



**MINUTES
PLANNING COMMISSION
TRAFFIC COMMISSION
JANUARY 25, 2023**

A. PLANNING COMMISSION CALL TO ORDER:

CHAIRPERSON HAMMERNESS CALLED THE MEETING TO ORDER AT 6:30 PM

**ROLL CALL OF PLANNING COMMISSION:
PHYSICAL ATTENDANE: RIVER, ABATTI, HARVEY AND HAMMERNESS**

PLEDGE OF ALLEGIANCE LED BY RIVER

ADJUSTMENTS TO THE AGENDA: NONE

B. PUBLIC APPEARANCES:

B-1. MATTERS NOT APPEARING ON THE AGENDA.

PUBLIC APPEARANCES: NONE

C. CONSENT CALENDAR

C-1. APPROVE PLANNING COMMISSION MEETING MINUTES FOR DECEMBER 14, 2022

MOTIONED BY RIVERA AND SECONDED BY HARVY TO APPROVE MINUTES.

MOTION CARRIED: 4-0

D. PUBLIC HEARING: (DISCUSSION/ACTION – RECOMMEND/DENY)

D-1. SUBJECT: PUBLIC HEARING, DISCUSSION/ACTION: VARIANCE 22-02 FOR GEORGE BERNAL TO ALLOW THE DEVIATION OF THE DEVELOPMENT SIDE YARD SETBACK STANDARDS FOR THE CONTINUED USE OF AN EXISTING PATIO STRUCTURE LOCATED AT 643 CISTA AZYK STREET, APN 064-272-006.

1. PUBLIC HEARING: START TIME 6:42 PM

2. **STAFF REPORT – PUBLIC COMMENT:** MR. BERNAL IS HERE TODAY DUE TO A CODE COMPLIANCE CASE OF HIS PATIO STRUCTURE BUILT IN 2006. THE STRUTURE HAS A SETBACK MEASUREMNET OF ONE FOOT FIVE INCHES.

3. **COMMISSION DISCUSSION:** RIVER ASKED MR. BERNAL WHEN HE HAD PURCHASED HIS HOME. MR. BERNAL SAID APPROXIMATELY IN 2005. HARVY ASKED MR. BERNAL IF HE PARKS MULTIPLE CARES UNDER THE PATIO STRUCTURE OR JUST THE ONE THAT SHOWS IN THE PICTURES. MR. BERNAL STATED JUST THAT ONE CAR. RIVER WAS WANTING TO KNOW IF THAT AREAR WAS ALL DIRTY BEFORE THE PATIO STRUVCTURE WAS BUILT. MR. BERNAL STATED YES. ABATTI COMMENTED ON HOW CLEAN THE AREA WAS UNDER THE PATIO MR. BERNAL EXPLAINED HOW THEY SPEND A LOT OF TIME THERE UNDER THE PATIO SO THEY KEEP IT VERY CLEAN. HARVY ASKED MR. BERNAL ABOUT THE REAR PATIO IF IT WAS ALREADY THERE WHEN HE PURCHESED THE HOUSE OR DID HE HAVE IT INTALLED AFTER. MR. BERNAL HAD THE REAR PATIO INTALLED AFTER AND DID GO TO THE CITY FOR A PERMIT TO HAVE THE WORK DONE ON THE REAR CONCRETE AND PATIO. THE SIDE PATIO WAS BUILT A COUPLE YEARS LATER. HAVEY ASKED MR. BERNAL WHAT WAS HIS THOUGHT PROCESS AS FAR AS NOT COMING FORWARD TO GET A PERMIT FOR THE SIDE PATIO. MR. BERNAL STATED HE WAS NOT AWARE OF ALL THE RULES AND REGULATIONS OF THE CITY HALL AND MORE INTERESTED IN HAVING SHADE. HAMMERRNESS EXPLAINED TO MR. BERNAL THAT CALIFORNIA BUILDING CODE STATES THAT YOU CAN'T HAVE A ROOF EAVES OR STRUCTUES WITHIN THREE FEET OF THE PROPERTY LINE WHICH WOULD ALLOW SIX FEET FROM EVE TO EVE. THE STRUTURE IS ALSO AGAINST FIRE CODE.

MORITA EXPLAINED TO MR. BERNAL THAT THE ONE FACTOR AT PLAY HERE IS THAT HE DID NOT OBTAIN A BUILDING PERMIT FOR HIS SIDE PATIO STRUCTURE. THERE ARE BUILDING CODE REQUIREMENTS FOR HAVING FOOTING OF CERTAIN DEPTH AND ALL OTHER SORTS OF THINGS. MORITA ALSO EXPLAINED THAT THE CITY JUST AMENDED THE SIDE YARD SETBACK TO THREE FEET INSTEED OF FIVE FEET. IF THE COMMISSION WAS TO GRANT THE VARIANCE ONE OF THE REQUIREMNETS WOULD BE TO GET THE BUILDING PERMIT THAT SHOULD HAVE BEEN OBTAINED PRIOR TO CONSTRUCTION BECAUSE THE CHALLENGE NOW IS THAT YOU CAN'T SEE HOW DEEP THE FOOTINGS ARE.

ABATTI ASKED MR. BERNAL IF HE CAN PUSH THE PATIO BACK TWO FEET AND HOW MUCH IS WILL COAST HIM COMPARED TO THE LIABILITY HE WILL HAVE IF SOMETHING WAS TO HAPPEN.

4. RECOMMENDED ACTION:

HARVY WOULD LIKE TO APPROVE THE VARIANCE DUE TO EVERTHING THAT HAS BEEN STATED.

ABATTI ADRESSED HER CONCERNS ON REQUIRED FINDINGS ON PAGE FIVE.

RIVER WOULD LIKE TO CLARIFY THAT MR. BERNAL NEW TO GET A PERMIT FOR THE BACK PATIO OF THE HOUSE BUT NEGLECTED TO FOLLOW THROUGH WITH THE SIDE PATIO.

HAMMERNESS WANTED TO REVIEW THAT THIS PROJECT WAS DONE BACK IN 2006 AND IT IS NOW 2023. CODE ENFORMENT NOTICED THIS PROJECT IN 2021. MR. BERNAL WENT TO THE CITY APRIL 2021 PAID SIXTEEN HOUNDRED DOLLARS AND CHANGE TO START THE PERMIT PROCESS. DURING THIS TIME THINGS FELL THROUGH THE CRACKS AND MR. BERNAL WAS ASKED TO COME BACK IN TO THE CITY TO REAPPLY. MR. BERNAL WENT BACK TO THE CITY WITH RECEIPTS SHOWING HE ALREADY PAID. HE DID TRY TO MAKE THINGS RIGHT BUT CAN'T EXPAIN WHAT HAPPEN IN THAT TWO-YEAR GAP.

HAMMERNESS CALLED FOR A MOTION TO APPROVE OR DENY. HARVY MOTIONED TO APPROVE VARIANCE 22-02 FOR GEORGE BERNAL TO ALL THE DEVIATION OF THE DEVELOPMENT SIDE YARD SETBACK STANDARDS FOR THE CONTINUED USE OD AN EXISTING PATIO STRUCTURE LOCATED AT 643 COSTA AZUL STREEP APN 064-272-006. HAMMERNESS CALLED FOR A SECOND NO SECOND WAS MOTIONED SO MOTION DIES.

RIVER WOULD LIKE TO MAKE A MOTION TO DENY AND SECONDED BY ABATTI.

MOTION SPLIT: 2 – 2

HAMMERNESS MAKES A MOTON TO GRANT THE VARIANT THAT WE REQUIRE THE PATIO TO BE MODIFIED WITH A TWO TO THREE FEET SETBACK AND SECONDED BY ABATTI.

TURNER EXPLAINED THAT THEY WOULD ONLY NEED THE VARIANCE TO GO SHORTER THAN THE THREE FEET. TURNER LET HAMMERNESS KNOW THAT HE CAN MAKE A MOTION TO GO BACK AND FIND A WAY TO MAKE THE STRUCTURE THREE FEET AND WOULDN'T NEED TO APPROVE THE VARIANCE AT THIS POINT.

HAMMERNESS DIRECTED STAFF TO MEET WITH MR. BERNAL TO DISCUSS OPTIONS ON MODIFYING HIS PATIO.

HEARING WAS CONTINUED AT: 8:07 PM TO A SPECIFIED DATE OF FEBRUARY 22, 2023.

E. REPORTS:

E-1. COMMISSIONERS' REPORTS:

ABATTI COMMENTED ON LA BRUCHERIE RD. FINALLY BEING OPEN.

RIVER WAS INQUIRING ABOUT THE STRIPING ON LA BRUCHERIE RD. BEING OFF A BIT AND THE PLAYGOURND CANOPY AT LAS DUNAS BING REPLACED BEFORE SUMMERTIME. ALSO, WOTHE POLICE DEPARTMENT IS AWARE OF THE GRAFFITI THAT HAS BEEN POPING UP AND THEY ARE KEEPING AN EYE OUT.

HAMMERNESS ASKED ABOUT THE HOTEL PROGRESS.

E-2. STAFF REPORTS:

BROWN MENTIONED THAT THE APPLICATIONS FOR PLANNING COMMISSION CLOSES ON THE 31ST OF JAN. IF ANYONE IS INTERESTED YOU CAN APPY ONLINE OR AT THE CITY HALL.

HAMMERNESS ADJOURNED PLANNING COMMISSION MEETING AT 8:23 PM UNTIL NEXT REGULARLY SCHEDULED MEETING FEBRUARY 8, 2023 AT 6:30 PM