

MINUTES
PLANNING COMMISSION MEETING

JULY 28, 2003

The meeting of the El Cajon City Planning Commission is called to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: TURNER, HANSON-COX, BURGERT, AGURS, AMBROSE
COMMISSIONERS ABSENT: NONE
OTHERS PRESENT: GRIFFIN, Director of Community Development
 LOUGH, Assistant City Attorney
 DAVIES, Principal Civil Engineer
 ALVEY, Assistant Planner
 MOSSAY, Minutes Clerk

MINUTES OF 7/14/03: Motion by TURNER, second by HANSON-COX to approve the Minutes of July 14, 2003 pro forma. Motion carries 4-0, AGURS abstains due to his absence at the July 14 meeting.

PLANNED UNIT DEVELOPMENT 202 – Hertel

(continued public hearing) Continue to August 25, 2003
P.C. Meeting 7/28/03

The subject property is located on the west side of Bostonia Street between Broadway and Greenfield Drive, and addressed as 1006 Bostonia Street; APN 484-231-10; General Plan Designation: Low Density Residential.

Request for a 10-unit residential development in the R-2 (Two Family) zone. *Continued from the meeting of June 23, 2003.*

AND

TENTATIVE SUBDIVISION MAP 513 – Hertel

(continued public hearing) Continue to August 25, 2003
P.C. Meeting 7/28/03

The subject property is located on the west side of Bostonia Street between Broadway and Greenfield Drive, and addressed as 1006 Bostonia Street; APN 484-231-10; General Plan Designation: Low Density Residential.

Request for a 10-lot subdivision in the R-2 (Two Family) zone. *Continued from the meeting of June 23, 2003.*

GRIFFIN states both Planned Unit Development 202 and Tentative Subdivision Map 513 are related to the same property. The hearings on both were continued from June 23, 2003. The applicant is still working with the staff on a revised plan and staff is recommending that the Planning Commission continue these items a second time to August 25, 2003.

AMBROSE asks if there is anyone in the audience who cannot return on August 25, 2003 and wants to speak tonight. No one comes forward.

Motion by AGURS, second by TURNER to CONTINUE Planned Unit Development 202 and Tentative Subdivision Map 513 to the meeting of August 25, 2003. Motion carries 5-0.

PLANNED UNIT DEVELOPMENT 204 – Westone Management Consultants

(continued public hearing) Resolution No. 9817

P.C. Meeting 7/28/03

The subject property is located on the east side of Estes Street between W. Renette and W. Chase Avenues, and addressed as 1025 Estes Street; APN 492-331-78; existing LUC 1142A, proposed LUC 1142B; General Plan Designation: Medium Density Residential.

Request to convert an existing 18-unit residential development to a common-interest development in the R-3 (multiple family) zone. *Continued from the meeting of July 14, 2003.*

AND

TENTATIVE SUBDIVISION MAP 515 – Westone Management Consultants

(continued public hearing) Resolution No. 9819

P.C. Meeting 7/28/03

The subject property is located on the east side of Estes Street between W. Renette and W. Chase Avenues, and addressed as 1025 Estes Street; APN 492-331-78; existing LUC 1142A, proposed LUC 1142B; General Plan Designation: Medium Density Residential.

Request a one-lot subdivision in the R-3 (multiple family) zone. *Continued from the meeting of July 14, 2003.*

GRIFFIN states these items were continued from the July 14, 2003 meeting. At that hearing, there were several issues raised by the Planning Commission and the applicant. Specifically, there was a question as to the ways to guarantee the proposed improvements and upgrades the City requires, and the timing of those improvements as a condition of approval of this conversion. The staff report at that time recommended that the required upgrades either be completed or guaranteed prior to the recording of the final map. There was a question as to the adequacy of a bond as a guarantee of those improvements. There was also discussion of recording a restrictive covenant against the property as an alternative to a bond. GRIFFIN adds the Planning Commission also asked the applicant to meet with staff and that meeting did occur after the hearing on July 14, 2003.

In addition, there was a question as to the requirement for separate water meters. The staff indicated to the Planning Commission that that was an ordinance requirement and that there was a discussion on the upcoming City Council agenda on July 22, 2003 that also addressed that very question. At the meeting of July 22, 2003, the City Council discussed that issue but decided that it needed more information before referring it to the Planning Commission to consider an ordinance amendment. They asked the staff, because they did not have a full agenda report, to come back with a list of pros and cons on the issue of requiring separate water meters. Because the City Council has not referred this back to the Planning Commission, the requirement for separate water meters is still in place. At this point, the Planning Commission does not have the option of deleting the requirement and that information has been conveyed to the applicant.

The third issue that was briefly discussed was whether or not units could be sold without the developer having the "white paper", which is obtained from the Department of Real Estate. That requirement has been affirmed since the last hearing and that is the "white paper" cannot be obtained until the final map has been recorded and then at that time the developer would be in a position to close escrows and legally convey title to the buyers. Prior to that time, the developer can take reservations based upon a "pink paper", which is simply a preliminary subdivision report that is given to potential buyers.

All of the other conversion ordinance requirements are satisfied in this project. There is a staff exhibit that lists the changes that the staff is recommending and the applicant has agreed to complete with this conversion. The staff is recommending that the Planning Commission recommend approval of Planned Unit Development 204 and also Tentative Subdivision Map 515 in accordance with the staff reports.

The public hearing is still open.

Joseph SCARLATTI, Westone Management Consultants, 710 Camino de la Reina, San Diego, is the applicant on behalf of the developer. He agrees with the conditions of

approval in the staff report. His client is prepared to go along with the separate water meter condition as it is and will see what happens with the City Council.

Lee DONAHUE, 1025 Estes Street, Apt #8, is a tenant in the complex. He asks for clarification on a few points. First, he is concerned with the individual water meters. Considering that at the moment, all of the water meters are shared under a single usage. Some individual apartments have access to outdoor spigots and some do not. The concern would be in the case of a homeowners' association paying the overall water bill with different tenants using unequal amounts of water but everyone paying the same amount. He realizes this isn't an issue for the Planning Commission and is more for the City Council, but would like this on the record.

The second concern is about habitability during the work on the modifications they are talking of making: parking lot, roofing, separate water meters. They intend to purchase a unit if it is offered to them. They would also like to maintain residence throughout; however, he is not sure if that would be possible. He wishes some kind of verification on that.

The final concern is about the garages. There are, as noted, ten garages. Each one is a single garage—five of them are actually connected to the town homes through an access door through the kitchen. The other five are a part of the structure but are not directly accessible to any unit. At no point has he seen whether the garages are being included as part of a town home unit or if they will be listed separately for any unit or what the developer is planning on doing. He asks for clarification on that.

AMBROSE asks Mr. SCARLATTI to return to the podium to address the last two issues. The first issue regarding the separate water meters, as staff mentioned, is going to the City Council and they will make a decision on that.

SCARLATTI returns to the podium and states for those tenants that are purchasing a unit, it is his client's intent to provide them accommodation in a close by hotel or a "courtesy suite" or two on the premises to allow the buyers to live in temporarily while their unit is being refurbished. Some developers have provided temporary on-site storage for tenants furniture and things. The tenants who are purchasing don't even have to move their furniture. The developer's staff moves it out to the storage, renovates the unit, and moves it back in. There is no cost to the tenant whatsoever.

As far as the garages, the five that are attached will be assigned to those units and the developer hasn't made a decision on the others. They will probably be assigned to the larger units as well, as part of a limited common property, exclusively to those units.

For the record, AMBROSE states Mr. DONAHUE is shaking his head affirmatively that he understands what Mr. SCARLATTI is saying.

AGURS confirms that the five units with attached garages will still have them. There is no decision on the other garages yet.

SCARLATTI agrees and adds that from past experience, they will probably be assigned to the larger units.

AGURS says if Mr. Donahue doesn't have one of the units with the attached garage, then it would be in his best interest to talk to the owner/manager about the other garages as soon as possible.

SCARLATTI says to talk to him before the CC&R's are drawn up. He adds that Mr. Donahue is welcome to give them a call tomorrow.

M. ANTOON, 1025 Estes Street, Apt 5, is a tenant in the complex. He states that at the last meeting he felt that he was ignored by the Planning Commission. He asked the Commission not to close the public hearing because he wanted to comment.

AMBROSE clarifies that the hearing was not closed, it was continued. ANTOON didn't say anything until after the Planning Commission voted to continue. He has his opportunity to speak this evening.

ANTOON has lived in this complex for ten years and he has spent \$70,000 on his apartment unit. He has stayed here because his daughter wanted to go to schools in this area. It is very expensive to live in San Diego. He doesn't want to be evicted now after all he has done.

AMBROSE states the Planning Commission understands where he is coming from.

ANTOON is opposed to this project. The relocation assistance is not enough.

AGURS asks if Mr. Antoon has talked to the management company about possibly purchasing his unit?

ANTOON answers that he is thinking of purchasing the unit and is able to purchase it.

AGURS says the conversion process gives tenants the first opportunity to purchase the units they live in, plus the City of El Cajon, for those that qualify, has some assistance programs that will help with the purchase of the unit. He recommends that Mr. Antoon contact the City's Housing Division. They can give him some information, plus Mr. Scarlatti can also give him some information as far as contacting the property management so he can find out what it would take to be the owner of the unit.

ANTOON thanks AGURS for the advice, but the price may be too high.

AGURS tells ANTOON that he has no idea what the price is going to be. ANTOON needs to talk with the applicant.

For the audience's knowledge, AMBROSE explains that converting apartments to condominiums is something that City Council has promoted. It will create more

homeownership opportunities within the City and lessen the transient population. This hearing tonight is just the beginning. There is a long, lengthy process. If anyone in the audience has any questions about this process, he encourages them to contact the Planning Division during regular business hours and they can give more information.

No one else comes forward to speak.

Motion by TURNER, second by BURGERT to CLOSE the public hearings on Planned Unit Development 204 and Tentative Subdivision Map 515. Motion carries 5-0.

AMBROSE states any further discussion on these items will be between the Commission and staff.

TURNER thinks at the last meeting the Commission covered a lot of ground and she thinks the applicant is working with the staff on most of the conditions that were an issue. She believes the Commission should support this proposal.

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Planned Unit Development 204 in accordance with the staff report.

Under discussion, AMBROSE asks if Commissioner Agurs will be able to vote on this application, since he was absent at the last meeting? AGURS confirms he read the minutes.

LOUGH answers since the minutes are close to verbatim, Agurs can vote.

The vote is now taken. Motion carries 5-0.

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Tentative Subdivision Map 515 in accordance with the staff report. Motion carries 5-0.

AMBROSE states these actions are recommendations to the City Council and there will be separate noticed public hearings at that level.

CONDITIONAL USE PERMIT 1964 – AGS Ent. dba Rock Automotive for San Diego Mart Assoc.

(continued public hearing) Resolution No. 9820
P. C. Meeting 7/28/03

The subject property is located on the north side of Fletcher Parkway between North Magnolia Avenue and Pioneer Way, and addressed as 298 Fletcher Parkway (Kmart

parking lot); APN 483-071-48; existing LUC 5900, proposed LUC 5900/0570; General Plan Designation: Regional Retail Commercial.

Request used car parking lot tent sales on 07/23-08/05/03, 08/27-09/09/03 and 11/05-12/03 in the C-R (regional commercial) zone. *Continued from the meeting of July 14, 2003.*

GRIFFIN states this item was continued, as indicated, from the last meeting. There was an error in the first public notice. It has been corrected and the item has been renoticed.

The request before the Commission tonight is pursuant to the Zoning Ordinance, which allows more than two outdoor sales events on any one property by any one applicant by conditional use permit. Otherwise, a business is only limited to two a year. This applicant is requesting to use the Kmart property for three outdoor sales events for the rest of this year. One of the sales is currently going on right now. Because of the timing problem that was created in the noticing error, staff approved a temporary use permit for the current event.

The staff has approved these events for up to two weeks. The applicant is requesting two two-week periods and one four-week period. Staff recommends that the four-week sale be limited to two weeks. The staff's recommendation is that the Planning Commission grant the conditional use permit for three two-week special sales events on the Kmart property with the dates as indicated in the staff report.

HANSON-COX asks if there have been previous tent sales on the Kmart lot or Parkway Plaza during the Thanksgiving weekend?

GRIFFIN answers there have been a number. This applicant has sold at both locations before and there have been a number of other car sales by dealers from both inside the city and outside the city. Rock Automotive is actually a business located in the city on W. Main Street.

HANSON-COX clarifies during the Thanksgiving weekend?

GRIFFIN thinks there was one last year at Kmart but not one at Parkway Plaza. Parkway Plaza realizes that that is a peak shopping time of year and they try to preserve as much of their parking area as they can. He is not as sure about Kmart. They apparently have decided that these car sales are a good opportunity for them and so are allowing their parking lot to be used regularly. As far as the conflict with Thanksgiving and using their parking lot, he thinks that is Kmart's issue. He would think they would want to preserve as much of the parking lot as they can since that is the kickoff for the holiday shopping season. But, that is their decision.

HANSON-COX asks if staff has heard any complaints about traffic problems during Thanksgiving time at Kmart?

GRIFFIN is not aware of any complaints.

The public hearing is still open.

AMBROSE asks if anyone in the audience wishes to speak on this item. No one comes forward.

Motion by TURNER, second by HANSON-COX to close the public hearing. Motion carries 5-0.

AMBROSE asks if the applicant is in the audience. No one responds.

Under discussion, HANSON-COX is having a little problem with this request, probably because she lives by Parkway Plaza and she knows the Thanksgiving weekend is the heaviest shopping weekend of the year. Even without a tent sale at this time, the traffic is atrocious. She thinks with that many parking spaces being taken up, it will create even more of a parking jam. With the city growing as much as it has, there will be more and more people going there to shop and not be able to find parking.

GRIFFIN responds that the staff recommendation is that the third used car sale's period that the applicant wishes be shortened to two, so that would end the sale on November 25, 2003, which is before Thanksgiving. The applicant is asking that it be extended beyond through the first part of December. If the Commission goes with the staff recommendation, then there would not be, in his opinion, a conflict with Thanksgiving.

HANSON-COX concurs with the staff on the shorter third sale due to traffic conflicts.

AMBROSE agrees with HANSON-COX and thinks the staff has called it right—having it end before the long holiday begins is the correct move.

Motion by HANSON-COX, second by AGURS to GRANT Conditional Use Permit 1964 in accordance with the staff report. Motion carries 5-0.

This action is final unless appealed to the City Council by August 11, 2003.

ZONE RECLASSIFICATION 2234 – Lepper / Rittenhouse

(public hearing) Resolution No. 9821

P.C. Meeting 7/28/03

The subject property is located on the north side of Oakdale Avenue between North Second and Grape Streets, and addressed as 1358 & 1362 Oakdale Avenue; APN 489-

122-24 & -25; existing LUC 1111A, proposed LUC 1111E; General Plan Designation: Medium Density Residential.

Request to rezone property from the R-1-6 (Residential One Family 6,000 sq. ft.) zone to the R-3 (Multiple Family) zone.

GRIFFIN states this is a request to rezone two adjacent properties on Oakdale Avenue which are currently zoned R-1-6 to R-3. R-1-6 is a single-family zone, R-3 is a multiple-family zone. As indicated on the location map in the staff report, the zoning pattern on Oakdale is very spotty. There is some R-1-6, there is some R-2, and there is some R-3. However, the City Council's position since about 1997 has been to not allow the highest density zone that the General Plan would allow. In this case, that would be the R-3 zone. The General Plan designation is "Medium", which means 10-20 units per acre. The R-3 zone is at the upper end of that density range since it allows 20 units per acre.

Neither of these properties meets the minimum 70-foot lot width required in the R-3 zone. Therefore, staff believes that because of the Council position on the density of zoning and also the fact that these lots are both narrower than the minimum required, that the zoning should be R-2 instead of R-3. The R-2 zone, if approved for these two properties, would allow three units on each lot. The R-3 zone would allow a total of five on 1358 Oakdale and six on 1362 Oakdale. If they were developed together, the total yield would be 12 units. The staff believes that the R-2 zone is the preferred zone for these two properties because of the substandard lot widths and because of the Council policy.

GRIFFIN has two corrections in the recommended staff conditions. Condition 2 on page 6 references the property at 1358 Oakdale—it should be 1362 Oakdale. The property at 1362 Oakdale has one dwelling that is legal and one dwelling that is not legal and this rezoning, if approved, would cure that problem if the applicant obtains approval. In Condition 3, the zoning address should also be changed to 1362 Oakdale. At the very end of the staff report there is a "note" after the reasons—that address should also be changed to 1362 Oakdale.

The staff is concerned about the violation on 1362 Oakdale and if the Commission does recommend approval tonight but the rezone is not approved by the Council, then the applicant will have to work toward curing the zoning violation on the property.

The public hearing is now open.

Mike LEPPER, 1362 Oakdale Avenue, has no objections to the R-2 zoning and agrees with the staff report.

AGURS asks if the two properties are on the same application?

GRIFFIN answers yes, that they came in together and they are contiguous properties. They could be combined. Someone could buy the two properties and develop them as

one, but they also can stand on their own, at least with the R-2 zoning. With R-3, they are too narrow to qualify.

AGURS asks if the applicant from 1358 Oakdale is here?

David RITTENHOUSE, 1358 Oakdale, is the property owner. The R-2 zone is fully acceptable to him.

No one else comes forward to speak.

Motion by TURNER, second by AGURS to close the public hearing. Motion carries 5-0.

Motion by AGURS, second by HANSON-COX to RECOMMEND APPROVAL of Zone Reclassification 2234, to rezone the subject properties from the R-1-6 zone to the R-2 zone, rather than the R-3 zone requested, in accordance with the staff report, correcting the address on Conditions 2 and 3 to read 1362 Oakdale Avenue as well as the Note at the end of the staff report. Motion carries 5-0.

This is a recommendation to the City Council and there will be a separate noticed public hearing.

AMENDMENT OF CONDITIONAL USE PERMIT 732 – El Cajon Foursquare Church (aka Victory Chapel)

(public hearing) Continue to August 11, 2003
P.C. Meeting 7/28/03

The subject property is located on the north side of East Bradley Avenue between North First Street and North Mollison Avenue, and addressed as 1012 E. Bradley Avenue; APN 388-201-63 & 388-203-10, -21, & -22; existing LUC 6911A, proposed LUC 6911A/6812 & 6318; General Plan Designation: Low Density Residential.

Request addition of a K-8 grade charter school for 350 students to an existing religious facility (church) in the R-1-6 (Residential One Family 6,000 sq. ft.) zone.

GRIFFIN states this is a request to establish a 350-student charter school at the existing El Cajon Foursquare Church. In early 2002, the Planning Commission received a similar request from Literacy First to open a charter school at St. Michael's Catholic Church on E. Washington Avenue. That application was approved and they have just completed their first school year. Apparently, their school is very popular and they have decided they need more room and are asking to expand by moving half of the grades

from the E. Washington location to the subject church. What is before the Planning Commission tonight is for grades 4-8 to be relocated to the Foursquare Church.

Staff was concerned about a couple of issues with this location, specifically traffic and noise. A Traffic Impact Report was prepared by the church and the applicant Literacy First. The purpose of the traffic study was to address issues of circulation and traffic volumes. The recommendations of the traffic consultant were that the westerly driveway of the church be used as an entrance with a drop-off and pick-up zone at the most northerly end of the sanctuary and the easterly driveway would be an exit-only driveway back out to E. Bradley. There would be no access out to Pepper. Those recommendations have been supported by the City's Traffic Engineer.

The advantage of this alignment is that it extends the drop off/pick-up to the furthest most point on the church property and, therefore, provides more than sufficient stacking capacity. It also separates the entrance traffic from the exit traffic. Not being forced to use only one driveway is an improvement and should minimize the traffic impact on E. Bradley in the opinion of staff.

In terms of noise, the school has indicated that the way they operate their recess is that it is one class at a time--they don't have the whole school out at recess at the same time. The outside areas that would be used for recess activities are to the north and the northeast of the sanctuary and are shown on the plan on the board. Those areas partly consist of the parking lot and a landscaped area. These are the areas most separate from adjacent residences.

The easternmost property line of the church abuts a street in the County. That area had a landscaping requirement on it when the church previously expanded. However, that landscaping has not been maintained in the best manner, in staff's opinion. Staff is recommending that not only should that landscaping be reinvigorated, but it also be beefed-up, in order to provide a better screen along the easterly side of the property at the northerly end.

Staff received a number of telephone calls regarding this request, which the staff answered. A petition was submitted in opposition, which was signed by 43 residents and property owners in the surrounding area. Several of the people signing the petition live on Woodburn, which is in the City and is adjacent to the west side of the church and backs up to the church property on the west side.

The staff believes that, based upon the positive experience it has had with Literacy First on E. Washington Avenue and with the conditions recommended by staff, that this will be a compatible use at this location.

The church is proposing to provide guidelines to each of the parents before the school year begins, including a specific description of how they must enter and leave the property, so that traffic confusion should be kept to a minimum. Also included will be

where the pick-up and drop-off area would be, so that will further minimize onsite congestion as well as congestion on E. Bradley Avenue.

There is a negative declaration because of the Traffic Impact Report, so the staff is recommending that the Commission adopt the negative declaration tonight and grant the conditional use permit amendment, subject to the conditions in the staff report, including a limitation on the enrollment to 350 students, providing the parental guidelines mentioned, the additional landscaping along Summer Place, and a six-month review. The review would be to make sure that everything that the staff has recommended, is working; if not, the City can come back and make adjustments if necessary. At the end of five years, Literacy First would have to come back to the Planning Commission and request a renewal of the conditional use permit and a reevaluation of the operation to see if the conditions are satisfactory or if they need to be adjusted.

AMBROSE asks about the after school program. Does staff know any more of what is proposed by Literacy First than when the staff report was prepared?

GRIFFIN thinks it is more of an extended daycare--not that these are young kids, but is an opportunity for those kids whose parents can't pick them up after the normal school hour ends, to stay longer. It is not for the full 350 students, although he doesn't have a number for the Commission. Literacy First representatives are here, so they could answer what their expectations would be. He doesn't remember if that same program was part of the charter school on E. Washington Avenue or not.

Before AMBROSE opens the public hearing, he wants to find out how many in the audience are here to speak on this item. About 10 people raise their hands. AMBROSE advises he will open the public hearing and asks for the applicant to speak first and then the adjacent property owners.

The public hearing is now open.

Dennis ESTILL, 1004 E. Bradley, is the church's pastor and lives on the subject property. He is supportive of all the recommendations of the staff with the exception of one, which he asks the Commission to reconsider. That is Condition 7 on page 7. He requests a ten-year term instead of a five-year term for the conditional use permit.

AMBROSE says the Planning Commission will take that under consideration.

ESTILL is available for questions and if the Chair allows him, would ask Mr. Jerry Keough, principle of Literacy First, to also come to the podium and together they might be able to answer the questions of the Commission.

AMBROSE asks if there was a formal presentation prepared.

ESTILL brought a site plan to illustrate any points that might come up.

AMBROSE asks if he has had any contact or discussion with his neighbors about this proposal?

ESTILL answers only with one neighbor.

AGURS asks if that is a landscaped wall or a fence or brick wall on the western side of the property?

ESTILL responds that it is primarily vegetation and wood fences, along with a concrete curb that was constructed by the church.

AGURS asks how high the wood fence is, since that is contiguous with the westerly neighbors backyards?

ESTILL answers it is the standard height of a wood fence. They are mostly wood fences and part of it is probably the church's fences and some the neighbors' fences.

TURNER asks what the hours of operation are? She knows they have the extended daycare and asks for the times they would be open.

ESTILL asks to defer that question to Mr. Keough.

Jerry KEOUGH, 10331 Don Pico Court, Spring Valley, is the principal of Literacy First. He states the drop-off time would start at 7:30 a.m. but the traffic in the morning is staggered because the students come at different times. The start time for school would be 8:10 a.m. and the release time would at 3:25 p.m. To answer the question about the after school care, he states usually very few kids in grades 4-8 stay for after school care. Based on their experience, it will be between 10 and 15 students that would be there for the designated after school care, but he doesn't have an exact number yet. The after school care goes until 5:30 p.m.

AMBROSE states Literacy First has had some good success at the E. Washington Avenue facility. He has heard only good things about that location. He asks for reasons why it is working and running so well.

KEOUGH answers there are a variety reasons. Although it is a public school, it has a lot of the flavor of a private school. They have very involved parents who do the drop off and pick up. Very few of their children, and he can only think of one student, actually walked home last year. That would be the same case at this site. They have worked hard to be at peace with their neighbors. They have spoken with their neighbors. They have tried to be a school that fits into the community. They are an alternative to the public school system that they believe is very positive and their parent response reflects that. Their charter from the beginning was to be a K-8 school, but they have grown the school slowly from a K-3 to a K-5 and now to a K-8.

AMBROSE asks what is so unique about Literacy First. What distinguishes it?

KEOUGH thinks there are a variety of things. The number one reason for success is parent involvement in the kids' lives. Those parents who are choosing to bring their kids to that school are parents who are very involved and it is reflected in not only the behavior but also the academic success of students. They have a very dedicated staff. They don't have unions or tenure. They are focused on educating students. They are very experienced in what they do and they believe in what they are doing. The parents can see that.

HANSON-COX says she did her math, and if she is correct, when the school starts out they are probably going to have 17 students per classroom and the maximum they will ever have is 25 to 27. Is that correct?

KEOUGH says that is exactly right. That is another real advantage--the K-3 program is maxed at 20 children per class. The max in grades 4-8 is 25, whereas in traditional public schools it is 34. In their 7th and 8th grades, it is maxed at 28, where it can be up to 40 in the public schools.

HANSON-COX comments when one class is out for recreation, there is only going to be around 25 students at the most that would be outside at one time.

KEOUGH doesn't think that was stated accurately. In their recess program, they stagger it into four different segments. They would probably do all of the fourth grade and then all of the fifth grade, then the sixth grade, seventh and eighth. You will find that the older kids are more sedentary in their activity at recess. They are much more social and don't have quite the "enthusiasm" that the K-3 grades have.

HANSON-COX commends KEOUGH and says it is nice to hear that there are smaller classrooms, because schools are so overcrowded right now and children nowadays really need the education and the individual attention. Many of the youth she works with drop out of school because they are intimidated and they don't want to ask questions. Her motto is "The Youth is Our Future" and thinks that is really good because they are giving the youth life skills on top of that.

TURNER states KEOUGH mentioned that neighbors are important to their success, and it appears that there are many neighbors here tonight who are going to speak against the project. She asks if they held any meetings at the new site with the neighbors?

KEOUGH answers they didn't have a meeting, but he has met with many of the neighbors. He has spoken with them while school was going on. He has worked to make sure they blend in well with the neighbors. He told Dennis ESTILL earlier today that their goal this next year is to see if they can set aside all of the fears and worries of any neighbors who are concerned.

ESTILL adds that he was made aware of the petition to oppose last week while he was out of town. He did not receive a copy of it until Saturday when he returned. He would

probably have made more of an effort to contact neighbors, knowing the opposition was there, if he had been able to.

Raymond CLEGG, 994 Flint, is one of the 43 that signed the petition in opposition. This school will basically be in his backyard. He has lived there for 30 years as well as most of his neighbors. It is a quiet area. He feels the noise and traffic impacts of 350 students will be unacceptable. He doesn't want to have a school in his backyard.

John STANKO, 1727 Woodburn, is a neighbor. The parking lot for this proposed site is up against his backyard--his recreational area. He has a pool and a fence there that he has been trying to maintain. The church has done nothing to their landscaping except for letting it fall into his back yard. The trees catch on fire because they are so un-maintained. His pool is stained from the trees. His fence is ready to fall over. The church has kumquat trees that the kids throw into his backyard and pool. The church has made no attempt to contact him about this. When he was out fixing the fence, the pastor came over and introduced himself, saw him laboriously at work, trying to fix it but didn't offer to help. When the church gives away food every Wednesday, the clients sit and lean against his fence, watching his daughters try to swim or sunbathe. He has his grandchildren there often and the food give away clients are standing on stumps and looking over the fence and leaning the fence down.

STANKO adds there is unbelievable noise coming from the refrigerated trucks that park on the church property overnight. He works until 6-7pm every night. He gets up at 5am. He has very little rest. And now he is going to have to deal with something else. He has only lived there for about eight years and he cannot tell the Commission how unhappy he is with the church. They are uncouth—they actually had vagrants living in a structure out front that caught fire and that burned structure stayed for more than one and a half months before it was removed. This is no more than a business opportunity for the church. It has no good impact for the surrounding community and the 43 homeowners that signed this petition.

The neighbors are all mad about this. No one has knocked on their doors and said this is what we are trying to do.

AMBROSE understands his feelings. He wants to try to understand a couple of other things that STANKO brought up. STANKO said there was a food distribution program that is conducted at the church?

STANKO answers affirmatively. They give away food. They have trucks backing up toward his backyard and about 25-30 feet from his bed. He has refrigerated, 18-wheel semis backing up at 2-3 o'clock in the morning, with his dog going crazy. This is every week.

AMBROSE asks if he has made any complaints to the City before?

STANKO answers many times.

AMBROSE wants to understand some of these other issues and thanks STANKO for bringing them to the Commission's attention.

STANKO plans to appeal if the Commission passes this. This is just a business and there are other venues they can locate at.

Chrisinda STANKO, 1727 Woodburn, is a neighbor. She says a month ago her grandchild was playing outside and the church had a worker out there who they didn't even know; he just had volunteered to work. He was leaning over her fence, talking to her four year old granddaughter. As soon as she went outside, he hid behind the fence. She called the church and asked them if they knew who he was. They answered that he is just helping out. She told them he was bothering her family. They need some privacy from church activities. She has complained to the church many times about their workers' activities but nothing is done. They can't leave their curtains open because there are people poking their heads over the fence. As her husband said, they are even pushing their fence over. When the church has a food drive, bananas, oranges, and all kinds of fruit are thrown in their pool. On weekends, because the church parking lot isn't blocked off with gates, they will have beer bottles, condoms and other things thrown into their backyard.

Dale TAYLOR, 1775 Woodburn Street, backs up to the church where Rev. Estill's parsonage is located. When the church received permission to expand in 1987, they were required to install a block wall with landscaping along his rear property line. They never did it. They ended up building part of a retaining wall on his property. You can stand at the fence along their backyards and look right into their backyards and living rooms. They have the same problem as everybody else with things coming from the church into their backyard. He has to pay his landscapers to clean the storm drain ditch out, which is the church's property, because they don't maintain it. When he has gone over to the church to complain, he knocks, honks his horn but nobody answers. There is nobody there. And kids are all over the place.

They were supposed to put a gate up where the parking lot goes up into the second level. There is no gate there. They put four orange cones there. People drive in and out of that parking lot all night long. They party behind the fence in the parking lot and then they take off.

The only time they had any peace was when a deputy sheriff, that was a friend of theirs, used to park in the back of the church lot and that was the quietest it has ever been. Now it is a mess again.

He also doesn't want 350 kids in his backyard all day long. He has enough mess with them now. He has lived there for 30 years. It is a constant, day-to-day thing. Horns honking, people yelling at each other across the parking lot at 10 o'clock at night. The church doesn't care about the neighbors.

AMBROSE asks if this is an every night occurrence?

TAYLOR says during the summertime it is, almost. It is not as bad as it used to be, but it is still bad. His wife had to go around there a week and a half ago—they are bouncing basketballs over the fence into his yard. They stand on the back of pickup trucks, throwing rocks at his dogs.

AMBROSE asks if any delivery trucks have been parked back there and just left?

TAYLOR answers yes, they park semis back there and leave the refrigeration units running all night, which keeps them awake. When people come to church on Sundays, they back their pickups in up against the fence. Kids are running around in the parking lot during church services. He has been promised a gate across the entrance to the parking lot, but it hasn't happened.

Terri Pica DREHER, 1721 Woodburn Street, says her husband and she bought their home in this area about 3 ½ years ago. The reason they chose to move there with their three children was because they are at the foothills of the mountain. There is not a lot of traffic and the community, as the Commission can see, really cares about the neighborhood. Their yards look good. The kids play in the streets and they are having a good time.

Her husband and she are against this for four reasons: First, there is no need for another school in their neighborhood. They have three elementary schools within walking distance from their home. Her children don't go to any of them anyway because they go to Flying Hills. That doesn't include the two middle schools, that are also walked or biked to from her home.

The second reason they are opposed to this is because the church is not responsible with what they do now. Organizations are leasing the church buildings for meetings. The church can't control these groups that use their buildings. Every week for the last 3-½ years, they have been bombarded nightly by screaming children, honking horns, and grownups talking. Then when they leave at about 10 p.m., then the parties come in. They also have used condoms thrown into their backyard; there have been syringes on the other side of their fence. That lasts until probably 11:30 p.m. She has made several phone calls to the church, trying to get someone to speak to about this, because the noise wakes up her children as well as her and her husband. No one has ever called her back—not once. She finally got to speak to the senior pastor and he told her that the agreements with the organizations that use their buildings say they have to be out of the parking lot and be quiet by 8:30 p.m. This is never followed through and the agreements are never revoked. She doesn't understand why this happens, when they have been complaining about this for years.

Another reason they are against this project is because of the traffic. She would like to welcome any of the Commission in the morning or when people are coming home from work to drive down E. Bradley and to see how the traffic is congested. It is crazy. At the intersection of E. Bradley and Graves to get onto the 67 Freeway in the morning you have to sit through four light changes before you can even get through. When she

takes her kids to school in the morning, she has to leave her house about 15 minutes early just to make it through the intersection.

The fourth reason is because of the air pollution that these cars are going to bring in here. She asks the Commission to keep the integrity of El Cajon. This is a family neighborhood. It should not be overcrowded and they should not have to worry about what big business wants to do and how they want to make their money.

There have been a couple of times when they have been interrupted in the morning by the refrigeration trucks that come in. The food drives that the church has are always set up right behind her fence. Although the church has a lot of property to use, they continuously set them up right outside their fence. They do a summer school program for one week in the summer, which she thinks is great for the kids, but they take all the activities the children do and they put them up right against their fence. All day and night long all they hear is noise. Again, they have talked to many people, made many phone calls but they have gone unanswered.

The last thing DREHER would like to say is the senior pastor told her, when she did finally speak to him, that the people that come to the food drive are not people that you want around your home. He said the church is helping them because it is their job and their duty. Maybe he doesn't understand that they are putting these people right behind their house and it continues to happen that way.

She asks the Commission to listen to the community. The petition in opposition shows their opposition. They are saying to listen to them, they have a great neighborhood that shouldn't be ruined just because the church needs to make a little more money.

Kevin McGREW, 1757 Summer Place Drive would like to bring a different perspective to this. He is on the east side of the church. He moved into the cul-de-sac about five years ago. He has two kids, ages 2 and 4. The reason he purchased in that area was to stay away from traffic. E. Bradley is a busy street already. They bought in the cul-de-sac on Summer Place to avoid the traffic. They already have many people turning around in the cul-de-sac. There is a lot of activity from just the people who live in the cul-de-sac and he and his wife are concerned about the increased potential for vandalism and the increased traffic and safety issues for his kids.

McGREW would like to concur with what everyone else has said. On any given day you can walk the church parking lot and find beer bottles, empty beer cases, a variety of other things he doesn't like to talk about, in the church parking lot. He doesn't experience the refrigeration trucks that the other neighbors do, because he is on the east side of the church. He does see the activity throughout the night and at any time of the night. He requests that the Commission deny this application. It is not something the neighborhood needs. They all bought here to have a quiet, peaceful neighborhood with a safe area for their kids to play. They do not need 350 extra cars potentially traveling through the neighborhood.

AMBROSE appreciates his comments. He asks about the landscaping adjacent to Summer Place?

McGREW answers that it is terrible. It has been worked on several times and they just recently spent a weekend or two trying to improve that area, which is a ten foot wide strip that extends the length of the church parking lot. They watered it, it grew weeds and everything started to die off again and now they just have dirt piles and weeds and some plants growing. He is not sure if there are any trees in there now, but certainly none of any substance that would block sound or noise. The way he understands it is the recreation area would be between the church and his house, on the parking lot on his side. It would certainly be noisier than it is now if they did add the school and include a recreation area. They do need to do something about the landscaping regardless of whether the school goes in or not because it is unkempt.

TURNER asks if he hears the noise in the late evening like the neighbors on the other side?

McGREW answers when they have the evening activities, they hear people out playing basketball. They have a hoop in the back on the north end. They will hear the kids out there until after dark playing, but he doesn't hear the refrigeration trucks. He sees a lot of activity and also sees the donation boxes for clothing and food. He knows they have those programs over there to help the homeless.

Bill TRASK, 7578 El Cajon Blvd, La Mesa, CA is the Board President for Literacy First Charter School for the last several years and can speak to the school's intentions. He knows that the school, at the site on E. Washington, has taken great pains to maintain a very safe environment for the children, because that is their obligation and duty and that is what they have to do. He thinks staff can comment on that--if any of them have seen the site, they know what has been done with the E. Washington site and the care that has been taken. It is extremely important to them to have a safe place for their kids.

The activities at the church during the time they are on the site would be controlled by them, because they are using a good portion of it. They have been able to do that at their other existing site and he is confident they can do that at this site as well.

TRASK adds regarding the length of the CUP that the staff has recommended a five-year term. On the E. Washington CUP, they have a ten-year term and they would like that here as well.

AMBROSE compliments him on the facility they have on E. Washington Avenue. He has visited that facility and thinks it is operated well. He has kids in his neighborhood that go to that school and they seem to be thriving there. His issue this evening is not with the school—his issue is with the church and some other issues that are going on there. He doesn't know how the rest of the Commission feels about this, but he doesn't feel like he can go forward until the Commission can get its arms wrapped around some of the other activities that are going on at the church. He doesn't know if the existing

church CUP permits all of these activities. He thinks the Commission needs to know this and find out just exactly what goes on there and if there is anything the City can do to make the existing use permit compatible with the neighborhood. He believes the existing church right now is not compatible with the neighborhood. Before he can continue on with Literacy First, he thinks there needs to be an examination of what is going on out there.

AMBROSE understands that Literacy First may be caught in the middle of this, but some of these items should not have continued as far as they have to cause the incompatibility that exists with the neighborhood. Before this Commission can make a finding that the charter school and church are compatible with the neighborhood, they are going to need to address the church.

TRASK can see this point of view very clearly, but he would like the Commission to look at Literacy First based on the experience the City has had with them at the previous site. If there is a problem to be corrected, Literacy First can play a part in the solution. The comments that have been made tonight have been related to the activities of the church outside of the scope of the charter school.

AMBROSE doesn't disagree with Mr. TRASK that the school could be part of the solution, but he thinks there are some festering issues related to the church that need to be addressed before the school is addressed. That is how he feels and he may be the only commissioner that feels that way. He will find out how the rest of the Commission feels.

Terri DREHER, 1721 Woodburn, returns to the podium and adds that the church is having school there right now on Thursdays. She doesn't know how that happened, but children are meeting on Thursdays for school.

Dennis ESTILL, returns to the podium to address some of the concerns that have been expressed. He has been senior pastor for a year and a half. The year before he came, the church had spent only \$8,000 a year on facility maintenance, which is far too little. Last year they spent \$50,000. This year they are on track to probably be spending \$150,000 in bringing the property up to presentable standards. No one has mentioned the front yard of the church that has been completely re-landscaped. That was just completed a couple of months ago, at a cost of \$10,000.

ESTILL addresses the comment about people looking over the fence. He can't control every child that comes to church, but one of the incidents that he is aware of, was someone the church had hired as a day laborer to prune and rehabilitate the area, was accused of looking over the fence. They are doing their very best to maintain the property. They are taking one section of the property at a time. The landscaping along Summer Place has been completely rehabilitated. All the sprinkler systems were repaired. There were two new trees planted.

The food distribution program is another concern he heard this evening. It has been going on for about ten years. It is only held on Tuesday mornings from 9:00 until around Noon. It is for a designated group of people. They must be on an approved list. The refrigerated trucks that were referred to by the neighbors do occasionally come on to the church property. Their food coordinator receives a shipment about once a quarter. They are not always refrigerated trucks. The truck driver does not always arrive at night. Oftentimes he gets there in the morning. As he said, it happens about four times a year. That has been his experience over the last year and a half.

AMBROSE knows that Mr. Estill is trying to make a good effort, and he appreciates that, but he thinks there are enough issues that have been raised here by the community that he thinks it is incumbent on the Planning Commission to understand all the activities and things that are going on at the church before adding anything else. There may be a need to add some conditions to the existing use permit for the church, so that it makes it more compatible with the community. Until he knows what all those activities are and when they happen and how long they happen, he is sitting up here in the dark. He is not willing to go forward this evening, and this is only him speaking, until he understands all of the activities that are going on at the church. That is the only way he is going to be able to understand the impact it is having on the community.

ESTILL asks if can clarify any questions he has.

AMBROSE would like to see this item continued and to see Mr. Estill get together with City staff and go over all of the things brought up tonight and make sure those are all activities that the church has been allowed to do under their existing use permit. If there are some walls, fences, gates, landscaping that was not accomplished, he wants to know that, too. The church basically signed an agreement, a contract, with the community, that when it got its use permit, it would do those things. If they haven't been done, they need to be done. He is hearing a lot of complaints from people who say they are not getting any peace.

ESTILL repeats that he lives on site, so he is probably more aware of any of the problems that they addressed.

AMBROSE says that is probably true. But what he is getting out of this is that Mr. Estill is involved in a lot of these activities and the neighbors are not. They are being the recipients of some of the aftermath of some of those activities.

ESTILL did receive a copy from the City of the church's conditional use permit conditions and he believes they are in compliance with them.

TURNER says it sounds like the church is "leasing out" their facilities to other groups. Does the church have lease agreements and what are the hours of operations on them? Does the church have security guards?

ESTILL answers they have an Arabic church that has about 35 members that meets in the fellowship hall. They have been meeting there for the last three or four years. They have a Sunday morning service that is held in conjunction with his church. He thinks they also have a Saturday evening service that starts at 7pm and normally gets over between 8:30 and 9:00pm.

TURNER asks if anyone from his church makes sure it is closed up?

ESTILL answers that he does that.

TURNER asks if it is closed up at 8:30pm?

ESTILL says that no, their service normally goes until around 8:30 or 9:00 p.m.

TURNER asks when the area is secured?

ESTILL answers as soon as they leave.

TURNER asks when that time is.

ESTILL says 9:00 pm.

TURNER confirms they don't have any security guards and that ESTILL is the person who closes up the facility.

ESTILL answers affirmatively. They use only one part of the facility.

TURNER asks how big the church is that leases from them. Did he say 35 members?

ESTILL responds between 35 and 40 people.

TURNER asks on Sunday, when both churches are there, how many people are there?

ESTILL says his church averages between 200 and 250 people.

TURNER asks what time his service is.

ESTILL answers Sunday morning at 9:30 am and Wednesday night at 7:00 pm. In response to TURNER, ESTILL says on Wednesday night he usually dismisses at about 8:10-8:15 pm.

TURNER asks if the people clear out of the buildings and parking lot by 9:00 pm?

ESTILL answers almost always by 9:00 pm, because their doors are usually closed by 8:30 pm.

In response to TURNER, ESTILL says that no one else rents or uses their facilities at the present time. They had home schoolers that were using it one day a week. In response to TURNER, he says they were meeting on Thursdays from 9am to 2pm and not in the evening. The home school has now ended.

BURGERT states what he is hearing from the church's neighbors is that they are extremely dissatisfied with what is going on at the church. He lives adjacent to that community, not within the notice area, but the church is a landmark. He has seen some improvements. He has walked through the area. The neighbors don't like what is going on and it is a very bad example. He thinks the church needs to bridge the gap and meet with them. At the same time, the Literacy First people are being hurt by this. They want to do something that is going to be beneficial, in his opinion, but because of the other activities here, he thinks the church needs to go back, work on things, get things back in order and meet with the neighbors. He sees the fences because of the elevation of the parking lot; you can't help but look over the fence into the people's yard. They want privacy and he can understand that. These are decent requests the neighbors are making.

ESTILL responds that they have made dramatic improvements in the security of the property during the last year and a half. He would say that 90% of the traffic that was coming through there late at night was as disturbing, if not more disturbing, to them than it had been to the neighbors. He would guess 90% of that has been stopped just by them being there. They have called the police a few times. He can honestly say that within the last year he has not had any of the problems that the neighbors talked about. None of the condoms, needles. Some of the comments that have been made he is sure may reflect history, but they do not reflect the present.

Debbie BYER, 738 Dewane Drive, is the principal at Literacy First Charter School. She wants to comment on something that was said regarding this just being a business deal. It is not just a business deal. It is an opportunity for 350 children to experience an outstanding education. They need a location. They are seeing extremely good educational success with their kids where they are now. It obviously is an opportunity for a church because the school will be paying rent. But it is bigger than that. It is an opportunity for 350 children to have access to an excellent education, which their parents don't feel they are getting now. The children are coming there by choice. The comment was made that there are plenty of schools in the area. Obviously, there aren't plenty of schools in the area that are meeting the needs of the children; otherwise they wouldn't be seeing the success that they are seeing. She wants to bring the focus back to this being about kids. What Mr. Trask said about the school being a part of the solution, she seriously sees them being a part of that solution. When they moved in at St. Michael's, some of these same kinds of conditions were present on that campus as well. She thinks if you interviewed the neighbors that live around St. Michael's, they would have very positive comments. They had one neighbor that called. She had an incident where a ball had gone over into her yard and BYER had called to make amends for that. The neighbor told her that she was thinking it was great today. She said she was sitting in her backyard and hearing these sweet little voices and it was so

great to be able to sit here and hear that. Had she known sooner about this hearing, she would have had her here to speak on their behalf, because she is a neighbor that is very happy about what they are doing and the kinds of things they are doing.

BYER reiterates that this is not a business opportunity. The reason they are doing this is that it provides an opportunity for children in El Cajon to get an excellent education and that is the most important thing, because they are our future.

AMBROSE thinks the Commission has heard from the community and representatives of the Literacy First. He thinks they all understand the issue here. He asks the rest of the Commission how they feel about this.

AGURS wants to move to close the public hearing.

TURNER thinks the Commission should continue the public hearing.

AMBROSE states they can always reopen the hearing.

Motion by AGURS, second by TURNER to close the public hearing. Motion carries 5-0.

AMBROSE states any further discussion on this item will be between the Commission and City staff.

HANSON-COX is pro-education and she also believes that this isn't just a business and this really is for education for the children, because she works so heavily with the youth. However, she started counting the homes within the 300-foot radius and says 85-90% of the signatures on the petition are those people that live in those homes. She was in favor of Literacy First initially, but after listening to the neighbors tonight, and even though she knows the school seems like a wonderful thing, she has to agree that there still are some problems that need to be resolved. Apparently, the neighbors have been trying to get them resolved and nothing has happened. She doesn't want to believe that putting the school in here is going to make these problems go away. She thinks the problems need to be addressed first. She would agree that maybe this needs to be postponed and researched more.

TURNER asks, since they don't have the church's conditional use permit in front of them, and because there have been many items brought up tonight regarding the uses that are going on there and the hours of operation, were any of these items that were brought up about the gates, the food giveaways, the landscaping, the hours of operation, the people leasing the facility from the church, etc, covered in the original conditional use permit?

GRIFFIN answers that the uses TURNER mentioned are not covered, to his knowledge. These complaints have not been communicated to staff. They may have attempted to communicate with the church, but in staff's review of this application, staff was not aware of the extent of the issues brought to the Commission tonight. His

recommendation would be, because the church's conditional use permit is not before the Commission tonight, that if the Commission wants to review that before they make a decision on the charter school, that the Commission refer to staff for a resolution of intention to initiate a review of the church's conditional use permit. As part of that, request the church to provide the staff with a full list of all of the activities that are currently taking place, when they take place, how many people, all the particulars. Staff can then bring that back at the hearing date the Commission would set when the resolution is prepared, which would probably be considered at the next meeting. That would not be the hearing date of the review, but that would be when the Commission would have the resolution to initiate the review to consider adoption. The hearing would not be for a month after that, probably the end of September.

TURNER feels very uncomfortable moving this forward and thinks, as the Chair mentioned, there are things going on that the Commission doesn't know about, with the neighborhood being dramatically affected. She thinks what the staff is recommending may be the way to go.

BURGERT also agrees with what staff recommended to do--request a resolution of intention to review the church; get clarification on what all the different uses are and what the previous agreement was and what improvements may need to be completed, if they were previously ordered.

City Attorney LOUGH thinks he is going in the same direction. He suggests, considering the issues that the Commission wants to look at, to reopen the public hearing, continue it to the next regularly scheduled meeting, and direct staff to bring back the resolution of intention on the underlying CUP for the church. Both items would be on the agenda at the same time.

AGURS knows there are serious concerns by the neighbors, especially on the west side. There are approximately 11 properties directly impacted by the actions they talked about. On the other hand, 98% of what they talked about had nothing to do with kids in kindergarten through 8th grade. It all had to do with people drinking beer, driving trucks, etc. He doesn't want to mix apples and oranges by saying that 95% of what they talked about is being done by K-8 graders, because that is clearly not the case based on what the neighbors said. There are some very serious issues that are apparently going on with the church that he thinks the Commission needs to take a look at, as proposed by City staff, and he is in agreement with the rest of the Commission. He wants to make it clear, from what he heard, that 98% of these issues have nothing to do with the Literacy First School—it has to do with actions by the church and it has to do with actions of other people coming onto the church property after hours.

AMBROSE says that was his understanding as well, but he thinks it needs to be looked at comprehensively and he thinks that is where Commissioner Agurs is going with this--that both the existing land use and the proposed land use need to go hand in glove.

TURNER concurs with what Commissioner Agurs said. She doesn't have a problem with the school coming in, but she does have a problem with the church's management of that property, based on what the Commission is hearing. The pastor says parents and neighbors make it work—it is not working right now.

Motion by AGURS, second by TURNER to reopen the public hearing. Motion carries 5-0.

LOUGH suggests that the Commission continue the public hearing on the Amendment of CUP 732 to August 11, 2003, the next regularly scheduled meeting.

BURGERT will not be present at the August 11th meeting.

Motion by AGURS, second by TURNER to continue the public hearing on Amendment of Conditional Use Permit 732 to the meeting of August 11, 2003. Motion carries 5-0.

LOUGH states the next motion would be to direct staff to bring back a resolution of intention regarding the review of the CUP 732 for the church. It would be a nonpublic hearing item, but it could be at the same meeting on August 11th.

Motion by TURNER, second by BURGERT to direct staff to bring back a resolution of intention regarding a formal review of the CUP 732 for the church and a complete list of activities held at the church. Motion carries 5-0.

AMBROSE states there will not be a noticed public hearing for August 11, 2003. The Commission will review the resolution of intention and at that time the Commission will discuss whether or not to set a new public hearing on the church.

LOUGH adds that means there will be no notices mailed for the August 11 meeting.

A person from the audience asks if there will be a notice if there is a hearing on the church.

AMBROSE answers that yes, they will be notified. He thanks the neighbors for their participation.

BREAK 8:45 PM – 8:55 PM

CONDITIONAL USE PERMIT 1965 – Le Alcala for Grieger

(public hearing) Resolution No. 9823

P.C. Meeting 7/28/03

The subject property is located on the northeast corner of Spanish Oak Place and Balsam Drive, and addressed as 1680 Spanish Oak Place; APN 511-531-27; existing LUC 1111A, proposed LUC 1111D; General Plan Designation: Low Density Residential.

Request an accessory structure with bathroom facilities in the R-1-6 (Residential One Family 6,000 sq. ft.) zone.

GRIFFIN states this is a request to add a bathroom to an existing garage that was permitted in 2001. As a result of a citizen complaint, the staff went out and investigated and determined that bathroom facilities had been added to the outside of the garage, as shown on the plans. Those bathroom facilities were added without permit and City approval. When the applicant was advised of the violation, the applicant applied for the conditional use permit, which is required for an accessory structure that includes bathroom facilities.

During the time the staff has reviewed this application, staff received a number of calls from neighbors who have provided staff information. Although that is technically hearsay, because staff did not observe it themselves, many callers indicated that the garage that was approved in 2001 has actually been a residential unit for much of that time. In fact, the garage door was stuccoed over and so it couldn't even be used as a garage. As a result of the staff citation for the bathroom, the applicant has removed the stucco and the garage has technically been recreated, although it still apparently is not being used for that purpose—it is being used as a workout room.

The applicant's application before the Commission tonight indicates that the purpose of the bathroom would be to serve the pool, which is on the other side of the property and the only entrance to the bathroom is from inside the garage. Staff is a little reluctant to believe that that bathroom would really serve the purpose in that fashion, just by the way it has been designed.

Staff is concerned that if the conditional use permit is granted for the bathroom as requested, that this garage will once again be used as a residential unit, although now it will have a legitimate bathroom, and not as a garage with an accessory bathroom serving the pool. For that reason, the staff recommendation is that the Commission deny the conditional use permit and require the applicant to remove the bathroom from the garage.

After the staff report was prepared, the applicant spoke with the project planner and provided some additional information. She indicated a willingness to remove the shower from the bathroom and to add a door on the outside, not from within the garage, and close off the door from the garage so that the bathroom would be more exclusively benefiting activities outside, rather than activities in the garage.

The applicant has also indicated a willingness to restore the parking that was lost to the garage conversion. The previous owner back in 1974 received approval to convert the original garage, and the parking spaces that were in the garage were apparently located in the former driveway. That driveway, which was on the cul-de-sac side, has since been removed and the entire front yard has been well landscaped. There are retaining walls and very nice landscaping, but the parking that was originally in the driveway is gone. The only parking for the property now is this one-car garage, but it hasn't been available for parking for much of the time that it has been built. Staff believes that the applicant should be required to provide the two parking spaces that were lost when the original garage was converted because that had been a requirement of the original garage conversion.

If the Commission believes there are reasons to grant the conditional use permit, the staff has provided the Commission some alternative conditions of approval. Staff would further add to the alternative recommendation that the applicant be required to modify the bathroom including the removal of the shower, construct an outside door, close off the inside door directly into the garage and then also provide the two parking spaces on the property in a location and with the dimensions that meets City standards.

AMBROSE asks if there is a condition number for those additional items staff brought up?

GRIFFIN answers the parking condition actually is contained in Condition 2a. The staff recommendation was that the original parking be restored, but he thinks because of the extensive landscaping that has gone in there, it may not be feasible. Condition 2a was originally written with the understanding that the parking spaces be provided in the original driveway. He thinks, if the Commission does grant this, Condition 2a would need to be reworded that the applicant needs to provide two parking spaces in an acceptable location and at an acceptable size, whether they are in the original location or in an alternative location.

As far as the doors to the bathroom, that will have to be added to Condition 3, which says, "Prior to the use of the bathroom facilities or by September 28, 2003, the following conditions shall be completed and inspected." He would make it Condition 3c, that the shower be removed and an exterior door added and the interior door closed off.

AMBROSE asks if staff is satisfied that those conditions would make this use compatible then, if the Commission decides to approve it?

GRIFFIN states since the applicant has indicated a willingness to make the bathroom less likely to be part of a separate residential unit with the changes in the doors indicated, staff is recommending that the Commission can approve the conditional use permit.

The public hearing is now open.

Denise GRIEGER, 1680 Spanish Oak, is the property owner. She states they have never rented the garage out as a separate residence. She submits photographs that show her van can park inside of the single car garage and also that she can currently park two other cars side by side in front of the single car garage. She is still willing to extend the width of the driveway by another two or three feet--whatever needs to be done.

AMBROSE asks if she agrees with the conditions that the staff brought up if the Commission chose to approve it this evening.

GRIFFIN asks if GRIEGER's intent is to comply with the door changes to the bathroom, because he is not sure.

GRIEGER says that she does intend to comply.

AMBROSE adds that is relative to removing the interior door and ...

GRIEGER understands. She has not rented that place out. She doesn't know where that false accusation has come from. She did have family members who came from Germany stay there for three days, but she has never rented that place out, nor does she ever intend to.

AMBROSE asks if she understands the staff's recommendations.

GRIEGER says that she does.

HANSON-COX asks if she actually added the bathroom on or was it there when...

GRIEGER answers that she did not, but her husband did over her objections.

HANSON-COX wonders why he didn't add it by the master bedroom. That seems like the most logical place for a bathroom serving the pool.

GRIEGER says it is not intended to only serve the pool. There is an outside play area between the house and the garage that is closer.

AMBROSE asks if anyone else wishes to speak on this item.

Rebecca LAFRENIERE, 1636 Spanish Oak Place. She is here tonight to express her opposition to the proposed CUP 1965 to allow an illegal bathroom addition onto a garage unit at 1680 Spanish Oak Place. When Mr. and Mrs. Grieger built the so-called garage they did so as a "front" for a granny flat. They stated at a neighborhood barbeque that as soon as the City inspector signed off on the so-called garage, they were going to convert it either to a rental property to supplement their income or to allow a fulltime nanny to reside there. LAFRENIERE can tell the Commission that this is what the Griegers did. The garage door was removed and a full bathroom was built. She

doesn't know about the kitchen appliances, as she was never inside the so-called garage. Due to complaints, the City inspector did return and made them remove the permanent wall in the garage that they built after their permit was signed off.

The new story provided is that Mr. and Mrs. Grieger need to retain the bathroom, not for the purpose of a rental property, but because of their pool and weight room. She would like to point out that there is no weight room. Their residential area of El Cajon requires a garage. As far as a bathroom for the pool, the location of the bathroom couldn't be further away from the pool. The majority of the houses built in their neighborhood, including hers, have a door that leads to the pool area directly into the master bedroom. It is three steps into the master bedroom for the bathroom. She understands that in the staff report mention is made of three CUPs for bathroom additions to garages or for construction of pool houses with bathrooms. The one CUP applied for with R-1-6 zoning was denied because of the potential for it to become a future rental unit. The two that were approved were in the R-E-20 zone with one acre lots. Mr. and Mrs. Grieger's lot is approximately one-fifth the size of these lots where adequate acreage is available for pool houses with bathrooms.

Mr. and Mrs. Grieger have clearly demonstrated their total disregard for the zoning and building requirements of this city and their illegal construction activities. If the real reason for a bathroom is for children who use the pool, they can easily install a door to their master bedroom and access the bathroom there. There is clearly no reason why this illegally-built bathroom should be allowed to remain. Do not allow residents, especially residents with a history of conducting illegal construction on their property, to ask for forgiveness and not for permission.

She thanks the Commission for the opportunity to express her opposition to the proposed CUP. She also compliments City staff with their attention, knowledge and thoroughness of the staff report for this agenda item and agrees with the original recommendation of denial.

Kim SABALA, 650 Balsam Drive. She agrees with the first speaker in opposition for all the same reasons. Her one concern would be parking. It is an issue in the area. The applicants currently park their motorhome in the street over 72 hours.

Her other concern would be several years ago there was a near drowning at that exact pool and, with the remote location of a bathroom being that far away with three small children, who is going to accompany the small child to the bathroom, who is going to be watching them?

Tim HALL, 634 Balsam Drive, is an adjacent property owner. He has lived there for 18 years and lives across the street from the subject property. He is requesting that the Commission deny a conditional use permit for the bathroom facilities for the same reasons that his neighbors have stated earlier and also because he doesn't think it is fair that the Griegers should be able to profit from defrauding the government. When he says defrauding the government, he is talking about numerous conversations that he

has had with the Griegers, before this project was ever applied for and was ever built, where they stated that they were going to apply to build a garage, but was actually going to be just a front for putting in a granny flat so that they could either rent it out, have it as a granny flat to take care of the three children or to have relatives from Germany stay there. When he asked Mr. Grieger how he planned to pull this off, he said that he was going to hide the utilities, build it as a garage and as soon as it was signed off by the inspector, he was going to put in the bathroom, which is exactly what has happened.

Shortly after the garage was completed, the large front garage door was completely plastered over and you could never tell that it was ever designed as a garage. The area that is described as the driveway to the garage was occupied for almost two years by a large boat. It was not used for parking cars. To his knowledge, for the entire time that this granny flat has been there, it has never been used to park a vehicle and has never been used as a garage.

He thinks it was a fraud from the very beginning and he doesn't think they should profit from it. He thinks anything short of requiring the removal of the bathroom is going to result in the applicants and neighbors being here again at some time in the future trying to figure what to do with an illegal granny flat.

AMBROSE states there is a possible good side to this if the Commission grants the conditional use permit, based on what the staff has recommended. If the applicants remove the shower, remove the interior door from the garage and then replace the parking that was originally lost. The good thing is that with a conditional use permit, the City has control and the City can do surprise inspections at any time. The applicants wouldn't be able to convert this back to a separate dwelling unit as easily as if the Commission denied the request and then left it alone. It would be harder for them to fly below the radar with this conditional use permit because the City is going to have them on their screen all the time. If the applicant is willing to comply with providing the additional parking spaces and to use the garage as a garage, and to remove the shower from the bathroom, they will be required to go through annual inspections to make sure that it is in compliance (*sic*).

HALL still doesn't think it is fair.

Elaine DUCHARME, 1648 Spanish Oak Place, concurs with those who spoke before her and she would also hope that the Commission would do as was recommended by the staff report, which is to deny this request.

AGURS asks how many bedrooms and bathrooms are in the main house?

GRIFFIN answers four bedrooms, two bathrooms.

AGURS asks how old the applicants' children are?

GRIEGER returns to the podium and answers 6 ½, 3 ½ and 2 ½ years old. She adds regarding the parking of their cars on the streets, she has a picture of that. She only owns two vehicles—her van and her motorhome, and she also brought pictures of what the parking is actually like, outside of her own vehicles.

AMBROSE asks her to submit them to the City Attorney. LOUGH gives them to the Commission.

GRIFFIN adds that he failed to mention earlier that staff had received some photos today. He is not sure who submitted them. They are photos of the subject property and the street around the property. He doesn't know if they are similar to the photos the Commission has just received, but they are very detailed in showing what is out there. The photos are given to the Commission.

AMBROSE did notice the motorhome when he went by the property. He asks how often the Police Department tows vehicles if they have exceeded the parking time.

GRIFFIN state the Police Department generally responds to complaints. It is, however, an ordinance requirement that you can only park a vehicle or anything on a trailer for 72 hours in one spot on a city street and then you have to move it. If this motorhome is not being moved every 72 hours, it would be in violation and could be subject to either being cited or removed. That is the risk that would apply to anybody, not just the Griegers.

No one else comes forward.

Motion by AGURS, second by HANSON-COX to close the public hearing. Motion carries 5-0.

Under discussion, AGURS would not like to see any of the retaining walls torn out because it is a corner lot and the retaining wall and landscaping look very nice. He would much rather see that landscaping there than cars. He thinks the one-car garage plus the extended driveway provides adequate space for parking for two cars, plus the garage can be used also. Regarding the bathroom, it can be viewed either way. He wouldn't want people tramping through his house when they can go to the bathroom at the pool deck, but then again, the kids are at such a young age that you really don't want them going off to a bathroom by themselves in a garage far away. He believes they should be required to remove the bathroom, but does not want them to restore the driveway for an additional parking space. He thinks there is adequate parking there if used properly.

HANSON-COX says since they have the small kids, she would be more concerned, if she were a parent, to have a bathroom closer to the pool so she can observe the children. However, she likes the possible enforcement if the Commission did approve the conditional use permit. She is 50-50 right now.

TURNER thinks the bathroom is too far away from the pool, especially with small children. The original intent of that bathroom looks like its use was for something else. She thinks the entire bathroom should be removed.

TURNER agrees with Commissioner AGURS on the parking. It looks like you could put two cars behind the one-car garage. She thinks it is unfortunate that the applicants are in the position and circumstances they are in.

BURGERT thinks, in looking at the photos, the neighbors obviously feel that the applicants are getting away with something. He is also 50-50. If the Commission approves this, then there would be some accountability, but at the same time he doesn't like the extra bathroom and agrees it is not conducive to where the pool is and it appears to him that there was some alternative motive. He is not in favor of this situation. He thinks the front landscaping does look nice in these pictures. At the same time, he doesn't want to condone something that has been put there illegally. He doesn't think it is appropriate.

No further comments are offered.

Motion by AGURS, second by TURNER to DENY Conditional Use Permit 1965 for an accessory structure with bathroom facilities in accordance with the staff report.

GRIFFIN asks that the Commission add a maximum time frame of 60 days for the applicant to remove the bathroom facilities. There is also an appeal process that must be followed before the Commission's decision is final.

AMBROSE asks AGURS if the motion includes a 60-day removal.

AGURS and TURNER answer affirmatively.

LOUGH assumes the motion also includes findings A, B and C listed in the staff report as well as the extensive comments during and after the public hearing.

AGURS and TURNER agree with LOUGH's comments.

Motion by AGURS, second by TURNER to DENY Conditional Use Permit 1965 for an accessory structure with bathroom facilities in accordance with the staff report and reasons as well as the public testimony this evening with the applicant required to remove the bathroom facilities in 60 days. Motion carries 5-0.

AMBROSE states the conditional use permit has been denied by the Planning Commission unless an appeal is filed with the City Clerk by August 11, 2003 at 5:00 p.m.

A person from the audience asks if anybody else can say something.

AMBROSE answers no, the public hearing is over. If they wish to appeal, they can be heard at the City Council or they can call staff during regular business hours.

In response to a person in the audience, AMBROSE says if the item is appealed, they will be notified of another public hearing the same way they were notified of this hearing.

RESOLUTION OF INTENTION NO. 9816

(discussion) Resolution No. 9816

To set to public hearing the consideration of an amendment of Specific Plan 182, including, but not limited to, its boundaries, development standards and uses.

Motion by TURNER, second by BURGERT to adopt Resolution of Intention No. 9816 to set to public hearing the consideration of an amendment of Specific Plan 182.

AGURS asks TURNER if she is on the El Cajon Community Development Corporation board?

TURNER answers affirmatively, but that she hasn't gone to any meetings yet. She doesn't have a financial interest. She just got elected to the board, but hasn't been sworn in. Her understanding is that that wasn't a financial conflict.

LOUGH doesn't think she should vote. He would like to take a look at it later, before the Commission goes any further. He would prefer someone else make the motion and that TURNER abstain on the motion.

A new Motion by HANSON-COX, second by BURGERT to adopt Resolution of Intention No. 9816 to set to public hearing the consideration of an amendment of Specific Plan 182, including, but not limited to, its boundaries, development standards and uses. Motion carries 4-0, TURNER abstains at the request of the Assistant City Attorney.

ZONE RECLASSIFICATION 2226 & AMENDMENT OF CONDITIONAL USE PERMIT

115 - El Cajon Trailer Park Inc., dba Lynwood West Mobile Home Park

(discussion) Resolution No. 9824 and 9825

The subject property is located on the southerly side of E. Washington Ave. between S. Second St. and Leland Place; APN 493-120-16, -18, -78, -79, & -80; LUC 1400;

General Plan Designation: "Low Medium Density Residential/Mobile Home" & " Medium Density Residential/Mobile Home".

Request for extension of time to complete conditions of approval for a rezoning and expansion of an existing mobile home park.

Staff has no comments.

Richard GRABHORN, 10601 Tierra Santa Blvd, #353, San Diego, is the applicant's representative. He concurs with staff recommendations.

Motion by TURNER, second by HANSON-COX to GRANT a one-year extension of time to August 13, 2004, for Zone Reclassification 2226 and Amendment of Conditional Use Permit 115 subject to the same conditions and reasons as contained in the original resolutions. Motion carries 5-0.

LOUGH states earlier in the meeting there was discussion about participation in a public hearing where a Commissioner hadn't been present for the first part of the public hearing or an earlier meeting from which the hearing was continued. Because the only person that spoke last time on the specific agenda item was the applicant and he agreed with everything that was in front of him and there were no other issues and nobody else spoke, LOUGH said it was okay for Agurs to vote even though he was absent at the first hearing. The typical situation, the vast majority of the time, the commissioner that wasn't present is required to listen to the tape, review the minutes and the staff reports and any other materials before they are allowed to vote. However, it is 1 in 100 times that he would say it is okay for that commissioner to vote. In all other instances, you need to go through due diligence before you actually begin to participate.

PREDRAFTED RESOLUTIONS

To reflect the actions of the Planning Commission on tonight's agenda items.

Motion by AGURS, seconded by TURNER to adopt Resolution Nos. 9817, 9819, 9820, 9821, 9823, 9824, and 9825 pro forma. Motion carries 5-0.

ORAL COMMUNICATIONS

There were none.

CORRESPONDENCE

There was none.

ADJOURNMENT

The meeting of the El Cajon City Planning Commission adjourned at 9:33 PM this 28th day of July 2003.

Anthony AMBROSE, Chair

ATTEST:

James S. GRIFFIN, Secretary