



CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 • FAX (831) 394-6421

April 4, 2014

AGENDA

REGULAR DEL REY OAKS PLANNING COMMISSION MEETING
WEDNESDAY, APRIL 9, 2014 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, November 13, 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, March 2014
6. NEW BUSINESS:
 - A. NOMINATION AND ELECTION OF NEW PLANNING
COMMISSION CHAIRPERSON
Action Item
 - B.

Owner's Name:	Lazaro Espinola
Applicant's Name:	Lazaro Espinola
File Number:	ARC#14-01 & VAR#14-01
Site Location:	826 Portola Drive
Planning Area:	APN: 012-471-005

Environmental Status: Categorically Exempt

Project Description: Requesting Architectural Review and Variance approval for work started with no permit and built on City Property. Work includes a concrete wall, electric driveway gate, and entry gate in the front and wall on the side of the single family dwelling. Upon approval, this item will require a Covenant and Agreement with the City, which will be heard at the next City Council Meeting. Materials and colors to coincide with the Del Rey Oaks Municipal Code.

C. POTENTIAL USE OF FORMER FORT ORD PROPERTY

Discussion Item

7. ANNOUNCEMENTS/COMMENTS BY PLANNING COMMISSIONERS
8. NEXT MEETING: Wednesday, May 14, 2014 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, NOVEMBER 13, 2013 AT 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL**

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

Absent: Commissioner Green

Also Present: City Attorney Callihan and Deputy City Clerk Minami

CONSENT AGENDA:

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

Motion by Commissioner Hayworth to approve, seconded by Commissioner Weir

There were no public comments received

Motion passed 6-0

PUBLIC COMMENT:

None

BUILDING REPORT:

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

NEW BUSINESS:

- A.**
- | | |
|------------------------------|---|
| Owner's Name: | Jaksha, Bessant, Richmond and Shapley |
| Applicant's Name: | Frank Lucido, Jr. |
| File Number: | Lot Line Adjustment |
| Site Location: | 1130 Rosita Rd (lot #1), 54 Los Encinos (lot #2), 58
Los Encinos (lot #3) and 62 Los Encinos (lot #4) |
| Planning Area: | APN: 012-591-007, 012-591-037, 012-611-006
& 012- 533-014 |
| Environmental Status: | Categorically Exempt |
| Project Description: | Requesting lot line adjustment approval to
adjust common lot line between lot #1 and lots #2, #3 and #4. |

*Chairman Jaksha steps down he is an applicant and Commissioner Lucido steps
down as he represents all of the applicants.*

Frank Lucido, Applicant: Explains the background. He represents four applicants with the lot line adjustment. Started with the fences along the Jaksha property, and rather than re-build the fences, Jaksha wants to establish a new lot line.

All the neighbors agree and like the idea. Property isn't "buildable", it's all sand, Manzanita and Sage Brush.

Commissioner Hayworth: Any problems with the County, do they need to approve?

Frank Lucido: No, because it's a City approval. Then it will be a title report to be updated. The County won't be involved until tax time.

Commissioner Thayer: With the new proposed line, the fences will be in the three attached properties.

Frank Lucido: They worked on a plan together and signed an agreement, Jaksha doesn't want the fences.

Commissioner Weir: On the plans, what does "nail to concrete" mean? Does this new survey over ride the original markers?

Frank Lucido: The "nail in the concrete" represents an original monument. Didn't remove it, because it represents the curve of the property with adjustment. Found a monument made from a concrete filled can.

Commissioner Thayer: If this is approved, will new markers have to be set?

Frank Lucido: Plans on doing so, but isn't required.

Commissioner Hayworth: Could the old monument have moved?

Frank Lucido: No more than half an inch in 60 years.

Vice Chair Weir: Commends the quality of the application.

PUBLIC COMMENT:

None

Motion by Commissioner Hayworth to approve the lot line adjustment as presented, seconded by Commissioner Thayer.

There were no public comments received

Motion passed 4-0

Frank Lucido: Needs to coordinate with staff for documentation.

Chairman Jaksha and Commissioner Lucido return to dais.

B.	Owner's Name:	John and Catey Trenner
	Applicant's Name:	Same
	File Number:	ARC#13-11
	Site Location:	15 Brae Place
	Planning Area:	APN: 012-501-032
	Environmental Status:	Categorically Exempt

Project Description: Requesting Architectural Review to replace front French doors with dual pane window and to replace door and window in rear of single family dwelling with French doors.

Commissioner Lucido: Great set of plans.

Commissioner Thayer: What type of materials?

John Trenner, Applicant: Double pained and vinyl windows. Thanks Karen and Kim for all of the help, made it easier.

Motion by Commissioner Lucido to approve ARC #13-11 as presented, seconded by Commissioner Weir.

There were no public comments received

Motion passed 6-0

OLD BUSINESS: None

ANNOUNCEMENTS/COMMENTS:

Commissioner Thayer: Following up on resignation letter. Great six years and experience but can't hold two positions. Great group and will miss everyone. Not sure what he is getting into, but honored to represent Del Rey Oaks.

Commissioner Lucido: We'll miss Bill, diverse knowledge is needed and he added a lot to the Commission. After 35 years of surveying, he stills learns something every day. Wants to form an Ad Hoc Committee in relation to Lot Line Adjustments, rather than dealing with them on an individual basis. The City needs to incorporate a policy.

Commissioner Weir: Appreciates Bill and will miss his input. A lot of properties and lot lines that don't match up, policies are important to be in place especially when if conflict arise with residents.

Commissioner Hayworth: Wishes Bill good luck and will miss him on the Commission. Happy Thanksgiving everyone!

Chairman Jaksha: The Commission is a balance group, appreciates Bill. Very helpful and always learns good information. Wishes him Happy Sailing.

Announces he will be stepping down as Chairman as on January. Give someone else an opportunity.

City Attorney Callihan: Since there are no by laws for the Planning Commission, the process can be simple. Next month it will be on the Agenda. If a Commissioner wants to be Chair, they volunteer and if there is more than one volunteer, then it goes to a ballot among the Commission.

Chairman Jaksha: Santa's workshop is Dec. 8th.

NEXT MEETING: Wednesday, December 13, 2013 at 6:00 p.m.

6:28 p.m. Meeting Adjourned

Approved:

CITY OF DEL REY OAKS
BUILDING ACTIVITY REPORT
 March 2014

PERMIT#	DATE	ADDRESS	NAME	PROJECT DESCRIPTION	TYPE	STATUS	LAST INSP.
B-13-25	07/08/13	425 Canyon Del Rey	7-Eleven/Powerhouse Const.	Lighting upgrade	R-1	Current	7/8/2013
B-13-28	08/20/13	908 Rosita Rd	Brewer/Owner Builder	Attic Vent and deck repair	R-1	Current	10/28/2013
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
B-13-33	10/15/13	2999 Mtry/Sins Hwy	Tarpys/Wolfs's Roofing	Re-Roof	C-1	Current	10/15/2013
B-13-35	10/18/13	908 Via Verde	Budrick/Sharp Const.	Foundation work	R-1	Current	4/1/2014
B-14-02	01/14/14	100 Calle Del Oaks	Hillesheim/Gabel Homes	Tenant Improvement	C-1	Final	2/25/2014
B-14-03	01/14/14	15 Brae Place	Trenner/Owner Builder	Interior remodel	R-1	Current	1/22/2014
B-14-04	01/22/14	19 Work Ave	Bouroughs/Knox Roofing	Re-Roof	R-1	Current	1/22/2014
B-14-07	03/06/14	463 CDR (Dentist)	AG Davi/Mtry. Custom Bid.	Tenant Improvement	C-1	Current	3/6/2014
B-14-10	03/27/14	52 Carlton	Gregory/BlueBird Carpentry	Interior remodel	R-1	Current	3/27/2014

DATE: April 9, 2014
TO: Planning Commission
FROM: Karen Minami - Deputy City Clerk
RE: Agenda Item 6.A.- 826 Portola Drive

Project Name: Lazaro Espinola
File Number: ARC#14-01/VAR#14-01
Site Location: 826 Portola Drive
Planning Area: APN# 012-471-005
Environmental Status: Categorically Exempt
Project Description: Requesting Architectural Review and Variance approval for work started with no permit and built on City Property. Work includes a concrete wall, electric driveway gate, and entry gate in the front and wall on the side of the single family dwelling. Upon approval, this item will require a Covenant and Agreement with the City, which will be heard at the next City Council Meeting.
Materials and colors to coincide with the Del Rey Oaks Municipal Code.

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

Commissioner Gaglioti will need to step down, he owns a home within 500 feet of the project.



RECEIVED
MAR 25 2014
CITY OF DEL REY OAKS
CITY CLERK

CITY OF DEL REY OAKS

APPLICATION FOR:

USE PERMIT

VARIANCE

ARCHITECTURAL REVIEW

- Conditional
- Aux. Housing
- Signage
- H.O.U.P.
- Minor

\$820⁰⁰
PL #2010

- Residential
- Commercial

APPLICANT'S NAME Lazaro Espinola

OWNER'S NAME Lazaro Espinola

PROJECT ADDRESS 826 Portola Dr

TELEPHONE# 831-392-7970 APN# 012-471-005-000

LOT# _____ BLOCK # _____ SUBDIVISION _____

INSTRUCTIONS:

1. Briefly, using as much detail as possible, describe the nature of your permit request.
2. For variance request, also include in writing A, B & C of section 17.44.020., along with a detailed plot plan.

FRONT FENCE Replace (E) Wood Retaining wall
 By (W) CMU-8 w/reinforcement concrete
 - Side fence The wood on (E) must replace

Check here if additional materials are attached.

[Signature]

Applicant's Signature

I HAVE RECEIVED A COPY OF THE CITY'S FLAGGING/NETTING POLICY AND UNDERSTAND THE REQUIREMENTS THAT MUST BE MET Wall is already built

VAR 14-01 -FOR OFFICE USE ONLY-
ARC-14-01

APPLICATION # _____ DATE 1/28/14

FEE \$ 200⁰⁰ CASH/CHECK # Cash RECEIVED BY: [Signature]

DATE SCHEDULED FOR CONSIDERATION Wednesday, Feb. 12, 2014

APPROVED _____ DENIED _____

3/21/14
CHK.
#2010

April 9, 2014

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: _____

Please see Attached
Thank you

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

Evidence: _____

- 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: _____

EVIDENCE FOR VARIANCE REQUEST

826 Portola Dr.

Del Rey Oaks, Ca

Evidence A:

A unique condition exists on the _____ property that warrants a Variance in this circumstance. The property slopes down from Portola Road where the existing house is located. Due to the downward slope of the property and the location of the house on the property, surface water was draining towards the home which had detrimental impacts on the house. To address the surface drainage impacts, the front yard was graded so that the ground would slope away from the house; as is typical of new construction. Because of the downward slope of the property and the improvements to address drainage away from the house, a grade change of 4 feet from the sidewalk to the new finish grade at the front of the property was created. A retaining wall was built at the front of the property where the grade change occurs. Now that there is a 4 foot difference in grade between the sidewalk and the finished grade in the front yard, the California Building Code requires a minimum 42 inch guard rail to prevent accidental falls and resulting injuries (Health and Safety requirements). The 4 foot grade change, and subsequent requirement for a guard rail, does not generally apply to land and buildings in the same district.

Evidence B:

Making an exception to the 36 inch height limitation, so that the owner can comply with the 42 inch height requirement of the California Building Code, is a sensible solution to this condition. The 42 inch guard rail/ fence at the front of the property will alleviate potential liabilities to the property owner and the City and it will be protective of health and safety of the community in general. The alternate solution of trucking in fill material to the site in order to avoid the grade change would be more disruptive to the community, it would be more costly to the property owner, and it would in-turn require other improvements to address the drainage problem resolved as part of the previous actions that created the 4 foot grade change.

Evidence C:

Installing a 42 inch guard rail in compliance with the California Building Code is protective of the health, safety, and welfare of everyone in the neighborhood. The 6" height increase will not detract from the neighborhood character. The guard rail would be wrought iron with ¾ inch pickets spaced every four inches connecting between stone veneer columns spaced every 7 feet. The guard rail would look like a fence at the front property line, as is allowed in the rest of the neighborhood, with the only difference being a 6" increase in the height. The 6" difference would be indiscernible when viewed in the contexts of the neighborhood as a whole.

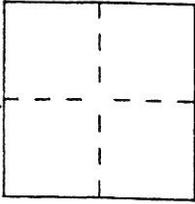
CORNER RECORD

Document Number 1511

City of DEL REY OAKS

County of MONTEREY, California

Brief Legal Description LOT 5, BLOCK 1 "DEL REY WOODS" VOL. 4-C&T-Pg. 56
APN 012-471-005



CORNER TYPE

Government Corner Control
Meander Property
Rancho Other
Date of Survey 12/4/2011

COORDINATES
(Optional)

N. _____
E. _____
Zone _____ Datum _____
Elev. _____

Corner — Left as found Found and tagged Established Reestablished Rebuilt

Identification and type of corner found: Evidence used to identify or procedure used to establish or reestablish the corner:

SEE SKETCH ON PAGE 2 OF 2

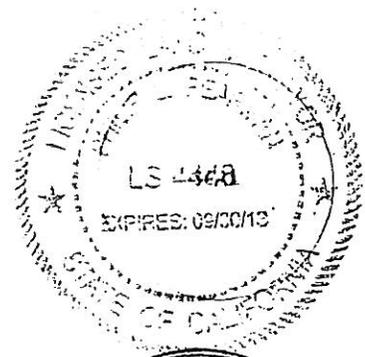
A description of the physical condition of the monument as found and as set or reset:

SEE SKETCH ON PAGE 2 OF 2

SURVEYOR'S STATEMENT

This Corner Record was prepared by me or under my direction in conformance with the Land Surveyors' Act on DECEMBER 6 2011

Signed J. L. Pearson L.S. or R.C.E. Number L.S. 4448



COUNTY SURVEYOR'S STATEMENT

This Corner Record was received 12-31-2011 19__ and examined and filed January 3, 2012 19__.

Signed [Signature] Title County Surveyor - PLS 7544



County Surveyor's Comment _____



NOTES:

1. ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

2. COURSES AND DISTANCES SHOWN WITHIN PARENTHESES REFER TO RECORD DATA.

(---) SEE VOL. 4 C. & T. PG. 56

LEGEND:

- SET 5/8" Ø REBAR, TAGGED L.S. 4448 UNLESS OTHERWISE NOTED.
- FOUND MONUMENT AS NOTED.

SURVEYOR'S STATEMENT:

THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF: LAZARO ESPINOLA

PHILIP PEARMAN L.S. 4448 EXPIRES: 9/30/13

CORNER RECORD

APN: 012-471-005

LOT 5, IN BLOCK 1, AS SAID LOT AND BLOCK ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "DEL REY WOODS" FILED APRIL 15, 1941, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, IN VOLUME 4, OF MAPS "CITIES AND TOWNS", AT PAGE 56.

SITUATED IN:
CITY OF DEL REY OAKS, RANCHO NOCHE BUENA
COUNTY OF MONTEREY
STATE OF CALIFORNIA

PREPARED BY:
SALINAS VALLEY SURVEYORS, INC.
210 CAPITOL ST., SUITE No.15
SALINAS, CALIFORNIA 93901
(831) 753-2234

DECEMBER 06, 2011 SCALE 1"=100'