

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

February 28, 2008

Vice-Chair Wagner called the El Segundo Planning Commission meeting to order at 7:00 p.m. in the El Segundo City Hall's Council Chambers, 350 Main Street, El Segundo, California.	CALL TO ORDER
Vice-Chair Wagner led the Pledge of Allegiance to the Flag.	PLEDGE TO FLAG
PRESENT: WAGNER, ROTOLO, FUENTES, FELLHAUER	ROLL CALL
ABSENT: FRICK	
None.	PUBLIC COMMUNICATIONS
Vice-Chair Wagner presented the Consent Calendar.	CONSENT CALENDAR
None.	CALL ITEMS FROM CONSENT
Commissioner Rotolo moved, seconded by Commissioner Fellhauer to approve the December 6, 2007, Minutes as submitted. Motion carried (4-0).	MOTION
Vice-Chair Wagner presented Agenda Item E-2, Environmental Assessment No. 774 and Adjustment No. 07-02. Applicant: Henry Wianecki. Address: 1445 E. Maple Avenue.	
Commissioner Rotolo moved, seconded by Commissioner Fellhauer to approve Environmental Assessment No. 774 Adjustment No. 07-02. Motion carried (4-0).	MOTION
Planning Manager Kimberly Christensen read four items into the record. 1 item for Agenda item E-2. 3 items for Agenda Item I-3 Assistant City Attorney Carl Berger read one item for item I-3 into the record.	WRITTEN COMMUNICATIONS
None.	NEW BUSINESS - PUBLIC HEARING
Vice-Chair Wagner presented Agenda Item I-3, Environmental Assessment No. 750. Address: 711 S. Aviation Boulevard (APN: 4138-009-015) and 701 S. Aviation Boulevard (APN: 4138-009-016)	PUBLIC HEARING CONTINUED BUSINESS
Planning Manager Kim Christensen presented the staff report (of record). Vice-Chair Wagner reopened public testimony from the December 13, 2007	

Planning Commission Meeting.

Vice-Chair Wagner questioned Planning Manager Kimberly Christensen regarding stamped Page 26 regarding X-Factor if there has been any submittal of the required materials relative to the Certificate of Compliance and the other signed documents.

Planning Manager Kimberly Christensen stated that the only signed document the City received relative to that process was the two parking covenants and that the Certificate of Compliance has never been signed by the property owner at 711 S. Aviation Boulevard.

Richard Hessenius, representative for X-Factor

Mr. Hessenius briefly update the Commission on what had occurred since the December 13, 2007 meeting. He stated that there had been substantial and positive discussion between X-Factor and Xerox and that he had hoped to announce at this meeting that the issues had been resolved. He stated that while they are not resolved yet he believed that they are close. Mr. Hessenius has spoken with counsel for Xerox as well with Planning staff requesting if possible another two week continuance. Mr. Hessenius feels that it will be inappropriate for the City or the Planning Commission to issue either issue a citation, certainly to record a citation for one reason that assumes for the purposes of this argument that there was illegalities of some nature that date back to 1967 when the property was subdivided. He stated that he is not in agreement with assuming that is the case. He stated that there is a specific statute in the Government Code that deals with this situation.

Robert Andreani, representative for X-Factor

Mr. Andreani requested that the Commission grant an extension to resolve this matter between X-Factor and Xerox. Mr. Andreani has been working with the counsel for Xerox and that they are in agreement on the parking covenant and he believes that they have come to some type of agreement between both parties and if so they will be willing to sign the documents.

Don Fisher, representative for Xerox Corporation

Mr. Fisher commented that there has been discussion with X-Factor and Xerox relating to some issue between both parties. Mr. Fisher stated that Xerox would like to resolve the Map Act issue and settle and resolve this issue. He stated that due to the fact that X-Factor is the owner and that they are the tenant and have no control over the situation. They have worked together and have come to agreement to terminate the 2001 parking covenant and record the new parking covenant which has been submitted to the City. He stated that the documents granting consent from the property owner has been submitted to City staff and he would like to see the parking covenant issued resolved.

Brain Kravetz, representative for 555 Aviation

Mr. Kravetz stated that the owner of the property at 701 Aviation has fully complied with the City's requirements in connection with the Certificate of Compliance for 555 Aviation which has been submitted to City staff. Mr. Kravetz commented that there is nothing further to do but he does recognize that staff

has acknowledged they've completed everything and there should not be a citation or notice of violation. Mr. Kravetz recommends that the Certificate of Compliance application that has been filed should be approved for that single parcel of property and that staff has acknowledged as well that they have the proper legal descriptions and a record of survey. He stated this particular parcel is independent of anything else. He stated that it does comply and this shouldn't be an issue before the Commission and it should be approved.

Mr. Rotolo asked a question of Mr. Berger regarding Mr. Hessenius' statement and the verbiage regarding his letter about the lot line adjustment.

Mr. Berger responded "yes" that is the proper code language, however, the testimony focused on the actual knowledge of the person, and that his client X-Factor's knowledge as set forth in the declaration demonstrates that they had actual knowledge of the subdivision grant deed line. Mr. Berger believes that they had constructive knowledge of what was recorded on the property on Book No. 675 Page 98 on August 28, 1961 as Tract No. 26557 that shows the proper subdivision of the property and that there has not been a subsequent map that was recorded against the property to demonstrate that there is a different lot line.

Mr. Rotolo questioned Mr. Berger whether it was determined that it was or wasn't constructive knowledge and whether the code did apply to the parcel before 1972. He asked if it was illegal since the current subdivision does not reflect the existing conditions, wouldn't a new subdivision map be required to be recorded.

Mr. Berger indicated that the parking covenant isn't the issue before the Commission and the real issue is that the Subdivision Map Act violation.

Mr. Berger believed that the issue in term of resolving the violation of the map act is corrected with a Certificate of Compliance. The Certificate of Compliance will be an actual certificate that is issued by the City with a condition on it stating the property owner will be in compliance with the Map Act. Mr. Berger considers it to be a lot line adjustment not an entirely new map that will reallocate or design what property lines will exist.

Ms. Fellhauer acknowledges that Mr. Andreani is requesting more time from the Commission but she questioned Mr. Andreani about what has X-Factor done to resolve the differences or has X-Factor reached some type of an agreement with Xerox since the December 13, 2007 meeting.

Mr. Andreani's response was that he and Mr. Fisher have had face to face meetings and telephone conversations and it is safe to say that they're close to reaching some type of agreement.

Ms. Fellhauer asked Mr. Andreani how much time from this point will it take to reach mutual agreement.

Mr. Andreani stated that he's assuming that the agreement has been reached and it is safe to say that the matter is receiving the documentation. He might be overstating this but it might take a two week process to document it but its close.

Mr. Rotolo gave Mr. Fisher the opportunity to comment on how close Xerox is to reaching agreement with X-Factor after hearing from Mr. Andreani on X-Factor's behalf.

Mr. Fisher stated that there have been meetings as well as telephone

conversations but the issues of the subject of our negotiation doesn't have much do with the matter at hand and that it has do with the lease arrangement and other arrangements with X-Factor. Mr. Fisher expects X-Factor to solve this lot line issue first then Mr. Andreani's statement will be correct on having it resolved subject to being documented and subject to final agreement. Mr. Fisher commented that Xerox is relying on X-Factor to resolve this issue and that he wished X-Factor had resolved this issue before tonight.

MOTION

Commissioner Fellhauer moved, seconded by Commissioner Rotolo to approve Environmental Assessment No. 750, adopting Resolution 2629 directing the Planning Building Safety Director to acknowledge there is a violation located at real property 711 S. Aviation Boulevard a portion of Lot 32 and Lot 35 of Tract Map No. 26557 APN No. 4138-009-016 in accordance with Government Code Section 66410; acknowledge that the property owner had constructive knowledge of the violation; and to authorize the Planning staff to record a notice of violation after a term of 30 days if the issues are not resolved between the parties. Motion carried (4-0).

Planning and Building Safety Director Gary Chicots introduced the new Building Safety Manager Sam Lee.

**REPORT FROM
PLANNING AND
BUILDING SAFETY
DIRECTOR**

The Commission welcomed Building Safety Manager Sam Lee. Commissioner Fuentes thanked staff being able to attend Planning Commission Training.

**PLANNING
COMMISSIONERS
COMMENTS**

None.

OTHER BUSINESS

MOTION

Vice-Chair Wagner made a motion to adjourn the meeting. Motion carried (4-0).

ADJOURNMENT

The meeting adjourned at 8:06 p.m.

PASSED AND APPROVED ON THIS 28th DAY OF FEBRUARY 2008

**Gary Chicots, Secretary of
the Planning Commission
and Director of The
Planning and Building Safety
Department**

**Cheryl Frick, Madame Chair
Planning Commission
City of El Segundo, California**

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