

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

March 9, 2017

Chair Baldino called the El Segundo Planning Commission meeting to order at 5:30 p.m. in the El Segundo City Hall's Council Chambers, 350 Main Street, El Segundo, California.	CALL TO ORDER
Commissioner Nisley led the Pledge of Allegiance.	PLEDGE TO FLAG
PRESENT: BALDINO, NEWMAN, NICOL, NISLEY, and WINGATE	ROLL CALL
None.	PUBLIC COMMUNICATIONS
Chair Baldino presented the Consent Calendar.	CONSENT CALENDAR
Vice Chair Newman pulled agenda Items E-1A and E-1B	CALL ITEMS FROM CONSENT
Chair Baldino presented Agenda Item E-1, Environmental Assessment No. EA-1176, Adjustment ADJ No. 16-07, and Administrative Adjustment No. 16-08. Address: 555 South Aviation Boulevard. Applicant: Steve Minden, Senior Director of Design/Construction. Property Owner: 555 South Aviation Property, L.P.	DIRECTOR DECISIONS FOR ADMINISTRATIVE ADJUSTMENTS, ADJUSTMENTS, and ADMINISTRATIVE DETERMINATIONS
Assistant Planner Maria Baldenegro presented a staff report of record	
Vice Chair Newman moved, seconded by Commissioner Wingate, to Receive and File the Director of Planning and Building Safety's approval of Environmental Assessment No. EA-1176, Adjustment ADJ No. 16-07, and Administrative Adjustment No. 16-08. Motion carried (5-0).	MOTION
None.	WRITTEN COMMUNICATIONS
Chair Baldino presented Agenda Item H-2, Environmental Assessment No. 1177 and Zoning Text Amendment No. 16-06. A possible ordinance amending various sections of the El Segundo Municipal Code (ESMC) related to the City's regulation of accessory dwelling units.	NEW BUSINESS for EA-1177; ZTA 16-06
Planning Manager Gregg McClain presented a staff report.	
Commissioner Wingate asked whether Accessory dwelling units are limited by the FAR on a property.	
Planning Manager McClain responded affirmatively.	
Chairperson Baldino asked whether the City can limit the locations of new construction accessory dwelling units as it did in 2003 or whether it can impose new arbitrary limitations.	

Planning Manager McClain responded that the City can do neither. Any limitations on new construction accessory dwelling units have to be based on the criteria set in the state law.

Assistant City Attorney David King clarified that the state law requires that cities approve accessory dwelling units within existing structures. However, the state law gives cities some discretion to limit the location of new construction of accessory dwelling units based on certain criteria.

Chairperson Baldino stated that the state preempted the City with regard to accessory dwelling units within existing structures, including garages. The City has to decide whether to continue to severely restrict the location of new construction of accessory dwelling units. However, he pointed out, restricting new construction accessory dwelling units would incentivize property owners to just convert their garages.

Assistant City Attorney King pointed out that the state law did not define what it meant by the term 'existing' structures. Taken literally, 'existing' could mean those structures that existed on January 1, 2017, when the new state law went into effect. He stated that the City Attorney's interpretation is that 'existing' means those structures built before January 1, 2017.

Planning Manager McClain indicated that staff received written communication from a property owner of an R-2 zoned lot regarding permitting accessory dwelling units in the R-2 zone.

Chairperson Baldino asked whether R- zoned lots have the right to build an accessory dwelling unit already.

Planning Manager McClain explained that R-2 lots smaller than 4,000 square feet can only be developed with one unit currently.

Commissioner Nicol asked what the state's goal is in requiring cities to approve accessory dwelling units.

Planning Manager McClain explained that the state wants to address the housing shortage in California.

Commissioner Nicol asked if the City were to restrict the permitted locations of accessory dwelling units whether the state would follow up with stricter regulations.

Planning Manager McClain stated that if all cities collectively restricted the development of accessory dwelling units that the state would probably follow up with stricter regulations.

Commissioner Wingate asked whether the City could restrict the use of water or sewer facilities.

Planning Manager McClain explained that the City could use that criteria for the purpose of determining areas where accessory dwelling units would be permitted. He explained further that it would require further study.

Planning Commissioner Newman asked how many people would be interested in developing accessory dwelling units on their property.

Planning Manager McClain responded that he did not know, but that the City had already received some applications to convert existing structures into accessory dwelling units.

Vice Chair Newman asked Commissioner Nicol whether in his line of work as a real estate professional the subject of accessory dwelling units comes up.

Commissioner Nicol responded that it comes up all the time. Property owners typically want to have the option to have family live on the same property.

Chairperson McClain explained that accessory dwelling units can be rented out to non-family members as well based on the state regulations.

Commissioner Nicol asked whether the City could regulate the length of rental terms.

Planning Manager McClain explained that state law allows cities to regulate rental terms and to require the property owner to reside on the property. He added that short term rentals will be addressed in a separate ordinance.

Chairperson Baldino opened public communication.

Arena Costea, architect: Ms. Costea pointed out that people are building or converting structures into accessory dwelling units whether a city permits it or not. This leads to a lot of construction that is unsafe. As a result, part of the intent behind the new state regulations is to allow people to do so in a safe manner.

Jim Stone (1208 E. Walnut Ave). Mr. Stone pointed out that he's constructing an addition to a garage for a play room. He's also adding a third parking space in his garage. He's wondering whether he can modify his plans to convert the play room into an accessory dwelling units. He expressed his hope that the City would decide in favor of allowing new construction of accessory dwelling units. He pointed to the increase housing costs in the area as a factor in favor of doing so. He also expressed support for a size limit that is higher than 600 square feet.

K. C. Newton (620 Whiting Street). He explained that he would like to build a new detached garage, add a 3rd parking space in it and build an accessory dwelling units above it. He stated that the purpose for the unit would be to allow relatives to stay on the same property when they visit from out of town.

Chairperson Baldino suggested that this would be a preferable option in that it results in additional parking on a property.

Planning Manager McClain agreed and proposed that the ordinance could be drafted to permit and not discourage the provision of additional parking. He also mentioned that staff distributed some written correspondence to the dais, which includes a request to permit accessory dwelling units in the R-2 zone.

Commissioner Nicol pointed to the difference in standards between the R-1 and R-2 zones and asked how the new state law applies to R-2 lots.

Planning Manager McClain pointed out that allowing accessory dwelling units in the R-2 zone is an option for the City, not a requirement.

Commissioner Nicol stated that it would be unfair for small R-2 zoned lots that are not permitted to have two units under the current City regulations, not to be allowed to have an accessory dwelling unit.

Commissioner Wingate asked staff to confirm whether accessory dwelling units would be subject to the R-1 zone FAR limit.

Planning Manager McClain responded that they would.

Commissioner Nicol asked whether an accessory dwelling unit would count toward the floor area for parking purposes and he mentioned that the City had just increased the threshold for requiring a 3rd parking space for a single-family residence to 3,500 square feet.

Planning Manager McClain responded that they would count toward floor area.

Resident (Imperial Avenue). He explained that he's in the process of purchasing a property. He pointed out that the property apparently has an accessory unit on it. He also made a point regarding increasing housing prices in El Segundo.

Ben (1530 E Mariposa Avenue). Mr. Ben _____ mentioned that he has family that visits regularly and it would be great to have an extra unit for them. He also pointed out that it would be useful to him to have an extra building/unit with full shower/bath facilities on the property.

Chairperson Baldino asked whether property owners could come to the City after the fact and legalize units built and/or converted without permits.

Planning Manager McClain responded that property owners would have to apply for permits to do so and that the units would have to meet current zoning and building safety standards.

Commissioner Wingate pointed out that establishing accessory dwelling units will be a popular option for property owners.

Chairperson Baldino pointed out the dilemma between restricting the location of new construction accessory dwelling units and unintentionally encouraging garage conversions.

Commissioner Newman stated that her first reaction was to permit new construction accessory dwelling units on all R-1 lots in the hopes that property owners would provide additional parking voluntarily.

Commissioner Nisley asked if someone could build a garage and then convert it into an accessory dwelling unit.

Planning and Building Safety Director Sam Lee explained that if the ordinance defines the term existing as structures built before January 1, 2017, a property owner would not be able to convert a garage built after January 1, 2017.

Commissioner Wingate suggested restricting accessory property owners to converting existing spaces.

Commissioner Nicol suggested allowing a large maximum size limit (above 600 square feet) to encourage property owners to maintain their garages.

Chairperson Baldino suggested encouraging building units above a garage, but not necessarily next to their garage. He proposed granting more square footage for units above a garage.

Commissioner Nicol pointed out that it would be cheaper to build a unit next to a garage as opposed to above the garage.

Chairperson Baldino expressed support for allowing new construction accessory dwelling units throughout the R-1 zone to discourage garage conversions.

Commissioner Wingate expressed support for a maximum size limit close to 600 square feet to discourage large families with multiple cars moving in.

Commissioner Nicol agreed with Chairperson Baldino's proposal to permit new construction throughout the R-1 zone.

Commissioner Wingate pointed out that the expense of converting a garage and allowing new construction would discourage conversion of garages.

Commissioner Nicol suggested that owners of properties with alley access would be more likely to build a unit above a detached garage at the rear of a lot. He suggested that a maximum size limit of 800 square feet may be reasonable in that situation.

Commissioner Wingate expressed support for requiring the owner of a property with an accessory dwelling unit to reside on the property.

Commissioner Nicol pointed out that enforcement of that requirement would be difficult.

Chairperson Baldino summarized the Commissioner's consensus regarding permitting accessory dwelling units throughout the R-1 zone with a maximum size limit between 600 and 800 square feet. He also suggested incorporating an incentive for property owners to maintain existing garages on a property.

Commissioner Nicol pointed out the small R-2 lots and expressed support for permitting small R-2 lots to have an accessory dwelling unit.

Planning Manager McClain suggested that staff could add provisions allowing certain small R-2 lots to have an accessory dwelling unit. If the Commission did not like the language at its next meeting, staff could remove or edit it.

Assistant City Attorney King encouraged the Commission to take time to deliberate the issues carefully and not rush a decision.

Mr. Baldino asked staff whether they had adequate direction to draft an ordinance in time for the next Planning Commission meeting.

Mr. McClain responded that staff had clear direction.

Commissioner Wingate moved, seconded by Commissioner Nicol, for the **MOTION** Planning Commission to continue the item to the next regularly scheduled meeting on March 23, 2017. Motion carried (5-0).

None.

**PUBLIC HEARING-
CONTINUED
BUSINESS**

None.

OTHER BUSINESS

Mr. McClain announced that the R-1 modulation ordinance was approved on a 3-2 vote by the City Council and would become effective on March 23, 2017.

**REPORT FROM
PLANNING AND
BUILDING SAFETY
DIRECTOR**

Mr. King reported on a recent Supreme Court case decision on whether work related emails on a personal email account or a personal device are subject to the public records act requests. The Supreme Court ruled that those emails are subject to public records act requests. He advised the Commission that if there is a public records act request, the City may need the Commissioners' help in responding to the request.

**REPORT FROM THE
CITY ATTORNEY'S
OFFICE**

Commissioner Baldino asked the Assistant City Attorney to explain how a public record is defined.

Mr. King explained that it is communication regarding City business. In the case of the Planning Commissioners, this would mean any communication relating to their work as Planning Commissioners.

Commissioner Nicol announced that Arbor day was coming up. He said that the Tree Musketeer's would be doing maintenance and he invited the public to participate.

**PLANNING
COMMISSIONERS
COMMENTS**

Chair Baldino adjourned the meeting.

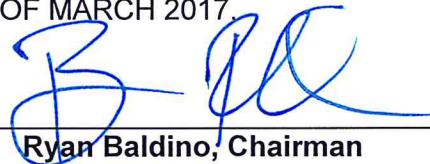
ADJOURNMENT

The meeting adjourned at 7:02 p.m.

PASSED AND APPROVED ON THIS 23RD DAY OF MARCH 2017.



Sam Lee, Secretary of
the Planning Commission
and Director of the
Planning and Building Safety Department



Ryan Baldino, Chairman
Planning Commission
City of El Segundo, California