



CITY OF DEL REY OAKS

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January 8, 2016

AGENDA REGULAR DEL REY OAKS PLANNING COMMISSION MEETING WEDNESDAY, JANUARY 13, 2016 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, December 2015
 - B. Amended Planning Commission Meeting Minutes, November 2015
 - C. Amended Planning Commission Meeting Minutes, October 2015

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 2015
6. OLD BUSINESS: None

7. **NEW BUSINESS:**

Applicant's Name: Mike Roesner
Owner's Name: Same
File Number: ARC# 15-07
Site Location: 1007 Paloma Road
Planning Area: APN# 012-535-002
Environmental Status: Categorically Exempt
Project Description: Requesting Architectural Review for an addition and remodel to single family dwelling which includes removal of the existing 2nd story, reconfiguration of the interior, adding 133 sq. ft. to the garage, extending the driveway and building a new retaining wall.

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

9. **NEXT MEETING: Wednesday, February 10, 2016 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, DECEMBER 9, 2015 AT 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL**

Present: Commissioner Green, Commissioner Donaldson, Commissioner Jaksha,
Commissioner Hayworth, Commissioner Cecilio, Commissioner Weir
and Chairman Gaglioti.

Absent: None

Also Present: City Attorney Trujillo and Deputy City Clerk Minami

PLEDGE OF ALLEGIANCE: Led by Lucia Gaglioti (Chairman Gaglioti's daughter)

CONSENT AGENDA:

The Commission considered **ITEM 3.A.**, Planning Commission Meeting Minutes,
November 4, 2015. *Motion by Commissioner Jaksha to approve, seconded by
Commissioner Cecilio*

No comments

7-0

PUBLIC COMMENT:

None

BUILDING REPORT:

The Commission accepted **ITEM 5.A.**, Building Activity Report, November 2015

OLD BUSINESS:

Applicant's Name: Milos and Sandra Pesic

File Number: ARC# 15-06

Site Location: 21 Quendale Ave

Planning Area: APN# 012-501-036

Environmental Status: Categorically Exempt

Project Description: Requesting Architectural Review for fence
design and dimensions. The Planning commission recommended that the
design portion of this item be carried over from the November 4, 2015
meeting.

Commissioner Green steps down from the dais, as she owes property 500 feet from the project.

Chairman Gaglioti: At the November meeting asked Mr. Pesic to take suggestions and to come back this month with a design.

Mr. Pesic: Shows pictures of neighbors that look similar. One and a half inch in between grape stakes. Some of the grape stakes are curved, hard not to at some sections. Hand picked them to make it perfect for the Commission. Cut the tops for safety. There are nine letters and they are all positive.

Commissioner Cecilio: Commends Mr. Pesic, going the extra mile with pictures and letters. Now that a section is up and is able to see it, likes it. Thanks him for being patient with the process.

Commissioner Weir: Agrees with Commissioner Cecilio, likes it. It's very nice and likes the variation. In all of her years on the Commission, never received so many letters. That's awesome!

Commissioner Jaksha: Asked a neighbors walking by, all like it. Never had a problem with it and glad everyone likes it. Good job.

Commissioner Hayworth: Thanks him for the work, but really wanted it to be lower, closer to three feet. Wanted a compromise, but it's still the same size. Reminds all from the first meeting there was negative comments. Drove around, and there is nothing as big and tall as this fence. Goal of the General Plan is to "create a village like atmosphere". Is that what we are doing or is it setting a precedent? Thinks a picket fence would look better. Still looks massive, wishes it went in the correct order but appreciates the work.

Commissioner Donaldson: Shares some of Commissioner Hayworth's concerns. Whether the letters were solicited or not, they are positive. At the first meeting, we had one negative, but nothing else sense. A lot of work has been done toward doing what the Commission asked.

Commissioner Jaksha: Go to Carmel, suppose to a village feel and there are plenty of fences that look like this one.

Mr. Pesic: Tried to go lower and couldn't.

Chairman Gaglioti: Rather it go the right way, hard to un ring the bell. Couldn't figure out what to with big pillars and he voted to approve the variance. Down the street this happen and it's been years and the solution is just "O.K.", but if they would have gone through the proper steps, the end result would be better. About the precedent, next time this happens, we have to look at it very close and make sure it meets all the findings. There is a process in place.

Motion by Commissioner Weir to approve ARC #15-06 as presented, seconded by Commissioner Cecilio.

No public comment received

Motion passed 5-1 (Commissioner Hayworth)

Commissioner Green came back to dais.

NEW BUSINESS: NONE

Item 7.A., ARC#15-07, will not be heard as the project wasn't flagged in timely matter

ANNOUNCEMENTS/COMMENTS:

Commissioner Jaksha: Santa's workshop was a huge success, he was brought in on the MRAP and 60 children were in attendance. Looking forward to our holiday party.

NEXT MEETING: Wednesday, January 13, 2016 at 6:00 p.m.

6:45 p.m. Meeting Adjourned

Approved: _____

**REGULAR MONTHLY MEETING DEL REY OAKS PLANNING
COMMISSION WEDNESDAY, NOVEMBER 4, 2015 AT 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL**

Present: Commissioner Green, Commissioner Donaldson, Commissioner Jaksha,
Commissioner Hayworth, Commissioner Cecilio and Chairman Gaglioti.

Absent: Commissioner Weir

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

PLEDGE OF ALLEGIANCE: Led by Chairman Gaglioti

CONSENT AGENDA:

The Commission considered **ITEM 3.A.**, Planning Commission Meeting Minutes,
October 14, 2015. *Motion by Commissioner Hayworth to approve, seconded by*

Commissioner Jaksha

No comments

6-0

PUBLIC COMMENT:

None

BUILDING REPORT:

The Commission accepted **ITEM 5.A.**, Building Activity Report, October 2015

NEW BUSINESS: None

OLD BUSINESS:

Applicant's Name:	Ronald Hardy
File Number:	ARC# 15-05
Site Location:	810 Avalon Place
Planning Area:	APN# 012-561-021
Environmental Status:	Categorically Exempt
Project Description:	Requesting Architectural Review for a 5 foot

retaining wall, with an attached 6 foot fence in the rear portion of back yard of the single family dwelling that was built without approval. The Planning Commission recommended to carry the item over from the October 14, 2015, for additional clarification by the Licensed Surveyor that produced the survey in question for the project.

Frank Lucido, Applicant's Surveyor: A Professional Land Surveyor in Del Rey Oaks. Also lives here, and runs practice out of home. Started surveying in 1978; first boss was, at the time, the City Engineer for Del Rey Oaks. Here tonight to demonstrate the surveying service provided Ron Hardy, is accurate. Wants to shed light on the process of determining boundaries of parcels and types of subdivisions. Hopes that this might discourage people from using a public forum to make accusations. Watched the video from last month's meeting, but could not hear what Mrs. Hammer said. Didn't stand in front of the microphone for almost all of her speech.

Mrs. Hammer claims survey isn't accurate. It is and brought documentation to prove it. Mrs. Hammer claims survey isn't certified or recorded with the County. Survey will never be certified or recorded by the County. It gets examined by the County Surveyor and filed in his office, called Corner Records. Brought examples of the many Corner Records have done in and around this neighborhood. She claims to have a letter from her surveyor, but it is unclear who that surveyor is. She claims her surveyor can't survey the property because the point is gone. Received a call from Phil Pearman, surveyor about a month ago. Phil is a respected surveyor, and there is every reason to believe what he says and/or writes. Mrs. Hammer contacted him about the survey, but never mentioned a letter. Phil is the surveyor she calls "hers". I would like to see a copy of that letter. According to the minutes Vice Chair Weir wants the surveyors to show up and fight it out. A surveyor, not a fighter. Would like to discuss this survey with Phil Pearman. Spoke with him last week, he said he can survey this property, but she didn't hire him.

Reviews pictures, maps, and charts in hand out: The Assessor's Map is the place to start. The Deeds, Lot 15 & Lot 21. Existing surveys: 1992 Corner Record #403 and 1999 Corner Record #683. Notice that Corner Record #403 shows Lots 15 & 21 as references with no monuments. Corner Record #683 shows a 2x2 stake was found at the rear corner of Lots 20/21 and replaced with a 3/4" iron pipe. A line of cypress stumps is shown and a view of the rear corner of Lots 20/21 and the 3/4" Iron Pipe that is now out of the ground. A survey done in 1994. The survey shows the rear property line of Lot 15 running through the cypress trees, and shows a fence a few feet to the northeast of rear property line. This survey is consistent with 1992 survey. The survey from 1999 is consistent with both this survey and the one from 1992. This survey in question is consistent with both of these other surveys.

This survey was drawn by Phil Pearman 5 years before the 3/4" iron pipe was placed at the rear corner of the lot and this is the very same 3/4" iron pipe that Mrs. Hammer claims at the last meeting is the reason that Phil Pearman cannot survey her lot. If he could survey this lot in 1994 and that pipe was not there yet, why can't he do it now? Think's he can, was told he can, but hasn't been hired to do it. Noticed at the last meeting on, Mrs. Hammer spent a substantial amount of time attacking the survey. She wrote a letter to the Planning Commission one week later that states that the survey is correct. Welcomes anyone who might have a question about work. Doesn't appreciate being accused of acts in a public forum. If there is a question about work, my contact information is available to almost the entire world. A phone call, instead of careless accusations, well before the necessary information has been gathered. Returned to the neighborhood to check the fence construction and found the fence is entirely on Mr. Hardy's property.

Commissioner Hayworth: Is there a plus/minus factor with surveying?

Frank Lucido: Factor weights and measures before calculation. 300 foot within 1/8 of an inch. Like comparing a ruler from Staples vs. Office Max.

Commissioner Hayworth: The County?

Frank Lucido: They trust the survey. Or they have the person that challenges it to hire their own surveyor.

Chairman Gaglioti: The State of California issues the license to a Surveyor. State stamp is enough for us to a make a decision. It's up to us to make a decision on the application. Thanks Frank.

Mrs. Hammer: If the applicant would have followed the process with flagging, they would have seen that it is encroaching on her property. If the property line stakes were in place a contractor would have seen them. Fence is higher than 6 feet.

Construction does not comply with the codes of the city. Failure to deny this project is in endorsement of the illegally built wall and fence. Muni codes are violated. Illegal structure trespassing on property. Number 5 of the Building requirements, fence lines and detail should have been included on the site survey. The Corner record is not a detailed survey, the corner survey dated September was still stamped "In progress drawing , for review purposes only and not for construction". Jerry Camacho from the County said that Frank hadn't registered the survey with the County.

Chairman Gaglioti: Does staff feel that what was submitted is enough?

City Manager Dawson: Since this is all after the fact with construction, yes it is enough. A site survey is more of a detail that is required to give an idea of where the fence lines, trees, buildings are located on the property. The license surveyor stands by his work and what is left is for this Commission is to approve for Architectural Review.

Frank Lucido: The fence is on Mr. Hardy's property. Jerry Camacho is not the County Surveyor, his name is Michael Getz. He has new standards that all surveyors have to

follow. More information is required now. Wanted to include the Garden Center in the submittal to the County. There are always delays, we are all working as fast as we can. The fact that it doesn't have a number doesn't mean it's not accurate. Explains Planning Commission's role and the site survey and building requirements.

Chairman Gaglioti: There is a process, no more questions or statements. Mrs. Hammer can appeal a decision, if she wishes. This is not the body to figure out setbacks, safety and drainage, that is all during the plan check process for the building permit. It is our job to make sure we have enough information to make a decision.

Commissioner Green: Issues with the way it was done, and how huge it is.

Commissioner Donaldson: The survey is the key, it was done by a licensed and qualified surveyor. That's enough for me. The 6 feet meets the fence requirements and the retaining wall might be needed, dirt would fall without it. Seems like the wall is appropriate.

Commissioner Green: Land configuration has changed by building this fence. Fence was on a slope and the home owner added fill dirt. There was a wall there before without all that dirt. Didn't like how it was done, very large!

Commissioner Cecilio: Agrees with Commissioner Donaldson on all points.

Commissioner Jaksha: Commissioner Donaldson is right, Lucido is accurate, has done surveys throughout the entire city. Mr. Hardy wanted to clean up and back filled as he should when a wall was constructed.

Chairman Gaglioti: Refer to staff about retaining dirt.

City Manager Dawson: A retaining wall is to retain soil, the fill had to be brought in to back fill. Would have done the same thing.

Commissioner Green: Can't let water run on someone else's property. Drain in the wall that drains unto Mrs. Hammer's property.

City Attorney Trujillo: All of those details will be reviewed during the plan check phase.

Commissioner Jaksha: Up to the homeowner to keep the property safe. Commissions job to approve how it looks, after it's approved it will go through plan check.

Commissioner Hayworth: Glad it will go through plan check to deal with drainage and other issues.

Motion by Commissioner Cecilio to approve ARC #15-05 as presented, seconded by Commissioner Jaksha.

No public comment received

Motion passed 5-1 (Commissioner Green abstained)

Applicant's Name: Milos and Sandra Pesic
File Number: ARC# 15-06/VAR#15-01
Site Location: 21 Quendale Ave
Planning Area: APN# 012-501-036
Environmental Status: Categorically Exempt
Project Description: Requesting Architectural Review and Variance approval for work started prior to the October meeting. The Planning Commission recommended that the item be carried over from the October 14, 2015 meeting, until a Variance application could be reviewed. Materials and colors match existing.

Commissioner Green steps down from the dais, as she owes property 500 feet from the project.

Chairman Gaglioti: The Commission is tasked with making sure that all 3 variance findings are met, but they need some further explanation from applicant.

Milos Pesic, Applicant: Explains variance reasoning about pet safety and why pillars are as high as they are, and location. First and last pillar are level, used string to make sure it's level. Neighbor's fences are level. It would look very awkward in the neighborhood if it weren't level. Followed common sense, not codes, still learning how the City works. Neighbors are 4 feet for privacy. Pillars will be from 3'10" to 4'10". Living on a corner lot, there's no privacy, people walking dogs and letting them poop on property, parking on his property. Last year, family had cat get hit and killed by a neighbor and 3 weeks ago another cat got hit and \$5,000.00 and 3 surgeries he is better now. Someday they would like to have a dog too. Family really needs a fence!

Commissioner Donaldson: All very good points. What type of fence? Level fences are built with grading and fill, that's the appropriate way to do it. Agrees he needs to build a fence, understands the need.

Commissioner Hayworth: Drove around and others have did retaining walls or fences built up with fill to be level. Variance application is very subjective, but it is still Architectural Review?

Chairman Gaglioti: First priority is the variance, then architectural review.

Commissioner Jaksha: It's just a fence, he shouldn't have to do any grading. Meets the variance section "A" because of animal and people on his property. There is a liability, what is someone hurts themselves on his property.

Chairman Gaglioti: Everyone has really good points. Likes the look of going with the grade of the land, rather than building up the land. Reads information from City Attorney regarding California Government Code Section 65906, regarding variances. Meets the findings. Variance "A" meets the requirement and "B" could be met with a 3 foot fence.

Commissioner Jaksha: The neighbors like it. Meets "B" and "C" of the findings.

Commissioner Hayworth: But how far does the Commission go while issuing a variance, where do we stop. Are we deciding on both the variance and ARC tonight.

City Manager Daniel Dawson: Commission is on point, if the findings have been met, you can approve the variance and treat the ARC as a separate issue.

Motion by Commissioner Jaksha to approve item VAR #15-01 as presented, seconded by Commissioner Cecilio.

No public comment received

Motion passed 3-2 (Commissioner Hayworth and Commissioner Donaldson)

Chairman Gaglioti: As a Commission, it is up to us how far to go on decisions like this. The variance has been approved, now look at the design.

Commissioner Hayworth: As far as the safety and enjoyment of the family, it doesn't matter about the fence height because cats jump. Appreciates all of the hard work applicant has put into this presentation.

Commissioner Hayworth: Plan on using the same wood on the fence as on the gate?

Milos Pesic, Applicant: Yes.

Commissioner Donaldson: Very ominous looking, with spikes, and will the arches go higher than the pillars?

Milos Pesic, Applicant: No, the picture is just temporary.

Commissioner Hayworth: Variance is for the fence height? The Variance application isn't specific.

Chairman Gaglioti: The City has a code and we are allowing the applicant to build higher than the code.

Commissioner Hayworth: Ominous and the police need to see in for safety. Too high and imposing.

Chairman Gaglioti: What kind of fence would you like to see built?

Commissioner Hayworth: Doesn't have a problem with the grape sticks, more spacing in between and stay level with the top of pillars

Commissioner Donaldson: Styles are debatable but should be more welcoming, very imposing. We are back tracking like last month, not sure what direction to go now.

Commissioner Jaksha: Had house broken into twice and would put up a six foot fence if he could. Falls back on property rights, well-being of applicant is part of the variance. Would like arch to be no higher than pillar, spikes shaved off, and at least 2 to 3 inches between grape stakes.

Milos Pesic, Applicant: Cat will go through 3 inches. 1 inch is plenty. On houses that have one inch, you can still see through.

Commissioner Jaksha: A cat will go over the top. At least 2 inches between. Did an amazing job, wishes that others would take care of property.

Commissioner Cecilio: Thought the pictures were confusing, thought it was iron and not wood. On the corner, it will look massive when you go by if it's wood. Iron would look better than grape stakes. Would like to have a material change.

Commissioner Jaksha: Too expensive to change to iron, could the grade stakes be thinner so it doesn't look so massive.

Milos Pesic, Applicant: where he came from his government wanted everything to be uniform. Now he is here and believes in freedom of choice.

Chairman Gaglioti: Since this is all after the fact, we have leverage on the design.

Commissioner Hayworth: Don't have to accept the design tonight, choosing to accept it, because he already started it. 5 or 6 inches between with smaller grape stakes would be less threatening.

Chairman Gaglioti: Does that work for your iron request.

Commissioner Cecilio: Yes, that's good. To stay with wood, bringing the arch down and not peek, might be less imposing. Cut the frame down. Wouldn't be so dominating.

Milos Pesic, Applicant: Wants to keep the arch the way it is, at the height in pictures, across the street has arches too. Explains the design with straight pickets, with grape sticks. Has been planning this for many years and has talked to neighbors and everyone said the arch would look great. Grape sticks are good because of visibility.

Commissioner Donaldson: The arches look higher than pillars, very sharp looking, will the material be the same?

Milos Pesic, Applicant: Same height as the pillars.

Chairman Gaglioti: At this time, we as a Commission could put a limit on height.

Commissioner Jaksha: Asks to make a motion for the arch to be 2 inches shorter than the pillars, between slates 3 inches thinner grape stakes. Compromise and wants the grape sticks up to 2 inches thick.

Commissioner Donaldson: The 3 foot fence triggered the need for a variance, could make it be 3 feet all the way around. And let him figure it out. Some will be 3 feet and some will be lower.

Chairman Gaglioti: Granting the variance because the Commission felt there was value in staying with the height.

Commissioner Jaksha: At some point it will be a foot and a half tall. Doesn't want that, defeats the purpose of safety.

Commissioner Cecilio: Applicant has been here twice and the Commission is trying to figure it out for him. Put a section up, so it can be seen. Give him a chance to take the ideas from tonight and resubmit a solid plan.

Commissioner Jaksha: Withdrew his motion.

Commissioner Hayworth: Use the ideas that you have heard here, doesn't have to be grape stakes, might be something else.

Commissioner Donaldson: Jeff makes a great point, since we are working backwards.

Chairman Gaglioti: Need to see an example of the design, with the ideas heard tonight.

Motion by Commissioner Cecilio to carry over item ARC #15-06, to give the applicant a chance to use the suggestions heard tonight and bring a design plan back, seconded by Commissioner Jaksha.

No public comment received

Motion passed 5-0

Commissioner Green came back to dais.

ANNOUNCEMENTS/COMMENTS:

NEXT MEETING: Wednesday, December 9, 2015 at 6:00 p.m.

7:45 p.m. Meeting Adjourned

Approved: _____

**REGULAR MONTHLY MEETING DEL REY OAKS PLANNING
COMMISSION WEDNESDAY, OCTOBER 14, 2015 AT 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL**

Present: Commissioner Green, Commissioner Donaldson, Commissioner Jaksha,
Commissioner Hayworth, Commissioner Cecilio and Vice Chair Weir.

Absent: Chairman Gaglioti

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

PLEDGE OF ALLEGIANCE: Led by Vice Chair Weir

CONSENT AGENDA:

The Commission considered ITEM 3.A., Planning Commission Meeting Minutes,
August 12, 2015. Asked for "noticed by mail" to be changed to "notified by mail".

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

No comments

6-0

PUBLIC COMMENT:

None

BUILDING REPORT:

The Commission accepted ITEM 5.A., Building Activity Report, September 2015

NEW BUSINESS:

Applicant's Name:	Ronald Hardy
File Number:	ARC# 15-05
Site Location:	810 Avalon Place
Planning Area:	APN# 012-561-021
Environmental Status:	Categorically Exempt
Project Description:	Requesting Architectural Review for work done prior to meeting. Applicant seeking approval for a 5 foot retaining wall, with an attached 6 foot fence constructed in the rear portion of back yard of the single family dwelling. Materials and colors match existing.

Ronald Hardy, Applicant: Didn't realize that he needed approval, wants to do the right thing and apologized.

Commissioner Cecilio: Survey?

Ronald Hardy: Prior to construction and it was submitted to the city.

Commissioner Donaldson: How high was old wall?

Ronald Hardy: It had fallen and had brush grow over it, doesn't know for sure, maybe 4 ft?

Marlies Hammer, Property Owner of 821 Arlington: Shares google map with Planning Commission, goes up to the dais. Applicant's survey isn't certified and isn't recorded with the County. It's a site plan, it's not a survey. Reads from a letter from her surveyor regarding removed marker to build fence and 5 feet of fill. He is encroaching on our property.

Commissioner Green: Which house? The applicant mentioned the 5 feet of fill.

Vice Chair Weir: Why is this a problem, we have a survey stamped by Lucido.

Marlies Hammer: The survey states it's for design approval only, not construction.

This section of the meeting is inaudible, as Mrs. Hammer is walking up to the dais and not talking directly into a microphone

City Manager Dawson: (stands up to the dais with the Commission) The applicants survey shows the corner markers. Asks Mrs. Hammer if she has a survey of her own to show that the fence is on her property.

Marlies Hammer: Not here, but there is a survey from 1999. Her surveyor says there is no evidence where the wall is on her property. The plan is miss-leading and not accurate. She had a civil engineer come out and look at it. Reads something from her surveyor.

City Manager Dawson: Staff recommends that Frank Lucido Surveyor to come to explain and clarify for the commission at the next meeting.

Marlies Hammer: Asks if the Commission understands the issues with the correspondence about the 1997 survey and if they feel there are encroachment issues and is the property line is justified? Survey wasn't recorded with the county for a new fence line and isn't for construction. Reads from survey. There is a 4 inch drain now that drains into her property, when wall was built pushed dirt up against her side of the wall. Didn't pull out marker and shouldn't have to pay for another survey. There isn't a marker that says this homeowner can move this fence line four feet into her yard.

Commissioner Cecilio: Is it draining more now than when the old wall was there?

Vice Chair Weir: Likes the idea from the City Manager about the surveyors showing up and fighting it out.

Marlies Hammer: Doesn't think she should pay for another survey. The stake was removed during construction.

Commissioner Jaksha: The stake doesn't have to be in the ground, a surveyor can triangulate from down the street if need be, a block away sometimes to verify your property line.

Commissioner Hayworth: It's Architectural Review and this is past the work of this Commission, all of this should be figured out, before it comes to us.

Ronald Hardy: Didn't know when he bought the house that the old broken wall was on his property, should have been disclosed. Wondered why a hose bib was sticking out. Did not try to deceive anyone! He followed the two stakes and two points and made sure it was built on his side of the line. Did not move a marker, that's fictitious. If there is a set-back issue, will make sure to do the right thing.

City Manager Dawson: To Mrs. Hammer: anything to be included for next month meeting must be given to staff.

Motion by Commissioner Jaksha to postpone ARC #15-05 until Frank Lucido, Surveyor can clarify survey in question, give a brief outline of how he came up with this property line seconded by Commissioner Hayworth.

No public comment received

Motion passed 6-0

Applicant's Name:	Milos and Sandra Pesic
File Number:	ARC# 15-06
Site Location:	21 Quendale Ave
Planning Area:	APN# 012-501-036
Environmental Status:	Categorically Exempt
Project Description:	Requesting Architectural Review for work started prior to meeting. Applicant seeking approval for fence, pillars and gate at the front and side portions of the property. Applicant received approval for a covenant agreement at the September 22, 2015 City Council Meeting. Materials and colors match existing.

Commissioner Green steps down from the dais, as she owes property 500 feet from the project.

Milos Pesic, Applicant: Greets and explains. Bikes, walkers and some cars cross over his property since he is on the corner.

Commissioner Hayworth: Was it surveyed?

Deputy City Clerk Minami: No

Commissioner Donaldson: According to the Municipal Code, needs a use permit or variance. The fence is in the right of way and into set-backs.

Vice Chair Weir: Pillars are in set-backs and needs a variance.

Milos Pesic, Applicant: Followed the line of fences in the neighborhood. There is enough room for a bike or walkers. Didn't know the rules before starting work. Wants to make it look nice for neighborhood and secure for his property.

Vice Chair Weir: Covenant agreement?

Commissioner Donaldson: A covenant agreement and a variance are two different things.

City Manager Dawson: The cart before the horse on this one because of the stop work. Covenant agreement allows the fence to be on City property, and the item is here for design review or grant a variance because of the corner lot. Set-backs aren't an issue because of the City Council approval. The staff recommends to lower the fence to 3 feet.

City Attorney Trujillo: Topography issue could be a reason for a variance.

Ralph Games, 12 Voe Place: Doesn't understand why this got built without permits, it's nice work but too big and no room to park. Everyone should follow the rules and regulations and variances are to cover up mistakes.

Commissioner Jaksha: Height situation meets the variance. There are others in the City that have been granted variance for high fences. Parking shouldn't be a problem, it enhances the neighborhood. Agrees the pillars could be lower. Could the commission add a variance to this item tonight and decide on it?

City Manager Dawson: It was noticed as an Architectural Review and not a Variance. Must be properly noticed for a future meeting and a variance application must be submitted with the three findings listed.

Deputy City Clerk Minami: When they apply for a variance, there are three findings.

Vice Chair Weir: Covenant agreement muddies the water.

Commissioner Donaldson: Variance should have been applied for before this meeting.

City Manager Dawson: Working backwards on this one, because he started work with no permits. Clearly should have applied for a variance, but won't need a variance if the Commission recommends to take fence down to 3 feet. Why waste the time for the covenant if the design isn't approved by the Commission.

Vice Chair Weir: Explains variance findings. Slope of the land will meet one of the findings hardship on the land. Unless applicant is willing to go to 3 feet, we have no other choice than to bring this item back once an application for a variance is submitted.

Milos Pesic, Applicant: Doesn't make any sense to have 3 foot fence, with 2 sons asking for a dog. Doesn't want to take down to 3 feet.

City Manager Dawson: Then applicant will have to apply for variance and he would help with application.

Motion by Commissioner Donaldson to postpone ARC #15-06 until a variance application is submitted, seconded by Commissioner Cecilio.

No public comment received

Motion passed 5-0

Commissioner Green came back to dais.

ANNOUNCEMENTS/COMMENTS:

City Manager Dawson: Commissioner Green has brought up the General Plan and wants to review it yearly. It is the duty of the Commission to review it. Shows the 1975 amended copy. There is a 1997 version as well. Staff will make copies for all Commissioners. Could have someone come in and review it, do a mock general plan update or whatever the commission would like. Let the Commission know some possible dates.

Commissioner Green: Suggests that everyone re-read the General Plan, agrees with Dan and is thrilled to have someone to come in and review.

Commissioner Jaksha: Can't wait to give input on the Fort Ord portion of the City.

Vice Chair Weir: Is there any value in reading the 1997 update.

City Manager Dawson: Everyone will receive a copy of the 1997 update.

NEXT MEETING: Wednesday, November 4, 2015 at 6:00 p.m.

7:15 p.m. Meeting Adjourned

Approved: _____

CITY OF DEL REY OAKS
BUILDING ACTIVITY REPORT
 December 2015

PERMIT#	DATE	ADDRESS	NAME	PROJECT DESCRIPTION	TYPE	STATUS	LAST INSP.
B-13-35	10/18/13	908 Via Verde	Budrick/Sharp Const.	Foundation work	R-1	Current	10/7/2015
B-15-06	02/13/15	1899 Rosita	Del Rey Oaks Garden Ctr.	Site Improvements	C-1	Final	1/6/2016
B-15-14	04/14/15	1048 Paloma	Burton/Kelly Howell Const.	Water damage repairs	R-1	Final	12/21/2015
B-15-16	04/22/15	815 CDR	Safeway/Tilton Construction	Interior work	C-1	Current	8/5/2015
B-15-17	05/04/15	908 Via Verde	Budrick/Ted Kelly Const.	Deck replacement	R-1	Final	11/25/2015
B-15-20	05/18/15	1007 Portola	Donaldson/Owner-Builder	Addition and remodel	R-1	Current	12/21/2015
B-15-21	07/15/15	924 Portola	Miller/Bruno-Owner-Builder	Addition and remodel	R-1	Current	1/5/2016
B-15-22	07/23/15	817 Portola	Baumann/Owner-Builder	Re-Roof	R-1	Current	7/23/2015
B-15-23	07/24/15	815 CDR	Safeway/KW Const.	Tenant Improvement	C-1	Current	8/5/2015
B-15-24	07/27/15	900 Paloma	Baker/Positive Results	Re-Roof	R-1	Current	7/27/2015
B-15-26	08/17/15	58 Los Encinos	Richmond/Young	Exterior Steps	R-1	Current	8/17/2015
B-15-30	08/31/15	854 Portola	Palma/Semmel	Solar Panels	R-1	Final	9/29/2015
B-15-31	09/02/15	973 Rosita	Stroud/Knox Roofing	Re-Roof	R-1	Final	10/21/2015
B-15-32	09/08/15	1003 Portola	Benoit/Wolff's Roofing	Re-Roof	R-1	Final	9/15/2015
B-15-33	09/08/15	1044 Paloma	Grossman/Lobato Roofing	Re-Roof	R-1	Final	10/21/2015
B-15-34	09/08/15	1110 Rosita	Abanico/Solar City	Solar Panels	R-1	Current	9/8/2015
B-15-35	09/08/15	1007 Paloma	Roesner/Owner-Builder	Interior work	R-1	Current	9/8/2015
B-15-38	09/21/15	1031 Paloma	Scott/American Solar	Solar Panels	R-1	Final	10/26/2015
B-15-39	09/28/15	1068 Paloma	Corcoran/Ross Roofing	Re-Roof	R-1	Final	10/28/2015
B-15-40	10/06/15	10 Alta Circle	Ventimiglia/Scudder Roof	Re-Roof	R-1	Current	10/7/2015
B-15-42	10/29/15	75 Carlton	Edelen/Ross Roofing	Solar Panels	R-1	Current	10/29/2015
B-15-44	11/12/15	920 Portola	Kert/Solar City	Solar Panels	R-1	Current	12/15/2015
B-15-45	11/17/15	66 Work	Mason/Owner-Builder	Rebuild Sun Room	R-1	Current	12/16/2015
B-15-46	11/17/15	6 Osio Way	Riddell/Knox Roofing	Solar Panels	R-1	Current	11/17/2015
B-15-47	11/23/15	988 Rosita	Wood/Owner-Builder	Retaining Wall	R-1	Current	11/23/2015
B-15-48	11/30/15	24 Carlton	Vanerzwaan/Solar City	Solar Panels	R-1	Final	12/15/2015
B-15-49	12/01/15	1067 Rosita Rd	Hatch/Owner-Builder	Bathroom remodel	R-1	Current	12/1/2015
B-15-50	12/17/15	1048 Paloma	Burton/KelCon	Addition and remodel	R-1	Current	1/4/2016

STAFF REPORT

City of Del Rey Oaks

Office of the City Clerk

DATE: January 13, 2016
TO: Planning Commission
FROM: Karen Minami - Deputy City Clerk
RE: Agenda Item 7 – 1007 Paloma Rd

Applicant's Name: Mike Roesner
Owner's Name: Same
File Number: ARC# 15-07
Site Location: 1007 Paloma Road
Planning Area: APN# 012-535-002
Environmental Status: Categorically Exempt
Project Description: Requesting Architectural Review for an addition and remodel to single family dwelling which includes removal of the existing 2nd story, reconfiguration of the interior, adding 133 sq. ft. to the garage, extending the driveway and building a new retaining wall.

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

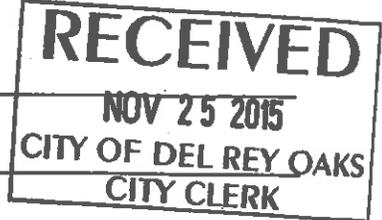


CITY OF DEL REY OAKS

Use Permit: [] Conditional [] Minor [] Home Occupational [] Signage [] Auxiliary Building
Variance: [] Yes [] No

Architectural Review Type:

[x] Residential [] Commercial



Applicants Name: Michael Roesner

Owner's Name: Michael Roesner

Project Address: 1007 Paloma Road

Telephone#: 831 241 1381 APN #: 012 535 002

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 details plot plan.

demolish + removal of 'previous' 2 story addition
Marked with addition 490' 1st floor only.
Pantry addition x 175#
Living Room addition x 7.5#
Bedroom 1 addition x 12#
garage addition x 133#
Remove + Replace (c) front retaining walls, (w) 40' retaining wall.
New paved drive way.

[] 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]

-FOR OFFICE USE ONLY-
APPLICATION # ARC 15-07 DATE: 11/25/15
FEE 200.00 CASH/CHECK/CC # 2436 RECEIVED BY: M. Meriani
DATE SCHEDULED FOR CONSIDERATION Dec. 9th 2015 @ 6:00pm
APPROVED DENIED JAN. 13th 2015 @ 6:00pm