



# CITY OF DEL REY OAKS

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September 8, 2011

## AGENDA

REGULAR DEL REY OAKS PLANNING COMMISSION MEETING  
WEDNESDAY, SEPTEMBER 14, 2011 AT 6:00 P.M.  
CHARLIE BENSON MEMORIAL HALL, CITY HALL

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. CONSENT AGENDA:
  - A. Planning Commission Meeting Minutes, August 2011
4. PUBLIC COMMENTS:

Anyone wishing to address the Commission on matters not appearing on the Agenda may do so now. The public may comment on any other matter listed on the Agenda at the time the matter is being considered by the Commission. *There will be a time limit of not more than three minutes for each speaker. No action will be taken by the Commission on matters brought up under this item and all comments will be referred to staff.*
5. REPORTS:
  - A. Building Activity Report, August 2011
6. NEW BUSINESS:
  - A. **Project Name:** Scott Hudson/Susan Phillips  
**File Number:** ARC 11-07 VAR 11-03  
**Site Location:** 983 Portola Drive  
**Planning Area:** APN#012-491-001  
**Environmental Status:** Categorically Exempt  
**Project Description:** Requesting Architectural Review and Variance to construct a 12'x12' sunroom addition which encroaches 2' 3" into the rear yard setback.

7. ANNOUNCEMENTS/COMMENTS BY PLANNING COMMISSIONERS
8. NEXT MEETING: Wednesday, October 12 , 2011 at 6:00 P.M.
9. ADJOURNMENT

All enclosures and materials regarding this agenda are available for public review at Del Rey Oaks City Hall. Information distributed to the Planning Commission at the meeting becomes part of the public Record. A copy of written material, pictures, etc. should be provided to the Secretary for this purpose.

**REGULAR MONTHLY MEETING DEL REY OAKS PLANNING  
COMMISSION WEDNESDAY, AUGUST 10, 2011 AT 6:00 P.M.  
CHARLIE BENSON MEMORIAL HALL**

**Present:** Commissioner Jaksha, Hayworth, Thayer, Larson, Lucido, and Vice  
Chair Weir.

**Absent:** Chairman Clarke

**Also Present:** Deputy City Clerk Minami and City Attorney Callihan

**PLEDGE OF ALLEGIANCE:** Lead by Vice Chair Weir

**CONSENT AGENDA:**

The Commission considered **ITEM 4.A.**, Planning Commission Meeting Minutes,  
July 13, 2011.

*Motion by Commissioner Hayworth to approve, seconded by Commissioner  
Jaksha*

*There were no comments received*

*Motion passed 6-0*

**PUBLIC COMMENT:**

None

**REPORTS:**

The Commission considered **ITEM 5.A.** Building Activity Report, July 2011

*Report was accepted.*

*Vice Chair Weir:* What is 451-453 CDR?

*Deputy City Clerk Minami:* Tenant Improvement at Stone Creek Center, will be  
a 24 hour pet hospital and specialist.

*There were no public comments received.*

**NEW BUSINESS:**

The Commission considered **ITEM 6.A.**,

**Project Name:** Scott Hudson/Susan Phillips

**File Number:** ARC 11-05

**Site Location:** 983 Portola Drive

**Planning Area:** APN#012-491-001

**Environmental Status:** Categorically Exempt

**Project Description:** Requesting Architectural Review to construct a 12'x12' sunroom addition to back of single family dwelling and to add fencing to create a side yard on south east corner of property. Materials and colors to match existing residence.

**Recommended Action:** Analyze provided material, make appropriate findings and give direction to staff.

**Commissioner Larson owns property within 500 feet of the project site and steps down from dais.**

**Mike LaPage, Contractor for the Applicant:** After having the survey performed, they are proposing that the 12'x12' sunroom change to a 10'x13' sunroom, because the 12'x12' original plan goes into the setback. Hands photo to the Commission. Describes project and why applicant needs to extend the side yard fence extended for more room for gardening. The proposed fence is 34' from the north east corner and they already pulled it back, as so it wouldn't hinder the view of the neighbors. Mrs. Phillips has already paid to have the existing fence built in the back that is the same on both sides, it's a "very neighbor" friendly fence.

**Commissioner Thayer:** Materials won't match, as stated in the description of project. It's prefabricated and it will be different materials.

**Mike LaPage:** Vinyl siding and aluminum will be an almond color and will slightly match the color of the existing house.

**Vice Chair Weir:** Letter states that the neighbor is concerned about small decorative white fence having to come down.

**Public Comment:**

**Victor Garcia, 3 Tweed Place:** In addition to the letter, wants to add that his house is the last house before Seaside, and susceptible to crime. With a fence, his family will be more "cut off" from the street and Del Rey Oaks, feels that it is a public safety issue.

**Deputy City Clerk Minami:** Handed the pictures that the residents of 3 Tweed sent via e-mail.

**Commissioner Jaksha:** Would the applicant be willing to drop the height to 5 feet? It's "six of one and half a dozen of another", because if someone wants to hide behind something they will, even a three foot shrub. Applicant has already made a concession.

**Commissioner Hayworth:** Will they have to re-submit because of the size difference? Referred to dispute letter, drove around to notice if there are other fences like the proposed, and there are several in his neighborhood.

**Deputy City Clerk Minami:** They would not have to resubmit for design review, but they will have to make the mentioned changes, for the plan check procedure.

**Commissioner Lucido:** The letter from Chief Langford states that public safety is not an issue, and that makes a huge difference to hear that. Fence meets the requirements according to the Municipal Code. A site survey is a must, and would have answered a lot of questions tonight.

**Deputy City Clerk Minami:** Both the home owner and the contractor were notified of the site survey requirement.

*Public Comment:*

**Victor Garcia, 3 Tweed Place:** His wife read somewhere that the neighbor has to approve of the project, or it can't be done.

**Vice Chair Weir:** Explains the appeal process, if the neighbor isn't satisfied with outcome of the decision.

**Commissioner Lucido:** We don't need the neighbor's approval.

**City Attorney Callihan:** Nothing in the code regarding neighbor's approval, just the appeal process when they don't approve.

**Mike LaPage:** They placed the site markers and thought that would be enough. Trying to save the home owner money. If the Commission wants to go above and beyond that, they would be willing to do a site survey. Usually with City Inspectors, site markers are enough.

**Commissioner Lucido:** Again, a site survey would have made this process easier and answered questions regarding who's land the new fence will be on. Del Rey Oaks is different than other Cities, as we have building requirements that we request to be followed. It's not going above and beyond, it's doing what is asked.

**Mike LaPage:** Tried working with neighbors and they are willing to bring it back more if necessary.

**Commissioner Thayer:** The neighbors need to work it out, not our responsibility.

**Mike LaPage:** Asks if the neighbor is fine with the fence, and they would be glad to bring it in a bit if he wants.

**Victor Garcia:** Likes the process and would be glad to talk to Mrs. Phillips about fence.

**City Attorney Callihan:** This is the time to evaluate the application in front of Commission. Not the Commission's responsibility to figure out the fence issue.

**Vice Chair Weir:** View is improved with the new fence it's better than what is there now; cars, garbage cans, and dirt. Glad that Chief Langford inspected.

*Motion by Commissioner Thayer to approve item #6.A: Scott Hudson/Susan Phillips, ARC #11-05, 983 Portola Drive, APN #012-491-001, Environmental Status is Categorically Exempt, with the condition that a site survey is submitted and meets the building requirements of the City, also the plans will include the changes discussed tonight, seconded by Commissioner Hayworth.*

**Mike LaPage:** Is the fence approved tonight?

**Vice Chair Weir:** Yes.

*There were no other comments received*

*Motion passed 5-0*

*Commissioner Larson returns to the dais.*

**OLD BUSINESS:** None

**ANNOUNCEMENTS/COMMENTS:**

**Commissioner Jaksha:** Garage Sale was a huge success, next is the picnic.

**Commissioner Larson:** Great job on the garage sale.

**Commissioner Lucido:** The reason he wasn't in town for the garage sale is that his wife was doing a "one woman play" in Hollywood that weekend. Next she will be at the Wharf Theater. All proceeds go to the Seaside Women's Crisis Center.

**NEXT MEETING:** Wednesday, September 14, 2011 at 6:00 p.m.

**6:50 p.m.** Meeting Adjourned

Approved:

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DATE: September 14, 2011  
TO: Planning Commission  
FROM: Karen Minami - Deputy City Clerk  
RE: Agenda Item 6.A.- 983 Portola Drive

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**Project Name:** Scott Hudson/Susan Phillips  
**File Number:** ARC#11-07/VAR#11-03  
**Site Location:** 983 Portola Drive  
**Planning Area:** APN# 012-491-001  
**Environmental Status:** Categorically Exempt  
**Project Description:** Requesting Architectural Review and Variance to construct a 12'x12' sunroom addition which encroaches 2' 3" into the rear yard setback.

**Recommended Action:** Analyze provided material, make appropriate findings and give direction to staff.

***CONFLICT OF INTEREST: Chairman Larson owns property within 500 feet of the project site and should step down during the consideration of this item.***

PLANNING COMMISSIONERS: Please read attached memo to explain why this item is being heard.

# City of Del Rey Oaks

## Memo

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**To:** Planning Commission

**From:** Karen Minami

**Date:** 9/7/2011

**Re:** 983 Portola

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You will notice that 983 Portola, is being submitted. On the City Attorney's advice, this is to be treated as a new item. The applicant is requesting a variance for the original 12' x 12' sunroom. The site survey is included this month. As you may recall from last month, because of last minute measurements, the applicant asked for a 10' x 13' sunroom, and that was approved. The applicant wants permission to build the 12' x 12' sunroom, and is requesting a variance to do so.



## VARIANCES

For variance requests, include in writing A, B & C of section 17.44.020, along with application and detailed plot plan.

- A. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same district;

Evidence: THE LOT IS A CORNER LOT THAT IS NOT SQUARE, BUT QUITE TRAPEZOIDAL. THOUGH THE HOUSE IS SET PARALLEL TO THE STREET, THE BACK YARD IS AT A SIGNIFICANT ANGLE. THUS, ADDING A 12' X 12' SUNROOM, IT POKES INTO THE SETBACK ON ONE CORNER BY 2'.

- B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;

Evidence: BECAUSE THE ADDITION IS TO BE USED AS A GREENHOUSE/SUNROOM, IF WE ADHERE TO THE CURRENT SETBACK IT MAKES THE STRUCTURE UNABLE TO USE TO ITS FULLEST EXTENT - THE FULL SIZE (12' X 12') ALLOWS FOR TWO FULL TABLES FOR PLANTS, AND A POTTING SHelf. A MORE NARROW FORMAT ELIMINATES ONE ROW, AS WELL AS ELIMINATING THE AREA THAT GETS THE BEST SUN!

- C. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood or the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to the property or improvements in said neighborhood.

Evidence: UNDER NO CIRCUMSTANCES WILL THIS STRUCTURE ADVERSELY AFFECT HEALTH, SAFETY OR AESTHETICS OF ANY NEIGHBORING PROPERTY.