



MINUTES

PLANNING COMMISSION MEETING

April 9, 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
Anthony SOTTILE

COMMISSIONERS ABSENT: Vacant

STAFF 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 CIRCO, to adopt the minutes of the Planning Commission meeting held on March 12, 2012; carried 4-0.

RANU welcomed Mayor Mark LEWIS in the audience and introduced the new City Manager, Doug WILLIFORD, who spoke briefly.

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 Title 17 of the Municipal Code for the purpose of adding card rooms (non-gambling) as a land use classification and establishing land use regulations governing such card rooms, including, but not limited to distance

requirements, size requirements, and operational performance standards. This project is exempt from the California Environmental Quality Act (CEQA). At its March 27, 2012 meeting, the City Council referred this project back to the Planning Commission for additional consideration.

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

AYRES summarized the staff report and stated staff believed the Planning Commission could make the necessary findings to recommend approval to the City Council. Additional information on the Municipal Code sections and letters received from the public on this item were submitted to the Commissioners and staff before the meeting. A map was posted which demonstrated the potential of a maximum of 169 card rooms that could be allowed in the City within commercial areas, if a 500-foot minimum distance requirement was established between card rooms.

MROZ asked if there were any questions from the Commissioners.

SOTTILE asked the difference between a Special Operation License and Conditional Use Permit. AYRES replied the Conditional Use Permit (CUP) is approved by the Planning Commission and can have conditions placed on it. A Special Operation License (SOL) is approved by the City Council, and triggers a criminal background investigation by the Police Department of business owners, for businesses such as massage parlors, escort services and second hand sales of jewelry, and card rooms. In reply to SOTTILE, AYRES answered affirmatively that the SOL is tied to the owner, while the CUP is transferable with the land. She also answered CIRCO that the cost for a SOL for a card room is approximately \$40, with additional costs for the Police Department's live scan for background checks.

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

Mr. Daryl PRIEST, president of the Property Business Improvement District (Downtown El Cajon Business Partner Inc.) agreed with the performance standards in the draft resolution, with minor changes. He recommended that current non-profit groups within SP 182 be allowed to apply for card rooms, but that no other card rooms be allowed within SP 182. He also requested that the City establish a 500-foot buffer around SP 182 where card rooms would not be allowed in order to protect the integrity of the downtown area. A discussion ensued between BALES and PRIEST regarding the perception of card rooms. In answers to SOTTILE'S question on why the 500-foot radius only around SP 182, PRIEST expanded that some of the Commissioners and public presenting testimony saw card rooms as incompatible with the desired character and investment in the downtown area.

In response to an inquiry SOTTILE, AYRES clarified that the Police Department would take the lead in code enforcement actions of a criminal nature (gambling), whereas Community Development Department Code Compliance Officers would enforce any other restrictions associated with the CUP, such as keeping windows unobstructed.

Mr. Arkan SOMO spoke and noted that he represented over 150 people in the community through this process. He commended staff, Planning Commissioners and City Council for working to address all concerns. He noted that to his knowledge there were several restaurants interested in allowing their customers to play cards, including Junction Bar and Grill and Coco's Restaurant. Both have had customers in the past that played bridge or other card games. A discussion ensued between BALES and SOMO over possible increased crime activities. SOMO replied that the proposed conditions and performance standards should curb any potential problems.

Mr. John GIBSON acknowledged the increase of the Chaldean community in El Cajon and was delighted with the compromise and good interaction between staff and the Chaldean community.

Ms. Camilia SADIK, publisher of a Chaldean newspaper, noted that many wives have complained there is gambling going on in the card rooms and social clubs. She was opposed to the ordinance and added she does not recall card playing to be an established social function within the Chaldean community in Iraq. She believes this is a small issue compared to others that could be addressed in the future.

Mr. Markos KHBOSHA (comments were translated by SOMO) noted that he was opposed to the proposed ordinance. He added there are coffee shops where gambling is taking place and the younger clientele harass the elderly customers. He suggested these coffee shops should not allow patrons less than 25 years of age and recommended community workshops to provide guidance to the youth.

Ms. Athar JABORO, representing a family business located at 526 East Main Street, also spoke in opposition of the ordinance. She added their business is next to a coffee shop where only men are allowed and there is reportedly gambling activities taking place. The customers are also smoking, are noisy, and there is profanity. The coffee shop is open late at night and their patrons use the parking lot in back and litter it with trash. She has received many complaints from her customers and the adjacent activity has caused her father's business to suffer. SOMO said that this coffee shop is in SP 182, and under the proposed ordinance, would not be allowed.

Mr. Rafael ABLAHAD spoke next and advised he is the property owner of the building with the coffee shop and 10 other tenants. He acknowledged he had received many similar complaints about this business from the other tenants and is in the process of evicting the coffee shop. In response to BALES, he is opposed to the card room ordinance and believes it will create more problems.

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

In response to an inquiry by MROZ, AYRES reaffirmed the code compliance staff would actively enforce the card room ordinance, once the Council made a final decision on changes being considered at this time. She also answered CIRCO that current sign regulations are content neutral and that these businesses would be able to advertise on the outside of the building that card playing was allowed inside.

SOTTILE felt that card playing at home and in churches should be sufficient and, if allowed in restaurants, would encourage gambling. He opposed passing a new card room ordinance.

BALES concurred with SOTTILE and believed there would be an increase in crime. She referred to a letter written by Mr. MASO from Detroit (submitted to Commissioners and staff before meeting) where he noted that card playing became a problem in that City resulting in shootings and higher crime. She was also opposed to passage of a new ordinance.

CIRCO noted that customers in restaurants, under the current code, would not be able to play cards or games with their families. He was in favor of passage of the draft resolution and recommended a compliance review of established card rooms one year after ordinance adoption. MROZ concurred with the recommendation and also advocated for a limit or cap on the number of Special Operation Licenses issued.

A recess was called at 9:06 p.m. and the meeting resumed at 9:15 p.m.

Motion was made by MROZ, seconded by CIRCO, to adopt the proposed Resolution No. 10688, recommending City Council approval to amend Title 17 of the Municipal Code for the purpose of regulating card rooms with the following amendments: establish a buffer of no card rooms within 1,000 feet of SP 182; and establish a maximum of 10 licenses within the 12 months after the ordinance is adopted; failed 2-2 (BALES & SOTTILE-no).

Motion was made by BALES, seconded by CIRCO, to adopt the proposed Resolution No. 10688, recommending City Council approval to amend Title 17 of the Municipal Code for the purpose of regulating card rooms with the following amendments: changing the performance standard of Condition A.1 from 500 feet between card rooms to 1,000 feet between card rooms; establish a buffer of no card rooms within 1,000 feet of SP 182; and establish a maximum of eight licenses within the 12 months after the ordinance is adopted; carried 3-1 (SOTTILE-no).

This item is tentatively scheduled for the City Council meeting on April 24, 2012 at 7 p.m.

OTHER ITEMS FOR CONSIDERATION

There were none.

STAFF COMMUNICATIONS

There were none.

COMMISSIONER REPORTS/COMMENTS

There were none.

ADJOURNMENT

Motion was made by MROZ, seconded by SOTTILE, to adjourn the meeting of the El Cajon Planning Commission at 9:27 p.m. this 9th day of April, 2012 until April 23, 2012 at 7:00 p.m.; carried 4-0.

Darrin J. MROZ, Chairman

ATTEST:

Manjeet RANU, AICP, Secretary