



# CITY OF DEL REY OAKS

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

August 6, 2020

## AGENDA

### REGULAR DEL REY OAKS PLANNING COMMISSION MEETING

WEDNESDAY AUGUST 12, 2020 AT 6:00 P.M.

**MEETING TO BE HELD VIRTUALLY ONLY**

**AT THE FOLLOWING ZOOM LINK PER GOVERNOR NEWSOM'S  
EXECUTIVE ORDERS N-29-20 AND N-33-20 REGARDING COVID-19  
PROTOCOLS:**

***Click on link below***

**<https://us02web.zoom.us/j/89379117307>**

**Meeting ID: 893 7911 7307**

**One tap mobile**

**+16699006833,,89379117307# US (San Jose)**

**14086380968,,89379117307# US+(San Jose)**

***If you are not able to,  
then copy and paste or type the link into your browser  
You must have a computer with a camera or smart phone to participate  
in the video portion of the meeting.***

1. ROLL CALL

2. CONSENT AGENDA:

A. Adopt June 10, 2020 Planning Commission Meeting Minutes

**3. 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.*

**4. REPORTS: Building Activity Report June/July 2020**

**5. OLD BUSINESS: None**

**6. NEW BUSINESS:**

*Action Items*

<b>A. Applicant's Name:</b>	Del Rey Oaks Garden Center
<b>Owner's Name:</b>	The City of Del Rey Oaks
<b>File Number:</b>	ARC 20-03 and to amend CUP 14-08
<b>Site Location:</b>	899 Rosita Rd
<b>Planning Area:</b>	APN# 012-551-006
<b>Project Description:</b>	Requesting Architectural Review to receive after-the-fact permission for a fence previously erected and to amend hours of operation listed in original Conditional Use Permit.

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

**8. NEXT MEETING: Wednesday, September 9, 2020 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.

## How do I join a Zoom meeting?

There are 3 ways to join a Zoom meeting:

- With the Zoom app on your desktop
- From the Zoom website
- Or via telephone dial-in

**Note:** The host will have to start the meeting first so you can join.

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### Telephone dial in:

1. The dial in information is in the box above.
2. Dial one of the two numbers and follow the prompts.

**Meeting ID: 893 7911 7307**

**One tap mobile**

**+16699006833,,89379117307# US (San Jose) 14086380968,,89379117307# US**

**+(San Jose)**

**CITY OF DEL REY OAKS PLANNING COMMISSION REGULAR MEETING  
CONVENED AT 6:00 P.M. ON WEDNESDAY, JUNE 10, 2020 VIA ZOOM  
MEETING**

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**Present:** Chairman Donaldson, Vice Chair Hayworth, Commissioner Jaksha, Commissioner Kreeger, Commissioner Hallock, Commissioner Burton and Commissioner Wood

**Absent:** None

**Also present:** City Manager Pick and Deputy City Clerk Minami

Meeting came to order at 6:00 p.m. and roll call was taken.

**CONSENT AGENDA:**

**Motion to approve:** *Commissioner Hayworth*

**Second:** *Commissioner Hallock*

**Public Comment:** *None*

**Vote:** *Approved 7-0*

**PUBLIC COMMENT:**

**Mary Solseng:** Receiving the \$65,000 planning grant and wants some to be spent on public input meetings regarding future development ideas and to amend the General Plan. During the APR discussions and during the Coffee with the City Manager, it has been mentioned that the developers should pay for the cost to have the meetings after the exclusive agreement is signed. That is backwards, it should be the other way around. Not getting residents input first, isn't right. Wants the Commission to make sure the General Plan gets amended.

**REPORTS:**

**Commissioner Hallock:** Notice that 1106 Rosita is on the list for a remodel and curious if that was brought to the Commission.

**Deputy City Clerk Minami:** It is all interior work, didn't need to come to Commission.

**Accepted**

**NEW BUSINESS:**

**A. Applicant's Name:** Steve Avila  
**Owner's Name:** Daniella Prue  
**File Number:** ARC #20-01

**Site Location:** 1106 Rosita Rd  
**Planning Area:** APN# 012-591-001  
**Project Description:** Requesting Architectural Review to install a 14'x 28' wood deck off the back of the single family dwelling. Colors and materials to match existing.

*Commissioners Jaksha and Burton step down for this item.*

**Steve Avila:** Explains the project and asks for questions.

**Commissioner Hayworth:** How about neighbors?

**Steve Avila:** Hasn't heard of any problems.

**Commissioner Kreeger:** No impact on neighbors.

**Commissioner Hallock:** Is this a repair and replace or new?

**Steve Avila:** It is new, a set of steps was there before.

**Commissioner Hallock:** The footings have been placed before inspections, no pull test was performed and how did the work get done?

**Steve Avila:** Peers were poured and then found out the project needed to come before the Commission. As soon as he realized that, the work has stopped. Takes full responsibility and apologized.

**George Jaksha:** As a neighbor, great job to improve property.

**Chairman Donaldson:** Make getting an inspection, part of the approval.

*Motion to approve item 6.A., as presented and an inspection of the footings must be done*

	<i>Commissioner Kreeger</i>
<i>Second:</i>	<i>Commissioner Hayworth</i>
<i>Public Comment:</i>	<i>None</i>
<i>Vote:</i>	<i>5-0</i>
	<i>Motion passes</i>

*Commissioners Jaksha and Burton return to zoom meeting*

**B. Applicant's Name:** Sustainable Del Rey Oaks  
**Owner's Name:** City of Del Rey Oaks  
**File Number:** CUP #20-03  
**Site Location:** near 899 Rosita Rd  
**Planning Area:** APN# 012-551-006  
**Project Description:** Requesting a Conditional Use Permit to install an owl box in the open space between the church and the tennis courts at the current site of the butterfly garden.

**Karen Harris:** Explains the project will be for educational purposes. They received grant funding for it. The folks from Humane Wildlife Control picked the perfect location for it. Follows the storm water ordinance. The two-post system will be installed using no concrete.

**Commissioner Burton:** Thank you.

**Commissioner Jaksha:** What about the noise from the pre-school?

**Deputy City Clerk Minami:** The pre-school has been closed for a few years.

**Commissioner Hayworth:** What about liability, if it falls?

**City Manager Pick:** It will be inspected by the Building Inspector. All volunteers sign a liability waiver.

**Commissioner Hallock:** Even though the pre school is closed, how about the noise from the Church Sunday school kids. This Commission didn't approve the butterfly garden.

**City Manager Pick:** Staff level approval was granted. Owl box is the first Conditional Use Permit of its kind, it needs Commission approval.

**Commissioner Hallock:** Thanks Karen for the good job except the plans are not on 11X17 and no netting was put up. Would have liked it clearer. Concerned about attracting bees at the church from the butterfly garden.

**Karen Harris:** There are already owl boxes in the city with no problems. Really hope the owl box works. Didn't realize she needed to do netting because it's a box on a pole.

**Commissioner Kreeger:** Thanks Karen for the great job. Hopefully it attracts owls. Nice addition to the City.

**Commissioner Wood:** Karen really did her homework, great addition to the city.

**Chairman Donaldson:** Wonderful project, commends Karen. Likes the idea of D.G. and not concrete. It's temporary in nature so if FORTAG goes through then it won't hinder progress.

**Karen Harris:** The oak tree and the owl box are in the perfect location. The box is away from electric lines and noise from the tennis courts. Had an expert recommend the location.

**City Manager Pick:** Since it is work being done on City property, if under unforeseen circumstances come up, then the city will work with group to move the owl box to another location.

**Kevin Raskoff:** Karen is a major force in getting grant money, she did a great job. The owl box can always be relocated.

**Ken Rutherford:** Remarkable job, small formalities need to be overlooked and hopefully gets approved tonight.

**Kim Shirley:** Thanks Karen for the time and effort. This will provide educational opportunity.

*Motion to approve item 6.B., as presented with the condition that the City reserves the right to remove or relocate the owl box*

*Second: Commissioner Hayworth  
Commissioner Hallock  
Public Comment: None  
Vote: 7-0  
Motion passes*

**C. Applicant's Name:** Bill Westphal  
**Owner's Name:** Ken Williams  
**File Number:** ARC #20-02  
**Site Location:** 7 Boronda Way  
**Planning Area:** APN# 012-481-014  
**Project Description:** Requesting Architectural Review to add 684 sq. ft. to living area, add 259 sq. ft. to garage, add covered porch and to remove carport of the single-family dwelling. Colors and materials to match existing.

**Bill Westphal:** House has never been touched. Ready to make it a beautiful home. Used to leave on Boronda, it's like old home week being back for the project.

**Commissioner Burton:** Looks good, thanks for making the community better.

**Commissioner Hayworth:** Mentions side set back, but variance isn't needed. Not much of a back yard. It's big job, but it will look great.

**Bill Westphal:** Nice covered porch on the side.

**Commissioner Jaksha:** Looks good.

**Commissioner Hallock:** The issue of the side of the house is pre-existing. Great presentation and flagging too.

**Commissioner Kreeger:** It will be a nice addition to the neighborhood.

**Commissioner Wood:** Great project, loves the porch idea.

**Chairman Donaldson:** There is a slight difference between netting and plans.

**Bill Westphal:** Set back will increase.

*Motion to approve item 6.C., as presented*

*Second: Commissioner Hallock  
Commissioner Hayworth  
Public Comment: None  
Vote: 7-0  
Motion passes*

**COMMISSIONER REPORTS:**

**Commissioner Hallock:** Apologizes for bringing up inspection and safety concerns but there are clear guide lines as a General Contractor and Del Rey Oaks is easier to deal with than other areas.

**Chairman Donaldson:** It is very hard to deal with after the fact.

**Commissioner Hallock:** A lot of work and commitment went into the sign ordinance and Scott and the rest of the commission did a great job, it was thoroughly reviewed by the planning commission. Stands by the original ordinance. It was not the intention of the ordinance to infringe on right to free speech. It was mostly for the safety of the citizens in mind. Supports the idea of a sub committee, more light from several windows. He was part of an email invitation to be on the sub committee, it was sent to entire planning commission. Now the city council and the planning commission has selected residents. Called the City Attorney regarding fairness of process with planning commission and public not selected from a lot. There is a time for information points, not just one social website. It's unethical to respond to group, but not individually. Dismayed that two planning commissions were involved in a brown act violation by responding.

**City Manager Pick:** Recently found out about this and City Attorney reached out to Mayor Kerr and Council Member Gaglioti to cure the violation.

**Commissioner Hallock:** There was another brown act violation back in February with City Council as well. Everyone takes ethics training and if someone is confused contact the FPPC. To "cure" is a legal term to settle. It's actually could be a misdemeanor. It happened in February and again now, repetitive in nature and can be turned over to the District Attorney. Black eye on Del Rey Oaks.

**Commissioner Jaksha:** Agrees with Jeremy.

**Commissioner Kreeger:** It's all about education, and sure there wasn't any malice.

**Chairman Donaldson:** Appreciates views and comments on the sign ordinance.

**7:05 p.m., Adjourned to next meeting date July 8, 2020 at 6:00 pm.**

**Attest:**

**Date:**

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\_\_\_\_\_

June/July 2020 Building Permit Report

PERMIT#	DATE	ADDRESS	NAME	PROJECT DESCRIPTION	TYPE	STATUS
B-17-32	09/05/17	5 Quendale	Sampognaro/Zehn Const	Addition and remodel	R-1	Current
B-19-12	04/17/19	68 Carlton Drive	Larson/D. Young Const	Remodel	R-1	Current
B-19-22	07/09/19	924 Via Verde	Rutherford/Owner Builder	R&R awning, install sky light	R-1	Current
B-19-24	07/24/19	120 Calle Del Oaks	Sparx/DPR Construction	Tenant Improvement	C-1	Current
B-19-37	09/19/19	9 Los Encinos	Bowen/Scudder Roofing	Re-Roof	R-1	Current
B-19-39	09/23/19	15 Baxter Place	Burger/John Chatters	Addition and remodel	R-1	Current
B-19-40	09/24/19	831 Arlington	Walsh/Ricardo Munoz	Wall and stairs	R-1	Current
B-19-41	10/01/19	924 Via Verde	Rutherford/Owner Builder	Re-Roof	R-1	Current
B-19-47	11/05/19	1106 Rosita Rd	Prue/Avila Construction	Kitchen and Bath remodel	R-1	Current
B-19-50	11/21/19	78 Work Ave	Ghavamian/Owner Builder	New windows	R-1	Current
B-19-52	11/26/19	926 Angelus	Clarke/Taroivet Const	Kitchen remodel	R-1	Current
B-19-55	12/19/19	800 Altura	Buckman/Kitchen Studio	Kitchen remodel	R-1	Current
B-20-03	02/04/20	1025 Rosita Rd	Souza/Earl Deal Roofing	Re-Roof	R-1	Current
B-20-05	02/27/20	1 Setter Pl	Yeo/Riparetti Roofing	Re-Roof	R-1	Final
B-20-06	03/10/20	45 Work Ave	Ezcurra/J Luna Const.	New Porch and roof	R-1	Current
B-20-07	03/16/20	10 Serrano	Jellesson/ Williams Roofing	Re-Roof	R-1	Current
B-20-09	05/17/20	924 Via Verde	Rutherford/Owner Builder	Interior remodel	R-1	Current
B-20-10	05/15/20	8 Greenock	Wigg/Jenkins Const	Stucco	R-1	Current
B-20-11	05/24/20	820 Arlington	Stentz/Infinity Energy	Solar	R-1	Current
B-20-12	05/28/20	827 Portola	Sanchez/Tesla Solar	Solar	R-1	Current
B-20-13	07/01/20	10 Alta Cir	Ventimiglia/Scudder	Re-Roof	R-1	Current
B-20-14	07/01/20	7 Boronda	Williams/Westphal	Remodel	R-1	Current
B-20-15	07/08/20	46 Los Encinos	Cabanillas/Miralem Hadzic	Solar	R-1	Current
B-20-16	07/09/20	1106 Rosita Rd	Prue/Avila Construction	New Deck	R-1	Current
B-20-17	07/09/20	212 Pheasant Ridge	Rodewald/Owner	Bathroom/Kitchen Remodel	R-1	Current
B-20-18	07/15/20	5 Work	Granberry/Owner	Retaining Wall	R-1	Final
B-20-19	07/21/20	411 Quail Run Ct	Ursino/Donald Young	Bathroom Remodel	R-1	Current
B-20-20	07/16/20	650 Canyon Del Rey	City Hall/Stanley Semmel	Solar	R-1	Current



# CITY OF DEL REY OAKS

## Staff Report

<b>Applicant's Name:</b>	<b>Del Rey Oaks Garden Center</b>
<b>Owner's Name:</b>	The City of Del Rey Oaks
<b>File Number:</b>	ARC 20-03 and to amend CUP 14-08
<b>Site Location:</b>	<b>899 Rosita Rd</b>
<b>Planning Area:</b>	APN# 012-551-006
<b>CEQA Determination:</b>	Categorically Exempt pursuant to CEQA Guidelines 15301 and 15304
<b>Project Description:</b>	Requesting Architectural Review to receive after-the-fact permission for a fence previously erected and to amend hours of operation listed in original Conditional Use Permit.
<b>Recommended Action:</b>	Approve Conditional Use Permit with the conditions of approval recommended below. Analyze provided material, make appropriate findings, impose conditions as appropriate, and give direction to staff.

The applicant requests amending the Conditional Use Permit (CUP) for 899 Rosita Road to include additional area, which applicant has encroached into since the original CUP was issued. The additional area is shown in the attached graphic. The Applicant also requests that the business be allowed to be open on Sundays year-round, rather than the current limit of 12 Sundays per year. Staff recommends approval of the Applicant's requests subject to the following conditions of approval:

1. The Applicant must satisfactorily renegotiate the lease with the City prior to opening additional Sundays.
2. The lease area boundaries shall be subject to change if the FORTAG trail project routing requires it.
3. No lawn mower or other mechanical repair shall be permitted on the premises.
4. The Applicant shall maintain a public access trail , with clear signage, free of debris, along the creek around the premises.

*Chairman Jaksha will need to step down*



CITY OF DEL REY OAKS

Use Permit: [ ] Conditional [ ] Variance: [ ] Yes [ ] No
Choose all that Apply [ ] Minor [ ] Home Occupational [ ] Signage [ ] Auxiliary Building
Architectural Review Type: [ ] Residential [ ] Commercial

Applicants Name: Mitsugu Mori, Del Rey Oaks Gardens
Owner's Name: Mitsugu Mori
Project Address: 899 Rosiza Pl.
Telephone#: 871-920-1231 APN #: 012-551-006
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.

MAP is ATTACHED.
AS well as description.

[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

\*\*\*\*\*

-FOR OFFICE USE ONLY-

APPLICATION # CUP Amend 14-08 DATE: 5/27/20

FEE \$2990.00 ARC 20-03 RECEIVED BY: Karen Minami

CASH/CHECK/CC # \$3610.00 DATE SCHEDULED FOR CONSIDERATION June 10, 2020 @ 6:00 pm

APPROVED DENIED

# DEL REY OAKS GARDENS

899 ROSITA RD, DEL REY OAKS CA93940  
831-920-1231

5/20/20

Dear Sir&Madam:

This note is to explain the detail of our request for use permit.

Two maps are attached.

Use permit request 1

#1 is the area map of leased ground.

#2 is the map of extended area we are seeking for permit to use.

It also indicates the fence area we installed for security purpose. Since we opened our business, a number of theft and vandalism occurred. We had to erect fence in hurry.

The chain link fence seemed to be most reasonable fence around for the security for the appearance. So we proceeded. I did not realize we needed a permit.

Beyond our lease agreement, we built access road from Safeway and cleaned up the path along the reveue as well as golf light posts and half torn netting entire property all the way to Safeway at no cost to the city.

We have installed two large concrete drain pipes under the road way as well.

The area we are using beyond our lease agreement is marked with blue diagonal lines.

Use permit request 2

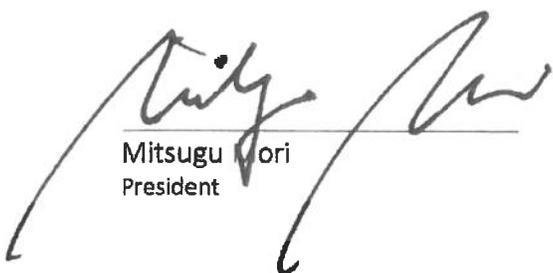
Current agreement does not allow us to open more than several months.

We would like to stay open more Sundays beyond October and Open early in Spring.

I would like the option to stay open year around, although we might want to close Sundays in January and February.

We would like to continue to be an asset to the community serving its need.

Thank you.



Mitsugu Mori  
President



