



MINUTES

PLANNING COMMISSION MEETING

March 18, 2014

The meeting of the El Cajon Planning Commission was called to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

COMMISSIONERS PRESENT: Anthony SOTTILE, Chairman
Paul CIRCO, Vice Chairman
Luis HERNANDEZ
Darrin J. MROZ

COMMISSIONERS ABSENT: Adel DANKHA

STAFF PRESENT: Anthony Shute, Planning Manager / Planning Commission Secretary
Majed Al-Ghafry, Assistant City Manager
Barbara LUCK, Assistant City Attorney
Eric CRAIG, Assistant Planner
Patricia HAMILTON, Secretary

SOTTILE welcomed the new Planning Commissioner, Luis HERNANDEZ.

SHUTE also welcomed new Planning Commissioner, HERNANDEZ, and looks forward to working with him.

AL-GHAFRY announced that Anthony SHUTE had been promoted to Planning Manager and praised his dedication and hard work over the years.

SOTTILE explained the mission of the Planning Commission.

CONSENT CALENDAR

Motion was made by CIRCO, seconded by SOTTILE, to adopt the minutes of the Planning Commission meeting of January 21, 2014; carried 3-0 (Hernandez abstained).

PUBLIC HEARING ITEMS

Agenda Item:	2
Project Name:	Camden Yards
Request:	General plan amendment from O/NR to MR, a zone

	reclassification from O-P to RM-2200, a specific plan, and an 11-unit subdivision
CEQA Recommendation:	Negative Declaration
STAFF RECOMMENDATION:	RECOMMEND CITY COUNCIL APPROVAL
Project Number(s):	General Plan Amendment No. 2012-01 Zone Reclassification No. 2310 Specific Plan No. 522 Tentative Subdivision Map No. 656
Location:	511 South Magnolia Avenue
Applicant:	G-8 Development (Philip Chodur); 619.823.3402; pchodur@sbcglobal.net
Project Planner:	Eric Craig; 619.441.1782; ecraig@cityofelcajon.us
City Council Hearing Required?	Yes April 8, 2014
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolutions in order recommending City Council approval of General Plan Amendment No. 2012-01, Zone Reclassification No. 2310, Specific Plan No. 522, and Tentative Subdivision Map No. 656,, subject to conditions

CRAIG summarized the agenda report in a PowerPoint presentation.

HERNANDEZ received confirmation from CRAIG that all units would have sprinkler systems as part of the Building Division process.

HERNANDEZ also asked what the open space requirements are.

CRAIG answered that most in-fill residential development projects in El Cajon in recent years were developed either through a planned unit development (PUD) or planned residential development (PRD). This particular site would have been difficult to develop under the applicable Zoning Code regulations. Staff worked with the applicant to identify the best approach for a complete neighborhood, including open space requirements.

HERNANDEZ asked where the trash cans would be located for pick up.

CRAIG responded the applicant chose individual bins and provided space for them at each unit.

SHUTE added that in terms of common area, the project site has approximately 7,500 square feet of common area. The typical standard for a PRD or PUD is about one to 400 square feet per unit. This project exceeds the one per 400 square foot requirement.

HERNANDEZ confirmed with CRAIG that the Fire Department could easily gain access to the site, and a truck turn around area had been provided.

SOTTILE opened the public hearing and invited any speakers to the podium.

Philip CHODUR, project developer, approached the podium and advised that they had worked with staff and felt that this was a good project for El Cajon. He added the trash cans would most likely be taken out to the street and that the CC&Rs will state trash cans to be placed out the night before prior to pick up.

MROZ confirmed with CHODUR that the owners could access the gate from the sidewalk into the units.

HERNANDEZ asked if there was consideration in attaching the units which would create more open space.

CHODUR responded they felt the market was geared more toward single family homes versus attached units and the project would be more aesthetically pleasing than one long building.

Chris WARBURTON, representing the developer, spoke next. He added that one of the models provided a bedroom on the third floor, instead of a deck for diversity, which might appeal to some people. Also, on the east and west sides of the driveway on Camden Street there are two red curbs where the trash cans could possibly be located for pick up.

Motion was made by MROZ, seconded by CIRCO, to close the public hearing; carried 4-0.

~~HERNANDEZ felt the architectural treatment of the project was beautiful but showed concern with the plan that designated a private balcony off a bedroom on the third floor. It didn't seem conducive if an owner wanted to barbeque on that balcony.~~

HERNANDEZ stated private usable open space was not of very good quality because one floor plan provided usable open space off the master bedroom. Usable open space was not off of common floor space, such as living rooms, cooking facilities or hallways. To enjoy a barbeque you would have to go up to the master bedroom. Livability of the unit is important.

CRAIG clarified the four-bedroom plan has a balcony accessible from a bedroom on the third floor, the three-bedroom plan has patio access from the living room on the second floor, and each unit does have its own private courtyard on the first floor. All have a ground floor courtyard area which can be used for a barbeque.

CIRCO was pleased to see single family homes being built in El Cajon and particularly liked the private areas and playground.

SOTTILE appreciated the points HERNANDEZ brought up, praised the project overall, and agreed we do need single family homes in El Cajon.

Motion was made by CIRCO, seconded by SOTTILE, to adopt the next resolution in order recommending City Council approval of the proposed Negative Declaration; carried 4-0.

Motion was made by SOTTILE, seconded by MROZ, to adopt the next resolution in order recommending City Council approval of General Plan Amendment No. 2012-01, subject to conditions; carried 4-0.

Motion was made by CIRCO, seconded by SOTTILE, to adopt the next resolution in order recommending City Council approval of Zone Reclassification No. 2310, subject to conditions; carried 4-0.

Motion was made by MROZ, seconded by CIRCO, to adopt the next resolution in order recommending City Council approval of Specific Plan No. 522, subject to conditions; carried 3-1.

Motion was made by SOTTILE, seconded by MROZ, to adopt the next resolution in order recommending City Council approval of Tentative Subdivision Map No. 656, subject to conditions; carried 3-1.

Agenda Item:	3
Project Name:	Verizon Wireless at Grossmont High School
Request:	Wireless communications facility
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	APPROVAL
Project Number(s):	Conditional Use Permit No. 2199
Location:	1100 Murray Drive
Applicant:	Verizon Wireless LLC (Chris Terry); 619.260.0813; chris@briancookandassociated.com
Project Planner:	Noah Alvey; 619.441.1773; nalvey@cityofelcajon.us
City Council Hearing Required?	No
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolution in order approving Conditional Use Permit No. 2199, subject to conditions

SHUTE summarized the agenda report in a PowerPoint presentation.

SOTTILE opened the public hearing and invited any speakers to the podium.

Franklin OROZCO, representing the applicant, spoke in favor of the project and was available for any questions.

Motion was made by SOTTILE, seconded by CIRCO, to close the public hearing; carried 4-0.

Motion was made by CIRCO, seconded by MROZ, to adopt the next resolution in order approving Conditional Use Permit No. 2199, subject to conditions; carried 4-0.

Agenda Item:	4
Project Name:	7-Eleven Off-sale alcohol
Request:	Beer and wine sales
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	DENY
Project Number(s):	Conditional Use Permit No. 2190
Location:	1021 West Washington Avenue
Applicant:	7-Eleven, Inc. – Norton, Moore & Adams, LLC (William A. Adams); 619.233.8200; wadams@nmalawfirm.com
Project Planner:	Anthony Shute; 619.441.1705; tonys@cityofelcajon.us
City Council Hearing Required?	No
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolution in order denying Conditional Use Permit No. 2190

SHUTE summarized the agenda report in a PowerPoint presentation.

MROZ asked staff if the applicants could be subject to the previous standard of retiring or transferring licenses within the City.

SHUTE advised this was a practice in place prior to the adoption of the new deemed approved ordinance. Under the new ordinance the census tract must have existing capacity and the crime rate must be low to average. This project site has more licenses than authorized and is therefore in an over concentrated area.

HERNANDEZ confirmed with staff that the Alcoholic Beverage Control Board (ABC) moratorium applies to new licenses only and that this request did not include new or transferred licenses. He added that the new ordinance also states that these sites are required to be 600 feet away from any residential zones.

SHUTE clarified that the moratorium applies to new licenses and not the transfer of a license from other parts of the County or from within the City. Regarding the distance requirements, if the display area is less than 10%, then the convenience store is not subject to the distance requirements.

SOTTILE opened the public hearing and invited any speakers to the podium.

Anita SOLANO, spoke first. She is a new resident and lives behind the 7-Eleven on Grossmont Avenue. She sees many vagrants rummaging in the recycling bins for items to turn in for money to buy their alcohol. There are already two liquor stores and a gas station that sells beer and wine within one-half mile of the 7-Eleven that currently sell alcohol and she was concerned that one more outlet would attract more vagrants. There is also a lot of litter currently around the site, including slurpy cups, trash, and paper products, which she has personally picked up. She does not want to add empty beer and wine bottles to the mix.

Shawn SAGART, property owner, spoke next. He said this site used to be a Mexican restaurant that served on-sale beer and wine, and he understood when he purchased the property it was zoned for consumption as when it was a restaurant. There would be more danger to the public when alcohol is consumed on premises and then patrons get behind the wheel of a car. He felt with 10% of floor area just for beer and wine display, with limited hours to sell, was reasonable and would hate to see 7-Eleven leave when their lease was up.

Bill ADAMS, attorney representing 7-Eleven, spoke next. He said that he heard confusing information that this application was not subject to the new ordinance since they submitted their application before the ordinance came into effect. He added this application comes under the same regulatory scheme as the prior 7-Eleven applications the Planning Commission reviewed.

MROZ pointed out one possible easy solution of the findings in the agenda report might be to make this approval conditioned on acquisition of an existing license within the city limits, and conditioned that 7-Eleven acquire a license from either a census tract with a high crime rate or from within the same census tract. This would get rid of an old, unregulated license and put in place a license in a more controlled environment with the new restrictions in place. Sometimes the only available license is a Type 21 license selling full liquor. The approach to take this type of license out of the City and replace with a highly restricted beer and wine license could be another alternative.

ADAMS concluded by suggesting that if the City really wanted to decrease the amount of alcohol related problems that issuing a CUP with the condition that it be expressly restrictive to requiring an existing license would see a net decrease in alcohol sales.

SOTTILE asked if 7-Eleven would agree to obtaining two licenses in other census tracts and retiring one.

ADAMS answered they would take what they could get and that this suggestion would certainly be an option. They would need to take two licenses out and replace one with the highly restricted license.

However, if done on a one for one basis, there would still be a net benefit and would probably happen sooner.

MROZ confirmed with SHUTE that the new ordinance went into effect on November 1, 2013.

ADAMS said that under the new ordinance, they couldn't make this application since the Commission no longer has the discretion under the deemed approved ordinance. By filing before the deemed approved ordinance came into effect, they were able to be heard.

SHUTE stated that the option was available to submit an application before the new ordinance became effective.

MROZ confirmed with SHUTE there are four operating licenses currently in the subject census tract.

ADAMS mentioned when the deemed approved ordinance became effective it barred the process of applying for a new license.

SOTTILE commented then that they used their filing date instead of the Planning Commission date.

ADAMS said that they were told by staff to get the application in before the effective date of the deemed approved ordinance, or they would not be able to make the application.

SHUTE clarified that the information given was that an option to submit existed, but by no means would staff give a recommendation to approve because the City just went through the process of adopting the new ordinance. The option was there for submittal before the ordinance became effective and that option was given to them. SHUTE further clarified that even existing licenses are subject to the ordinance and they must adhere to the deemed approved performance standards.

ADAMS said the ordinance is a large ordinance that applies to existing operators. The portion of the ordinance that deals with new licenses and new applications has not changed.

MROZ confirmed with SHUTE that the 7-Eleven on Chase and Avocado was able to obtain their license from an existing El Cajon store and transfer it, because that census tract had capacity.

ADAMS said they did purchase an existing license for that site. Their application was then denied by the Commission, then appealed to the City Council and approved.

MROZ added it might be easier to obtain approval if the applicant found a license in other tracts prior to making a new application.

ADAMS advised this approach works when you have an existing store such as this one and perhaps they would have taken that approach, but when the ordinance became effective, it barred these applications, so staff would no longer have discretion.

SOTTILE added when the 7-Eleven on Chase came into effect the crime rate went up.

Kristy DUNCAN, representing corporate 7-Eleven spoke next in support of the application. She advised 7-Eleven has a great relationship with El Cajon in their 20 plus sites in the city. Employees all go through

vigorous training especially making sure alcohol is not sold to minors. The operator at this site has been in El Cajon for five years and he supports El Cajon, its schools and children.

MROZ agreed that 7-Eleven does a great job in the City, but the whole over concentration issue needs to be addressed and it would be difficult to make the findings based on that and the high crime rates.

Bic SIDHU, owner and franchisee, approached the podium next, and was in support of the application. He opened the store five years ago and has run a good operation. The customers that come to their location look for the whole basket of products. A key part of that basket is beer and wine. Without providing these products, they are not fully committed to the customers. He would like to see this store become a conventional 7-Eleven.

Charlene BLISS, manager, also spoke in support of the application. She said when people come into the store they would like to be able to offer beer or wine to customers as well. They are the only 7-Eleven that provides a jumper for kids and sell hot dogs for special events occasionally. On Super Bowl Sunday customers can't buy beer like from other stores. All 7-Eleven stores should be consistent.

Jeff ARVAN, from the Police Department, spoke about the increase in the crime rate in the census tract where the 7-Eleven is located at Chase and Avocado. In 2012 this area was considered a low crime area but climbed to an average crime rate within the index during 2013. Items reviewed were not only alcohol, but public drunkenness, etc., where there were 35 related crimes vs. 15 from year 2012.

Motion was made by SOTTILE, seconded by HERNANDEZ, to close the public hearing; carried 4-0.

SOTTILE said that 7-Eleven is a great corporation and brings services and employment to the community, but would only consider approving the application if two licenses were purchased and one retired. The City went through the process last year for Second Street because there was a problem. He would hate to see the problem on Second Street move to another area.

HERNANDEZ added that it seemed to be a punishment to see a 7-Eleven not being able to sell beer and wine at all their stores. But as Commissioners, they need to follow the rules as they apply today. Possibly they can send a message to Council to provide a strategy to allow good business applicants to acquire a license and substitute for an undesirable license.

CIRCO added the Council would probably love to see a tool of this sort, but El Cajon does have too many licenses. They don't have room for more licenses now. As it stands now, they cannot approve the application because the findings are not there.

SOTTILE agreed that they must make their decision with the information they have now.

Motion was made by SOTTILE, seconded by MROZ, to reopen the public hearing; carried 4-0.

SOTTILE asked ADAMS if they would be willing to purchase two licenses and retire one.

ADAMS preferred that the Commission vote that way versus a denial, which the applicant more than likely would appeal.

Motion was made by SOTTILE, seconded by MROZ, to close the public hearing; carried 4-0.

HERNANDEZ asked if the applicant went two to one, would they still need to come back to the Planning Commission.

MROZ felt that if licenses could be purchased in a high crime area and moved into a low crime area, it would be something possibly to pursue.

SHUTE stated that the process the City went through last year was the result of an over concentration of licenses, crime rates, with the goal to reduce licenses in the City. The new ordinance allows licenses in areas where capacity exists and crime rates are low to average. The ordinance is designed to correct the problem first, not to add licenses.

Motion was made by SOTTILE, seconded by HERNANDEZ, to adopt the next resolution in order denying Conditional Use Permit No. 2190, subject to conditions; carried 4-0.

Agenda Item:	5
Project Name:	7-Eleven Off-sale alcohol
Request:	Beer and wine sales
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	DENY
Project Number(s):	Conditional Use Permit No. 2195
Location:	500 North Second Street
Applicant:	7-Eleven, Inc. (Richard Mills); 972.282.6586; Richard.mills@7-11.com
Project Planner:	Anthony Shute; 619.441.1705; tonys@cityofelcagon.us
City Council Hearing Required?	No
Recommended Actions:	1. Conduct the public hearing; and 2. MOVE to adopt the next resolution in order denying Conditional Use Permit No. 2195

SHUTE summarized the agenda report in a PowerPoint presentation.

CIRCO confirmed with SHUTE that the census tract to the south has four off-sale licenses.

SOTTILE opened the public hearing and invited any speakers to the podium.

Bill ADAMS, attorney representing 7-Eleven, spoke about this application being different in that this site is under construction and he has not heard about the types of crime with alcohol yet. He added they would accept and not appeal buying an alcohol license, put it out of service and add beer and wine.

SOTTILE advised this census tract has the same two factors as the first application discussed.

ADAMS added this site is in a commercial area, not residential.

Motion was made by SOTTILE, seconded by CIRCO, to close the public hearing; carried 4-0.

HERNANDEZ said he held the same position as in Agenda Item No. 4.

MROZ added the City should give the deemed approved ordinance time to work, however, he did agree with ADAMS on his offer to purchase an alcohol license.

CIRCO stated it is still an over concentrated area and they can't make all the findings.

SOTTILE added that they do want to keep the 7-Eleven stores in El Cajon.

SHUTE advised that the appeal period would be within ten days.

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Motion was made by CIRCO, seconded by MROZ, to adopt the next resolution in order denying Conditional Use Permit No. 2195, subject to conditions; carried 4-0.

STAFF COMMUNICATIONS

6. Mr. Derusseau letter dated 12-18-14
SHUTE outlined the content of the letter. After discussion, Al-Ghafry advised Public Works, Traffic Division, was investigating diagonal parking at some trial locations along the street.
7. ACADEMY LEAGUE OF CITIES CONFERENCE
The adopted Fiscal Year 2013-14 City budget included funds to send two Commissioners to this conference. Commissioners Hernandez and Mroz will attend.
8. Election of Officers
Paul CIRCO was elected Chairman and Darrin MROZ was elected Vice Chairman.

ADJOURNMENT

Motion was made by SOTTILE, seconded by MROZ, to adjourn the meeting of the El Cajon Planning Commission at 9:08 p.m. this 18th day of March until April 1, 2014, at p.m.; carried 4-0.

Paul CIRCO, Chairman

ATTEST:

Anthony SHUTE, AICP, Secretary