



## MINUTES

### PLANNING COMMISSION MEETING

**March 12, 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  
Star BALES  
Paul CIRCO  
Anthony SOTTILE

**COMMISSIONERS ABSENT:** Anthony AMBROSE

**OTHERS PRESENT:** Melissa AYRES, Director – Community Development  
Manjeet RANU, Planning Manager / Planning  
Commission Secretary  
Michael REID, Staff Attorney  
Ron Luis VALLES, Administrative Secretary

MROZ explained the mission of the Planning Commission and welcomed comments under Public Comments. No one came forward.

**CONSENT CALENDAR:** Motion was made by SOTTILE, seconded by BALES, to adopt the minutes of the Planning Commission meeting held on February 27, 2012; carried 4-0 (AMBROSE-absent).

#### **PUBLIC HEARING ITEMS**

##### **AGENDA ITEM NO. 2 - AMENDMENTS TO TITLE 17 (ZONING ORDINANCE) PERTAINING TO CARD ROOMS**

This is a City-initiated proposal to consider amending Sections 17.110.020, 17.140.210 and 17.145.150 of Title 17 of the Municipal Code for the purpose of adding card rooms as a land use classification, and allowing card rooms as an ancillary use to (social) clubs and similar organizations within the City, subject to approval of a conditional use permit.

Applicant: City of El Cajon  
Project Planner: Melissa Ayres / 619.441.6208  
Email: [mayres@cityofelcajon.us](mailto:mayres@cityofelcajon.us) and include "CARD ROOMS"  
in Subject Line.

RANU advised two letters and a petition with 130 signatures in support of changes to the proposed ordinance were submitted to the Commissioners and staff prior to the meeting.

AYRES expanded on the staff report by stating that the card rooms this community regulates are for non-gambling card rooms and they have been in place for a long time. About one year ago, the City Manager asked that enforcement be stepped up due to the number of complaints of people playing cards throughout the City. AYRES added, in reviewing the rules, they were not clear on the permit or license process for card rooms. Subsequently, the Council was requested to initiate amendments to the card room regulations for clarification. Changes were made and placed in effect in December, 2011 including a new prohibition on card rooms with the Downtown Specific Plan 182 area. This affected the Crystal Ballroom and VFW Hall and was not intended. Members of the public then came forward and requested expansion of the rules by requesting the Council show flexibility on what is allowed in the community due to the influx of immigrants and changing demographics.

MROZ asked if there were any questions from the Commissioners.

SOTTILE asked if any studies had been performed on card rooms in other cities, and if so, what was learned.

AYRES responded no studies had been conducted since the City already had non-gambling card room regulations in place. She added that the City Council asked staff to revisit the regulations to possibly add card rooms to social clubs within SP 182 as an ancillary use.

CIRCO asked if someone were to play cards prior to or after a meal in a restaurant if this would turn the restaurant into a card room.

AYRES responded that the City doesn't regulate card rooms in private residences; however, any place open to the public would be regulated. She referred the Commissioners to the staff report outlining the definition of a card room and further clarified that card playing at a restaurant would not be permitted under this section of the code.

MROZ asked if staff knew the number of social clubs in the City and how many were in Specific Plan 182 (SP 182).

AYRES answered there were about six, with two of these in SP 182. She added that Title 5 prohibits card rooms within SP 182 and there is consideration to eliminate this restriction. Staff had not performed enforcement of the regulations and will not until set rules are in place for implementation. This would include the ability to advise any applicant if, and how, they could apply.

MROZ asked if a restaurant would be required to obtain a special permit as a social club if customers played bridge during lunch.

AYRES stated only non-profit social clubs could obtain a permit for card playing, not a for-profit business. However, space can be rented at any community center for card playing, where it is allowed.

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

Arkan SOMO, representing supporters of the amendment, approached the podium. He commended staff and the commissioners for all their hard work in working with him on this issue. He stated there is strong support from the community of the proposed changes, however, asked that two additional changes be considered.

His first recommendation was to not name these facilities "card rooms". The terminology of card room reinforces the perception of gambling. Based on the information he gathered and shared in the packets previously supplied to the Commissioners, the definition of a card room is a gambling establishment. El Cajon does not have card rooms as defined by the State of California based upon his research. The card playing at these establishments is recreational; therefore, he suggested using the term "recreational card and board games".

The second proposed change presented was to include restaurants as being allowed to play recreational cards and games. The restaurants in El Cajon do not allow gambling. For many years, a portion of the community has been meeting in local restaurants to play cards. He felt these people and their families should not be deprived of going out to restaurants and playing cards or board games. SOMO also mentioned that the non-profit social clubs are too expensive for many to join. Also, many of the newer restaurant owners came to El Cajon and invested in the community and he believes future investors would not want to open restaurants or banquet halls, if this regulation is put into effect.

SOMO added, in addition to the petition of 130 signatures of support, an additional 25 signatures would be forthcoming after the meeting for inclusion as part of the record.

BALES asked what the percentage of people by gender frequented the social clubs and restaurants to play cards.

SOMO responded that his wife and other family members play, however, they are more comfortable at home. Also, these are family restaurants, but a couple of days a week mainly males do meet to play cards. He also wanted to address the number of complaints received which he requested through the Public Records Act and recalled there were only five complaints.

AYRES clarified she received a memorandum from the City Manager's office saying there had been 12 complaints since 2008 which involved four properties.

SOMO added El Cajon would be the first in the nation to set these guidelines, and that one business in El Cajon had already lost 40 customers to La Mesa.

Sam ABBOD spoke next for a number of residents. He has owned three restaurants in the past ten years in El Cajon and felt there was a misconception on how restaurants are described. 70-80% of the people who patronize restaurants do not play cards. This is where they go to meet each other, play dominoes, drink tea and socialize. Their wives and family members know they are there for these reasons. These establishments were never intended to be card rooms. They have always been restaurants, and sometimes card playing is done for recreational purposes.

Aziz SOMO approached the podium also representing a number of people in the community. He shared that he works as an immigration interpreter and has helped 400-500 families settle in El Cajon over the years. Many of these people patronize these coffee shops and restaurants. About 1,000 elderly immigrants came recently to the U.S. and socializing at our local restaurants is great therapy for them. Not all of them speak English and many have lost loved ones in their country of origin. These are not card rooms to them but social areas to meet and heal. It's tradition in their country for the men to go out to meet and socialize. Many of these gathering places have been closed leaving these elderly citizens hanging around not knowing what to do with themselves during the day.

BALES agreed these places are therapeutic; especially for the new immigrants coming to the City.

MROZ saw a demand for more social clubs and areas for people to gather and assemble. He did add, however, the Commission would only be addressing land use issues and the City Council would make the final determination relative to card rooms. He asked if anyone in the community considered forming a non-profit club similar to the Crystal Ballroom to accommodate this need.

SOMO answered there are two reasons this is not possible. The economy and the new rules and regulations being considered would discourage investors to develop in El Cajon.

John GIBSON spoke next. He wanted to address social clubs only and stressed that card playing is an active part of what people do in social clubs. He said an easy fix would be to incorporate the two clubs in SP 182 and the two clubs outside of SP 182 without creating another regulation. He opposed what he saw as in essence a new requirement for basically duplicate permits.

Enad SARUM approached the podium next and read a letter from Betty Simon. Ms. Simon belongs to a bridge club of 40 members which played monthly at Jamacha Grill. They recently had to relocate to a restaurant in La Mesa in order to play bridge and have lunch. She is in support of allowing restaurants to offer their customers recreational card and board games.

SOMO returned to the podium to add that, based on his research, the cost to establish a non-profit club would be between \$5,000 and \$10,000. He also wanted to respond to the

Commissioners concerns about not wanting to see a restaurant with a card room on every corner.

SOMO offered three suggestions to eliminate this concern of oversaturation in certain areas as follows:

- 1) Allow restaurants with card rooms outside the downtown specific plan area
- 2) Possibly establish a radius of 500' or more between establishments
- 3) Mandate the size of restaurants with card rooms within certain areas

SOMO added the market will determine how many restaurants the City could accommodate. And again he mentioned if agreement could be obtained on changing the terminology from card rooms to recreational game rooms that this would help in moving toward the best solution to serve all the business community.

REID stated that card rooms are regulated under Title 5 and the issue of whether restaurants be allowed to have card rooms will be considered by the City Council. The Commission can make a recommendation to the City Council as it pertains to Title 17 of the Municipal Code to make it consistent with Title 5, but Title 5 is solely in the purview of the City Council.

CIRCO added that it appeared they were discussing two different ideas; card rooms dedicated to non-gambling card games and community rooms which include eating, playing, watching TV and games that involve both card playing and board games. It appeared the public's concern is the title of card rooms. If the City called them recreation or game rooms the perception of gambling would not be apparent. Suggested this issue should go before the City Council, and he felt we don't need to spend money to monitor people's recreation time in this manner.

AYRES added that input was obtained from the community and various options were presented to the Council. One option would allow card playing at restaurants with certain performance standards attached. The Council chose the option outlined in the resolution for the Commissioner's review. She also added this includes a condition for established social clubs to obtain a minor conditional permit at the cost of \$1,500 versus the \$5,000 for a full conditional use permit. If an applicant applies for non-profit social club and card playing privileges simultaneously, the fee would only be \$5,000 for both applications.

SOTTILE mentioned if a restaurant wanted to establish a social club and applied for a CUP, the assumption could be made that card playing would be part of the club activities. He asked if one CUP would cover both items.

AYRES advised that a card room cannot be run in conjunction with a for-profit business. The Royal Palms Restaurant filed for a CUP to re-establish itself as a non-profit social club with a card room facility. There is also another applicant wanting to open with a new card room on El Cajon Boulevard. As one of the speakers mentioned, there is a market and demand for this type of establishment, however, the applicants must first obtain their non-profit status, and then apply to the City for the CUP.

SOTTILE asked if a social club wanted to rent a room or meet at a restaurant to have dinner and play cards if the CUP was transferrable so the restaurant would then become part of the social club.

AYRES responded the CUP would not be transferable. It must be the same location of the social club business office.

BALES brought up the issue of calling card rooms recreation rooms. She added that in the code they are already defined as non-gambling.

REID interjected that they could not discuss the definition of card rooms at this meeting. The Commissioners would only be addressing consistency to adhere to the code as it is written.

MROZ voiced concern with the issue of existing social clubs having to obtain another permit and wondered why we could not allow these clubs to be grandfathered in without having to apply for a another permit or pay an application fee.

REID mentioned they could not consider his suggestion at this meeting, however, the idea should be reflected in the minutes.

AYRES pointed out there is a distinction between illegal and legal non-conforming uses. None of these clubs in the City has a special operations license to operate card rooms and the card room rules have been on the books for many years.

CIRCO quoted a portion of the definition of card rooms in Title 5 as "This term shall not apply to City community recreational centers, where visitors occasionally play cards and similar games for recreational purposes." He believes this exemption could also be applied equally to restaurants, but understands this issue was not on the table for consideration at this meeting.

SOTTILE also concurred that the Planning Commission include in their recommendation to the Council that the current social clubs be grandfathered in so they will not incur the additional cost of the minor CUP.

Motion was made by SOTTILE, seconded by BALES, to close the public hearing; carried 4-0 (AMBOSE absent).

MROZ thanked the public speakers for their input and advised them that their comments and suggestions would be passed on to the City Council.

Motion was made by CIRCO, seconded by SOTTILE, to adopt the proposed Resolution No. 10687 recommending City Council amend Title 17 of the Municipal Code for the purpose of regulating card rooms; carried 4-0 (AMBROSE absent).

This item is tentatively scheduled for the City Council meeting on March 27, 2012 at 7 p.m.

## **OTHER ITEMS FOR CONSIDERATION**

None

## **STAFF COMMUNICATIONS**

RANU reminded Commissioners they were to file their Annual Statement of Economic Interests (Form 700) covering the period of January 1, 2011 through December 31, 2011 in the Office of the City Clerk by 5:30 p.m. on April 2, 2012. This requirement is pursuant to the California Political Reform Act and the City's Conflict of Interest Code.

He also advised the next Planning Commission meeting would be held on the first Monday in May on May 7, 2012.

## **COMMISSIONER REPORTS/COMMENTS**

BALES recommended the City undertake a beautification program to improve the appearance of properties and place more landscaping throughout El Cajon. She asked for additional guidance from staff.

RANU described various existing policies, programs and regulations that influence urban design in the City. He noted that if the Commission desires, it could explore options to expand upon policies and regulations within the Planning Commission's purview pertaining to urban design. Commissioners thanked BALES and RANU for the comments and information.

## **ADJOURNMENT**

Motion was made by MROZ, seconded by BALES, to adjourn the meeting of the El Cajon Planning Commission at 8:35 p.m. this 12th day of March, 2012 until March 26, 2012 at 7:00 p.m.; carried 4-0 (AMBROSE absent).

---

Darrin J. MROZ, Chairman

ATTEST:

---

Manjeet RANU, AICP, Secretary