



CITY OF DEL REY OAKS

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

January 8, 2015

AGENDA

REGULAR DEL REY OAKS PLANNING COMMISSION MEETING WEDNESDAY, JANUARY 14, 2015 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 12, 2014

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: Building Activity Report, December 2014

6. NEW BUSINESS:

Applicant's Name: Luis Lopez w/ Eric Q. Ruiz Building Design & Consulting

Home Owner's Name: Catherine Sampognaro

File Number: ARC#14-07

Site Location: 5 Quendale Ave

Planning Area: APN# 012-501-018-000

Environmental Status: Categorically Exempt

Project Description: The applicants are requesting Architectural Review to add a 287 sq. ft. attached garage to the SW side of the existing single family dwelling, and to convert the existing 296 sq. ft. garage to new habitable space consisting of walk-in-closet, powder room and extended kitchen area. Water credits to be obtained by converting existing fixtures to low flow as the City does not have any available water

credits. The proposed building materials and colors will coincide with the Del Rey Oaks Municipal Code.

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

7. **ANNOUNCEMENTS/COMMENTS BY PLANNING COMMISSIONERS**

8. **NEXT MEETING: Wednesday, February 11, 2015 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 12, 2014 AT 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL**

Present: Commissioner Reikes, Goetzelt, Jaksha, Weir, Hayworth, Green and
Chairman Gaglioti

Absent: None

Also Present: City Manager Dawson, City Attorney Trujillo and Deputy City Clerk
Minami

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

The Commission considered **ITEM 3.A.**, Planning Commission Meeting Minutes,
October 8, 2014

Motion by Commissioner Jaksha to approve, seconded by Commissioner Hayworth

No comments

7-0

PUBLIC COMMENT:

None

BUILDING REPORT:

The Commission accepted **ITEM 5.A.**, Building Activity Report, Oct. 2014

NEW BUSINESS:

None

OLD BUSINESS:

Applicant's Name:	Mark Bordonaro/Frank Lucido
Business Owner's Name:	Andy Tope/ Tope's Sustainable Garden Center
File Number:	ARC#14-02&CUP#14-08
Site Location:	899 Rosita Rd, at end of Angelus Way
Planning Area:	APN# 012-551-006
Environmental Status:	Draft Initial Study – Negative Declaration

Project Description: The applicants are requesting an Architectural Review and a Conditional Use Permit to remodel two existing buildings, upgrade and landscape the grounds, and operate Tope's Sustainable Garden Center. The proposed project would take place on a 1.96-acre portion of the former Del Rey Oaks Driving Range Property.

Chairman Gaglioti and Commissioner Jaksha step down, they both own house's 500 feet from proposed project.

Commissioner Weir takes over as Vice Chair for this item.

Frank Lucido, Applicant: Revised application, much smaller than the original plan, it's now less than 2 acres. The Topes Family wants to be a part of the business community and work with all of the concerns that they heard at the last meeting. Response to letter from two DRO residents and one Monterey Resident. Most information is simply not true. There is one zoning map and it's an overlay. (shows map) The property is zoned as C1V, Commercial Visitor Overlay and it's part of park land. The zoning has been the same for over 30 years. The Application shows where project will be and where it's won't be. Less disturbance, the better. Animal's will not be displaced with the new plan.

Josh Harwayne, DDA: Initial Study is available at all locations that it's legally required to be, and a biologist report wasn't necessary for this smaller project.

Commissioner Green: Still needs further information about map.

City Manager Dawson: The area is a subcategory of the zoned park area. Regarding the letter, the project is well within the "other municipal purpose". Explains the map.

Rolf Langland, Resident: *from seat in the back:* Any park in the city is zoned "P"?

City Manager Dawson: Yes.

Vice Chair Weir: Asked for one person at a time to speak and there will be a time for public comment.

City Attorney Trujillo: Government code 25515 states that The Legislature finds that cities and counties are faced with critical revenue shortages and a need for additional revenue sources. The Legislature finds that counties own property can be developed into commercial, industrial, and cultural uses, to provide a means to produce additional revenue sources for the benefit of the City.

Frank Lucido, Applicant: Amount of employees will be the same, again the statement in the letter is simply not true. Employee's may vary and some might be part time, depending on season. The noise that will be generated by this business will be no different than lawn mowers, leaf blowers, trucks, motorcycles in the city every day. Lots of home based commercial business in residential neighborhood throughout the City. Provide landscaping and gardening supplies to the community at affordable rates, and the yards around here need help.

Dan Dawson, City Manager: This company listened to the concerns of the residents, they hired Frank Lucido and sized down the project considerably.

Frank Lucido, Applicant: After last meeting went back to Mr. Tope and informed him of the items of concern and how expensive it would be and he said to do it, he listened to the people. Now he has done everything that the people asked for, some of the people still don't like it. It's hard to hit a moving target.

Commissioner Green: Didn't see boundaries markers, but saw orange markers. Can people still walk along the trail?

Frank Lucido, Applicant: If you can walk now, that won't change. The boundaries this will be part of the lease agreement, they weren't marked. Just the architectural changes were flagged.

City Manager Dawson: A public easement maintained by Topes will be part of the agreement.

Commissioner Hayworth: Were postings done in a timely manner?

City Manager Dawson: Posted everywhere required, in the packet and on line. Applicants have gone above and beyond.

Commissioner Hayworth: Limited access to the rest of the City property.

City Manager Dawson: Mostly wetlands, very expensive to mitigate and has strong indication from City Council to keep it as is.

Commissioner Hayworth: Customers and days of the week?

Frank Lucido, Applicant: The projection is no more than when the driving range was in business. Plenty of room for parking and turn around area. Have to check with C.O.P.

Marc Bordonaro, Applicant: Monday through Thursday are the busy commercial days and Saturday is the busy residential day.

Commissioner Green: Difficult to envision boundaries of lease area.

Frank Lucido, Applicant: Explains where project would be on the map. And rest assured there will be public access.

City Manager Dawson: As a Planning Commission you can make it a condition of the use permit.

Frank Lucido, Applicant: Mr. Topes is willing to do that.

Commissioner Hayworth: Lighting?

Frank Lucido, Applicant: All within the cities lighting requirement and will not be any nuisance to the surrounding area. Will be much better than when it was a golf driving range.

Commissioner Reikes: What is the cut out at the top of drawing next to tennis courts?

Frank Lucido, Applicant: We stayed out of that area because that was what we were asked to do.

Commissioner Reikes: Two generators in the City, what are they for? Are they maintained?

City Manager Dawson: Seaside Sanitation, emergency generators. The City has a City Council person on the Seaside Sanitation Board.

Commissioner Goetzelt: What kind of trees and why remove?

Frank Lucido, Applicant: Eucalyptus. Mostly because of sewer lines, and entrance to business. Trying not to remove, but can't avoid some removal. They are also going to shape and manicure to help the life of the tree and to help to be a sound buffer.

Vice Chair Weir: Mentions the letters that were submitted. One from Monterey Bay Unified Air Pollution Control District regarding pollutants that may be disturbed during construction. One from concerned residents that Frank Lucido referred to at the beginning of the meeting.

Frank Lucido, Applicant: The pollutants from the old buildings will be mitigated during the plan check and building permit phase of the project.

PUBLIC COMMENT:

Rolf Langland, 996 Paloma Rd: Lease item was removed from City Council Agenda with no notice. Were the issues with the wetlands recently “discovered”, because there have been projects brought to the Council and Commission that were bigger than this one and the wetlands were never mentioned? Discovered 1.97 acres? Map of where the wetlands are located?

Frank Lucido, Applicant: The 1.97 acres were “identified”. This project is outside of the wetlands, because it was “identified” not discovered by DDA and they modified the project.

Rolf Langland: Was the other project in the wetlands?

Frank Lucido: Part of it was, yes.

Rolf Langland: Did you know?

Frank Lucido: Yes, we knew and had a plan for migration.

Rolf Langland: What is the difference from this land and surrounding area? Since this was identified as outside the wetlands, what’s outside of the boundry?

Frank Lucido: As long as this project is outside the wetlands, it really doesn’t matter.

Presenting the map from City Hall, and explains it. Would be glad to answer questions, one at a time.

Rolf Langland: The City municipal code doesn’t have a provision for C1V, park land.

Frank Lucido: That was addressed earlier in the meeting.

Vice Chair Weir: It’s getting argumentative.

Rolf Langland: Not receiving answers to questions. (Asks again about the zoning map)

Frank Lucido: This is the reason it’s difficult to meet the needs of the people. All questions are answered.

Rolf Langland: Official zoning map, from general plan? Where’s the C1V parkland on this one, it’s on the other map. Where’s the official map!

Frank Lucido: Right here (pointing to the map) we have answered your questions. The 1.97 acres is not on the zoning map because it hasn’t been developed as of yet. The map is from 1984, at least.

Rolf Langland: Any proposed project on parkland in City will be considered.

Vice Chair Weir: It would come to Planning Commission and handle like any other proposed project in the City. Maybe need to have a better copy of the zoning map.

Frank Lucido: It’s an over lay map, looks different.

Kim Svetich-Will, 57 Melway Circle: Reads her letter into record and appreciates the downsizing of the project. Neg Dec, zoning isn’t clear and seems like there is a zoning change. Spirit of the deed, the golf range went along with the deed and municipal use. Wants clarification about traffic, because it wasn’t addressed. Any business will add to the noise from hwy 218. Hours and days of operation aren’t clear in application. Concerned for the residents of Rosita Road. Wants the Commission to tour it together and to visit some homes surrounding the project to see it from a different view. Page 18 of the Draft Initial Study, about Storm water requirement and acreage disturbed.

Frank Lucido: Less than one acre will be “disturbed” and under the amount allowed. The project is Topes Sustainable Garden Center, no chain saws or tree service at this location, will be a good partner. The reason that chain saws are mentioned is because of the repair shop. Trying hard to address all of the issues. Years of golf balls and bright lights at night.

George Jaksha, 1130 Rosita: Owns the house that overlooks the property. People don’t want anything built there, the applicants are bending over backwards to be accommodating to everyone. If folks don’t want anything down there, then lease it from the city and leave it alone.

Shelly and Craig, Residents of 29 Ralston Dr. Monterey: Bought home in December of 2013. Their house overlooks the “saw shop” and doesn’t want to hear noise from equipment. Shows picture to Commission of how close it is to their back yard. Clearly hears voices in her house from the canyon now and it will be much louder. No flood lights! Hours of operation? Not enough parking for employees and public. Huge difference between truck delivering materials and residential shoppers and traffic. Application is too vague, no specific days and times and lacks details. What are the terms of the lease?

City Manager Dawson: There will be no project until a lease is approved by the City Council.

Frank Lucido: The days and times weren’t finalized until getting feed back from this meeting and the City. Monday through Saturday and some Sunday’s. Everyone wants different hours and we will follow what the City wants and allows. They want to be a good partner.

Chris Palma, 854 Portola Drive: People of Portola hear more than anyone, wants the Commission and applicant to tour his house to hear the noise. Why no traffic study? Chippers? Industrial application in a residential area? How will the chips get to the bay? Not a good use.

Mark Bordonaro: No chippers on this project, still in discussion with the City Manager about different location for that part of business. Chips will be brought in.

Vice Chair Weir: Explains that studies were performed.

Chris Palma, 854 Portola Drive: By a company hired by the applicant?

Vice Chair Weir: No, by the City.

Frank Lucido: Once the trees are manicured, the noise will be buffered.

Vice Chair Weir: All the necessary studies have been done and are available to review.

Josh Harwayne, Denise Duffy and Assoc: Explains the process of the Negative Declaration and when a full study is necessary and when it’s not. It wasn’t necessary for this application.

Pat Lintell, 860 Rosita Rd.: Why moving business from Monterey?

Mark Bordonaro: Location too small and it’s on a one way street.

Pat Lintell: Wet lands, under 2 acres code restriction?

City Attorney Trujillo: There are no restrictions with this application.

Frank Lucido: Assures everyone there are no shenanigans’ going on, it’s just the way it fell, with the project outline and the wet lands.

Pat Lintell: City needs to control the land. Doesn’t like the wording in the application regarding the hours of operation. When will the large trucks be on the road, what time and the Hwy 218 is going to be much worse. More stop signs are needed. Concerned about the noise. Objects to the large trucks. Wants a traffic study, doesn’t understand how the Commission can approve without a study and answers to all of these questions. Noise will be unacceptable on both sides of Hwy 218 on a daily basis. There needs to be a corridor that the City has control over, like around the dog park.

Frank Lucido: Have addressed all of the issues with studies prepared by Denise Duffy and will work with city staff regarding hours of operation and put restrictions on the delivery trucks. There is a Church and Pre-school down there which are also commercial use and we will respect them and be good neighbors. When it comes to light and noise, we will use both the Municipal Code and common sense. Apologizes for losing his composer earlier.

John Gaglioti, 864 Portola Drive: CEQA is a double edge sword because the traffic and noise doesn't meet the requirements as shown in the Draft Initial Study. Meet with all concerned and this project **drastically** reduces noise, lights and traffic. No Wilson Way needed. Thinks the project is good and likes that the applicant listened to the concerns and down side project considerably. Always been commercial use. Has lived for more than 40 years in the house overlooking this land, has a love/hate relationship with this land. Dealt with years of bright lights and broken windows from the golf balls. Land looks horrible now and this project will make it look good. Good use of land. Asks for clarification from Josh.

Josh Harwayne, DDA: According to Cal-Trans data from Hwy 218 and the general plan for the City this project. 15000 cars that use 218 now and this project will have **very insignificant** increase on the traffic flow. Study didn't meet the thresh holds for CEQA.

Ambient sound next to a highway, must be a **very significant** noise to make more noise than what is there already. If chain saws are going all day, every day: very different than the proposed repair of equipment. Not significant to require more studies, than what was preformed.

Kim Svetich-Will: There needed to be a traffic study done on Rosita not just Hwy 218. Was the study done for a flat plane or canyon, makes a huge difference.

Commissioner Goetzelt: In favor of the smaller project in general. City needs to keep a strict easement for foot access for public use and keep Wilson Way for City use only. Would like to have a traffic study of intersections of Angelus and Rosita and 218 going uphill turn, it's already dangerous and not sure what will happen once the project is built.

Commissioner Reikes: In favor of the project. Old business had traffic, coming and going. All neighbor hoods have big trucks with back up beepers delivering and driving up and down the street during the day and into the evening. Dog's go crazy barking in the neighborhood because the UPS truck, every day. The decibel levels will not be different in this neighborhood than others. The City has a noise ordinance.

Commissioner Hayworth: Thanks both the applicant and the public. In favor of project once the hours of operation are settled. The "saw shop" name is an issue, and location might be a problem, can it be moved? Truck size? Easement will need to be big enough for a vehicle to have access to property. In favor of the current hours and would like to put into the something in the lease agreement for the easement.

Mark Bordonaro: The hours in Monterey are Monday through Friday 7:30am-5:00pm, Saturday 7:30am-12:00pm and open 6 Sunday's a year.

City Manager Dawson: The Commission can decide on the hours tonight and make it a condition of the decision or leave it up to staff.

Commissioner Green: Main concern is the intersection of 218 and Rosita Rd, not as easy Trucks to get on the highway. Still confused about the zoning because it's zoned as "P", but on the application for "C1V". Basically really likes the project, just wants clarification on the zoning.

Commissioner Hayworth: Can the vendors and bigger Topes trucks make deliveries at specific times and routed to the east, when Safeway was built out the Commission made those conditions on deliveries.

Vice Chair Weir: Dramatic change from the first application and likes it. Going to be beautiful and better than it's ever been. Very clear that the applicant listened to the concerns from the first meeting and made appropriate changes.

Motion by Commissioner Reikes to approve ARC #14-02 & CUP#14-08 with the conditional approval that an easement wide enough to fit a truck be maintained, amended by Commissioner Hayworth for hours to be set: Monday through Friday 7:30 - 5:00, Saturday 7:30 – noon and limited to 12 Sunday's a year, seconded by Commissioner Hayworth.

No public comment was received.

Motion passed 5-0

Chairman Gaglioti and Commissioner Jaksha returned to the dais.

ANNOUNCEMENTS/COMMENTS:

Commissioner Hayworth: Good to see all sides of the community.

City Manager Dawson: Important for the Commission to know that the staff hires consultants such as Denise Duffy and Associates that know the CEQA laws and work for us and the residents of the City. Explains the CEQA process and Hwy 218. Not appropriate to question the study.

Commissioner Jaksha: Wishes that the public wouldn't leave, because they needed to hear about the consultants.

Commissioner Weir leaves, has to go home 8:08pm

Commissioner Goetzelt: Will miss the next two City Council Meetings.

NEXT MEETING: Wednesday, December 10, 2014 at 6:00 p.m.

8:10 p.m. Meeting Adjourned

Approved:

**CITY OF DEL REY OAKS
BUILDING ACTIVITY REPORT
December 2014**

PERMIT#	DATE	ADDRESS	NAME	PROJECT DESCRIPTION	TYPE	STATUS	LAST INSP.
B-13-28	08/20/13	908 Rosita Rd	Brewer/Owner Builder	Attic Vent and deck repair	R-1	Final	12/31/2014
B-13-35	10/18/13	908 Via Verde	Budrick/Sharp Const.	Foundation work	R-1	Current	4/1/2014
B-14-03	01/14/14	15 Brae Place	Trenner/Owner Builder	Interior remodel	R-1	Current	7/17/2014
B-14-11	04/02/14	800 Portola	Massudi/Saroyan	Tenant Improvement	C-1	Current	12/31/2014
B-14-15	04/25/14	1130 Rosita	Jaksha/Acosta Builders	Interior remodel	R-1	Final	11/17/2014
B-14-17	05/08/14	907 Angelus Way	Von Essen/Reim Const.	Fire Remodel	R-1	Final	12/24/2014
B-14-32	08/20/14	5 Boronda Way	Strouse/Owner Builder	Addition	R-1	Current	11/27/2014
B-14-34	09/29/14	948 Paloma	Cardinelli/Avila Const.	Remodel	R-1	Final	11/26/2014
B-14-35	10/24/14	810 Canyon Del Rey	Alladeen/Thayer Const.	Vacuum Stations	C-1	Current	10/31/2014
B-14-36	10/24/14	2999 Mtry/Salinas	Tollner/Top Notch Const.	Kitchen & Office Remodel	C-1	Current	10/24/2014
B-14-37	11/17/14	811 Arlington	Ballesteri/Solar City	Solar City	R-1	Current	11/17/2014
B-14-38	12/01/14	988 Paloma	Avila/Avila Construction	Interior remodel	R-1	Final	12/31/2014

STAFF REPORT

City of Del Rey Oaks

Office of the City Clerk

DATE: January 14, 2015
TO: Planning Commission
FROM: Karen Minami - Deputy City Clerk
RE: Agenda Item 6.A.- 5 Quendale Ave

Owner/Applicant's Name: Luis Lopez w/Eric Q. Ruiz Building Design & Consulting

File Number: ARC#14-07

Site Location: 5 Quendale Drive

Planning Area: APN# 012-501-018

Environmental Status: Categorically Exempt

Project Description: Requesting Architectural Review to add a 287 sq. ft. attached garage to the SW side of the existing single family dwelling, and to convert the existing 296 sq. ft. garage to new habitable space consisting of walk-in-closet, powder room and extended kitchen area. Applicant was informed that water credits must be obtained by converting existing fixtures to low flow as the City **does not** have any available water credits.

*Applicant was informed that item will **not** be heard without providing a Site Survey before or at the time of the Planning Commission Meeting.*

Materials and colors to coincide with the Del Rey Oaks Municipal Code.

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

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



CITY OF DEL REY OAKS

Use Permit: [] Conditional
Choose all that Apply [] Minor [] Home Occupational [] Signage [] Auxiliary Building

Variance: [] Yes [] No

Architectural Review Type: [x] Residential [] Commercial

Applicants Name: Luis Lopez w/Eric Q. Ruiz Building Design & Consulting p:831.800.7056

Owner's Name: Catherine Sampognaro

Project Address: 5 Quendale Avenue, Del Rey Oaks, Ca. 93940

Telephone#: 650.815.8315 APN #: 012-501-018-000

Lot #: 18 Block: 6 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 details plot plan.

New rear Attached 1 Car Garage Addition of 287 sq. ft.
Converted Existing Garage of 296 sq. ft. to New Habitable space consisting of:
-walk-in-closet, powder room and extended kitchen area.
Kitchen Remodel of 183 sq. ft.

[x] 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 Initial Here [Signature]

APPLICATION # [Signature] FOR OFFICE USE ONLY- DATE: [Signature]

FEE [Signature] CASH/CHECK/CC # [Signature] RECEIVED BY: [Signature]

DATE SCHEDULED FOR CONSIDERATION Wednesday January 14, 2015

APPROVED _____ DENIED _____

@ 6 pm