

REGULAR MONTHLY MEETING DEL REY OAKS PLANNING
COMMISSION WEDNESDAY, SEPTEMBER 10, 2008 AT 7:00 P.M.
CHARLIE BENSON MEMORIAL HALL

Present: Commissioner Thayer, Clarke, Zuccaro, Hayworth, Weir, and Chairman
Jaksha

Absent: Commissioner Lucido

Also Present: City Attorney Wellington and Assistant Deputy City Clerk Minami

CONSENT AGENDA:

Motion by Commissioner Weir to approve:

June 11, 2008 Special Planning Commission Study Session Minutes

June 11, 2008 Regular Planning Commission Minutes

Seconded by Commissioner Hayworth

No public comment was received

Motion passed 6-0

PUBLIC COMMENT: None

BUILDING REPORT: Accepted

Commissioner Thayer: 14 Carlton is doing some building, and isn't on building activity report.

Assistant Deputy City Clerk Minami: Staff will follow up.

NEW BUSINESS:

The Commission considered **Item 6.A.** Scott Morgan, ARC #08-09/VAR #08-01, 942 Angelus Way, APN #012-541-033. Requesting Architectural Review and Variance to construct a new 16'x32' garage on the front portion of the property, existing garage will be converted to a family room.

Commissioner Clarke stepped down from dais, due to the proximity of his home is 500 feet from Item 6.A.

Scott Morgan: Has been a "creek dweller" for 17 years. House is unique, have to cross bridge to get to garage and house. Bridge is narrow, 9 ½ feet. If this is granted, bridge would be called a pedestrian bridge. There are a lot of easements, chopped up lot of land, very difficult to do anything, good reason for variance. Expanding existing garage isn't feasible because of Fish and Game regulations. Showed samples of colors and materials. There will only be one small window facing the street. Enjoyed speaking with people in the neighborhood, received only positive comments.

Commissioner Zuccaro: Will the colors match existing?

Scott Morgan: 16 ft. is a little narrow and after some thought, wants to go 18 ft., is it possible.

City Attorney Wellington: The application is for 16 ft and if it changes, it must be revised and come back next month.

Commissioner Hayworth: How did you come up with the property lines?

Scott Morgan: Staff suggested it, he hired Base Line Surveyors and the survey is included.

Commissioner Weir: Can't see approach to the garage.

Scott Morgan: Shows her, on the plans.

Commissioner Thayer: Why is it not shifted over more?

Commissioner Weir: Findings for Variance are clearly met, very through job.

Commissioner Hayworth: Answered all the questions before the meeting, with information in the packet.

Commissioners Thayer and Zuccaro: Echo other commissioner's comments.

Chairman Jaksha: Thank you for great preparation.

Public Comment:

Andy Clarke of 926 Angelus Way: Supports the plan, likes it.

Rich Davidson of 938 Angelus Way: Scott wants to make the neighborhood better and he is in support of that.

Motion by Commissioner Hayworth to approve Item 6.A., ARC# 08-09/VAR#08-01, seconded by Commissioner Thayer.

No further public comment was received.

Motion passed 5-0

Commissioner Clarke returned to dais.

Item 6.B. Brown Act and Fair Political Act Workshop: Presentation by City Attorney Robert Wellington.

LEGAL ISSUES FOR PLANNING COMMISSIONERS

The Brown Act - Meetings of local agency bodies must be noticed, open and public.

1. Definition of a Ameeting@ - any congregation of a majority of the body to discuss, deliberate or even hear about a matter within their subject-matter jurisdiction.

- a. Social gatherings; other public meetings.
 - b. Seriatim or rotating meetings - by an intermediary or technological device.
 - c. Contacts by the public (fair-hearing implications, discussed below).
2. Notice and agenda requirements; discussion limited to agendized items.
 3. Closed sessions; limited exceptions.

Due Process - Fair Hearing Requirements.

1. Contacts by/with the public (best rule: don=t do it).
2. Pre-Hearing Bias

Conflicts of Interest

1. The Political Reform Act (FPPC). A No public official shall participate in making or in any way attempt to use his official position to influence any governmental decision in which he has a financial interest.@
2.
 - a. Prohibition or Disqualification. Low thresholds - *e.g.*, \$2000 of a business interest or \$500 income in past 12 months.
 - b. Contacting staff re project with financial interest.
 - c. Legal liability; FPPC opinions.
 - d. Disqualification; step down and out of room; appear as member of the general public.
2. Appearance of impropriety. Common law bias.
3. Contract conflict of interest; Government Code Section 1090.

Personal Legal Liability - Not a problem if acting within course and scope of public official=s authority. Liability only for:

1. Fraud or corruption.
2. Violation of conflict of interest statute.
3. Not acting within scope of authority.

AB 1234 – Ethics Training: Required every two years.

ANNOUNCEMENTS/COMMENTS:

Commissioner Weir: Funding for the Ft. Ord Development?

City Attorney Wellington: Funding is being negotiated, in the best interest of the city.

Commissioner's Clarke, Zuccaro, and Thayer: Will not be at the Oct. 8th meeting.

Chairman Jaksha: City picnic is on September 21st.

8:30 P.M. – Meeting Adjourned

NEXT REGULAR MEETING: Wednesday, Oct. 08, 2008 at 7:00 P.M.

Approved
