



CITY OF DEL REY OAKS

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October 3, 2013

AGENDA

REGULAR DEL REY OAKS PLANNING COMMISSION MEETING
WEDNESDAY, OCTOBER 9, 2013 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, September 11, 2013
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, September 2013
6. OLD BUSINESS: *Discussion Item*
 - A. Review the changes and recommendations from September 11, 2013 Planning Commission Meeting for Livestock Ordinance.
8. ANNOUNCEMENTS/COMMENTS BY PLANNING COMMISSIONERS

9. **NEXT MEETING:** Wednesday, November 13, 2013 at 6:00 P.M.

10. **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, SEPTEMBER 11, 2013 AT 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL**

Present: Commissioner Green, Weir, Thayer, Gaglioti, Hayworth, Lucido and
Chairman Jaksha

Also Present: City Attorney Callihan and Deputy City Clerk Minami

CONSENT AGENDA:

The Commission considered **ITEM 3.A.**, Planning Commission Meeting Minutes,
August 2013.

Commissioner Green: Points out two typos.

*Motion by Commissioner Hayworth to approve with changes in place, seconded by
Commissioner Weir*

There were no public comments received

Motion passed 5-1 (Commissioner Lucido, wasn't present at the August meeting)

PUBLIC COMMENT:

None

BUILDING REPORT:

The Commission accepted **ITEM 5.A.**, Building Activity Report August 2013

OLD BUSINESS:

- A. Review the changes and recommendations from the August 14, 2013 Planning
Commission Meeting for Livestock Ordinance.

Chairman Jaksha: Asks for Commissioner Gaglioti to review the changes.

Commissioner Gaglioti: Refers to Commissioner Green since she put the information together.

Commissioner Green: The City Manager recommended to stick with chickens and that's what
the report reflects. Reads the report.

Chairman Jaksha: Has the City Attorney looked at the report?

City Attorney Callihan: Yes, will reword it as an actual ordinance when the time comes. After
the Planning Commission approves this, it will go to City Council for public input and meetings
and adoption into the City Municipal Code.

Helen Ragsdale: Why are the Carlton Estate being limited? Why are we changing the amount
of chickens allowed. It states in the CC&R's for the Estates that 50 chickens are allowed. The
Estates shouldn't be part of the ordinance.

Commissioner Green: During the meeting with the City Manager, came up with 20 because that is the amount that Susan has. Felt it was a reasonable limit.

Chairman Jaksha: The Estates should to be part of the ordinance, because they are part of the City. How about making a concession for the Estates for 50 chickens?

Commissioner Gaglioti: We need to match up the CC&R's with the wording for this ordinance.

City Attorney Callihan: If that is the recommendation of the Commission, then we can do that.

Susan Ragsdale-Cronin: Understands the set back changes, but doesn't want the number of chickens changed for the Estates.

Deputy City Clerk Minami: Clarifies that the "permit" process is for the entire City, including the Estates.

Chairman Jaksha: Yes.

Commissioner Thayer: 50 chickens are for more of a commercial use.

Susan Ragsdale-Cronin: Not necessarily. Use them, share them and chickens are happy.

Commissioner Thayer: Commercial use is going to be an issue. Thanks the Ad Hoc Committee for the work.

Commissioner Green: Commercial use isn't allowed and will be dealt with accordingly. And exceptions can be applied for.

Commissioner Lucido: Changing ordinances is common and it's reasonable to change this one. Doesn't want to single out the Estates, and there might be other areas in the City now and in the future development that have bigger lots. If changing the amount, need to be fair.

Commissioner Weir: Where did the numbers come from and why is the CC&R's coming up now? The ordinance should reflect the wording of the CC&R's. Impressed with the wording of the BMP's, very important. What about rabbits and other livestock?

Chairman Jaksha: That is up the Commission.

Commissioner Gaglioti: Doesn't want this to hold it up.

Commissioner Thayer: Asks staff, are there residents lining up to get Chicken permits?

Deputy City Clerk Minami: No.

Chairman Jaksha: No rush, and wants to wait.

Commissioner Weir: Would the staff issue the permit for other livestock?

Deputy City Clerk Minami: Yes, if request met all the criteria for the current ordinance.

City Attorney Callihan: The wording can include something like: provision with existing entitlements.

Commissioner Hayworth: Asks if someone has a copy of the CC&R's.

Deputy City Clerk Minami: Has looked everywhere and can't find it in City Hall.

Helen Ragsdale: Will try to find hers.

Commissioner Hayworth: Needs to see the CC&R's, if we are going to change the wording of the ordinance.

Commissioner Green: Asked to have a website called Urban Chickens added to the BMPS, hands Deputy City Clerk the note with the name of website.

Chairman Jaksha: Wants to wait until the Commission sees the CC&R's before a decision is made.

Commissioner Thayer: If there was a home owners association, they would have a copy.

Helen Ragsdale: There is a home owners association, just not active.

Motion by Commissioner Hayworth to table this item until the Commission is able to review the CC&R's for the Carlton Estates, seconded by Commissioner Lucido.

There were no public comments received

Motion passed 7-0

NEW BUSINESS:

- A. **Owner's Name:** Sean Hillesheim
 Applicant's Name: Sean Hillesheim
 File Number: ARC#13-09&CUP#13-05
 Site Location: 100 Calle Del Oaks
 Planning Area: APN: 012-601-002
 Environmental Status: Categorically Exempt
 Project Description: Requesting Architectural Review and Conditional Use Permit to utilize a section of the existing Monterey Garage and Towing building and property as Used Auto Sales. Requesting a sign permit for proposed additional business.

Commissioner Hayworth steps down from the dais, as he does business with Monterey Garage and the Hillesheim Family.

Sean Hillesheim: Hands letter to Planning Commission from Russo's Produce in support of the project. Explains that car lot will NOT be like the car lots up and down Fremont Street. No flags or extra signage. They have 13 tow trucks and a car repair spot in Monterey. No more than 6 vehicles inside and 4 behind the fence on the east side of the building. Will be opened Monday through Friday 10am to 6pm and by appointment.

Commissioner Green: Will the stairs be temporary?

Sean Hillesheim: No, they will be permanent.

Sean Hillesheim: We are following DMV's rules "can't go through one business to get to the car lot", so have to have a separate entrance.

Commissioner Weir: Likes the idea of sales tax for the City. How will the appointments be handled?

Sean Hillesheim: There are certain times for selling and if someone needs a particular car and it's found for them an appointment can be made if it's not during regular business hours.

Commissioner Lucido: There will be ADA issues, how will they enter and parking might be a factors. Likes the concept.

Sean Hillesheim: The existing parking spots won't be affected.

Commissioner Lucido: Not a thought out plan, lots of unanswered questions. The plans are "sketchy", not up to the Commissions standards. Likes the name!

Commissioner Thayer: Likes the use of the building. Doesn't agree about the two business's and trouble with ADA and parking but does agree about the poor quality and lack of detail in the drawings. No offence to staff, but more attention needs to be taken when accepting applications.

Commissioner Gagliotti: Concerned about ADA parking. They need to do homework and plans needs to be better and more detailed. What kind of cars will be sold?

Sean Hillesheim: Mostly low end family and economical cars. It's for the need of the clients.

Commissioner Gagliotti: You have Monterey Garage as your business, how will you deal with that?

Sean Hillesheim: It will be like a second job.

Chairman Jaksha: Plan Check will figure out the ADA ramp, stairs and parking spot if needed. One of the employees gave him a tour and how the cars go in and out.

Sean Hillesheim: Explains how the cars go in and out, it's not on the plans.

Chairman Jaksha: No "FOR SALE" signs.

Sean Hillesheim: None.

Chairman Jaksha: Will the signage match the Monterey Garage signs?

Sean Hillesheim: Yes, the same color and style letters.

Chairman Jaksha: Confused by the flagging on the fence.

Sean Hillesheim: To show where the cars will be stored.

Commissioner Lucido: Wants to see a nicer plan that describes the entire project with plans drawn to scale, maybe some photos and have more professional presentation.

Chairman Jaksha: Wants the staff to be more diligent when they accept applications for projects.

Commissioner Weir: The drawings leave a lot of questions.

Commissioner Thayer: Even though the application and drawings are weak, the intent is clear.

PUBLIC COMMENT:

None

*Motion by Commissioner Thayer to approve ARC #13-09 & CUP #13-05, provided ADA accessibility is addressed during planning stage, seconded by Commissioner Weir. There were no public comments received
Motion passed 5-1 (Commissioner Lucido)*

Commissioner Hayworth returns to the dais.

OLD BUSINESS: None

ANNOUNCEMENTS/COMMENTS:

Commissioner Thayer: Were the fees correct for the last application, seemed high.

Deputy City Clerk Minami: Yes, it's a commercial ARC and CUP.

Commissioner Hayworth: Surprised they got permission, but it's because the DMV needs it for a dealer's license.

Commission Lucido: The Calle Del Oaks area is overrun with unpermitted signs, needs some code enforcement. The Commission doesn't have to approve everything in front of us.

City Attorney Callihan: The Commission had the authority to put conditions on the Use Permit. If "For Sale" signs in the cars weren't wanted, should have made it a condition of the Use Permit. Any reasonable condition can be put on a Use Permit. If the Commission didn't like the presentation, a recommendation to come back next month with more accurate drawings could've been made. The Conditional Use Permit will have standards and must comply with all laws and City codes. All ARC, ADA, Planning and Building codes are inherent in the Use Permit.

Deputy City Clerk Minami: We will be more vigilant with the applications and drawings and will share this with Kim.

Chairman Jaksha: Wishes the Police would drive around, notice and follow up on code enforcement issues throughout the City. The DROCAG is putting on the City 60th Birthday Party on Sunday September 15th. Dunk tank, lots of fun stuff. Please RSVP.

NEXT MEETING: Wednesday, October 9, 2013 at 6:00 p.m.

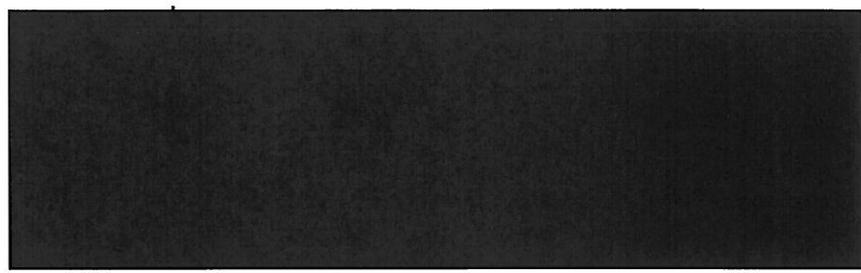
7:15 p.m. Meeting Adjourned

Approved:

**CITY OF DEL REY OAKS
BUILDING ACTIVITY REPORT
September 2013**

PERMIT#	DATE	ADDRESS	NAME	PROJECT DESCRIPTION	TYPE	STATUS	LAST INSP.
B-12-40	11/06/12	833 Portola Drive	PG&E/Diversified Comm.	Cell tower extension	C-1	Current	11/1/2012
B-13-01	02/22/13	1024 Portola	Milam/Owner-Builder	Kitchen Remodel	R-1	Current	5/31/2013
B-13-03	02/01/13	1060 Rosita Rd	Heimer/Lang's Roofing	Re-Roof	R-1	Final	4/16/2013
B-13-05	02/25/13	27 Quendale	Gorman Realty/KR Construction	R&R Bathroom	R-1	Final	3/7/2013
B-13-09	04/05/13	541 Pheasant Ridge	Minkirgasonra/Polmex	Kitchen Remodel	R-1	Current	4/5/2013
B-13-11	04/16/13	112 Quail Run Ct	Soulis/Jon Cochran	Kitchen Remodel	R-1	Current	4/16/2013
B-13-12	04/19/13	830 Rosita Rd	Oneill/Owner-Builder	New Window	R-1	Current	6/15/2013
B-13-14	05/03/13	908 Rosita Rd	Gordon/J.Matt McNickle	Foundation work	R-1	Current	5/3/2013
B-13-15	05/08/13	960 Portola	Pfau/Salinas Vly Roofing	Re-roof	R-1	Final	9/27/2013
B-13-21	06/21/13	161 Calle Del Oaks	AT&T/Roebelen Const.	New container/building	C-1	Final	9/25/2013
B-13-24	06/18/13	911 Angelus Way	Coburn/Green Stone Const.	Restroom Remodel	R-1	Current	7/12/2013
B-13-25	07/08/13	425 Canyon Del Rey	7-Eleven/Powerhouse Const.	Lighting upgrade	R-1	Current	7/8/2013
B-13-26	07/22/13	5 Alta Circle	Kaplan/John Chatters	R&R Kitchen	R-1	Final	9/27/2013
B-13-28	08/20/13	908 Rosita Rd	Brewer/Owner Builder	Attic Vent and deck repair	R-1	Current	8/20/2013
B-13-29	08/26/13	815 CDR	Safeway/Eric Anderson	Wells Fargo expansion	C-1	Current	8/26/2013
B-13-30	08/29/13	14 Work Ave	Nelson/Slaton Roofing	Re-Roof	R-1	Current	9/2/2013
B-13-31	09/18/13	1012 Rosita Rd	Rodrigues/Owner Builder	Framing and Electrical	R-1	Current	9/18/2013

C. C. L. T. CO. #11175
DECLARATION OF RESTRICTIONS
FOR
DEL REY ESTATES



21150

Whereas, said subdivider has subdivided or intends to subdivide said area and to well acres and building sites therein, subject to certain protective restrictions, conditions, limitations, reservations, and covenants, hereinafter referred to as "protective restrictions", in order to insure the most beautiful and beneficial use of said area mainly as a residential subdivision and to prevent any such use thereof as might tend to diminish the valuable or pleasurable enjoyment thereof.

NOW THEREFORE, said subdivider hereby declares that said protective restrictions are hereby imposed on said protected area, and are as follows, to wit:

1. That the Grantee or Grantees under any conveyance, shall not at any time conduct, or permit to be conducted, on said premises, any trade or business of any description, nor shall said premises be used for any other purpose whatsoever except for the purpose of a one, detached, single family dwelling, guest house and other usual pertinent out-buildings.

2. That the premises herein described shall not be used or occupied, or permitted to be used or occupied, by Asiatics or Negroes, except that persons of said races may be employed as household servants, and that said Grantees agree not to sell, convey, lease or transfer said premises, or any part thereof, or any estate or interest therein, excepting to persons belonging to the Caucasian Race.

3. No building or improvement of any kind shall be erected, moved onto, or maintained on the premises herein described until the design and location thereof have first been submitted to, and approved in writing by said Subdivider, agent or committee appointed by said Subdivider, then by a committee elected by the owners of record of a majority of lots in said Del Rey Estates. In the event that such committee is not in existence, the design shall be in harmony with other dwellings in the tract. In any case, no dwelling shall have a ground floor area less than 800 square feet in the case of a one-story structure, nor less than 1000 square feet in the case of a one and one-half or two-story structure, exclusive of garages, porches, terraces not under the main roof.

4. No trailer, tent, shack, garage, barn or other out-building shall at any time be used as a residence temporarily or permanently.

or permanently.

5. No building or improvement of any kind shall be erected on any lot nearer than twenty (20) feet to the front lot line, nor nearer than ten (10) feet to any side line.

6. The subdivider hereby expressly reserves from said premises an easement in a strip of land five (5) feet wide along the rear and side lines of said premises to erect poles thereon to support wires for the transmission of electricity for lighting and other purposes, and for the construction and maintenance of open culverts for the carrying of surface water in an amount not to exceed one second foot of water and to construct, operate and maintain pipe lines, sewers, drains, water pipes, telephone lines, or conduits under the surface of said reservation for any lawful purpose whatsoever; no structure shall be built upon the property affected by said reservation of right-of-way and said property shall at all times be open to said Subdivider and any public service corporation which may require the use of said right-of-way.

7. No lots shall be resubdivided into buildingplots having an area of less than 25,000 square feet, without the written consent of the subdivider.

8. Pending availability of public sewers, sewage disposal shall be by means of individual septic tanks (or other equally sanitary structures for the storage or disposal of sewage), the type, construction, location on lot, and tile disposal field, shall be approved in writing by the Monterey County Health Authorities, and no outside toilets shall be permitted.

9. No livestock shall be kept on any of said protected area, except cats, dogs and riding horses and then only as pets. Not more than 50 chickens may be kept on any one building site.

10. No fence shall be erected or permitted to remain or allowed over a height exceeding three (3) feet, nearer any street than the twenty (20) foot set-back line, and in no case shall any lot line fence be higher than six (6) feet.

11. No living trees on said premises shall be cut or removed therefrom without the written consent of the Grantor, except such trees as shall interfere with the construction of a residence or other structure, the plans of which have previously been duly approved by Grantor.

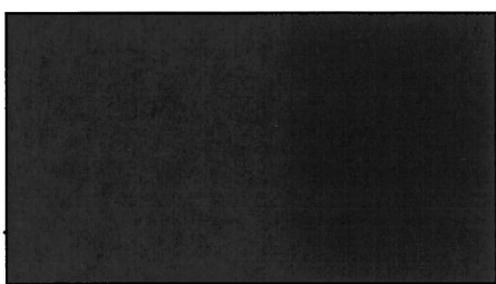
12. Nothing contained in this declaration shall impair or defeat the lien of any mortgage or deed of trust made in good faith and for value, but titles to any property subject to this declaration obtained through sale in satisfaction of any such mortgage or deed of trust shall thereafter be held subject to all of the "Protective Restrictions" hereof.

13. The foregoing protective restrictions shall run with the land and shall be binding on all the parties and all persons claiming under them for a period of ten (10) years from August 1, 1948, at which time said protective

restrictions shall automatically be renewed for an additional period of ten (10) years, unless 75% or more of the owners of record, at that date, agree in writing to changes and said changes are made in a lawful manner.

14. That each and all of the Protective Restrictions shall be enforceable by injunction or by any other form of action available to the parties aggrieved, or to the Subdivider or his successors in interest; invalidation of any one of these protective restrictions by judgment or court order shall in no wise affect any other provisions which remain in full force and effect.

WITNESS our hands this 22nd day of September 1948.



STATE OF CALIFORNIA

County of FRANKLIN

On this 22nd day of SEPTEMBER 1948 at the year one thousand nine hundred and forty-eight

County of FRANKLIN State of California, residing therein, duly commissioned and sworn, personally appeared

known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of FRANKLIN the day and year in this certificate first above written.

Notary Public in and for the County of FRANKLIN

INDEXED

29190

MONTEREY COUNTY OFFICIAL RECORDS
RECORDED AT REQUEST OF
COAST COUNTIES LAND TITLE COMPANY

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JOHN E. WALLACE
RECORDER

250

John E. Wallace