

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

February 25, 2010

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

Commissioner Fuentes led the Pledge of Allegiance to the Flag. **PLEDGE TO FLAG**

PRESENT: WAGNER, FUENTES and NEWMAN **ROLL CALL**

ABSENT: BALDINO and FELLHAUER

None. **PUBLIC COMMUNICATIONS**

Chair Wagner presented the Consent Calendar. **CONSENT CALENDAR**

None. **CALL ITEMS FROM CONSENT**

Commissioner Fuentes moved, seconded by Commissioner Newman, to approve the February 11, 2010, Minutes. Motion carried (3-0). **MOTION**

None. **WRITTEN COMMUNICATIONS**

Chair Wagner presented Agenda Item H-2, Determination of Consistency for the conveyance of surplus City-owned property, the former location of El Segundo Fire Station #2, with the City's General Plan. Applicant: City of El Segundo. Address: City owned parcel located at 2161 East El Segundo. Property Owner: City of El Segundo. **NEW BUSINESS – Determination of Consistency for the conveyance of surplus City-owned property, the former location of El Segundo Fire Station #2, with the City's General Plan**

Planning Manager Kimberly Christensen presented the staff report (of record.)

Commissioner Newman asked how long the City has owned the property.

Ms. Christensen stated that it has been approximately 50 years.

Commissioner Fuentes moved, seconded by Chair Wagner to approve Determination of Consistency for the conveyance of surplus City-owned property, the former location of El Segundo Fire Station #2, with the City's General Plan and Resolution No. 2671. Motion carried (3-0). **MOTION**

PUBLIC HEARING

Chair Wagner presented Agenda Item I-3, Environmental Assessment No. EA-855, Appeal of the Planning and Building Safety Director's Determination to Deny a Request for Plan Check Extension for Project B1416-06 and to Require the Project to Comply with El Segundo Municipal Code ("ESMC") Title 13 (Building Regulations) and Title 15 (Zoning Regulations). Appellant: Mr. Shaun Cooley. Property Owner: Mr. Shaun Cooley. Address: 624 W. Mariposa Avenue. **CONTINUED BUSINESS for EA-855**

Assistant City Attorney Karl Berger recused himself from participating in Agenda Item I-3 for potential conflict of interest reasons and left the dais. Attorney Gregg Kovacevich joined the meeting to substitute for Assistant City Attorney Karl Berger regarding Agenda Item I-3.

Chair Wagner stated that he received an email from the appellant on Wednesday, February 24, 2010 at 3:18 pm but has not replied to the appellant.

Building Safety Manager Sam Lee presented the staff report (of record.)

Commissioner Newman asked if the applicant is compliant with the most current building code.

Building Safety Manager Sam Lee stated that they are not compliant with the building code.

Planning and Building Safety Director Greg Carpenter clarified the difference between zoning regulations which pertain generally to the size of the building and the building regulations which pertain to the technicalities of how the building is designed and constructed. He also reiterated that the applicant will need to comply with the standards under the new building code due to the plan check expiration.

Shaun Cooley, resident

Mr. Cooley stated that he is not in compliance with two provisions of the 2007 building code regarding stair railing heights and balcony heights. He made a brief statement and made himself available for questions.

Ms. Newman inquired if the applicant had any problems complying with the new codes.

Mr. Cooley stated that his main problem in complying with the 2007 building code is that it would require a soils report.

Ms. Newman asked what his main issue is.

Mr. Cooley stated that his main issue is complying with the zoning requirements.

Commissioner Fuentes stated that three years is a long time to take to obtain a permit and asked the applicant what was the delay in resubmitting and obtaining a permit.

Mr. Cooley agreed that three years is a long time and stated that he was going for LEED Gold certification, which involved a lot more detail and coordination with his consultants.

Chair Wagner asked Mr. Cooley if his plans meet the City of El Segundo

requirements, including the 2001 California Building Code and pre-1401 Ordinance zoning regulations.

Mr. Cooley stated that he believes the plans meet the requirements.

Tony Canzoneri, Attorney for applicant

Mr. Canzoneri made a brief statement and made himself available to answer any questions.

Adrian Guerra, Attorney for applicant

Mr. Guerra gave a brief presentation of the project and made himself available to answer any questions.

Chair Wagner closed public communications.

Mr. Wagner commented that both parties, the applicant and the City, share ownership of the issue.

Ms. Fuentes expressed support for property owner rights, but was concerned about the duration of the plan review. She commended the applicant for wanting his house to be LEED certified. However, she explained that the City did not require the house to be LEED certified.

Mr. Carpenter replied that the City does not require LEED certification for single family homes or any other buildings. He expressed his belief that the applicant desires to build the project but there were some complications in the design process.

Ms. Newman asked Mr. Cooley if he was ready to submit or had submitted for final approval under the Pre-Ordinance 1401 and the 2001 Building Code.

Chair Wagner re-opened public communications.

Mr. Cooley stated that he believes that the last set of plans submitted to the City should be sufficient for approval under the 2001 Building Code and Pre-Ordinance 1401 zoning regulations.

Mr. Carpenter informed the Commissioners that there were still issues to work out with the last sets of plans. He suggested if the Commission desired to grant the appeal, it should hold the applicant to a performance schedule, such as granting him 180 days to obtain a building permit. If he could not obtain a permit within 180 days, he could come back to the Commission to request additional time.

Ms. Fuentes asked if the Commission agreed with the staff recommendation, whether the applicant would have the ability to appeal and go before Council.

Mr. Wagner responded affirmatively.

Mr. Lee stated that the issue before the Commission was not whether the applicant should comply with the 2001 or 2007 California Building Code. That decision is made by the Building Official.

Mr. Wagner replied that the issue being discussed was whether to uphold the

Director's determination or to overturn it.

Mr. Canzoneri addressing the Commission stated that his applicant would try to work with staff to resolve the code issue within the 180-day period.

Chair Wagner closed public communications.

Mr. Wagner requested City Attorney direction on whether to make a motion or call the question. He also asked if the Commission decided to overturn the Director's determination whether the Commission would have to meet again to vote on an alternative resolution.

City Attorney Gregg Kovacevich stated that the motion would be to direct staff to come back with a Resolution that conforms to the collective concurrence of the Commission. If the commission decided to uphold the appeal to allow this 180-day period, then staff would draft a resolution that conforms to its decision and bring it back before the Commission at the next scheduled meeting on the consent calendar.

Mr. Wagner asked if the Commission decided not to uphold the Director's Determination whether it could request another resolution at the next Planning Commission meeting.

Mr. Carpenter responded affirmatively that staff could return to the next scheduled meeting with a new resolution reflecting the Commission's decision to overturn the Director's decision, but requiring that a permit be obtained within 180-days.

Mr. Kovacevich suggested if the Commission wished to go in that direction, then it should request that staff limit its review time to 21 days for each resubmission. The appellant then would have to resubmit the 180-day time frame and staff would have "21 days" to review and provide a list of corrections. Alternatively, the process would be left open-ended, having the appellant's attorney come back with an argument that he did not have enough time to complete the process in 180 days.

Ms. Fuentes asked whether the proposal before the Commission was to grant the appellant 180 days to obtain a permit and if he could not obtain a permit that there would be no deal.

Mr. Wagner responded affirmatively and pointed out the appellant's belief that the latest resubmitted plans were completed as required. If the plan check was not completed within 180 days the applicant would be held to the current 2007 code requirements, which would be fair and reasonable.

Ms. Newman asked Mr. Cooley if he was comfortable with the request from the Commission.

Chair Wagner re-opened public communications.

Mr. Cooley stated that he was comfortable with the request of the Commission assuming he was able to work out the issues with the basement and building height.

Ms. Newman asked if he would be willing to make some of the changes to go forward.

Mr. Cooley responded that he was willing to make the changes to the roof height, but the basement issue would be more complicated to answer being that it affects the foundation of the house.

Ms. Newman inquired if the Commission could act on the basement issue.

Mr. Carpenter replied that it was not an option before the Commission tonight.

Chair Wagner closed public communications.

Mr. Wagner proposed that the Commission overturn the Director Determination, and that the plan check was still active with the condition that the plan check would expire 180 days after approval of the resolution.

Mr. Kovacevich clarified that the Planning staff had not issued the list of corrections from the latest submittal, so that being the case, the starting date of the 180 days should be based on the date the corrections notice is mailed to the applicant.

Mr. Wagner commented that he would like to see the plans meet the 2007 California Building Code, the Pre-Ordinance 1401 zoning regulations, and that staff would have 21 days to review each resubmission.

Mr. Kovacevich suggested on the record that the Commission ask the appellant if he was in agreement.

Mr. Wagner asked Mr. Cooley if he agreed.

Mr. Cooley responded affirmatively.

Chair Wagner moved, seconded by Commissioner Newman, to reject Resolution No. 2668 as drafted, to overturn the Director's determination, and grant the appellant's appeal, subject to the following conditions: 1) The appellant must obtain a building permit for the proposed residence within 180 calendar days from the latter of: a) the date the Planning and Building Safety Department completes its review of the latest plan re-submittal on file from the appellant and mails a notice of corrections to the appellant or appellant's representative; or b) the date of adoption of the Resolution; 2) The appellant must submit plans that meet the requirements of the 2007 California Building Code as adopted with local amendments in Title 13 of the El Segundo Municipal Code; 3) The appellant must submit plans that meet the requirements of Title 15 of the El Segundo Municipal Code (Zoning Regulations) that were in effect immediately before the effective date of Ordinance No. 1401; 4) If additional re-submittals are required, City staff will have up to 21 days to review each re-submittal and provide appellant with a notice of corrections. The 180-day period will continue to run during this 21-day staff review period. If the City requires longer than 21 days to review a re-submittal, then the 180-day period will be automatically extended by one day for each day the City's review period exceeds the 21-day staff review period; 5) If the appellant has not obtained a building permit for Building Plan Check No. B1416-06 for a proposed single-family residence within 180 days the appellant is deemed to have abandoned any and all rights to proceed under the Pre-Ordinance 1401 Regulations and no building permit may issue for a structure on the subject property absent a filing of a new application complying with all current, applicable law; and 6) For purposes of these Conditions, all notices are deemed effective

MOTION

when placed for collection by the United States Mail, first class postage prepaid.
Motion carried (3-0).

Planning and Building Safety Director Carpenter stated that two items are tentatively scheduled for a Special Planning Commission Meeting to be held on March 18, 2010.

**REPORT FROM
PLANNING AND
BUILDING SAFETY
DIRECTOR**

None.

**PLANNING
COMMISSIONERS
COMMENTS**

None.

OTHER BUSINESS

Chairman Wagner adjourned the meeting. Motion carried (3-0).

MOTION

The meeting adjourned at 8:37 p.m.

ADJOURNMENT

PASSED AND APPROVED ON THIS 25th DAY OF FEBRUARY 2010.

Greg Carpenter, Secretary of
the Planning Commission
and Director of The
Planning and Building Safety
Department

David Wagner, Chairman
Planning Commission
City of El Segundo, California

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