

City of Del Rey Oaks

**City Hall
650 Canyon Del Rey Blvd
Del Rey Oaks, CA 93940**



Action Minutes

Wednesday, January 8, 2025 - 6:00 PM

Planning Commission – Regular Meeting

Del Rey Oaks Planning Commission

Mike Hayworth – Chair

Denise Wood – Vice Chair

George Jaksha – Commissioner

Gary Kreeger – Commissioner

Louise Goetzelt - Commissioner

Ann Ahmadi – Commissioner

Celine Pinet - Commissioner

6:00PM – Called to Order:

The meeting was called to order by Chair Hayworth.

Roll Call:

Present: Commissioner Kreeger, Commissioner Ahmadi, Commissioner Jaksha, Vice Chair Wood, and Chair Hayworth.

Absent: Commissioner Goetzelt and Commissioner Pinet

Staff Present:

Assistant City Manager/Police Chief Bourquin, City Attorney Lorca, Administrative Services Technician Matthews, and Deputy City Clerk Batra.

Pledge of Allegiance:

Chair Hayworth led the Pledge of Allegiance.

Consent Agenda:

Adopt November 13, 2024, Planning Commission Meeting Minutes

A motion to approve was made by Commissioner Ahmadi and seconded by Vice Chair Wood. Minutes were approved 5-0.

Public Comment:

Eva Moravec: Received letter that my neighbor is extending outside balcony. No objection, improves quality of house, but want to know how long construction will take and how noisy it will be. Retired, daughter works from home, noise might be a nuisance

Chair Hayworth: Is this a project we will be hearing tonight?

Eva Moravec: Already doing other work, daughter couldn't do work in her room, had to move to different part of the house.

Chair Hayworth: Can address those questions when get to part of meeting with that item.

Reports:

The November and December 2024 Building Activity Reports were accepted unanimously.

Old Business:

None

New Business:

Applicant's Name:	Michael Roesner
Owner's Name:	Sherine and Adel Metias
File Number:	ARC #24-03
Site Location:	45 Los Encinos Drive
Planning Area:	APN #012-592-012-000
CEQA Determination:	Categorically Exempt pursuant to Guidelines § 15061(c) and 15301
Project Description:	Requesting Architectural Review to add a new deck elevated from hill slope, off the primary bedroom at the rear of the house. Deck dimensions are 8'-0" deep x 12'-9" wide. (102 sq ft.) Replace (e) primary bedroom window with new white vinyl sliding glass door. No increase in opening width.
Recommended Action:	Analyze provided material, make appropriate findings, impose conditions as appropriate, and give direction to staff.

Commissioner Jaksha steps down from dais, due to proximity of his home to the project.

Applicant: Restates project scope.

Commissioner Kreeger: No questions

Commissioner Ahmadi: What is height of railing?

Applicant: 42 inches as prescribed by code.

Vice Chair Wood: No stairs that go down?

Applicant: No Stairs.

Chair Hayworth: No questions.

.

Commissioner Kreeger makes Motion to Approve ARC #24-03 as submitted. Commissioner Ahmadi seconds the motion.

A roll call vote was held and passed unanimously.

Commissioner Kreeger	Aye
Commissioner Ahmadi	Aye
Vice Chair Wood	Aye
Chair Hayworth	Aye

Public Comment

Eva Moravec: Next door neighbor, lived on Los Encinos since 1989. Current neighbors have been really good, so no issue with having a project, but concerned with the noise, duration of noise, and whether hours for work are reasonable. Worried because when Monterey Transit built the road, they worked at 3 am, and couldn't sleep. Major concerns are noise, and how long project will last.

Applicant: Not a big project, so won't take a long time. Work hours set by City, I think 8 am – 5 pm, no work on Sundays. If too noisy, just talk with homeowner, sure she would be happy to help you out.

Commissioner Kreeger: Looks fairly straightforward. Looks like a nice view of Frog Pond when done.

Commissioner Ahmadi: Looks very nice. May want to trim trees for a better view.

Commissioner Wood: Very nice plans. Thank you.

Passes 4-0

Commissioner Jaksha comes back to the dais.

Applicant's Name:	Ryan Sanchez
Owner's Name:	Ryan Sanchez
File Number:	ARC #24-04 & VAR #24-02
Site Location:	827 Portola Drive
Planning Area:	APN #012-472-005-000
CEQA Determination:	Categorically Exempt pursuant to Guidelines § 15061(c) and 15301
Project Description:	Requesting Architectural Review and Variance to add 158 square feet to South elevation at front bedroom, 10 feet into front setback and 1 foot into West side yard setback.
Recommended Action:	Analyze provided material, make appropriate findings, impose conditions as appropriate, and give direction to staff.

Applicant: Project is extended front bedroom on the street side 10 feet. Currently at the 20 foot mark, so request is to come out 10 feet so we will have 10 feet to the property line, but probably another 10 feet to the street or sidewalk area. The addition is about 158 square feet.

Chair Hayworth: Consider Variance first and then the ARC application. Introduces City Attorney Lorca to explain 3 findings that must be met to approve variance

City Attorney Lorca: Introduces Variance, governed by Municipal Code section 17.44.020, which lays out findings that must be made to grant a variance. Asks if Commission has a printout of that section.

Chair Hayworth: Asks if it is just the three points that are on the variance application sheet.

City Attorney Lorca: Exactly; that is the critical portion. Three findings to discuss, and if you so choose, make those findings on the record. Chapter requires that you reduce those findings to writing. Good to discuss at dais so Clerks can write down as finding. First finding pertains to exceptional extraordinary circumstances or conditions applying to land, building or use referred to in the application and those circumstances or conditions do not apply generally to land, buildings or uses in the same district, meaning this one piece of property has a unique characteristic that warrants application of a variance. Second criteria is that the granting of the application is necessary for the preservation and enjoyment of the substantial property rights of the petitioner, and that's generally in the vein of not denying folks one of their property rights. Third one is that granting the application under the circumstances will not materially affect health or safety

of persons residing or working in the neighborhood and under the circumstances won't be materially detrimental to public welfare. That would be things like no material impacts traffic, to fire safety, drainage, those type of issues. Synopsis: the first is what is specific about this property that warrants a variance, the second one is it fair to the homeowner to grant it, and the third is it fair to the public and neighbors to grant it. Encourage Commission to discuss those three points and if you make those findings. Room for discretion, exceptional extraordinary circumstances; have discretion to talk about and what it means for what Mr. Sanchez is after here impacts on his family, family life, things like that. Discretion here, and those three things are your guide. Should be discussed on record so findings can be made and recorded.

Commissioner Kreeger: No questions for clarification.

Commissioner Ahmadi: Application states no exception or extraordinary differences of this particular

Applicant: Correct.

Commissioner Ahmadi: Still saying that is the case?

Applicant: Exactly

Commissioner Jaksha: No questions.

Commissioner Wood: No questions.

Chair Hayworth: Commissioner Ahmadi asked question was going to ask

Public Comment: None

Commissioner Kreeger: Second and third are pretty straightforward. Look at the House: two soon-to-be high school age kids, wanting to make the house bigger reasonable. Not a huge extension but would allow them to enjoy property rights better by giving themselves a little bit more room. C was pretty straightforward, had a fairly long discussion with the neighbor on South side to the right, Merry; she had absolutely no problem with it, not going to affect her at all. Neighbor on other side has tall hedge, not going to affect them. Asked applicant to confirm no defined exceptions, not going to be any different than what's around already. Understand the variance to mean what exceptional or extraordinary circumstances would warrant the variance. One thing saw, discussed before, way lines are drawn capricious. Mentions Mayor has talked about how half his yard is inside the easement. Interprets that when lines were drawn and when roads were built didn't happen at same time, didn't seem to be that much in alignment. Seeing how far up the property line is and seeing where street is, would seem to be an extraordinary situation. Losing all that yard, especially in situation not affecting anyone else. Interpret as might qualify as exception type of situation having that much of property off-limits.

Commissioner Ahmadi: In short time as Commissioner, Commission has approved two Variances with property lines: one had very steep driveway and needed to go off to the side; because was still in the five feet on the side, used discretion to approve that. Second was very unusual lot with lots of curves; because of that used discretion and approved that. Don't see anything unusual about this particular lot; may be more difficult for us to use our discretion on point A.

Commissioner Jaksha: Merry and other neighbors don't have a problem with it because lots are so small to begin with, or the home is very small, and other than the variance, is a really small addition compared to a lot of things approved or heard. Could go up, but need a variance for that. In order to make it big enough to be worth the cost of doing it, have to go into the setback and its not affecting anybody. Not affecting

anyone as far as visual or any kind of impact like fire or anything else like that. Have no problem with it. Would be a nice addition to a very small house with little impact.

Applicant: Attached aerial shot that shows Merry's (neighbor) house, stayed in line with that. Not sure where her property line is, but she has less front yard than I do. Perspective of what is going on in neighborhood already. Point of reference.

Vice Chair Wood: See space in back; do you have to build in the front?

Applicant: If look at floor plan, back two rooms, wife and I reside in the back room. Jack and Jill there; that is where two kids would stay, other room is a very small room, a home office. Wife and I would relocate towards the front. Made better sense for us to capture the front space as opposed to the back space.

Chair Hayworth: Looking at floor plan, floor ratio with this addition, code for maximum for this lot is 2400 square feet; going to be right there, just under it, including garage; addition would be close to maximum allowable square footage.

Vice Chair Wood: There was an addition previously.

Applicant: Yes. Don't know when that was done.

Chair Hayworth: Discusses what has been done setting precedents; need to be really careful about that. Do something for you, next person comes in and says you just did it for so and so. We all have small houses, applicant's already larger than most already. Entertain a motion, come back for discussion.

Commissioner Kreeger makes Motion to Approve VAR #24-02 as presented. Commissioner Jaksha seconds the motion.

Commissioner Jaksha: Think its good, happy with it.

Vice Chair Wood: Has concern about setting precedent

Commissioner Kreeger: 1982 San Diego, Coronado Island over last 40 years did not do a good job of controlling stuff. Seen them build out to the sidewalk, can almost reach out one door and touch the window and touch the other house. Very sensitive to what the limit is, seen what happens if don't maintain order that was laid out. Concern or issue is the almost haphazard nature; think Commission has discretion to look at the situation, think in this situation, standing and looking at how far from sidewalk and street, the way it was drawn, and the way it was actually built, the road and the homes and all that, think it is a reasonable request for variance in this case. Think really losing out a lot of property rights if getting that much of yard taken away. Can argue was there when applicant bought house, but personally ok with where they are going further. Think I'd have a problem with it if going past Merry's house. If they were going up that would be a different issue, but comfortable with this striking balance between wanting to maintain the integrity of the setbacks, character of our city, and giving someone opportunity to take advantage of their property. With George on this one; reasonable use of the variance and our discretion.

Commissioner Ahmadi: As Planning Commissioner, do not like to say no to people, looking very hard to find a reason to approve. Went to City Hall today to look into previous house at 833 Portola to see what happened there that they were able to build out. Hoping to use same rationale for here. Unfortunately, the records are too old to be able to go all the way back to see what Planning Commissioners comments were on it. They obviously approved it, or someone approved is as it was built out, but couldn't find any documentation to support rationale for it. See that it is built out and see you are going directly with that.

Chair Hayworth: Vice Chair Wood is concerned with setting precedent, also note that the buildout on Merry Trucksis' House is a porch.

Commissioner Ahmadi: Thinks it's more than a porch.

Chair Hayworth: Just going with my recollection. Have a problem with setting precedence. Wonder with layout of the house if there's another way Commission can find. Any other comments

Commissioner Jaksha: On same wavelength as Commissioner Kreeger; such a small, benign addition, and City Attorney Lorca said Commission has some discretion on variances. As far as setting precedence, if it was bigger than this might be a stretch, but this is such a small, and in lieu porch or what ever it is, didn't notice it, but it is a structure, and this falls within that structure of Merry Trucksis', so would give it leeway as far as setting precedence. If bigger, back again something maybe need to look at. Each individual application is based as an individual. Have ability to stand back and see how affect overall appearance of everything, this is very small.

A roll call vote was held.

Commissioner Kreeger	Aye
Commissioner Ahmadi	Nay
Commissioner Jaksha	Aye
Vice Chair Wood	Nay
Chair Hayworth	Nay

Did not Pass 3/2 - Determination that VAR #24-02 did not meet criteria for finding A, pertaining to exceptional extraordinary circumstances or conditions applying to land, building or use referred to in the application.

Applicant: I would add also, this should play a role, I've committed and donated a basketball court to the City. My family has been residing here, and the kids are getting older so it's not like we haven't contributed to the City, and we want to have the ability to expand our house within the square footage that is allocated, which we have. We are in line with Merry Trucksis, which is our next door neighbor, not one neighbor has a problem with it. Naturally I understand both sides; I don't think this is a big ask. This is a small ask.

Chair Hayworth: Appreciate that and know that you can appeal our decision to the City Council. Also that appreciate your contribution to the City, appreciate you living here, and really do appreciate it, but according to the law, those are the kinds of things not supposed to take into consideration.

Applicant: You have discretion.

Chair Hayworth: Those particular things are written in the code

Applicant: City Attorney Lorca said you have discretion.

Chair Hayworth: So that's denied with a vote of 3 to 2; again, have 20 days to appeal to the City Council.

Applicant: What does an appeal look like?

Chair Hayworth: You'll have to go to the office and talk to them there and they can arrange to help you with that.

Applicant: I mean as far as we've already discussed everything that's laid out. What would change?

Chair Hayworth: You have a different body hearing you.

Vice Chair Wood: City Council

Commissioner Kreeger: And they have a different perspective, perhaps.

Applicant: Okay.

Commissioner Ahmadi: They have different responsibilities than we have.

Applicant: Fair enough. It's too bad. Thank you.

Announcements:

Commissioner Jaksha: Del Rey Oaks Citizens Action group coming up towards middle of month

Commissioner Wood: Nothing

Commissioner Kreeger: Nothing

Commissioner Ahmadi: Request for staff: City Manager wants Planning Commission to look at garage requirement in plans; before discussion, can staff see history of that original to our plans and ordinances, or was it added at some point, and what was the rationale of that. Would be helpful for discussion.

Commissioners discuss history of carport legality and precedence, and when houses were built in relation.

Commissioner Ahmadi: Garage issue and Carport issues separate, looking at Garage issue.

Commissioner Jaksha: Very few garages used, cars out on streets and that's ongoing. With the ADUs now there's more cars out on the street. Parked uphill, downhill, not straight, but that's a different subject.

Commissioners discuss scope of devastation of fires in Southern California.

Next Meeting:

Wednesday, February 12, 2025 at 6pm

Adjournment:

6:36pm

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.