operating at the site, since the proposed hours of operation are scheduled to occur after normal business hours and on weekends. Thus, staff believes this finding can be made.

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

The proposed location of the conditional use is surrounded by light industrial and office uses. Cinema staff will supervise and direct vehicle traffic along the driveway entry points to the appropriate parking structure levels in an orderly fashion. Cinema staff will also prevent vehicles from blocking the sidewalk for pedestrians along Franklin Avenue and from blocking the normal flow of vehicle traffic along the public-right-of-way. Traffic congestion on the street will be avoided by cinema staff by ensuring that vehicle queueing is fully conducted onsite. To ensure that traffic impacts are mitigated, Staff has incorporated a condition of approval requiring cinema staff to prevent vehicles from blocking the sidewalk for pedestrians along Franklin Avenue and from blocking the normal flow of vehicle traffic in the public-right-of-way. This condition of approval has been reviewed and approved by the City's Public Works Department.

Further, there will be no noise impacts because headphones will be provided to guests for screenings and there will be no speaker system. Any new impacts will be negligible, consisting of impacts normally associated with the operation of an outdoor cinema during the purchase of food and drinks, and people socializing. Patrons will arrive and leave the subject site at the same time and no additional noise, traffic or other impacts will be generated.

Lastly, ample parking is provided on the subject site. The subject site contains 707 spaces and 609 parking spaces will be provided during the

hours of operation of the Rooftop Cinema Club. Further, the cinema will operate during the times and days that office uses are not in operation, thereby minimizing parking conflicts.

As such, the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Thus, staff believes this finding can be made

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

The proposed conditional use complies with the applicable provisions of ESMC Chapter 15-24 since proper notice and hearing were provided, proper hearing decision and records will be complied with, and the required findings will be considered. The proposed project meets all current ESMC and Smoky Hollow Specific Plan requirements. Thus, staff believes this finding can be made.

Administrative Use Permit

Before an Administrative Use Permit may be granted, the Director or Planning Commission must make the following findings as required by ESMC § 15-22-3:

- A. *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.*

The project site is currently zoned Smoky Hollow East (SHE) within the Smoky Hollow Specific Plan. The proposed Administrative Use Permit is to allow the sale of beer and wine for onsite consumption (Type 41 ABC License) at a new outdoor cinema on the top floor of an existing four-story parking structure. The SHE Zone requires an Administrative Use Permit for the sale of alcohol for onsite consumption with food service.

The surrounding land uses include: office, research and development, an outdoor air cargo container storage yard, and an oil refinery. No residential uses or other sensitive land uses are within the immediate vicinity. The proposed alcohol sales and onsite consumption at the new outdoor cinema provides a compatible land use that expands upon the existing surrounding uses. The proposed hours for alcohol sales will be 9 am to 1:30 am, seven days a week and will only be available with food and snacks. Thus, the proposed hours of alcohol service in conjunction to food service for the outdoor cinema are not anticipated to be detrimental to adjacent businesses located in the vicinity. Lastly, assembly uses are conditionally permitted in the (SHE) Zone and the sale of alcohol for on-site consumption with food

service requires an Administrative Use Permit in accordance with Table 2-1 (page 34-36) of the Smoky Hollow Specific Plan. Therefore, staff believes this finding can be made.

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

The zoning for the site is Smoky Hollow East (SHE). Assembly uses such as an outdoor cinema are conditionally permitted uses in this Zoning District in accordance with Table 2-1 (page 36) in the Smoky Hollow Specific Plan, and the sale of alcohol for on-site consumption with food service at a new outdoor cinema requires an Administrative Use Permit in accordance with Table 2-1 (page 34) and ESMC §§ 15-22-3B.

The General Plan Land Use designation of the site is Smoky Hollow Mixed-Use. The proposed use is consistent with the Land Use Element in that the Smoky Hollow Mixed-Use Land Use permits a range of incubator businesses, small and medium size industrial uses, research and development, and creative office uses. The specific plan also permits public facilities, parking facilities, and limited restaurant and retail uses. The proposed cinema on the roof of an existing open air parking structure will become a gathering place for people to experience watching movies in a creative setting with views to the El Segundo skyline to the east and sunsets to the west. Thus, staff believes the proposed use is consistent and compatible, and believes this finding can be made.

- C. *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.*

The proposed project involves the sale of beer and wine for onsite consumption (Type 41 ABC License) at a new outdoor cinema on the top floor of an existing four-story parking structure. The surrounding land uses include: office, research and development, open storage, and an oil refinery. No residential uses or other sensitive land uses are within the immediate vicinity. The proposed alcohol sales will take place on the roof of an existing parking structure after 6 pm during the week, and on weekends when most businesses are closed. The cinema will integrate with existing uses on the block and will serve a broad cross section of the City and surrounding area. Accordingly, given the commercial and industrial character of the surrounding uses, and the absence of any residential uses located in the vicinity, the proposed location of the project and conditions under which it will 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. Thus, the proposed use will not be detrimental to properties in the vicinity, and staff believes this finding can be made.

- D. *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.*

The subject site is located in a predominantly commercial and industrial area. The site is not adjacent to any residential uses or sensitive land uses and there will be no potential impacts affecting negatively residential uses in the City or immediate vicinity of the site.

The proposed hours of operation for the outdoor cinema are weekdays from 6:00 pm to 1:30 am, weekends from 2 pm to 1:30 am and occasional screenings from 9 am to 2 pm on weekends. Alcohol sales will be between 9 am and 1:30 am seven days a week during operating hours. Food and snacks will be available when alcoholic beverages are sold. The applicant will need to obtain a Type 41 ABC License. The sale of alcohol for onsite consumption at an outdoor cinema on the top floor of an existing four-story parking structure will create negligible impacts.

Lastly, in addition to complying with City and California Department of Alcoholic Beverage Control (ABC) requirements, the Rooftop Cinema Club will be subject to Los Angeles County Department of Public Health regulations which address and monitor impacts of fumes and odors related to food preparation. Thus, the potential impacts have been recognized and mitigated, and staff believes this finding can be made.

Parking Demand Study




The Smoky Hollow Specific plan requires one parking space for every 400 square feet for all uses within the project site. A site with multiple uses or mixed occupancies must provide the aggregate number of parking spaces required for each separate use. On-site parking spaces for one use cannot be considered as providing required parking spaces for any other use, except when authorized through an off-site parking covenant or the approval of a Parking Demand Study. Since the proposed cinema will share the existing parking spaces with other tenants, the applicant has submitted a parking demand study in accordance with the ESMC.

According to the Parking Demand Study, 100 parking spaces are required for the proposed use. Due to the proposed hours of operation, a total of 609 parking spaces will be available on the campus for the outdoor cinema in the evening and on weekends when businesses are closed on campus. The proposed project meets the required development standards of the Smoky Hollow Specific Plan for the (SHE) Zone, and Off-Street Parking Spaces in ESMC § 15-15-6 with the approval of the Parking Demand Study. Although three buildings on the campus will be expanded, construction is expected to be completed

in 2026, at which time the outdoor cinema will cease operations and 707 spaces will be available.

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) involving minor tenant improvements for a new outdoor cinema on the fourth floor of an existing parking structure which will include food and alcohol sales for onsite consumption, and § 15311 as a Class 11 categorical exemption (Accessory Structures) consisting of tenant improvements for the construction of restrooms and the installation of modular accessory structures.

PREPARED BY: Maria Baldenegro, Assistant Planner 
REVIEWED BY: Eduardo Schonborn, AICP, Planning Manager 
APPROVED BY: Michael Allen, AICP, Development Services Director 

ATTACHED SUPPORTING DOCUMENTS:

1. Draft Resolution No. 2920
2. Plans

RESOLUTION NO. 2920

A RESOLUTION APPROVING ENVIRONMENTAL ASSESSMENT NO. EA-1321, CONDITIONAL USE PERMIT NO 22-01, AND ADMINISTRATIVE USE PERMIT NO. 22-02 AND PARKING DEMAND STUDY NO. 22-01 FOR A ROOFTOP CINEMA CLUB AT 1310 EAST FRANKLIN AVENUE.

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

SECTION 1: The Commission finds and declares that:

- A. On February 16, 2022, David Balian on behalf of Rooftop Cinema Club filed applications for Environmental Assessment No. EA-1321, Conditional Use Permit No. CUP 22-01, Administrative Use Permit No. 22-02, and Parking Demand Study No. PDS 22-01 to allow the operation of an outdoor cinema that will include the sale of beer and wine for onsite consumption with food service on the top floor of a four-story parking structure at 1310 East Franklin Avenue;
- B. The project applications were reviewed by the City's Development Services Department for, in part, consistency with the General Plan and conformity with the ESMC;
- B. In addition, the City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines");
- C. On May 26, 2022, the Planning Commission held a duly noticed public hearing to review and consider the applications, and receive public testimony and other evidence regarding the application including information provided to the Commission by David Balian on behalf of the "Rooftop Cinema Club"; and
- D. The Planning Commission considered all oral and written evidence as part of such hearing, including, without limitation, the information provided by City staff, public testimony, and Rooftop Cinema Club. This Resolution, and its findings, are made on the entire administrative record, including, without limitation, the evidence presented to the Commission at its May 26, 2022, public hearing including, without limitation, the staff report submitted by the Development Services Department.

SECTION 2: Factual Findings and Conclusions. The Commission finds and determines as follow:

- A. The subject site is located in the Smoky Hollow East (SHE) Zone within the Smoky Hollow Specific Plan at 1310 East Franklin Avenue.
- B. The subject site is bounded by Franklin Avenue to the north, Oregon Street to the west, Kansas Street to the east, and El Segundo Boulevard to the south.
- C. The site measures a total of 257,490 square feet (5.91 acres) and is currently developed with five buildings. Three buildings will be expanded. One is currently under construction and the other two buildings obtained entitlement approvals by the City Council on April 19, 2022.
- D. A new four-story parking structure was completed in advance to provide the required parking spaces for the proposed future expansions of three existing buildings on the block (i.e. the Standard Works project). The existing four-story parking structure containing 398 parking spaces is located in the center of the block and is surrounded by five buildings.
- E. Build-out of the site is anticipated by the end of 2026 and will require a minimum of 673 parking spaces. The site provides a total of 707 parking spaces.
- F. The applicant proposes the operation of an outdoor cinema club on the roof level of an existing four-story parking structure.
- G. The fourth floor of the parking structure measures 30,789 square feet and contains 98 parking spaces. The proposed Rooftop Cinema Club operations will utilize 10,800 square feet of the top floor and will temporarily render 48 parking spaces unusable, facilitating a seating capacity of 200 seats.
- H. A maximum occupancy of 210 is proposed on the fourth floor of the parking structure which includes Rooftop Cinema Club staff, vendors, and delivery personnel.
- I. Vehicular access to the parking structure is provided from two existing driveway entries along Franklin Avenue. Cinema ("Rooftop Cinema Club") staff in bright reflective vests will be located at each driveway entry to supervise and direct vehicular traffic to the appropriate parking structure levels. Level four parking spaces will only be made available for guests needing wheelchair access and parking compliant with the Americans with Disability Act.

- J. The Parking Demand Study submitted for the project required a minimum of 100 parking spaces to accommodate 200 guests. A total of 607 parking spaces will be available onsite during the hours of operation of the cinema when other tenant businesses are closed.
- K. The proposed cinema use will include a 21-foot tall by 22-foot wide electronic screen, a premanufactured box office booth, a prefabricated concession stand, a premanufactured food heating stand, restroom facilities, and seating. Portable toilets will be provided for guests of the cinema until permanent restrooms are constructed on the top floor of the parking structure.
- L. The proposed hours of operation for the cinema are weekdays from 6:00 pm to 1:30 am, weekends from 2 pm to 1:30 am, and occasional screenings from 9 am to 2 pm on weekends.
- M. The sale of beer and wine for onsite consumption is proposed from 9 am to 1:30 am, seven days a week when the cinema is operating. Food and snacks will be available when alcoholic beverages are sold to guests.
- N. No amplified sound is proposed as audio will be transmitted via wireless headphones provided to each guest by the Rooftop Cinema Club staff.
- O. The applicant and property owner anticipate operations of the outdoor cinema will cease operations by the end of 2026, when the additions to the three buildings are completed.

SECTION 3: *Environmental Assessment.* The adoption of this Resolution 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) involving minor tenant improvements for a new outdoor cinema on the fourth floor of an existing parking structure which will include food and alcohol sales for onsite consumption, and § 15311 as a Class 11 categorical exemption (Accessory Structures) consisting of tenant improvements for the construction of restrooms and the installation of modular accessory structures.

SECTION 4: *General Plan and Zoning.* The Planning Commission finds and determines that the proposed project is consistent with the City's General Plan and the zoning regulations in the ESMC as follows:

- A. The El Segundo General Plan Land Use designation for the site is Smoky Hollow Mixed-Use and is consistent with the current zoning designation which is Smoky Hollow East (SHE).
- B. The Smoky Hollow Mixed-Use Land Use permits a range of incubator businesses, small and medium size industrial uses, research and

development, and creative office uses. The specific plan also permits public facilities, parking facilities, and limited restaurant and retail uses. The maximum floor area ratio (FAR) for the specific plan is .75 in the western part (west of the alley between Lomita Street and Maryland Street) and 1.0 for the eastern part of the specific plan area. Additional FAR may be granted to development projects that provide public benefits, such as public parking and public open space.

- C. The proposed new outdoor cinema is a conditionally permitted use in the Smoky Hollow East (SHE) Zone and the proposed number of parking spaces is consistent with the ESMC parking standards and Smoky Hollow Specific Plan with the approval of a Parking Demand Study.
- D. Alcohol sales for onsite consumption with food for the cinema requires the approval of an Administrative Use Permit in the Smoky Hollow East (SHE) Zone.
- E. The proposed project meets all the site development standards of the Smoky Hollow East (SHE) Zone and no increase to the FAR at the site is proposed.
- F. The proposed use is consistent with Land Use Element Goal LU4 in that it provides a stable tax base for the City through development of new commercial uses, primarily within a mixed-use environment, without adversely affecting the viability of Downtown.
- G. The proposed use is consistent with Land Use Element Objective LU4-4 in that it allows flexibility to mix uses, which has the potential to maximize economic benefit, reduce traffic impacts, and encourage a pedestrian environment.
- H. The proposed use is consistent with Goal ED1 in that it supports the creation of a strong healthy economic community in El Segundo which diverse stakeholders may benefit.
- I. The proposed project furthers goal of Objective ED1-1 by building “support and cooperation among the City of El Segundo residents and its businesses for the mutual benefits derived from the maintenance and expansion of El Segundo’s economic base.” The approval of the proposed project will benefit the City and increase sales tax revenue for the City’s General Fund.
- J. Policies ED1-2.1 and ED1-2.2, both seek to promote land uses, which improve the City’s commercial tax base. The proposed new outdoor cinema contributes in generating an increase in tax revenue which financially benefits the City and the quality of life by providing new entertainment in close proximity to residents and the business community.

- K. Implementation of the proposed project will meet relevant goals and policies with regard to the Land Use Element. The project will help increase the tax base through the proposed new outdoor cinema service without adversely affecting the viability of downtown (Goal LU4).

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

- A. The proposed location of the conditional use is in accord with the objectives of this title and the purposes of the zone in which the site is located because the site in which the project is proposed conditionally permits cinema uses and the parking structure is surrounded primarily by industrial and office uses. No residential or other sensitive land uses in the immediate vicinity would be negatively affected by the operation of the cinema does not include amplified sound for movie screenings. Additionally, the proposed hours of operation for the cinema do not create parking shortages for the existing tenants on the block since the majority will be closed for business during the operation of the cinema.
- B. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity because minimal improvements are proposed at the site for the operation of the cinema. Appropriate conditions for the operation of the cinema have been established to ensure compatibility of the use to ensure it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Further, the conditions minimize traffic and noise impacts to ensure the operation is not detrimental to the vicinity.
- C. That the proposed conditional use will comply with each of the applicable provisions of this Chapter.

The proposed conditional use complies with the applicable provisions of ESMC Chapter 15-24 since proper notice and hearing were provided, proper hearing decision and records will be complied with, and the required findings were considered. The proposed project meets all current ESMC and Smoky Hollow Specific Plan requirements.

SECTION 6: Administrative Use Permit Findings. After considering the above facts, the Commission finds as follows:

- A. 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.

The project site is in the Smoky Hollow East (SHE) Zone within the Smoky Hollow Specific Plan. The sale of beer and wine for onsite consumption (Type 41 ABC License) is an amenity at a new cinema in conjunction with food service. Further, the proposed hours for alcohol sales will be 9 am to 1:30 am, seven days a week will only be available with food and snacks. Alcohol service is compatible because there are no residential uses or other sensitive land uses within the immediate vicinity, and the location of the parking structure is surrounded by industrial and commercial office buildings. Therefore, the proposed alcohol sales and onsite consumption at the new outdoor cinema is compatible with the cinema and not be detrimental in the vicinity.

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

Assembly uses such as an outdoor cinema are conditionally permitted uses in the Smoky Hollow East (SHE) Zone in accordance with Table 2-1 (page 36) in the Smoky Hollow Specific Plan, and the (sale of alcohol for on-site consumption in conjunction with food service at a new outdoor cinema) requires an Administrative Use Permit in accordance with Table 2-1 (page 34) and ESMC §§ 15-22-3B.

The Smoky Hollow Specific Plan permits public facilities, parking facilities, and limited restaurant and retail uses. The proposed alcohol service is an amenity that is consistent with the purpose of the zone because it is associated with food service at an outdoor cinema in an area that is surrounded by industrial and office buildings.

- C. 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.

The proposed project involves the sale of beer and wine for onsite consumption (Type 41 ABC License) at a new outdoor cinema on the top floor of an existing four-story parking structure. The surrounding land uses include: office, research and development, outdoor air cargo container storage yard, and an oil refinery. No residential uses or other sensitive land uses are within the immediate vicinity. The proposed alcohol sales will take place on the roof of an existing parking structure after 6 pm in the evenings and on weekends when most businesses are closed. Given the commercial and industrial character of the surrounding uses, and the absence of any residential uses located in the vicinity, the proposed use will not be detrimental to the public health or materially injurious to properties in the vicinity.

- D. 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.

The proposed alcoholic beverages will be sold with food and will create negligible impacts associated with the operation of an outdoor cinema, because the site is located in a predominantly commercial and industrial area. Traffic will be guided to appropriate parking levels by cinema staff when the Patrons arrive and leave the site and no additional noise, traffic or other impacts will be generated in the immediate vicinity.

In addition to complying with the requirements of the City of El Segundo and the California Department of Alcoholic Beverage Control (ABC), the Rooftop Cinema Club will be subject to Los Angeles County Department of Public Health regulations which address and monitor impacts of fumes and odors related to food preparation.

SECTION 7: *Parking Demand Study.* The Smoky Hollow Specific plan requires one parking space for every 400 square feet for all uses within the project site and the proposed cinema will be sharing the existing parking spaces with other tenants. A site with multiple uses or mixed occupancies must provide the aggregate number of parking spaces required for each separate use. On-site parking spaces for one use cannot be considered as providing required parking spaces for any other use, except when authorized through an off-site parking covenant or the approval of a Parking Demand Study. In accordance with the ESMC, the applicant has submitted a Parking Demand Study.

The Parking Demand Study submitted by the applicant describes 100 parking spaces will be required for the proposed use. Additional parking spaces are available for the outdoor cinema in the evening and on weekends when businesses are closed on campus. A total of 609 parking spaces will be available on the campus during the hours of operation. Three buildings on the campus will be expanded. Construction for the expansion of the building at 140 Oregon Street started in 2020 and the other two buildings will be issued permits to begin construction in 2022. When construction is completed in 2026 on the campus, the outdoor cinema will cease operations and 707 spaces will be available. The proposed project meets the required development standards of the Smoky Hollow Specific Plan for the (SHE) Zone, and Off-Street Parking Spaces in ESMC § 15-15-6 with the approval of the Parking Demand Study.

SECTION 8: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Environmental Assessment No. EA-1321, Conditional Use Permit No. 22-01, Administrative Use Permit No. AUP 22-02, and Parking Demand Study No. PDS 22-01.

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

SECTION 10: The Commission Secretary is directed to mail a copy of this Resolution to Rooftop Cinema Club and to any other person requesting a copy.

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

SECTION 12: Except as provided in Section 11, this Resolution is the Commission's final decision and will become effective immediately upon adoption.

PASSED, APPROVED AND ADOPTED this 26th day of May, 2022.

Ryan Baldino, Chair
City of El Segundo Planning Commission

ATTEST:

Michael Allen, Secretary

Baldino -
Newman -
Hoeschler -
Keldorf -
Maggay -

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

By: _____
Joaquin Vazquez, Deputy City Attorney

PLANNING COMMISSION RESOLUTION NO. 2920

Exhibit A

CONDITIONS OF APPROVAL

In addition to all applicable provisions of the El Segundo Municipal Code (“ESMC”), Rooftop Cinema Club agrees to comply with the following provisions as conditions for the City of El Segundo’s approval of Environmental Assessment No. EA-1321, Conditional Use Permit No. CUP 22-01, Administrative Use Permit No. AUP 22-02, and Parking Demand Study No. PDS 22-01 (“Project Conditions”):

Zoning Conditions

1. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission on file. Any subsequent modification to the project as approved including, but not limited to the floor plan and areas where alcohol is served, shall be referred to the Director of Development Services for approval for a determination regarding the need for Planning Commission review of the proposed modification.
2. The approval allows the following as use: a 21-foot tall by 22-foot wide electronic screen, a premanufactured box office booth, a premanufactured concession stand, a premanufactured food heating stand, restroom facilities, and seating for up to 200 guests.
3. The Conditional Use Permit is valid until 2026 and/or when construction is completed, or until a Final or Temporary Certificate of Occupancy is issued by the City for all three buildings.
4. All improvements on the roof deck of the fourth floor of the parking structure for the outdoor cinema must be removed, including temporary structures and equipment prior to the issuance of a Final or Temporary Certificate of Occupancy by the City.
5. All Parking spaces on the fourth floor must be fully restored back to its original condition to meet the required parking dimensions in the ESMC and a minimum of 673 parking spaces shall be required for the development at the site before a Final or Temporary Certificate of Occupancy is issued by the City.
6. The onsite sale and consumption of alcohol will be limited to 10,800 square feet and 200 outdoor seats, as depicted in the plans approved by the Planning Commission on May 26, 2022.
7. A maximum total of 48 parking spaces on the fourth floor may be used to accommodate the cinema use.

8. No speaker system or other sound amplification is approved for movie screenings at the cinema. Headphones shall be provided to guests for all movie screenings.
9. A minimum of 609 parking spaces shall be provided on the campus/project site.
10. All outdoor seating areas must comply with the requirements of ESMC § 15-2-16.
11. The hours of operation for the outdoor cinema are limited to 6:00 pm to 1:30 am on weekdays, and 2 pm to 1:30 am on weekends with occasional screenings from 9 am to 2 pm on weekends. Further, the sale of alcoholic beverages for on-site consumption is also limited to the hours of operation for the outdoor cinema. 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 Development Services.
12. Cinema staff will be required to wear bright reflective vests when guests are expected and/or scheduled to arrive at the site for every movie screening. Cinema staff will be required to supervise and direct vehicle traffic along the two driveway entry points that are accessed from Franklin Avenue to the appropriate parking structure levels in an orderly fashion. Cinema staff will also be required to prevent vehicles from blocking the sidewalk for pedestrians along Franklin Avenue and from blocking the normal flow of vehicle traffic in the public-right-of-way. Traffic congestion shall be avoided by having vehicle queueing fully on the site.
13. The Development Services 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 conditional use permit and/or the administrative use permit.
14. The applicant shall obtain and maintain the required license by the Alcoholic Beverage Control Act (Business & Professions Code §§ 23300 *et seq.*). The applicant must obtain and maintain a Type 41 ABC license for the outdoor cinema for the on-site sale and on-site consumption of beer and wine.
15. The applicant shall comply with all regulations of the California Department of Alcoholic Beverage Control.
16. 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 market and parking lot. Said contact's name and phone number must also be available through the market staff at all times.
17. The applicant must, at all times, display a *Designated Driver* sign of at least ten inches by ten inches (10" X 10") in the restaurant dining areas at eye level.

The sign must be worded in a way that reminds patrons who are consuming alcohol to designate a *non*-drinking driver.

18. “No Loitering” signs must be posted to the rear of the property and on property adjacent to the licensed premises, under the control of the licensee. Such signs must measure no less than seven inches by eleven inches (7" X 11") and the lettering must be no less than one inch (1") in height.
19. 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.
20. All employees serving alcoholic beverages to patrons must enroll in and complete a certified training program approved by ABC for the responsible sales of alcohol. The training must be offered to new employees on *not less than a quarterly basis*.
21. All employees tasked to sell alcoholic beverages must provide evidence that they have either:
 - a. Obtained an Alcoholic Beverage Control (ABC)-issued certificate for completion of the Licensee Education on Alcohol and Drugs (LEAD) program; or,
 - b. Completed an accepted equivalent training offered by the ABC district office to ensure proper distribution of beer, wine, and distilled spirits to adults of legal age.
 - c. If a prospective employee designated to sell alcoholic beverages does not have LEAD or equivalent training, then the applicant must within 15 days of this decision confirm with the Planning and Building Safety Department that a date is scheduled with the local ABC district office to complete the LEAD course.
 - d. Within 30 days of taking LEAD or equivalent course, employees or their employer must deliver each required certificate showing completion to the Police Department.
 - e. The licensee shall have readily identifiable personnel to monitor and control the behavior of customers inside the building premises, and shall monitor activity immediately adjacent to the property under the establishment’s control to ensure the areas are generally free of nuisances.
 - f. If complaints are received regarding excessive noise, or other nuisances associated with the sale of beer, wine, and distilled spirits the City may, in its discretion, take action to review the Administrative Use Permit and add conditions or revoke the permit.

- g. There shall be no exterior advertising of any kind or type indicating the availability of specific alcoholic beverage products.
- 22. The licensee must have readily identifiable personnel to monitor and control the behavior of customers on the property premises. Staff must monitor activity in the outdoor cinema seating areas, the entire parking structure floor levels, elevators and stairs, including any immediate 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.
- 23. If complaints are received regarding excessive noise, parking availability, lighting, building access, and the like associated with the sale of alcohol, and/or outdoor cinema areas, the city may, in its discretion, take action to review this permit, including without limitation, adding conditions or revoking the permit.
- 24. The City may, in its discretion, take action to review this permit, including without limitation, adding conditions or revoking the permit, to enforce applicable regulations of the ESMC or this Conditional Use Permit and/or Administrative Use Permit.
- 25. No consumption of alcoholic beverages will be permitted in the other three floor levels of the parking structure, stairs and/or elevators of surface parking areas on the property. Adequate signage must be posted throughout this outdoor dining area indicating that alcohol consumption is not permitted any other location other than the fourth floor of the parking structure, to the satisfaction of the Director of Development Services or his/her designee.

Fire Department Conditions

- 26. The roof deck of the parking structure must not be occupied by more persons than allowed by the California Fire Code, as adopted by the ESMC.

Police Department Conditions

- 27. A Traffic Control Plan must remain in place to direct guests to appropriate parking structure floor levels before screenings begin and when vehicle exist the site after the movie has ended.
- 28. Alcoholic beverages must remain only in designated sales areas, cinema lounging or seating, and dining areas.

Building Division Conditions

- 29. Portable restrooms and the new restrooms that will be constructed in the future must comply with California Building Code requirements, as adopted by the City in the ESMC.

30. The outdoor cinema and associated outdoor seating shall comply with the California Building Code and Fire Code requirements, as adopted by the ESMC.
31. Accessory structures containing electrical and mechanical equipment used to prepare or heat food and/ or snacks shall comply with the California Building Code, Fire Code, and the Los Angeles County Department of Public Health requirements.

Miscellaneous Conditions

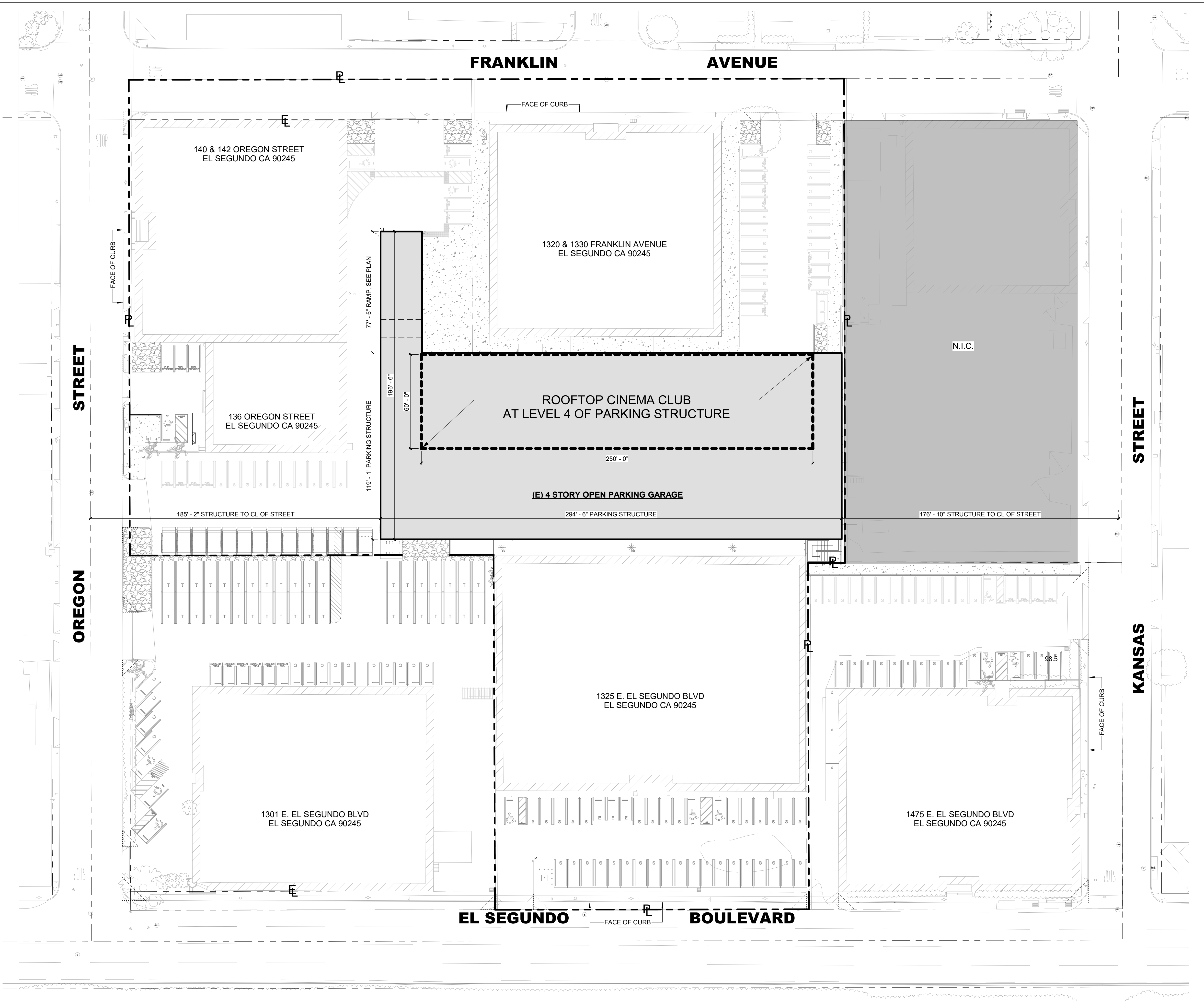
32. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of Environmental Assessment No. 1321, Administrative Use Permit No. 22-02, and Parking Demand Study No. PDS 22-01. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of Environmental Assessment No. 1321, Administrative Use Permit No. 22-02, and Parking Demand Study No. PDS 22-01 the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of El Segundo's elected officials, appointed officials, officers, and employees.

By signing this document, Gerry Cottle on behalf of Rooftop Cinema Club certifies that he has read, understood, and agree to the Project Conditions listed in this document.

Gerry Cottle
Rooftop Cinema Club

David Pettengill, Chief Development Officer
Rooftop Cinema Club

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



1 SITE PLAN
1" = 30'-0"

BALIAN

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ARCHITECTS' CONSULTANTS

STRUCTURAL: LOGIK STRUCTURES, INC.
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El Segundo, CA 90245
Contact: Terry Nguyen
T: 213.925.4119 E-Mail: tny@logikstructures.com



ROOFTOP CINEMA CLUB
1310 E. FRANKLIN AVE
EL SEGUNDO, CALIFORNIA, 90245



NAME: DAVID BALIAN
LICENSE NUMBER: C-33779
SIGNATURE DATE: FEB. 15, 2022
ISSUE DATE: FEB. 15, 2022
PROJ #: 22_002
TIME STAMP: 2/15/2022 10:18:00 AM
FILE: BM 300 (Standard Works Parking Opened) (Standard Works) PARKING GARAGE - CLOUD.rvt

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DESIGN PROFESSIONAL IN GENERAL RESPONSIBLE CHARGE STATEMENT:

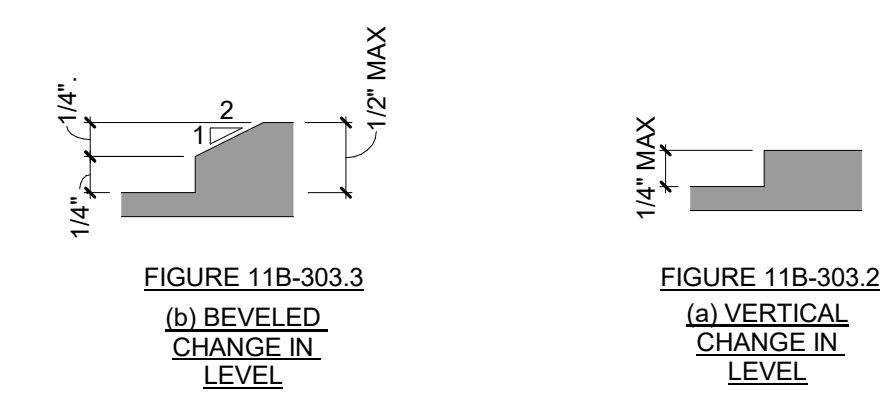
THE PATH OF TRAVEL IDENTIFIED IN THESE CONSTRUCTION DOCUMENTS IS COMPLIANT WITH THE CURRENT APPLICABLE CALIFORNIA BUILDING CODE ACCESSIBILITY PROVISIONS FOR PATH OF TRAVEL REQUIREMENTS FOR ALTERATIONS, ADDITIONS AND STRUCTURAL REPAIRS. AS PART OF THE DESIGN OF THIS PROJECT, THE POT WAS EXAMINED AND ANY ELEMENTS, COMPONENTS OR PORTIONS OF THE POT THAT WERE DETERMINED TO BE NONCOMPLIANT 1) HAVE BEEN IDENTIFIED AND 2) THE CORRECTIVE WORK NECESSARY TO BRING THEM INTO COMPLIANCE HAS BEEN INCLUDED WITHIN THE SCOPE OF THIS PROJECT'S WORK THROUGH DETAILS, DRAWINGS AND SPECIFICATIONS INCORPORATED INTO THESE CONSTRUCTION DOCUMENTS. ANY NONCOMPLIANT ELEMENTS, COMPONENTS OR PORTIONS OF THE POT THAT WILL NOT BE CORRECTED BY THIS PROJECT BASED ON VALUATION THRESHOLD LIMITATIONS OR A FINDINGS OF UNREASONABLE HARDSHIP ARE SO INDICATED IN THESE CONSTRUCTION DOCUMENTS. DURING CONSTRUCTION, IF THE POT ITEMS WITHIN THE SCOPE OF THE PROJECT REPRESENTED AS CODE COMPLIANT ARE FOUND TO BE NONCONFORMING BEYOND REASONABLE CONSTRUCTION TOLERANCES, THEY SHALL BE BROUGHT INTO COMPLIANCE WITH THE CBC AS PART OF THIS PROJECT BY MEANS OF A CONSTRUCTION CHANGE DOCUMENT.

REVISIONS		
#	DATE	ISSUE
1	FEB. 15, 2022	ISSUED TO PLANNING

SHEET TITLE:
SITE PLAN

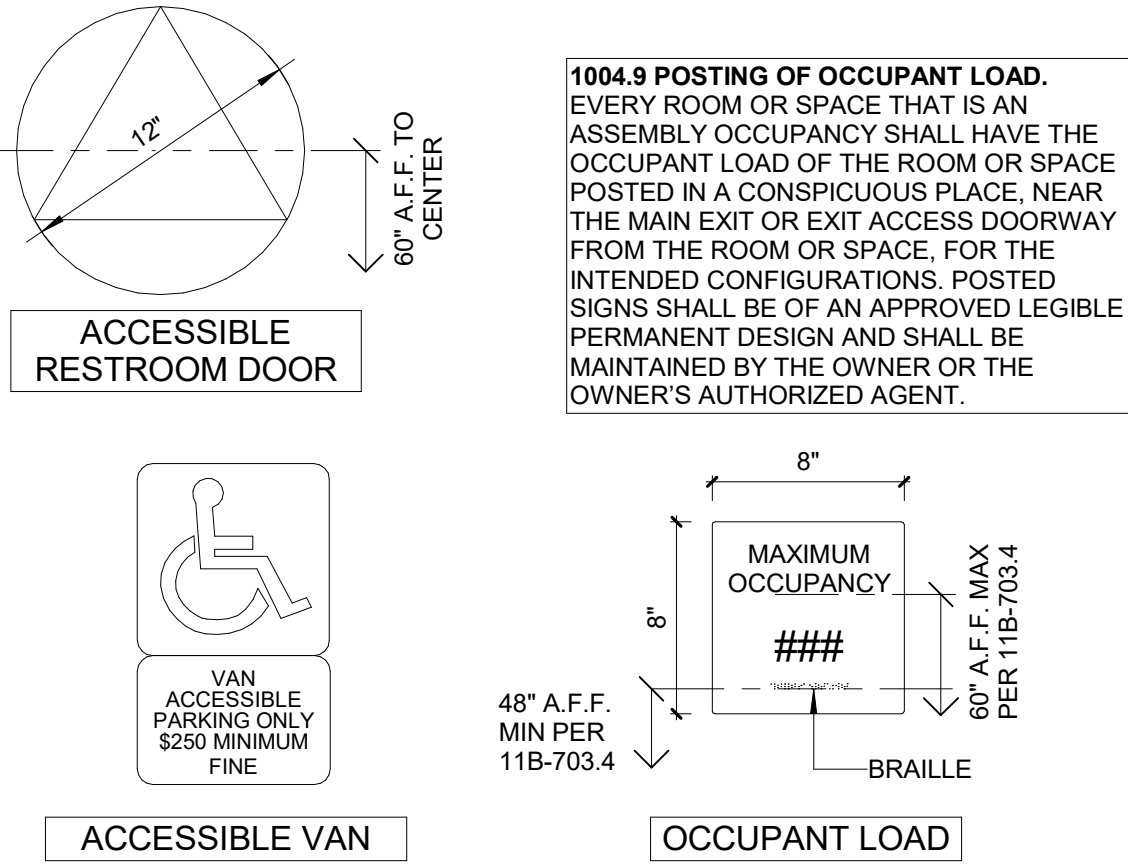


ROOFTOP CINEMA CLUB
1310 E. FRANKLIN AVE
EL SEGUNDO, CALIFORNIA, 90245

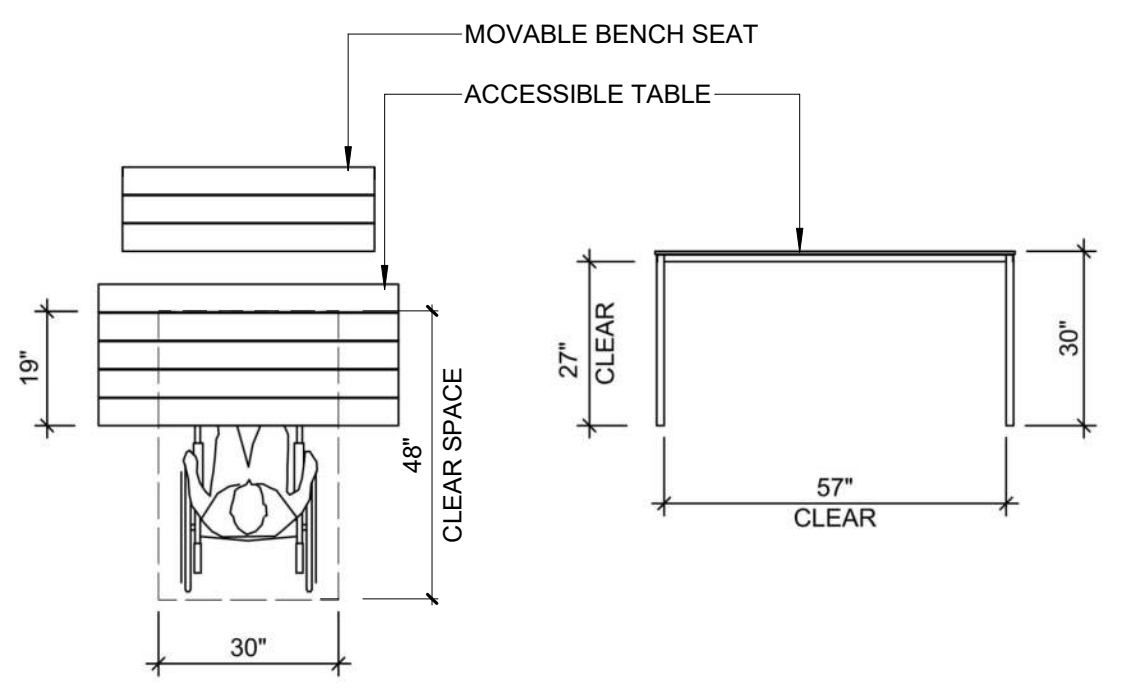


NOTE: WHERE CHANGES IN LEVEL ARE PERMITTED IN FLOOR OR GROUND SURFACES, THEY SHALL COMPLY WITH SECTION 11B - 303. VERTICAL CHANGES IN LEVEL OF 1/4" HIGH MAX SHALL BE PERMITTED TO BE VERTICAL AND WITHOUT EDGE TREATMENT. (11B - 303.2). BEVELED CHANGES IN LEVEL BETWEEN 1/4" HIGH MIN AND 1/2" HIGH MAX SHALL BE BEVELED WITH A SLOPE NOT STEEPER THAN 1:2. (11B - 303.3).

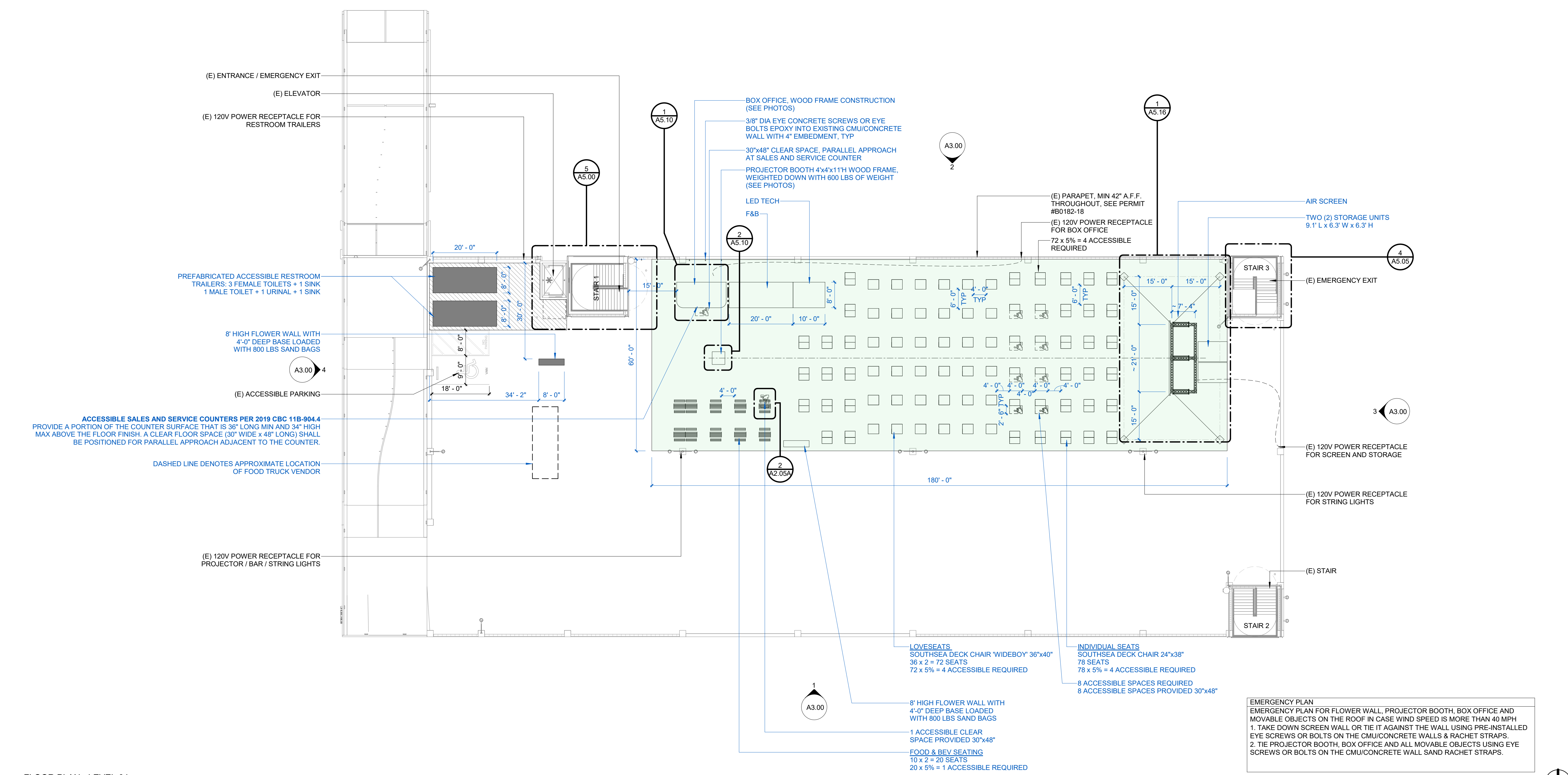
4 ACCESSIBILITY DETAIL - THRESHOLD
1/2" = 1'-0"



3 RCC - CODE SIGNAGE
1 1/2" = 1'-0"



2 ACCESSIBILITY DETAIL - FOOD AND BEV SEATING
3/8" = 1'-0"



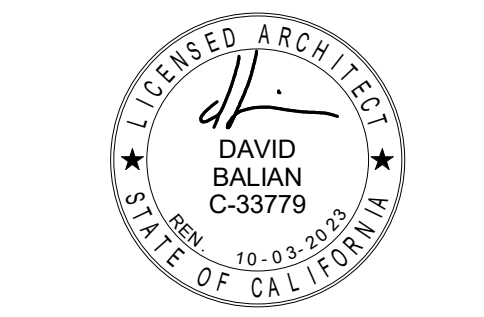
1 FLOOR PLAN - LEVEL 04
1/16" = 1'-0"

EMERGENCY PLAN
EMERGENCY PLAN FOR FLOWER WALL, PROJECTOR BOOTH, BOX OFFICE AND MOVABLE OBJECTS ON THE ROOF IN CASE WIND SPEED IS MORE THAN 40 MPH
1. TAKE DOWN SCREEN WALL OR TIE IT AGAINST THE WALL USING PRE-INSTALLED EYE SCREWS OR BOLTS ON THE CMU/CONCRETE WALLS & RACHET STRAPS.
2. TIE THE PROJECTOR BOOTH, BOX OFFICE AND ALL MOVABLE OBJECTS USING EYE SCREWS OR BOLTS ON THE CMU/CONCRETE WALL SAND RACHET STRAPS.

PROJECTOR BOOTH



BOX OFFICE



NAME: DAVID BALIAN
LICENSE NUMBER: C-33779
SIGNATURE DATE: FEB. 15, 2022
ISSUE DATE: FEB. 15, 2022
PROJ #: 22_002
TIME STAMP: 2/15/2022 10:18:01 AM
FILE: BM 300 (Standard Works Parking Garage) (Standard Works) PARKING GARAGE - CL002.rvt

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SHEET TITLE:
FLOOR PLAN - LEVEL 04

