



## MINUTES

### PLANNING COMMISSION MEETING

**September 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  
John Phillips, Associate Engineer / Public Works  
Michael REID, Staff Attorney  
Ron Luis VALLES, Administrative Secretary

MROZ explained the mission of the Planning Commission.

#### **CONSENT CALENDAR**

Motion was made by MROZ, seconded by BALES, to adopt the minutes of the Planning Commission meeting held on August 13, 2012; carried 5-0.

#### **PUBLIC HEARING ITEMS**

#### **AGENDA ITEM NO. 2 – AMENDMENT OF CONDITIONAL USE PERMIT NO. 231 - ARCO DRIVE-THRU CAR WASH**

This was a public hearing on a request to add an automatic car wash to an existing service station and convenience market. The subject property is addressed as 201 Broadway. This project is exempt from the California Environmental Quality Act (CEQA).

APN: 483-222-39  
General Plan: General Commercial (GC)

Zoning: General Commercial (C-G)  
Applicant: RMV Oil, Inc. (Robert Marcos) / 619.729.1290  
Project Planner: Manjeet Ranu / 619.441.1742  
Email: mranu@cityofelcajon.us and include "AM CUP 231" in Subject Line.

In a PowerPoint presentation, RANU summarized the staff report.

MROZ asked the distance between the entry door of the car wash and the rear property line. RANU responded the distance is 49 feet.

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

Martin SAMO, friend of the applicant, approached the podium. He advised that the car wash fits the general design of the rest of the property and the applicant was in agreement with all conditions of approval.

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 MROZ, to adopt the proposed Resolution No. 10703, approving Amendment of Conditional Use Permit No. 231, subject to conditions; carried 5-0.

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

### **AGENDA ITEM NO. 3 – AMENDMENT OF SPECIFIC PLAN NO. 106 – QUICK TRIP AGE-RESTRICTED HOUSING**

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).

APN: 483-380-41  
General Plan: General Commercial (GC)  
Zoning: General Commercial (C-G)  
Applicant: Quick Trip, Inc. (Eddie Hamana) / 619.987.6362  
Project Planner: Manjeet Ranu / 619.441.1742  
Email: mranu@cityofelcajon.us and include "AM SP 106" in Subject Line.

In a PowerPoint presentation, RANU summarized the staff report.

MROZ asked if there were any questions from the Commissioners.

SOTTILE confirmed with RANU the convenience store would remain in operation.

MROZ asked if the requirement for private laundry facilities was included for the ten upstairs units.

RANU answered they were, and the applicant had agreed to include the same requirement for the downstairs units.

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

Chentan PATEL, owner of the Howard Johnson Hotel, came forward. He had numerous objections to the additional apartments as outlined below:

1) Parking is not adequate. The parking in front is for the convenience store, taco shop and the hotel. The applicant has placed reserved parking signs in some areas indicating cars would be towed.

2) Traffic congestion. During peak hours there is a lot of congestion between the drive-thru car wash and the driveway entering and existing Mollison Avenue. He understood cars would be washed inside the car wash; however, many are washed outside. These mostly include large recreational vehicles, campers and trucks. This creates a bottleneck with only one lane for ingress and egress onto the property. This also causes traffic to back up all the way onto the freeway off-ramp.

3) Tenant problem. The tenants walk their pets behind the hotel and do not pick up after them. He has advised the tenants that it is private property behind the hotel, but the tenants become belligerent and say they were given permission from their landlord to access this area because it is owned by the gas station.

4) Americans with Disabilities Act (ADA) parking. There should be more designated ADA parking established for the proposed senior housing units. At this time, there are only two ADA parking stalls located in front of the gas station and they are always occupied by the cars coming out of the car wash.

MROZ asked RANU to put the site plan up on the screen and requested clarification of the property boundaries.

PATEL obtained permission to come forward to outline the boundaries and parking spaces. He designated where the shared spaces were located and being used by the three businesses, identified other parking spots that belong to the hotel, and added there was an easement for their use. He was given information that identified 12 spaces, but the easement only indicates eight. This area is where the cars are washed outside of the car wash thus creating the bottleneck.

PATEL continued by saying the tenants are forced to use non-ADA spaces and some use a ramp to load and unload. They are elderly and at times it takes them up to 30 minutes to get into their cars which add to the parking problems on site. ADA parking spaces are not

being used for their true intention because when the cars exit the car wash they are parked in these spots to be wiped down. PATEL also gave photos to REID for distribution to the Planning Commissioners illustrating his concerns.

SOTTILE asked if the easement for the parking spaces bordering Highway 8 was between PATEL and HAMANA.

PATEL answered in the negative. The easement was made when the hotel and gas station were built and he had a copy of the recorded document showing the easement is for an indefinite period of time.

SOTTILE asked if the back up onto the freeway was caused by the car wash.

PATEL answered the backup is caused by the car wash, convenience store traffic, and the tenants coming and going.

SOTTILE remembered at one time there was office space upstairs before they were converted to residential units and that PATEL did agree with the change in use at that time with a joint agreement put in place regarding the parking spaces.

PATEL advised that was not correct. He purchased the property in March, 2011 and any agreements regarding parking were already done.

BALES commented that the parking would be more congested with business occupants versus residential. Senior housing usually houses one person per unit whereby there may be two to three workers at a business office with clients coming and going.

PATEL advised that from what he heard from previous employees, the offices were not renting due to noise complaints. Normally, businesses are open from 9 a.m. to 5 p.m., whereby residential people come and go 24 hours a day. He has received many noise related complaints from his guests at the hotel because of the car wash. He was under the impression that it would be in operation from 8 a.m. to 8 p.m., but they start out at 7 a.m. to the middle of the night.

BALES asked if he had any proof of the late night operation.

PATEL said the only proof he had was the sound of the blowers and again referred to the photos showing cars being washed outside with water going into the storm drain. He also wanted to add that there is inadequate lighting at the apartment complex and the elevator remains locked. He became aware of this when the Fire Department was called out to the building and could not gain access to the elevator and came over to the hotel and asked for the key.

Eddie HAMANA, applicant, came to the podium next. He said his building has been vacant for over 15 years, but after approval from the City to convert to residences it only took him

60 days to rent all the units. The other speaker seemed to have issues with the gas delivery trucks, parking, and vehicles traveling behind the hotel. HAMANA said he has approached the adjacent owner and suggested they help each other out and solve the problems.

In addressing PATEL's concerns he offered the following:

1) Parking issue. Only four of the ten senior apartment residents have cars, therefore he doesn't see parking as an issue.

2) Elevator. The elevator is a designated handicap elevator and only used by the ADA residents and they are the only ones that have a key. It is constructed with a wheelchair lift and not for public use.

3) Noise issue. He has talked to his employees to make sure they do not turn on the dryer before 8 a.m. and to shut it off by 8 p.m. in the evening.

4) Reserved parking. The reserved spots were for his wife and himself when they come to their property because the hotel customers usually are parked there. He will no longer park in these spaces and will remove the reserved parking designations.

MROZ mentioned that these are tough issues with the three businesses sharing the lot, and suggested both parties work together to resolve them.

PATEL returned to the podium and said he had additional problems to address. The fuel delivery trucks are going to the rear of his property causing damage. He has asked HAMANA to inform them to discontinue using the rear of the hotel. Subsequently, PATEL blocked access for the trucks and called the police on several occasions before his request was complied with. He added that he personally called the delivery companies and advised that these trucks are not allowed in back of the hotel. It is too tight of a turn for the fuel trucks to maneuver properly.

PATEL added that at the corner where the sign pole is located for all the businesses to use, HAMANA wants to charge him \$1,000 per month for usage.

BALES confirmed with PATEL that all parking is shared except parking in the rear of hotel.

HAMANA interjected that at one time the hotel and his property were owned by the same party and the hotel property had to give 12 spaces to him in order for his building to be constructed. He added that if there was any damage to the hotel caused by his delivery trucks, he would be responsible for the repair. He also called all the trucking companies and asked them to stop going behind the hotel. They would need to maneuver within the lot and he gave them site plans designating how to pull in and back up. He also said there are 50 parking spaces neither party uses and again advised he wanted to work together with PATEL to resolve these issues.

BALES asked how many spaces are shared in accordance with the easement.

HAMANA designated on the site plan the easement spaces given to his building as a condition of city approval of his project, and commenced counting the number of spaces on the site plan.

PATEL spoke from the audience that there were only eight spaces.

RANU said nearly all of the disputed issues were civil or code enforcement matters separate from this application.

SOTTILE asked if the monument sign was shared by all three businesses.

RANU deferred the answer to the project planner, Eric CRAIG, who was currently on vacation.

MROZ suggested PATEL go to the Planning Division and work with CRAIG on the sign issue.

No other speakers approached the podium

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

MROZ again said there were many issues and hoped the neighbors could work together to resolve them. It was not within the Planning Commission's jurisdiction to settle these types of grievances. They could also bring these items up before the City Council.

SOTTILE mentioned that all three parties have the right to enjoy their property and agreed the owners should work together to resolve the issues.

BALES added that good communications between neighbors would also help solve the problems.

SOTTILE suggested the Commissioners should give the opportunity for HAMANA and PATEL to work the issues out between themselves and push this agenda item out to a future meeting for a vote.

MROZ asked REID if the issues would have any effect as to whether this item could be approved.

REID said there are separate code enforcement issues involved; however, what was in front of the Planning Commission is the addition of seven age-restricted units. Additionally, a number of issues seemed to deal with the convenience market which may not be relevant to the additional units proposed. He suggested looking only at the proposal in front of them and include any testimony pertaining to traffic and public interest which could come into play. Code enforcement issues were outside the confines of this application.

CIRCO added that one aspect of the testimony that does pertain to this project is the question on how many spaces are available. One way to resolve this may be to apply a senior housing parking reduction to the project; since only four residents have cars. This would lighten the load on the parking lot. But by adding seven more spaces for the senior apartments may compound the problem.

MROZ agreed and felt the car wash probably added to the parking issues as well.

SOTTILE added that since the site is also in close proximity to the freeway, he could see the potential problem of people backing up onto the street and agreed there were many issues to be resolved.

BALES asked about the other spaces designated on the site plan located farther away from the gas station. If the spaces under contention were always full, couldn't the residents park elsewhere so the entrance would not be blocked.

MROZ added that at this time there was no parking site plan to consider and asked if the item could be continued with the parking issues worked out with staff.

RANU answered if the Commissioners felt more study was required to evaluate the impacts of parking and circulation as it pertained to the addition of the seven age-restricted housing units, then yes, they could agree to continue.

SOTTILE added if the parties could reach agreement as far as the parking and traffic issues, this would help the Commission in making a decision on the project. He was confused on the parking measurements which did not match the agreement.

Motion was made by SOTTILE, seconded by BALES, to continue the public hearing to a date uncertain; carried 5-0.

**AGENDA ITEM NO. 4 - STUDY SESSION TO AMEND EL CAJON MUNICIPAL CODE TITLE 17 (ZONING) AND SPECIFIC PLAN 182 (DOWNTOWN)**

This was a public hearing workshop to discuss potential amendments to Title 17 (Zoning) of the El Cajon Municipal code for the purpose of a technical cleanup, making clarifications and revising standards in the text of Title 17; allowing the keeping of chickens for personal food production; allowing for community gardens; establishing a process for administrative approval of minor amendments to entitlements; and amending Specific Plan 182 to provide more flexibility to accommodate signage to promote pedestrian activity downtown. No final action will be taken at this meeting.

Applicant: City of El Cajon  
Project Planner: Manjeet Ranu/ 619.441.1742  
Email: [mrnu@cityofelcajon.us](mailto:mrnu@cityofelcajon.us)

In a PowerPoint presentation, RANU outlined the staff proposed changes to the Zoning Code and Specific Plan 182 and advised that this was a study session only and no final action would be required.

MROZ asked if there were any questions from the Commissioners.

SOTTILE questioned the email from a 7-11 store owner requesting to allow him to bring back a Red Box which was removed from his store. He remembered the Commission did vote to allow them in the City in the past.

RANU responded that Red Boxes were approved by the Commission about one year ago, but this particular 7-11 store is within the SP 182 boundary. Because of the standards imposed within SP182, the owner was notified and advised that he could apply for a minor conditional use permit seeking permission for the Red Box to be reinstated at his store.

SOTTILE asked about the additional email received regarding signage, and if there is a distinction in place between the rules on signage for certain types of businesses, i.e., an adult entertainment store versus a restaurant.

RANU answered there are adult entertainment regulations that require the inside of adult-oriented businesses be obscured, however sign standards can be structured to differ between types of businesses as long as they are for the same business class. The purpose and intent of the flexibility for additional signage is to encourage pedestrian activity in the downtown area, and what generates most pedestrian activity are restaurants and retail uses. The proposed change is intended to narrowly restrict these types of uses. Staff would propose to be explicit in the code to not allow adult entertainment uses to put out sandwich board signs.

Marna MCCLURE, representing the El Cajon Downtown Promenade District, spoke next in support of the proposed sign changes for the downtown area. She mentioned it would help the small businesses who believe displaying these signs, such as sandwich boards, do attract customers.

Lily SCHWORM spoke next. She believes it would be beneficial to allow some non-profit teen centers or similar centers in the downtown area that could give residents and young people who live in the downtown area a place to gather.

SOTTILE added it would depend on the type of charitable entity. A center such as a food facility for the homeless could possibly produce long lines of people on the street which would not be beneficial for the businesses in the downtown area.

CIRCO said that the City does discriminate between different non-profit uses and there is a prohibition in place on non-profit welfare and charitable uses. These restrictions are not against general non-profits, but there are specific exemptions from non-profit welfare such as medical and dental.

SCHWORM also wanted to speak to the proposed chicken changes. She asked what the minimum square footage was being considered per lot to allow chickens. She advised that in accordance with her research, most cities use 6,000 square feet and she personally would prefer a maximum of 20 chickens.

MROZ advised the lot size at this time is still under consideration and they will be discussing adequate back yard space as well.

CIRCO added approval would open up allowing chickens in all single family zones, and this would also include smaller lot sizes. He asked SCHWORM what considerations she was using to determine the number of chickens proposed for her household.

SCHWORM shared she has ordered her chickens from an organic chicken ranch in Lakeside because she likes the organic eggs and believes they are an important staple for her family's diet. She would start with about six chickens, but would eventually like to include raising five to six broiler chickens for consumption as well.

CIRCO asked where less than 25 chickens could be ordered, since he discovered minimum orders in mail order catalogues to be 25 chickens.

SCHWORM advised there are a number of places in San Diego where you can purchase less than 25 chickens.

Shreya SASAKI, from Kaiser Permanente, approached the podium next and spoke in support of the community gardens. She recommended the consideration of including trash and recyclable containers on garden sites and sought guidance from the Commissioners for suggestions on type of containers and placement on the site.

SOTTILE asked staff if there was any discussion regarding the storage of compost which could be volatile.

RANU answered that staff was considering the allowance for composting of organic matter, but not to allow trash to be kept on site. Instead they propose trash be removed at the end of each day. Only compost or organic material would be allowed to remain on a continuous basis.

Anchi MEI, representative from International Rescue Committee, spoke next. She is in support of the establishment of community gardens, however, urged the Commissioners to include the regular service of trash pick-up. She said it is not feasible to pack up and remove trash on a daily basis. Kaiser is proposing to keep a dumpster and subscribe to regular service at their proposed site. She also sought clarification of the language that sales of on-site garden produce will not be permitted.

MROZ explained that they do not want the sales of produce to take place at the community gardens, but produce can be removed and sold at local farmers markets and other venues.

Mr. SINGH, manager from the 7-11 Store on Main Street spoke next on behalf of the owner. As requested in the owner's email, they would like to bring the red box back to the store. They have been losing sales of approximately \$1,000 per month and many customers have been going elsewhere with their business.

MROZ advised that since the store was within SP 182 there is a process in place and suggested he visit the Planning Division to apply for a conditional use permit to allow for the red box at his location.

The Commissioners then entered into discussion of the proposed changes.

### **Chickens**

SOTTILE suggested the City perform a study on how other municipalities determined the appropriate number of chickens per square foot and consider any possible health issues. He was in support of allowing chickens in El Cajon.

MROZ voiced concern with the size of backyard space, and especially if the backyard was completely covered with concrete.

CIRCO asked about the distance requirement between residential buildings. If there was not already a distance requirement in the Zoning Code, he would like one put in.

MROZ added that staff was proposing the coop and run to comply with accessory structure setbacks or three feet from side and rear lot lines and six feet from a home.

CIRCO stated that if mail ordering chickens is actually for a minimum of 25, the order could be split between neighbors thus allowing 12-13 chickens per household. He recommended the maximum number of chickens be limited to twelve.

BALES heard from some citizens that had owned homes close to chicken facilities that there was an odor problem associated with the chickens. She recommended the maximum number of chickens be limited to ten.

Commissioners agreed on the following:

- Require minimum unpaved rear yard area per chicken
- Determine and quantify appropriate amount of space per chicken
- Ten chickens would be the limit

### **Community Gardens**

CIRCO said there needed to be a balance whether the gardens would be open to the community or whether they would be managed by someone. He added that if someone was on site daily, then trash wouldn't be an issue because it would be carried out each day.

MROZ supported the recommendation to provide trash and recycle cans on site at the gardens and suggested clarification of the language in the code for on-site sales.

Commissioners agreed on the following:

- Allow trash and recycling receptacles on site and require trash collection service
- Clarify language regarding on-site sales of produce

### **Downtown Signage**

CIRCO was not in support of animated signs. The purpose of an animated sign would be to grab the attention of pedestrians, however; too many animated signs would leave the area looking cluttered.

BALES was in support of animated signs.

MROZ commented that businesses today do seem to be restricted from usage of signage and was in support of sandwich boards with a maximum height of three or four feet.

CIRCO was in approval of establishing the allowance of menu boards out front of restaurants.

Commissioners agreed on the following:

- Prohibit existing non-conforming adult-oriented business from displaying portable sidewalk signs
- Animated signs would be allowed with area limitations proposed by staff
- Approximately 42-inch maximum height on portable sidewalk signs

### **Annual Zoning Code Cleanup**

MROZ confirmed with staff that most steeples currently in place do adhere with the height limits proposed.

CIRCO suggested that any buildings currently in existence with steeples be grandfathered in and become legal non-conforming.

Commissioners agreed on the following:

- Allow any existing buildings with steeples be grandfathered in and become non-conforming.

### **Minor Administrative Amendments**

RANU gave examples of minor administrative amendments processed by Planning in the past.

SOTTILE asked if there would be a definition of terms when finalized.

RANU advised that guidelines would be in place to provide consistency in processing and that twice a year the Commissioners would receive a report of any minor changes instituted.

### **Design Quality**

RANU advised the City currently does not have guidelines for design quality and the mayor and City Council want to improve the look of the City. Design quality findings are proposed to be established.

BALES requested that a percentage of any proposed project be allocated to art.

Commissioners agreed on the following:

- Establishment of design quality findings

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

Motion was made by, MROZ, seconded by DANKHA, to direct staff to prepare draft amendments to Title 17 of the Municipal Code and Specific Plan 182, and schedule a public hearing at the Planning Commission 's October 8, 2012 regular meeting; carried 5-0.

### **OTHER ITEMS FOR CONSIDERATION**

#### **AGENDA ITEM NO. 5 – HOUSING ELEMENT UPDATE**

This was a summary of the recent progress on the Housing Element Update, including public outreach at the Concerts on the Green event at Prescott Promenade on August 24<sup>th</sup>.

### **STAFF COMMUNICATIONS**

There were none.

### **COMMISSIONER REPORTS/COMMENTS**

There were none.

### **ADJOURNMENT**

Motion was made by CIRCO, seconded by SOTTILE, to adjourn the meeting of the El Cajon Planning Commission at 9:02 p.m. this 10th day of September, 2012 until September 24, 2012 at 7:00 p.m.; carried 5-0.

---

Darrin J. MROZ, Chairman

ATTEST:

---

Manjeet RANU, AICP, Secretary