



MINUTES

PLANNING COMMISSION MEETING

December 10, 2012

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: Darrin J. MROZ, Chairman
Paul CIRCO, Vice Chairman
Star BALES
Adel DANKHA
Anthony SOTTILE

COMMISSIONERS ABSENT: None

STAFF PRESENT: Manjeet RANU, Planning Manager / Planning
Commission Secretary
Michael GRIFFITHS, Deputy Director – Public Works
Noah ALVEY, Associate Planner
David HARDY, Administrative Intern
Michael REID, Staff Attorney
Ron Luis VALLES, Administrative Secretary

MROZ explained the mission of the Planning Commission.

PUBLIC COMMENT

There was none.

CONSENT CALENDAR

Motion was made by CIRCO, seconded by SOTTILE, to adopt the minutes of the Planning Commission meeting of October 8, 2012; carried 4-0 (BALES, abstained due to absence at meeting).

Motion was made by CIRCO, seconded by BALES, to adopt the minutes of the Planning Commission meeting of November 5, 2012; carried 3-0 (DANKHA and MROZ, abstained due to absence at meeting).

PUBLIC HEARING ITEMS

AGENDA ITEM NO. 2 - CONDITIONAL USE PERMIT NO. 2174 – BRUNETTO ACCESSORY STRUCTURE

This was a public hearing on a request to construct a 1,433 square foot accessory building in the Residential, Multi-family, 6,000 square foot (RM-6000) zone. The subject property is addressed as 1251 Peach Avenue. This project is exempt from the California Environmental Quality Act (CEQA).

APN:	484-252-12
General Plan:	Low Density Residential (LR)
Zoning:	Residential, Multi-family, 6,000 square foot (RM-6000)
Applicant:	Giovanni A. Brunetto / 619.589.9125
Project Planner:	David Hardy / 619.441.1656
Email:	dhardy@cityofelcajon.us and include "CUP 2174" in Subject Line.

In a PowerPoint presentation, HARDY summarized the staff report. He also mentioned that a letter was received from the adjoining property owner to the east, who had concerns about the size of the accessory structure and that it could possibly be used for rental storage. Copies of the letter were distributed to the Commissioners and staff prior to the meeting.

SOTTILE asked if there were any amenities already in the accessory structure, i.e., bathrooms or a kitchen.

HARDY responded there were no such amenities indicated on the site plan and the building plan showed the only use of the building was for a garage and personal storage for the resident.

HARDY also responded to MROZ that the City would conduct a final inspection and that staff made conditions of approval that the accessory structure not be used for additional living units. Also final building permits would not be approved if these types of improvements were discovered.

RANU added that the conditions of approval apply to the current application; however, if the applicant or a future owner wanted to convert the structure to a second family unit, and by meeting the building and zoning code requirements, they could convert under the Zoning Code without having to return to the Planning Commission for approval.

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

Roy JOHNSON, architect, approached the podium and advised that there were no objections to any of the conditions of approval.

MROZ confirmed with JOHNSON that the colors and finishes would match the existing home in front.

No other speakers approached the podium.

Motion was made by SOTTILE, seconded by BALES, to close the public hearing; carried 5-0.

Motion was made by MROZ, seconded by BALES, to adopt the proposed Resolution No. 10709, approving Conditional Use Permit No. 2174; subject to conditions; carried 5-0.

The appeal for this item ends at 5:30 p.m., Thursday, December 20, 2012.

AGENDA ITEM NO. 3 – AMENDMENT OF CONDITIONAL USE PERMIT NO. 1035 – PRESTIGE RESTAURANT

This was a public hearing on a request to change a use from an existing social club with alcohol to a restaurant and related alcohol sales and a parking determination. The subject property is addressed as 115 South Mollison Avenue. This project is exempt from the California Environmental Quality Act (CEQA).

APNs:	488-133-11 and 488-133-12
General Plan:	East Main Street (SDA7)
Zoning:	General Commercial (C-G)
Applicant:	Prestige Social Club / 619.804.9925
Project Planner:	Noah Alvey / 619.441.1773
Email:	nalvey@cityofelcajon.us and include “AM CUP 1035” in Subject Line.

In a PowerPoint presentation, ALVEY summarized the staff report.

MROZ asked if there was any objection from O’Reilly Auto Parts on the parking lot restriping.

ALVEY responded that the parking lot restriping would result in an overall increase of parking at the site and staff believes there is sufficient parking for this requirement. RANU noted that the property owner signed this application.

SOTTILE asked if there were any future plans to remodel the interior for restaurant use. He asked if there was already an existing kitchen and sufficient bathrooms for the new use.

ALVEY advised that the existing social club was recently renovated and did have an existing kitchen and bathrooms sufficient for restaurant use.

SOTTILE then asked if the customers would be charged to play cards or would card playing be a client initiated event versus an establishment sponsored event.

ALVEY said the applicant's request did not include a card room and that the conditional use permit application would not address card playing. A separate request in the form of a special operation license had been submitted by the applicant to establish a card room at this site. Special operation licenses are evaluated separately. For the applicant to be eligible to obtain a card room license, they must be a restaurant versus a social club when operating for profit.

SOTTILE asked if the masonry wall that was removed between the social club and the mobile home park is part of the conditions to be reinstalled before the site is operated as a restaurant.

ALVEY explained reconstructing the wall was not incorporated into the conditions of approval in order to operate as a restaurant. Staff had referred the matter to Code Enforcement for their investigations and, if warranted, they could require the wall to be replaced. The wall was already in existence when the site was a commercial development and it is not clear whether the wall was constructed by the mobile home park or by the commercial establishment. The Zoning Code does have a requirement that commercial establishments provide a wall to separate them from residential use, so the likely outcome would be a request for the applicant to replace the wall. However, it is not currently incorporated into the conditions of approval as this time.

MROZ confirmed with ALVEY that the landscaping and handicap parking requirements have been reviewed by the Building and Fire Safety Division, and as depicted on the site plan comply with their requirements.

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

Bob FAUDOA, the engineer for the project, came to the podium. He thanked RANU and ALVEY for their work with the application process and advised he was willing to answer any questions regarding the project.

BALES asked if there was still a problem regarding cars being parked at this location that were not associated with the club or auto parts store.

Dani SALMO, owner of the site, answered that there was no longer a problem. They have since installed "no parking, will be towed" signs and have contracted with a towing service.

No other speakers approached the podium.

The Commissioners commented that they were impressed with the renovations to the inside of the property.

Motion was made by CIRCO, seconded by DANKHA, to close the public hearing; carried 5-0.

Motion was made by BALES, seconded by CIRCO, to adopt the proposed Resolution No. 10710, approving Amendment of Conditional Use Permit No. 1035; subject to conditions; carried 5-0.

The appeal for this item ends at 5:30 p.m., Thursday, December 20, 2012.

AGENDA ITEM NO. 4 – CONDITIONAL USE PERMIT NO. 2173 – MAGNOLIA MARKET

This was a public hearing on a request for a Type 20 off-sale beer and wine license. The subject property is addressed as 112 East Madison Avenue. This project is exempt from the California Environmental Quality Act (CEQA). Subsequent City Council action is required for this project to be approved.

APN:	483-330-32
General Plan:	Downtown Redevelopment (SDA9)
Zoning:	General Commercial (C-G)
Applicant:	Magnolia Market, Inc. dba Magnolia Market (Arkan Somo) / 619.977.8485
Project Planner:	Noah Alvey / 619.441.1773
Email:	nalvey@cityofelcajon.us and include "CUP 2173" in Subject Line.

In a PowerPoint presentation, ALVEY summarized the staff report.

MROZ asked staff if the application is denied, would the item still be forwarded to the City Council.

ALVEY advised that denial of the application would be final; however, the applicant had the right to appeal the decision to City Council.

SOTTILE sought clarification of the difference on how the request had changed since the last time it was brought before the Commission a year ago.

ALVEY answered that the alcohol license concentration levels were the primary difference since it was last submitted and denied by the Planning Commission. The crime rate had also changed, but the site is still within the very high crime rate level as assessed by the Police Department. The applicant provided additional information, which was provided to the Commissioners. It showed alcohol related arrests for this District in 2012 at 23.6% of total arrests and in 2011 it was 22.7% of total arrests; so very similar. However, in 2011, overall average of crimes per district was 154 crimes, whereas in District 114, where this site is located, there were 564 crimes, which placed it in the very high category.

SOTTILE then asked if the increase in population in this district had a correlation to the crime rate.

ALVEY responded that analysis was not specified in the Police Department comments, but you could make the correlation that crime could go up along with the population.

MROZ asked if the figures outlined on the handout from the applicant were from the Police Department.

ALVEY advised he worked with the applicant and a representative from the Police Department to develop the numbers. The applicant had also been in contact with the representative.

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

Arkan SOMO, spoke next. He advised that there were a couple of items that changed since he was last in front the Commission. Since that time, the City Council approved a beer and wine license for the 7-11 Store at Chase and Avocado requiring only one existing license be transferred instead of two. He then directed the Commissioners to the handouts provided to them and outlined the 2010 and 2011 alcohol arrests showing a reduction of 18% related to alcohol. He did not dispute that District 114 was in a high crime area, but believed the application complied with all conditions except the crime rate.

SOMO then asked the Commissioners to direct their attention to the crime rates relevant to this request, which is for beer and wine. Again, he referred to the Police Department breakdown. If the driving under the influence (DUI) and minor possession arrests are taken out of the equation, this reduced the total alcohol arrests to 10.9%, which is below average for alcohol related arrests.

SOMO added that he did work with the Police Department representative and found that the DUI average arrests were only 7% per district but were much higher in this district, which is not directly related to off-sale. He said that the improvements in these statistics were because of the work of the Police Department, ABC and the business community as a whole. In summary, he was in agreement with all conditions of the Police Department with two minor exceptions: 1) the change of hours from 8 a.m. to 12 a.m. instead of 10 a.m. to 11 a.m. and; 2) single sales because craft beers are important to business and customers.

MROZ mentioned that the last time this item was before the Commission, SOMO was working with the Alliance for Better Community Task Force. One of the items they were working on was the transient and public intoxication problems, which included a possible "do not sell" list.

SOMO agreed that he did work closely with this group and when the ABC and Police Department sent out the invitation to meet on these issues that every off-sale licensee was invited and they had over 70% participation. Those who attended signed the voluntary pledge. He recalled that the reason they paid attention was because the City Council was considering banning all single sales. He added that single sales are the biggest sales growth area in their industry, including micro brews and craft beers.

MROZ asked what items were being offered for sale in the store.

SOMO replied that it is a market selling food items and they are planning to add meat as well. They want to be able to provide food products to the community so they don't have to go outside the area.

No other speakers approached the podium.

Motion was made by CIRCO, seconded by DANKHA, to close the public hearing; carried 5-0.

SOTTILE mentioned that he was pleased to see the alcohol related crime rate going in the right direction so what is being done is working, but this location was still in a high crime area. He has confidence in the Police Department, who is out in the streets of the community every day and, therefore, believe their comments are more important than the statistics. He tends to agree with the Police Department to not grant approval until the crime rate declines more or stays static for a while.

BALES agreed that the health and safety of our citizens is very important. The convenience of having a store close by is great, but she questioned at whose convenience. She was in agreement not to approve the project until crime rates further decline. Her main concern is the very high crime area.

MROZ interjected that the City Council approved the 7-11 convenience store, which surprised him, since there are three other stores with alcohol sales on the surrounding corners.

BALES suggested that it was approved because the location itself is not in a very high crime area.

CIRCO added that the residents are the ones committing the crimes. There are a lot of apartment buildings in the area and this is the perfect place to put a market to serve them. But you also have a greater concentration of people who commit crimes. There tends to be more turnover and not as much buy-in to neighborhood. A market would be more convenient for these residents.

SOTTILE added he did his own calculation and found there were 31 incidences due to disorderly conduct related to alcohol.

MROZ praised the applicant for his efforts in promoting awareness to reduce alcohol-related crimes in the area.

CIRCO also added he liked what he was seeing in the district and credited SOMO for his active participation in reducing crime and getting business owners more aware of what's happening in the area. He would like to find in favor of the project, but was not aware the

census had reduced the number of licenses in the district. There are currently three licenses in this district and three are the limit, therefore, he could not approve granting the license.

MORZ asked staff for an explanation of the moratorium.

ALVEY replied that the City currently is in moratorium status, which means we have an overconcentration of licenses based on the ratio of one license per 2,500 residents. This can also be broken down on a census tract level. The overall concentration level on tract by tract basis is basically a guideline. The Planning Commission and City Council do have the authority to override and agree to the issuance of an additional license if it would serve the public convenience and necessity.

BALES added that SOMO had done a great job working with the community in reducing the crime rates, but believed the residents would prefer to drive to markets outside the area versus walking to this location, due to the high crime rate in the area.

SOTTILE agreed that much headway had been accomplished in the past year, but felt that many residents would drive out of area to go to a market.

Motion was made by BALES, seconded by SOTTILE, to adopt Resolution No. 10711, denying Conditional Use Permit No. 2173; carried 3-2 (BALES, SOTTILE and DANKHA; CIRCO and MROZ).

The appeal for this item ends at 5:30 p.m., Thursday, December 20, 2012.

AGENDA ITEM NO. 5 – AMENDMENT OF SPECIFIC PLAN NO. 106 – QUICK TRIP

This was a public hearing on a request to add seven additional age-restricted residential apartments to an existing mixed-use development. The subject property is addressed as 596 North Mollison Avenue. This project is exempt from the California Environmental Quality Act (CEQA). Subsequent City Council action is required for this project to be approved. *This item was continued from the September 10, 2012 meeting.*

APN: 483-380-41
General Plan: General Commercial (GC)
Zoning: General Commercial (C-G)
Applicant: Quick Trip (Eddie Hamana) / 619.987.6362
Project Planner: Eric Craig / 619.441.1782
Email: ecraig@cityofelcajon.us and include "AM SP 106" in Subject Line.

In a PowerPoint presentation, RANU summarized the staff report. He added that the adjacent motel property owner submitted a letter noting that agreement addressing use of the pole sign, car wash hours of operation, sitting areas and parking for customers, and delivery truck circulation had been worked out between the motel and the applicant.

SOTTILE asked about the language referring to the tenants in the senior housing not being able to use the motel property for parking, walking pets, or children playing in the parking lot. Since this is a restricted residential area, being designated senior housing, he questioned this condition and asked if children are actually there.

RANU advised the existing housing previously approved was age-restricted. However, there is nothing to stop children from visiting their grandparents. This item has not been carried over into the property resolution currently in front of the Commissioners. Senior housing residents do have the right to circulate in vehicles on site along and use the shared parking. The entitlement plan does not address the issue of walking pets or children playing in the parking lot. This would be a civil matter between private property owners.

CIRCO asked if the truck drivers were aware of the fuel truck movement outlined on the site plan. It shows the trucks pulling into the fuel drop where handicap parking is and then having to back up and drive out around the taco shop. He said he would ask the applicant during public testimony.

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

Eddie HAMANA, applicant, approached the podium to speak and responded to CIRCO's question regarding the truck route on the site. He had advised all the trucking companies and truckers of the route. He also added that all other issues had been worked out with the adjacent property owner.

MROZ asked if there were any children on site.

HAMANA advised he had not seen any children on site and added that the residents are all over 65 years of age. He did observe one resident walking her dog and redirected her to a different area.

All Commissioners were unanimous in their praise for the applicant on the improvements made to the property through various applications.

No other speakers approached the podium.

Motion was made by CIRCO, seconded by BALES, to close the public hearing; carried 5-0.

Motion was made by CIRCO, seconded by BALES, to adopt the proposed Resolution No. 10704, as presented recommending City Council approval of Amendment of Specific Plan No. 106, subject to conditions; carried 5-0.

This item is tentatively scheduled for the City Council meeting on January 8, 2013 at 7 p.m.

OTHER ITEMS FOR CONSIDERATION

There were none.

STAFF COMMUNICATIONS

AGENDA ITEMS 6 & 7

PLANNING COMMISSIONERS ACADEMY LEAGUE OF CITIES REGISTRATION

Ranu advised that the Planning Division budgeted for three Commissioners to attend the league workshop, and the Chair to make the determination on who would attend the conference which would be held in Pasadena next year. Bales and Sottile noted that they were interested in attending.

NOTIFICATION OF TERM EXPIRATION FOR CHAIRMAN MROZ

Ranu informed that the process for addressing the expiration of Mroz's term would be addressed at the City Council meeting.

COMMISSIONER REPORTS/COMMENTS

There were none.

ADJOURNMENT

Motion was made by MROZ, seconded by CIRCO, to adjourn the meeting of the El Cajon Planning Commission at 8:38 p.m. this 10th day of December, 2012 until January 14, 2013, at 7:00 p.m.; carried 5-0.

Darrin J. MROZ, Chairman

ATTEST:

Manjeet RANU, AICP, Secretary