

MINUTES
PLANNING COMMISSION MEETING
AUGUST 11, 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, AGURS, AMBROSE
COMMISSIONERS ABSENT: BURGERT
OTHERS PRESENT: RAMIREZ, Senior Planner
GALLAGHER, Staff Attorney
KRULIKOWSKI, City Traffic Engineer
ALVEY, Associate Planner
O'BRIANT, Administrative Secretary

MINUTES OF 7/28/03

Motion by AGURS, seconded by TURNER to approve the Minutes of July 28, 2003, pro forma; carries 4-0, BURGERT absent.

CONDITIONAL USE PERMIT 732 – Planning Commission (Foursquare Church)
(discussion) Set to public hearing (Reso. No. 9826); letter to applicant
P. C. Meeting 8/11/03

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.

To review the conditions and activities held and authorized at the church in the R-1-6 (Residential One Family 6,000 sq. ft.) zone.

RAMIREZ notes, for the Commission's benefit, that there are two items on this evening's agenda regarding the same property. This is a discussion item, which will be followed by a public hearing item (#2 on the Agenda).

The public hearing on Amendment of Conditional Use Permit 732, for the addition of a charter school to the existing church on the subject property, was continued from the Planning Commission's last meeting on July 28 due to concerns from several neighbors that the existing church was not compatible with adjacent single-family residences. The neighbors adjacent to the site identified the following problems during their testimony: access to rear parking areas when the church is closed, resulting in unacceptable activities taking place; noise from church patrons and from refrigerated semi-trailers parked on the site; fence maintenance along the westerly property line; and the maintenance of landscaping. These issues have been investigated by City staff through site visits; a review of ongoing conditions of approval for Conditional Use Permit 732; discussions with the church's senior pastor, Dennis Estill; and a review of additional information submitted by Pastor Estill.

In his letter to the planning commissioners dated August 8 and included in the commissioners' packets, Pastor Estill clarifies that he can address conditions only since he has arrived as pastor of this church in March of last year. In response to the complaint about access to the rear parking area when the church is closed, staff confirmed that a permanent gate was installed in the driveway where traffic cones were previously used. This recent action by the church is documented in photo #1 attached to the staff report.

Apparently, the noise from refrigerated semi-trailers has occurred during hours when no outdoor group activities are authorized according to the Planning Commission's resolution approving the conditional use permit for this operation. Even though the delivery of food items is not a frequent occurrence, and in the staff's opinion not classified as a group activity, Pastor Estill has advised that he will instruct drivers not to arrive before 8 AM.

With regard to the church's perimeter fencing, staff has documented in photo #4 the only portion which, in staff's opinion, is clearly in need of repair. Staff understands that Pastor Estill is willing to cooperate by sharing in the cost of repairing or replacing this section of fencing.

Staff has observed that landscaping on the site is generally in very good condition, and is recommending some enhancements be installed along the Summer Place frontage at the easterly property line in conjunction with item #2 (CUP 732 public hearing) on this evening's agenda.

RAMIREZ states the record of complaints received from citizens about the previously reported problems and activities is rather sparse. Planning Division records contain one notation about landscaping on Summer Place, from a call in 1989. The City Manager's Office has verified that they have received no complaints in the past year. Since 2001, the Police Dept. has received only five calls for service to this site.

The staff report for this item includes a listing of all activities that occur on the church site, together with an estimate of the number of participants. Staff believes these

activities and their respective times conform to the requirements set forth in 1989 by the Planning Commission.

RAMIREZ says it is staff's opinion that the church has demonstrated that it can operate in a manner that is compatible with the surrounding area. If the Commission agrees, the appropriate action is to accept and file this report. As an alternative, the Commission can choose to conduct a formal review of Conditional Use Permit 732 by adopting a resolution of intention to set the matter to public hearing.

AMBROSE asks if the Planning Commission elects the latter recommendation, what does that mean for agenda item #2 (CUP 732, request for school).

RAMIREZ replies it should be continued.

AMBROSE states that this is a discussion item, and the Commission needs to make a decision on whether or not a formal review of the church is warranted. What are the commissioners' feelings?

TURNER states she appreciates the pastor bringing the Commission the weekly activities and times of operation. Looking at condition 4.c) in the conditional use permit (CUP) that is in place, it seems that it goes to 11 PM on the weekends and 10 PM during the week. That seems kind of late for that neighborhood. In addition, she would like to put the times for the deliveries of the food in the conditional use permit.

AMBROSE asks staff if the conditional use permit would have to be amended to include food delivery trucks and the hours of operation.

RAMIREZ replies that those conditions would have to be added under item #2 (CUP 732, public hearing). The Commission does have the option of calling forward anyone from the audience who may wish to provide input. Perhaps the applicant would want to address the late hours that Commissioner Turner noted.

HANSON-COX visited the property again and went all the way around it. One of her concerns still was one of the complaints that she heard at the last meeting about people loitering there during all hours and residents finding all kinds of things in their backyards. Who knows if they are from the church property or not? They say they have been keeping it clean. She knows that the one gate by the pastor's residence goes in back and keeps vehicles from going in to the back. Still, there is the whole parking area in the front where people can still pull in and loiter or do drugs. That one portion worries her. She saw on the east side that there is a fence going all the way across and for some reason, she thought there could be something similar on the west side. She didn't realize they were just going to block off the back parking lot.

HANSON-COX asks, if this is approved, is there any reason why the gate can't be kept closed on Pepper Drive to make sure that people do not take shortcuts through there? People will do that.

AMBROSE asks if the concern about access to Pepper Drive is really related to the school and not to the church per se.

HANSON-COX replies that the back gate that she saw from Pepper gave access to the church. She did not know whether during school hours the gate has to be opened. If it is, she can see people shortcutting through there. Whether they are sent a notice or not, they are still going to do it.

RAMIREZ states Noah Alvey, the planner who prepared the staff report and had the most dealings with the applicant, is here tonight and has advised her that that gate is not to be used in conjunction with the school, and that it is to remain closed.

HANSON-COX still has an issue about the parking lot. She knows there is no security there and the pastor can't be expected to watch the front parking lot all the time. Or, maybe he is planning to do so. That looks like a prime area for kids to hang out and all kinds of things to happen. She used to live in that area and knows there are some drug problems there.

RAMIREZ states the tone of these comments is really pointing toward the Commission discussing whether it wants to adopt the resolution of intention to set this to public hearing. Her previous comments actually were in error. It is not appropriate to use item #2 on tonight's agenda to consider modifying the church's conditions of approval, since item #2 is specifically addressing the addition of a school to the church property, not the church's operation itself.

AGURS states most of his issues incorporate what Commissioner Hanson-Cox said. He believes that comes under item #2 (CUP 732, the request for a school). He thought the Commission was looking right now to see if the church complies with the current conditional use permit. From his two visits to the property, with the installation of the barrier and some other things that they have done, it looks like it is in compliance. He will bring his issues up under item #2.

AMBROSE agrees with AGURS at this point.

TURNER states her concern is the hours of operation. They are meeting those guidelines right now, but the neighborhood was stating the hours of operation of 11 PM and 10 PM were an issue. She is also concerned about the deliveries, which could be covered by changing the conditional use permit, which she understands would take a resolution (of intention) to do. Is that correct?

RAMIREZ replies yes, that would have to be done at an advertised public hearing. The Planning Commission would be initiating the public hearing to formally review the conditions of approval and decide whether the existing ones are adequate or if they need to be modified or augmented with new conditions.

TURNER is discussing this because the majority of the minutes are stating issues about the deliveries and hours of operation. She reiterates that she appreciates the list of activities that the pastor has provided, but she thinks there is still an issue.

AMBROSE says he noted from the staff report a lack of complaints to the City about that. The Commission did hear it at the public hearing so that doesn't mean it doesn't exist.

TURNER understands from the minutes that the neighborhood itself was trying to work it out with the church. She thinks that is something the Planning Commission needs to look at.

AGURS agrees with TURNER, but that is why item #2 is on the agenda, which is an amendment to the conditional use permit. If the Planning Commission wants to amend the conditional use permit, a time change or time restriction is certainly a condition that can be put in.

TURNER is willing to do that but she thought staff was directing the Planning Commission to do something different.

RAMIREZ advises that item #2 (CUP 732 requesting a school) was advertised to add the school as a new use to the church's property. It would be another one of those activities on the list that Pastor Estill has already provided, another user of the property. Item #2 is not directed at the church's existing conditional use permit or the conditions of approval that are specific to the church and church-related activities. It is just for the school.

AMBROSE asks if the Commission can make changes to the conditions of approval that were originally approved for the church to make it more compatible with the school use and the neighborhood, if it sees a need for those changes.

ATTORNEY GALLAGHER advises no, not at this time because that is not what was noticed for this public hearing. Only adding the school can be considered under item #2.

TURNER states the hours of operation for the new school weren't an issue; it was the hours of operation that are in the conditional use permit that affect the neighborhood. Condition #4.c) says it goes to 10 PM and 11 PM. That, and the delivery of food, have been issues. The deliveries were a huge issue. The trucks coming in and trying to contain them is not in the conditional use permit. It is the church's mission to do that, and she is sure it is going to be an ongoing issue. She thinks it needs to be spelled out to help protect that neighborhood.

RAMIREZ wants to answer all of the commissioners' questions to their satisfaction. Even if the applicant steps forward under item #2 and volunteers to make changes in the hours of operation and basically deletes the delivery of food merchandise by those large trucks, that doesn't give the City any enforcement tool; it is a gesture on Pastor

ESTILL's part to cooperate with the neighbors. She believes it would still be appropriate to set the item to public hearing so that the City has a properly noticed hearing to address those issues. It will be unfortunate that any neighbors who are here this evening would be coming back again, but this is a procedural issue and staff wants to be technically correct on it.

AGURS is not comfortable in penalizing the school because of a procedure issue where the Commission can't change the time. That wouldn't be serving anybody, even though he knows that the Commission wants to change the times so that maybe activities end at 8 o'clock. Even though right now the church says that the activities end at 8:30 or 9:00 o'clock, he would like to be able to change the conditional use permit to read somewhere around 8 PM, which will require renoticing. He doesn't want to penalize a very good project (the school) over a procedural issue. He is more inclined to go ahead and leave CUP 732 the same and deal with issue #2 (CUP 732 public hearing). If #2 passes, it can be brought back later to address the issues of CUP 732 again. That would give time for proper noticing, and the Commission's objective could be accomplished.

TURNER agrees that the Commission should be able to move forward on item #2.

AMBROSE asks advice from the Attorney as to whether agenda item #1 (discussion item) can be continued for a month so it can go forward with agenda item #2, and come back and revisit the church compatibility issue.

RAMIREZ advises that staff doesn't want to confuse the public or the commissioners about the separate issues. Even if the Commission were to stop talking about this item under #1 as a discussion item, and trail it until after action is taken on item #2, the people who may be here to express concern about the church's operation should understand that is a separate consideration. Anyone can give testimony during any hearing, and item #2 is a public hearing. But if there are people who want to talk to the Commission about issues associated with the church, and they give testimony when the public hearing is opened for item #2, the Planning Commission will probably be telling them that their comments should be focused on the request, which is to add a school to the church's property.

TURNER still thinks item #1 (CUP 732 discussion) should be continued and see what happens on CUP 732 (request for school). The audience has heard that the Planning Commission is trying to protect the neighborhood with the hours of operation of the church, not particularly item #2 about the school.

No further comments are offered.

Motion by AGURS, second by TURNER to CONTINUE the discussion on CUP 732 to a later date.

RAMIREZ states staff would like clarification on the motion. What would the continuance date be, and what is the reason for the continuance?

AMBROSE says from what he heard, it is so not to penalize a fair hearing on Literacy First at this point because the Commission wasn't ready to file the report with some unresolved issues regarding noise.

AMBROSE asks if agenda item #1 can be trailed to the end of the meeting.

ATTORNEY GALLAGHER answers yes, procedurally there is not a problem if the Commission wants to rearrange the agenda.

AGURS asks if it would be in line for him to make a motion to move item #1 to the back of the agenda.

In reply to AMBROSE, GALLAGHER states making a motion would make a clear record.

The prior motion for a continuance was withdrawn.

Motion by AGURS, second by TURNER to trail agenda item #1 to the end of this evening's agenda; carries 4-0, BURGERT absent.

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

(continued public hearing) Resolution No. 9827
P. C. Meeting 8/11/03

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 to an existing religious facility (church) in the R-1-6 (Residential One Family 6,000 sq. ft.) zone. ***Continued from the meeting of July 28, 2003.***

RAMIREZ advises that the Planning Commission continued this item from the July 28, 2003 meeting in response to numerous complaints from adjacent residents. Prior to the public hearings, staff had received a petition with 43 signatures stating that the signatories were opposed to the addition of the proposed charter school for 350

students. There were no reasons stated in the petition in support of the expressed opposition. Staff did not receive any phone calls or visits from neighbors and, so, at that point, had no knowledge of the complaints that were made during the public testimony.

The Planning Commission believed it was not appropriate to take action on July 28, so staff was directed to come back with a complete list of activities that are held on the church property. The list, together with other information, was presented in the previous agenda item. Because the Planning Commission has decided to defer discussion in item #1 to later in the agenda, it is appropriate to continue the consideration, using information in the current staff report on the proposed charter school. The new report provides clarification on the school hours of operation and on the logistics of outdoor recreation. If the Commission is satisfied that these topics have been adequately covered, then it should rely on the July 28 staff report for other facts. The recommendation is to grant the amendment of Conditional Use Permit 732 to add a charter school for 350 students maximum enrollment, subject to the conditions stated in the staff report.

The public hearing is still open.

Kevin McGREW, 1757 Summer Place Drive, El Cajon CA 92021, states the discussion has been stopped on item #1. If any of the allegations of misuse of that property from item #1 are true, isn't it true that there is a safety issue in approving the school on those grounds? He has concerns about safety out there for the kids that might be exposed to some of the things the Commission is saying it will continue to talk about later in the meeting.

AMBROSE replies there are two separate issues. One is the school, and one is the church. The Planning Commission is trying to separate the two and is trying to address the issues that might be a conflict between those two uses, as well as the conflicts of the church and the school with the neighborhood. The Commission wants to have a fair hearing on the school issue at this time. There seems to be a difference of opinion among the commissioners of how to proceed with the church, and that will be hashed out more thoroughly. He doesn't see an issue; he thinks the Commission will resolve it this evening.

In reply to AMBROSE, McGREW says he spoke two weeks ago about finding bottles and cans in the parking lot on the east (Summer Place Dr.) side. He didn't take pictures and, of course, pictures won't be found in the Foursquare Church photos. They also talked about four 12-year-old oak trees on Summer Place, and those aren't in their pictures either. If any of those allegations are true, he believes kids K-8 would be at risk for cutting themselves, tripping and falling on broken glass, and from the condoms and needles. He has never seen any of those, but they were brought up at the last meeting. He just wants to remind everybody that the kids' safety is what we should be talking about. If any of those allegations are true, it seems like they are being dismissed.

AMBROSE doesn't think they are being dismissed. As many years as he has put kids through elementary school in Cajon Valley School District, there hasn't been a parking lot in the schools his kids attended that weren't at some point trashed by some kids or young adults that didn't have any business doing that. It does get cleaned up; unfortunately, not to the satisfaction of parents. There are hazards everywhere for our kids.

McGREW just wants to remind the Commission about that.

AMBROSE thanks him.

Teri Pica DREHER is a homeowner at 1721 Woodburn Street, El Cajon CA 92021. The neighbors and the community surrounding the church are about 94% against the school coming into the church, not because they don't think that charter schools are great because of the classroom size and all the other things they offer, but just because of what it would be doing to their little neighborhood. They are a little confused. The police is telling them that for their safety they need to keep the hedges around the church below 3 ft. so the older kids don't hurt their property and do things to their homes. Yet, they need the bushes to be high like they are supposed to be to keep out the noise. There is constant noise from the church. So, do they keep the bushes low so they are safe and their children are safe, or do they keep the bushes high so they can sleep in the evenings?

She says traffic is a huge problem. She noticed they had a group do a report saying the extra traffic would not affect the neighborhood. If the community would put their money together, they could also find a group to write a report that says the traffic would affect their neighborhood. Unfortunately, one gentlemen who lives by them and knows how the traffic is on Bradley isn't here tonight.

Traffic and noise are huge issues and they don't want a school put into the church. They didn't buy their homes by a school. She has elementary school kids and thinks that charter schools, with the state our schools are in, sound like a good opportunity for her sixth grader to go into a better school system. Yet, they just don't want that in their backyards. The groups that lease space from the church are there until 9:00 or 9:30 PM. They have spoken to them to try to calm them down themselves. The Friday after the last meeting, she had to go out again into the parking lot because there were about 13 children riding bikes and big wheels at about a quarter to nine. Nobody from the church was out there trying to get this to stop. Granted, a gate was put in farther into the church parking lot, but there is nothing at the entrance to keep people out when the church hours are closed. The neighbors at the front of the street are still having a problem with lots of noise, and are still finding beer cans in their shrubbery. They just want their neighborhood to be safe and don't want the traffic and the cars in their little neighborhood.

She asks the Planning Commission to remember that while people in El Cajon are trying to make this a family community, it is important to listen to the families that are

speaking out because they are letting the Commission know that they love their homes, they love their city and they love their state, but this would not work good in their community. She is sure there are other churches that could take Literacy First and have a great, wonderful outcome. She asks the Commission to not ignore the 94% in the encircled area that signed the petition. She hopes the Commission will be for the community, because someone has to stand up for them.

Randall KAUFMAN, 1018 Malene Ln., El Cajon CA 92021, considers the neighborhood to be from First Street to Graves and Pepper to Greenfield, the little block of area that the church is in the center of. He considers that church a diamond in the rough. There are five liquor stores and three bars in that neighborhood. Talk about noise; where do people think the noise is coming from? It is coming from the bars that don't have any operations limitations. The bars and liquor continue into the wee hours of the morning. They are selling liquor and pornography, and nobody seems to have any complaints about that. But there are complaints about a church that wants to open up a school and serve its community. It upsets him greatly. He has watched that church grow and has seen them do nothing but try to help the neighborhood. He feels badly because he doesn't think the neighborhood has done anything to be good neighbors to the church.

KAUFMAN knows that the complaints against the church are greatly exaggerated, if not out-and-out lies. He lives in the community and sees what is going on. People talked about late night delivery trucks pulling into the parking lot. He has never seen one in the parking lot but has seen them parked on the street in front of the church on Bradley. The church doesn't have jurisdiction over who parks in the street. He knows there are people that surround the church property that have gates built into their fence so they can cut through the church property. He can show the Commission if it would like.

He thinks it would be in the best interest of the neighborhood to let the church have the K-8 school. He apologizes to Pastor Dennis Estill on behalf of the neighborhood for the behavior of those who have criminally trespassed, vandalized, misused, or thrown their trash over the fence into the church parking lot without any permission and engaged in illegal activity on the church property, whether it is because the neighbors weren't paying enough attention to where and what their children are doing or just ignored activity that they knew was wrong that was going on and failed to do anything about it. He has personally confronted people on the church property that didn't have any business there and told them to leave, and they left. That is part of being a neighborhood; people look out for each other. Just because they are a church doesn't mean the neighbors shouldn't look out for what is going on on their property. If he saw somebody crawling into his neighbor's bedroom window, he would do something about it. He isn't going to blame his neighbors for it. He would call the police and help his neighbor protect his property.

Bert QUICK lives in Temecula and works in San Diego. He is in law enforcement, and gives the address of 8811 Cuyamaca Street, Santee CA 92071. He is a member of the church, and one of the things he has done is encourage his deputies, as well as all law enforcement, to park in the front parking lot to write their reports, have coffee that the

church provides on occasion, and to utilize that area for shade during the hot weather or just some quiet time so they can complete reports.

Pastor Dennis ESTILL, 1012 E. Bradley Avenue, El Cajon CA 92021, comes forward and states he thinks the school will be a fine addition to not only the community but to their church as well. They feel it is compatible with the neighborhood and with their church. They feel very confident of the safety that they can offer to them. The continued support of their community is vital to them. They want to be a good neighbor. They have not always been a good neighbor in the past, but have made extraordinary efforts during the last couple of years to do that. He assures that they will continue to do that.

AGURS says since we are on item #2, he really didn't want to hear from the pastor, he would rather hear from the principal.

Jerry KEOUGH, 10331 Don Pico Court, Spring Valley CA 91978, would be happy to answer any questions. He thinks he made all the statements he wanted to two weeks ago.

AGURS knows that KEOUGH, as principal of the school, was surprised two weeks ago at some of the issues that were brought up. He asks if KEOUGH is satisfied with the corrective action that has taken place out there? AGURS thinks he probably gave them some specific guidance of what he would like to see as a result of having his school go in.

KEOUGH replies when they started this process last October, they talked about the use of the property and what needed to be done to make sure the kids were safe. He has seen a huge difference in the property since he first looked at it. It complies with what they need for safety for their school. He knows that if anyone would look back at their record at 799 E. Washington, when they first took it over, it was not a pretty sight. He thinks it is now the nicest elementary school in El Cajon Valley. It is because the parents have put in time, and they have painted. They have the same concerns as the neighbors. He thinks they are part of the solution and he can't see that they would be part of the problem.

TURNER asks if this is approved tonight, will school start in September or has that been delayed?

KEOUGH would like to say yes. He has really pulled back. He has had to tell some parents that it might not work for them. They have to stay within the confines of their 340 limit at the site where they are, so they have tried to stay true to what they have promised parents but have had to scale it way back. He would like to leave that open to look at tomorrow morning when he has the Commission's decision.

AMBROSE thinks all the issues have been heard, and would like to move this item along.

Motion by AGURS, second by TURNER to close the public hearing; carries 4-0, BURGERT absent.

Under discussion, AMBROSE states some of the worst situations he has ever seen are land use incompatibility issues centered around churches and automobile repair facilities, for some reason (not that the two are linked together in any way). It seems that they provide some of the most serious incompatibility issues. He thinks for churches it is just an oversight in the way they operate a lot of times. They just don't realize that kids playing in the parking lot after 9 o'clock are a disturbance to their neighbors. Parishioners hear the happy voices of the kids, but when one is trying to sleep and get up early and go to work the next morning, it doesn't sound so good. There are a number of issues the Commission will have to deal with to make this compatible.

AGURS thinks AMBROSE is talking about the issues he brought up under item #1, which is at the back of the agenda. He wants to deal with item #2, which is specifically the school. He also has a lot of issues with item #1, but we are not there yet.

AMBROSE asks AGURS' issues on item #2.

AGURS doesn't have any issues on item #2. He thinks the school will be a plus. Ninety-eight percent of everything he heard is going to fall into item #1; he has some of those same issues and concerns. His pleasure on item #2 is to move forward. He is prepared to make a motion.

TURNER would like to move the proposed Negative Declaration along.

Motion by TURNER, second by AGURS to adopt the proposed Negative Declaration; carries 4-0, BURGERT absent.

Motion by AGURS, second by TURNER to GRANT Amendment of Conditional Use Permit 732 in accordance with the staff report.

Under discussion, AMBROSE says that he has had some experience with Literacy First on Washington and they are an excellent school. They have really cleaned up the facility and are very compatible with that neighborhood. He has visited that facility and seen what they have done. Some kids in his neighborhood that go to that school, and they are doing very well. He will support the motion.

Motion carries 4-0, BURGERT absent.

AMBROSE states this is final action unless appealed to the City Council. The appeal period ends at 5 PM, August 25, 2003.

AMBROSE reminds the audience that item #1, the discussion on the church, will be discussed further at the end of the meeting.

Dennis ESTILL comes forward. He is confused by moving agenda item #1 to the back of the agenda. Is the Planning Commission not planning to have public discussion? Will there be public input at that point?

AMBROSE replies that will depend on whether the Planning Commission wants to take any public testimony on the church. He tells someone in the audience that they should stay if they want to have input.

ZONE RECLASSIFICATION 2235 – Shoemaker for William Halls Trust

(public hearing) Resolution No. 9828

P. C. Meeting 8/11/03

The subject property is located on the south side of Granite Hills Drive between South Second and Dorothy Streets, and addressed as 1203 Granite Hills Drive; APN 514-014-07; LUC 1111A; General Plan Designation: Low Density Residential (City of El Cajon).

Request to prezone property from County of San Diego RS4 zone to City of El Cajon R-1-6 (Residential One Family 6,000 sq. ft.) zone.

RAMIREZ states approval of this request for a rezoning of the subject property will allow the applicant to request annexation of the subject property to the city of El Cajon and to obtain City approval of an existing, unauthorized connection to the City's sewer. Staff has identified the major planning considerations in conjunction with this rezoning consideration as follows: the sphere of influence; general plan consistency; and compatibility with the surrounding area. Zoning Ordinance standards will also be discussed.

The first issue to be discussed in conjunction with the proposed rezoning is the property's location in relation to El Cajon's adopted Sphere of Influence. The sphere is a geographical area that includes city territory and properties in the unincorporated area of San Diego County, which may be approved by San Diego Local Agency Formation Commission (LAFCO) for annexation to El Cajon. An annexation means that urban services by the City of El Cajon, such as sewer, police and fire, can be provided to those properties that have been annexed. Properties not located in the sphere may not be annexed.

The subject property is shown in Staff Exhibit 'A' as being contiguous to the city limit line and located within the City's adopted Sphere of Influence. Pursuant to State law requirements, the City must find that a rezoning request, like a rezoning, is in conformance with the adopted General Plan. The General Plan designation of the subject property is "Low Density Residential". This category allows three to ten dwelling

units per net acre. According to the City's Zoning Consistency Chart, the requested R-1-6 zone is consistent with that land use category.

RAMIREZ says that the neighborhood north of the subject property is developed with a mobile home park in the city limits of El Cajon. The park's perimeter and its landscaping set it apart as a private community somewhat unlike the surrounding development. On the other sides of the property, single-family residential properties are found in the City of El Cajon's R-1-6 zone, and in the County's zoning known as RS4. Most of the County properties contain half an acre, more or less, where the County has a zoning requirement for a minimum lot size of 10,000 sq. ft. Approval of the proposed R-1-6 zone would be consistent with the City's zoning pattern found in this area. It is staff's opinion that the character of these same City properties does not differ significantly from the County properties found south of the subject property. Staff therefore believes that the approval of the requested rezoning to the City's R-1-6 zone would be compatible with the surrounding area.

As a matter of information, RAMIREZ states the Planning Commission will note in the applicant's letter that the subject property is in escrow. To date, she believes that still to be true since staff has not been informed otherwise. As staff understands it from the applicant, Ms. Shoemaker is most interested in completing the rezoning process in order to then proceed with the filing of an annexation application and subsequently work out with the City's Public Works Department the details of maintaining the existing connection to sewer.

Although Ms. Shoemaker has indicated there are no plans to redevelop the subject property or add units, in consideration of the consequences of this rezoning action, staff has assumed the property will be able to accommodate a total of three dwelling units in the future if the annexation process and this rezoning have been completed. Staff has determined that the rezoning and subsequent residential development would be exempt from environmental review.

With regard to Zoning Ordinance standards, the subject property exceeds both the minimum lot width and the minimum lot area required for the R-1-6 zone.

Regarding setbacks, RAMIREZ advises that staff assumes that the accessory structures noted in the staff report are all exempt from City setback requirements because of their individual size. Any future efforts to add building floor area must comply with the City's R-1-6 zone, if the property is rezoned and annexed.

During a site visit to the property, staff noted that an existing wood fence at or near the front property line exceeds the City's maximum allowable height of 42 inches for a fence or wall located in the front setback. Staff has included a condition recommending that the applicant be required to remove, relocate or modify the fence to meet the City's requirements prior to annexation. Also, it was noted that the existing driveway access to on-site required parking does not meet City standards. Paving it with asphalt or

concrete at a minimum of 10 ft. for the length of the access would meet City requirements.

Public Works Dept. requirements have been added as conditions of approval. The most notable ones are found under item B-1) on the second page of the correspondence, which deal with action to be taken immediately by the applicant to address the illegal sewer connection. Because the Planning Commission does not have the authority to modify Public Works requirements, the applicant may discuss those conditions when the public hearing is open for the record, but must address the City Council regarding any request to modify or waive Public Works requirements.

RAMIREZ indicates that in response to the public hearing notice distributed for this item, staff heard from two property owners in the area who sought clarification. Also, a letter was received from the Valle De Oro Community Planning Group indicating that the members of that group voted unanimously to find that the proposed R-1-6 zone is not appropriate, in their opinion. Although they have expressed that the R-S-9 zone will result in development of the property in the manner that is not compatible with adjacent properties remaining in the county, staff has previously stated that the rezoning to R-1-6 is compatible with surrounding city properties.

Staff is recommending that the rezoning be recommended to the City Council for approval from the County of San Diego RS4 zone to the City of El Cajon R-1-6 zone, subject to the conditions and reasons stated in the staff report.

The public hearing is now open.

Vickie SHOEMAKER, 1203 Granite Hills Drive, El Cajon CA 92020, is the applicant. She is confused about the Public Works requirements. Her next-door neighbor has the same kind of dirt driveway. If their driveway has to be concrete, does his too?

KRULIKOWSKI asks which requirements are confusing.

SHOEMAKER replies the part about the drainage and whether it will be changed.

KRULIKOWSKI states there seem to be two issues involved. Currently, the driveway on SHOEMAKER's property would not meet the ADA (Americans with Disabilities Act) so if something were to occur on her property, the City would require this be brought up to current standards. That requires a little concrete flat area paved behind the driveway. The other issue that appears to be here is that the property is located in the county of San Diego, and is not legally connected with the sewer that is in the city of El Cajon. The City Engineer has suggested that SHOEMAKER execute an agreement that would suffice until the property is finally annexed into the city of El Cajon that would provide for that property. He suggests SHOEMAKER come in and talk to the City Engineer's staff tomorrow, or as soon as she can, to discuss what that would involve. Those two issues appear to be involved from the Public Works standpoint. Does that answer her questions?

SHOEMAKER guesses so.

KRULIKOWSKI tells her that these are issues that cannot be changed by the Planning Commission. She could discuss them tomorrow with the City Engineer. They can be discussed and changed at the City Council meeting.

RAMIREZ offers some follow-up comments to KRULIKOWSKI's comments for SHOEMAKER. His remarks about the driveway refer to an item listed as C-1) near the signature on the second page of the (Public Works) correspondence. That is preceded by a statement that says, ". . .the following may be a requirement of a building permit with a valuation in excess of \$60,000." At this point, if there is no building permit about to be issued for some improvements on the property, that requirement C-1) is not kicked into place.

SHOEMAKER thought that was mandatory.

RAMIREZ replies when the City Traffic Engineer says "driveway", he is referring to that portion in the public right-of-way that is outside the property line. The planning term "driveway" refers to that portion of SHOEMAKER's private property that RAMIREZ believes is covered with d.g. that is used to drive on to access the back of her property.

AMBROSE advises that if SHOEMAKER does nothing, she will only have to take care of the driveway at the street.

SHOEMAKER asks if the fence has to be done.

AMBROSE replies affirmatively. Those are the only two items that really need to be taken care of. He suggests she go in and talk to the City Engineer to be sure she has clarity on those issues.

Sandia TUTTLE, 5134 Rock Ridge Road, La Mesa CA 91941, comes forward and advises she is the person with whom Ms. SHOEMAKER is in escrow. Yes, they will eventually develop the property and yes, they will eventually put in what she calls a driveway. What the staff is calling a "driveway", it is simply meaning that part of the street that would ingress to the property, like a curb cut, is that what --- she thinks she doesn't understand.

KRULIKOWSKI explains there are actually two requirements, which RAMIREZ tried to clarify earlier. There is a Public Works requirement that addresses what they call the "driveway", which is the portion in the public right-of-way. That is detailed in the letter from Mr. Odiorne, the City Engineer, which is in the back of the staff report. Basically, what Public Works is telling the applicant is that if development is done on the property that exceeds \$60,000, they will be required to bring that driveway (the curb cut, as TUTTLE would call it) up to standard.

TUTTLE states that is understandable.

KRULIKOWSKI says the other issue he thinks is the unpaved driveway, which is from a planning perspective, and there is a Planning requirement to bring that up (to standard). He asks RAMIREZ to address that.

RAMIREZ states the Planning Division requires a minimum width of paved access to required parking. The subject property, having been developed in the County of San Diego, does not meet the City's requirements. This is not the first time the Commission has been asked to include conditions of approval that will address certain details about a property that is being considered for rezoning in an attempt to upgrade some of those conditions on the property that don't meet our standards. She certainly understands why Ms. Tuttle would not want to do any additional paving or maybe go to the seller and ask for paving because she has already stated her intentions to develop the property. At this point, she asks the Commission to retain the suggested condition #4 since the City has no control over when a development plan comes in or if the property will be developed in the near future. The City would like to see the driveway upgraded to City standards at the time it is annexed.

TUTTLE asks if they could post a bond that they would bring the driveway up to snuff at the time of reconstruction, because reconstruction is required on the house. Would that be sufficient for the City of El Cajon so it wouldn't have to be done now, but in connection with the upgrade of the house itself?

RAMIREZ replies without a schedule of what the upgrades might be, and the fact that the person speaking is in escrow but not the actual property owner, she hesitates to advise the Commission to accept the offer for bonding unless it is for a very short term and hinges on the annexation date. After all, the key here is to authorize the sewer connection to the City of El Cajon sewer, and that doesn't happen without annexation. Perhaps the Commission would accept the offer of a bond to defer the improvements on the driveway for a limited period of time after annexation.

TUTTLE asks, within nine months? Or six months?

AMBROSE doesn't think the Commission is prepared to discuss that issue this evening. He would prefer TUTTLE work it out with City staff. They will make the decision how quickly it needs to be done. He doubts they will give nine months though.

RAMIREZ advises that the Planning Commission minutes will show that this offer was made and if there was any discussion among the Planning Commissioners. Probably at the City Council level the Planning staff member would advise that nine months is too long. Staff tends to not want to defer minimum requirements for more than 30 days.

AGURS asks if this is approved, what is the time period projected for annexation.

RAMIREZ replies it is somewhat up to the efforts of the applicant to move right on to LAFCO and complete their application process. She would think that after the City Council's approval of the rezoning, the LAFCO process might be completed in a couple of months. There is a situation here where the City is looking at some immediate attention being given to those items that she referred to earlier.

TUTTLE can understand that.

AGURS says this takes him to his area of expertise. If this is approved, it is going to take LAFCO probably three months, at least. But TUTTLE's escrow is going to close before that time.

TUTTLE says they are hoping it will close next week.

AGURS says it will close before annexation is approved. He assumes TUTTLE wants to go forward with annexation so escrow can be closed. Condition #4 could be left in because escrow is going to close well before annexation. He doesn't see a problem with leaving condition #4 in because it will have to happen before it is annexed into the city. If it is going to take 90 to 180 days for LAFCO to act, their escrow will long be closed and she will own the property.

RAMIREZ has two words of caution. She agrees that leaving condition #4 in doesn't do any harm. However, this rezoning is being considered for a piece of property without regard to who controls it or who is about to receive it. Because of that, the Planning Commission action applies to whomever will take charge and be responsible for complying with all of the requirements contained in the record. Her second word of caution is that the escrow is a real estate transaction that the City is not a party to; any terms and conditions that the City may know about will be only be because of casual conversation with someone about the property and not because it is on a need-to-know basis. She believes it is a bit of an assumption to think that the escrow will long be closed because the commissioners and the staff don't have knowledge about the agreed-upon closing date and annexation could be a condition of the escrow.

AMBROSE states there is a whole litany of things that could happen that could cancel the escrow. Anything could happen.

AGURS concurs. That is why he said 'prior to the property being annexed' , the driveway would still have to be done. Regardless of whether escrow closes tomorrow or six months from now, before the property can be annexed, he would like to see condition #4 left in.

AMBROSE agrees.

Charles PARTAIN, 1203 Granite Hills Drive, El Cajon CA 92020, says, as Commissioner Agurs stated, the main concern at this time for the annexation is to continue to be allowed to pump sewer into the city of El Cajon, which was done illegally

50 or 60 years ago without knowledge. They are unclear about whether the driveway in question has to be paved tomorrow in order to move forward into the city. Can it be done before the annexation is finalized? If it can be done that way, then condition #4 is not a problem. As long as it is done before the annexation is approved, is that correct?

RAMIREZ responds that is correct. The people involved in this property actually will not have a final decision from the Planning Commission tonight, since its recommendation will go on to the City Council for another noticed public hearing. The applicant probably doesn't want to move on the driveway installation until after the City Council has granted the rezoning as it was requested.

No one else comes forward to speak on this item.

Motion by TURNER, second by HANSON-COX to close the public hearing; carries 4-0 BURGERT absent.

AMBROSE thinks this is straightforward and that staff has called it right.

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Zone Reclassification 2235 in accordance with the staff report; carries 4-0, BURGERT absent.

AMBROSE states this is a recommendation to the City Council, who will hold a further public hearing on this item.

PLANNED UNIT DEVELOPMENT 205 – Wasson

(public hearing) Resolution No. 9829

P. C. Meeting 8/11/03

The subject property is located on the west side of South Sunshine Avenue between West Chase and West Renette Avenues, and addressed as 908 S. Sunshine Avenue; APN 492-331-11; existing LUC 1142A, proposed LUC 1142B; General Plan Designation: Medium Density Residential.

Request to convert an existing 19-unit apartment complex to a common interest development in the R-3 (Multiple Family) zone.

AND

TENTATIVE SUBDIVISION MAP 516 – Wasson

(public hearing) Resolution No. 9830

P. C. Meeting 8/11/03

The subject property is located on the west side of South Sunshine Avenue between West Chase and West Renette Avenues, and addressed as 908 S. Sunshine Avenue; APN 492-331-11; existing LUC 1142A, proposed LUC 1142B; General Plan Designation: Medium Density Residential.

Request a one-lot subdivision map in the R-3 (Multiple Family) zone.

RAMIREZ states this request is to convert a 19-unit apartment complex to common interest development. A companion item, Tentative Subdivision Map 516, is also on this evening's agenda and the Commission is reminded that both public hearings may be opened concurrently in order to avoid taking duplicate testimony.

If this request is granted, the result will be air space units in a one-lot subdivision, with each new homeowner having a 1/19th interest in the entire property. Together, these two applications represent yet another proposal that takes advantage of the recent Zoning Ordinance amendment, which allows the City to consider the conversion of apartments with no minimum standard for required on-site parking. By increasing the opportunities for home ownership, approval of this project to convert 19 units is, in staff's opinion, consistent with the General Plan.

Staff has examined the required proof of tenant notification and determined that proper notice has been given to this point. The applicant and the City must provide additional notice in the future in order to meet State requirements and comply with City ordinances. Each tenant will be given notice of the exclusive right to purchase a unit according to terms and conditions as they will be offered to the public, or upon terms that are more favorable to the tenant. Relocation assistance equivalent to one month's rent must be paid to each tenant who does not purchase a unit.

In response to the R-3 zone development standards, staff offers the following comments. Approximately 1 ½ parking spaces per unit are provided in this development. All spaces are uncovered. Staff is recommending the parking area be resealed and that the spaces be restriped. The existing common area, open space and recreation area in this complex is a large lawn area with tables and barbeques, as indicated on the site plan. The applicant is not proposing to make any changes to this amenity.

A key part of the Planning Commission's consideration in evaluating conversion requests has been the professional reporting of an existing development's infrastructure and building systems. This report, known as a physical elements report, identifies any safety issues and substandard conditions, and prescribes what needs to be repaired or replaced. The Planning Commission has shown its support for this part of the PUD (planned unit development) process in order that prospective buyers will not be

assuming the cost of needed maintenance and repairs on their new home. The physical elements report for this development notes only a few items that will require attention. Some replacement and upgrade work is already in progress at this location (noted on page 5 of the PUD staff report). Staff has suggested that kitchen appliances and plumbing fixtures be included in the required work to be done before units are offered for sale. A new trash enclosure is also recommended to replace the remnants of an existing one.

RAMIREZ continues, saying that staff notes that the existing apartment units have been compatible with the surrounding development for 25 years, and therefore supports a finding that they are compatible as common interest units as well.

The comments received from other City departments on the subject property and its conversion have been incorporated as conditions of approval where they are appropriate. In response to the public hearing notice, the staff received two phone calls from people who were requesting information.

Staff's recommendation is that the Planning Commission recommend conversion of this project and recommend the one-lot subdivision proposed by the second application.

AMBROSE refers to the physical elements report and says it seems to be like light beer; it is not very detailed. It was prepared by a contractor. Does staff know if that is the same contractor that is going to do the work?

RAMIREZ does not have the information.

AMBROSE says the Planning Commission has seen quite a few physical elements reports, and some have been pretty thorough. This one is not very thorough. This seems to just be a summary and has no meat to it.

Regarding the required landscape and irrigation plan, AMBROSE asks if the City has a requirement of who can prepare it. Can anybody prepare a landscape and irrigation plan?

RAMIREZ replies that there is an adopted City Council policy that says what kind of projects require a state licensed landscape contractor. She doesn't have a copy of that policy here.

In reply to AMBROSE, RAMIREZ says that in the case of a conversion, it is not unusual for an acceptable plan to be submitted by someone who does not have the state credentials.

The public hearings are now open on Planned Unit Development 205 and Tentative Subdivision Map 516.

Jack WASSON, 2820 Via Orange Way, Ste. J, Spring Valley CA 91978, is the applicant and the owner of the subject property. His primary profession is a mortgage broker and providing home loans to would-be property owners. He would equate making the loan for the first purchase of a residence something like delivering a baby. There is nothing like taking a renter and turning him into a homeowner. This is what prompted him to do the first conversion process that he undertook in San Diego County a couple of years ago. There was a great deal of satisfaction in seeing the delight of the new owners who, in all cases, had previously been renters.

Regarding this specific project, he only has a question regarding the condition for separate utilities, specifically the water meters. He can speak to the issue of construction regarding this. They had to address a leaking hot water pipe that busted under the slab within a couple of weeks after he purchased the property. The water lines on these two buildings run down the middle of the building under the slab approximately 2 ft. in depth. There is one copper hot water line and a cold water line. The reason for the hot water is that there are two hot water tanks at the end of the building that service the entire building with a recirculation pump, providing hot water relatively quickly for any unit. It was constructed that way and it is that way to this day. It would be physically impossible to put separate water meters on each unit. He discussed this with Helix Water District and they had some real questions as to why it would even be requested because it is normal for multi-family units to have a single water meter and then, for condominiums, the bill is part of the homeowners fee and is paid monthly with their homeowners dues.

AMBROSE asks if WASSON brought this up with staff before tonight.

WASSON replies they received a copy of the staff recommendations only today. He has had no time. They did address it with staff and they told his engineer today that there was a City Council ordinance to that effect, but that they are developing this process of condo conversion and there may be some issues that need to be honed and the issue of water meters they believe is going to be an issue that will have to be addressed. Right now, staff believes it is part of the requirements they are obligated to do.

AMBROSE states it is not a new issue for the Planning Commission. He asks staff if the ordinance amendment regarding water meters has been scheduled for a City Council hearing.

RAMIREZ responds it will be coming to the Planning Commission soon. If the ordinance is amended to delete the requirement for separate water meters, staff understands it will be retroactive.

WASSON states that satisfies him. If they are in serious interest of pursuing homeownership, these buildings that are built as they are, whether they were condos originally or not, are usually built with one meter and shared hot water, which is paid with a fee if it is a condominium project. Otherwise, the landlord pays the bill on a monthly basis. That is why water is included in the utilities for a rental property. The

reality is, he has gone over this in detail, the building would literally have to be torn down and rebuilt - - -

AMBROSE says the Planning Commission understands that. He asks if WASSON agrees with all the other conditions.

WASSON has no problem with any of the other conditions.

In reply to TURNER, AMBROSE asks WASSON if the contractor who prepared the physical elements report is the contractor who will do the work.

WASSON replies yes. He has been a licensed general contractor for over 20 years in San Diego. He is a custom homebuilder and remodeler and has credentials. As far as the physical elements report, there were very few guidelines. This wasn't the first condo conversion he has done and it was the first time he saw that as a request. They had very few guidelines and thought they were doing what was being asked.

AMBROSE says the Planning Commission is learning a lot about this whole process as it goes along, and fine-tuning it.

WASSON states that virtually each new owner of a unit has a physical inspection that is done with inspectors who are all looking at the same thing. Everything from copper to wiring to foundations to roof. He can speak from a lender's point of view; they are not interested in making loans on units that have any kind of difficulties.

AGURS, just for WASSON's future knowledge, states what Commissioner Ambrose was alluding to was the physical inspection report, the summary provided. The Planning Commission typically gets a home inspection on the entire project when an applicant brings forth a project.

WASSON states that is what was done. Without being too laborious, there was a lot more detail but you don't know how much people want to hear or how detailed.

AGURS replies what AMBROSE was saying was that the Planning Commission didn't get that report; it got a summary.

WASSON apologizes for that because there was a complete, detailed report. Now he understands AMBROSE's problem.

No one else comes forward to speak on these items.

Motion by TURNER, second by AGURS to close the public hearing; carries 4-0, BURGERT absent.

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of **Planned Unit Development 205** in accordance with the staff report; carries 4-0, BURGERT absent.

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of **Tentative Subdivision Map 516** in accordance with the staff report; carries 4-0, BURGERT absent.

AMBROSE states that these are recommendations to the City Council, who will hold further noticed public hearings.

PLANNED UNIT DEVELOPMENT 206 – Westone Management Consultants for Mustard Seed LLC

(public hearing) Resolution No. 9831
P. C. Meeting 8/11/03

The subject property is located on the southwest corner of Greenfield Drive and Victor Avenue, and addressed as 1254 Victor Avenue; APN 483-101-23; General Plan Designation: Low Medium Density Residential.

Request to convert an existing 11-unit residential development to a common-interest development in the pending R-3-R (Multiple Family Restricted) zone.

AND

TENTATIVE SUBDIVISION MAP 517 – Westone Management Consultants for Mustard Seed LLC

(public hearing) Resolution No. 9832
P. C. Meeting 8/11/04

The subject property is located on the southwest corner of Greenfield Drive and Victor Avenue, and addressed as 1254 Victor Avenue; APN 483-101-23; General Plan Designation: Low Medium Density Residential.

Request a one-lot subdivision map in the pending R-3-R (Multiple Family Restricted) zone.

RAMIREZ states if these items are approved, the result will be air-space units in a one-lot subdivision, with each new owner having a 1/11th interest in the entire property.

Together, these applications represent a proposal that depends upon the City Council's approval of a rezoning to the City's R-2-R zone and subsequent annexation into the city of El Cajon. The Council's continued hearing on Zone Reclassification 2232 is scheduled for August 26, when they will also consider a report outlining reasons why the County of San Diego denied this applicant's conversion request earlier this year.

By increasing the opportunities for home ownership, it is staff's opinion that this proposal to convert 11 units is consistent with the General Plan; however, the existing density does not conform to the City's "Low-Medium Density Residential General Plan designation. Staff has looked at the proof of tenant notification and determined that in this case proper notice it has been given. The applicant will continue to provide notice in order to meet State requirements and City ordinances. Each tenant will be given notice of the exclusive right to purchase a unit according to terms and conditions as they will be offered to the public or upon terms that are more favorable to the tenant. Relocation assistance equivalent to one month's rent must be paid to each tenant who does not purchase a unit.

In response to the pending R-3-R zone development standards, staff offers numerous comments in the rezoning staff report, which indicate that the subject property fails to meet City standards in many ways. This list of nonconforming conditions is repeated on pages 4 and 5 of the PUD (planned unit development) staff report. The existing development does not provide a common open space / recreation area. The applicant is not proposing any changes to this centrally located landscaping with walkways. This complex offers garage and uncovered parking spaces at a ratio of about 2.18 spaces per unit. A key part of the Commission's consideration in evaluating the conversion of this property is the review of the physical elements report. In this case, the physical elements report for this development makes only two recommendations for improvements. Additional work to repair, renovate or upgrade certain interior and exterior features is outlined in the applicant's list dated "Received July 15, 2003", and included as a staff report attachment.

RAMIREZ says staff can support a finding that the proposed conversion would be compatible with surrounding development based upon its 15-year history in this neighborhood. Comments received from other City departments are attached to the staff report, and have been incorporated into the recommendation as conditions of approval where they are found to be appropriate. Staff received no public inquiries in response to the public hearing notice that was distributed for these items.

When the rezoning for the subject property was discussed, the staff raised the issue of annexing apartments from the county to allow them to be converted in the city. The City Council has not yet resolved, or even considered, that issue, nor has it approved the rezoning application. The staff remains concerned about the precedent of annexing county apartment complexes to enable their conversion to common interest subdivisions.

The recommendation from staff is to recommend approval of the conversion and the one-lot subdivision for this proposal.

AMBROSE, for the first time, has some issues for one of these proposals. Regarding the common recreation area, the Commission is asked to make a decision that there is adequate open space. He visited the property, and there is just not adequate open space. It misses the mark on so many issues relative to City standards, that he does have an issue with this particular conversion.

HANSON-COX asks if the Planning Commission approves this conversion with the staff's conditions of approval, with all the nonconformities with the City's standards, will this set a precedent for the Commission to be forced to approve other projects like this? She agrees with AMBROSE that there are many nonconformities with this project.

RAMIREZ states that the staff believes the action to approve the conversion of this project can be precedent-setting. Staff expects this request to be followed by others for properties in the county that did not attempt to convert or did not pass the County's review of their proposed conversion.

She thinks Commissioner Hanson-Cox has hit it right on the nose.

The public hearings are now open on Planned Unit Development 206 and Tentative Subdivision Map 517.

Joseph SCARLATTI, Westone Management Consultants, 710 Camino de la Reina, Ste. 129, San Diego CA 92108, states two issues were brought up. One was open space. In a discussion with their client, they decided to leave as many parking spaces as they could, given that there was a school playground directly across the street. He understands that with conversions, the parking can be any combination of spaces. They decided to leave the parking as it is and utilize the school playground as an open area, as a simple solution.

AMBROSE states his wife works in the Cajon Valley School District. In a lot of the schools these days, security has overridden issues of kids getting to use the open space at the school; that space is not always available.

SCARLATTI replies that apparently in this case it is. He hasn't gone by and checked, but he understands that it is. Apparently, their client knows one of the teachers that works there.

AMBROSE responds that is something that can't be relied on though. It is not part of the project.

SCARLATTI states if the Planning Commission wants green space, they can cut the parking back to something less than what it is now.

AMBROSE thinks something needs to be done. There is no green space at all.

SCARLATTI will be happy to work something out with staff, perhaps by reducing the parking.

AMBROSE states the other issue is whether this will be precedent-setting. The City Council still hasn't acted on the rezoning. That is also something that he is thinking about, that this property is still not rezoned to come into the city.

SCARLATTI says if the Planning Commission approves (recommends approval) of this application tonight and the rezone doesn't go forward, the whole thing will disappear anyway. Regarding the nonconformities, SCARLATTI has brought 9 or 10 projects to this Planning Commission, and none of them meets current standards. Every one is nonconforming in one way or another. He thinks 1160 Lexington was approved for 24 units with 17 parking spaces. In each case, because these buildings were built under some other ordinance, not one will conform to today's ordinance. It is not possible to make them conform.

AMBROSE replies that the Planning Commission understands they can't all be made to conform. Plenty have come before the Commission with issues, but this one seems to have a large stack of nonconforming issues.

SCARLATTI thinks that of all the applications he has brought forward, there have been three 3-bedrooms out of something well over 1000 units. The subject units are all three bedrooms and very family-oriented, and it seems to be a good idea.

No one else comes forward to speak on this item.

Motion by AGURS, second by TURNER to close the public hearings on Planned Unit Development 206 and Tentative Subdivision Map 517; carries 4-0, BURGERT ABSENT.

Under discussion, AGURS states he is the pro-home ownership, property rights advocate. He thinks, looking at some of the other conversions that have been approved, that this is the best project the Commission has seen in terms of quality and the fact that there are garages. A number of projects have been approved because the City is looking to create more entry-level homeownership opportunities for people in East County and El Cajon. The thing he likes about this project is that it is very nicely built. He knows if he would look at one that was approved on Sunshine Avenue and then at this one, he would want to own one of these units as compared to one of the others that have been approved. This project has private garages, nice construction, and is a very aesthetically pleasing project.

One note about public schools: after 5 PM they have to be open for public usage. Let's go forward and push homeownership. Let's let the City Council make the decision of whether they want to do this or not. He is for creating 11 new homeownership opportunities and for giving the tenants the right to own those units. He suspects that as

nice as this project is that the tenants would like to own their own units rather than continue paying rent, and to continue living in this area rather than having to move.

HANSON-COX agrees that it is a nice complex. It is well maintained. She still has issues about the numerous nonconformities.

AMBROSE agrees with AGURS that this is one of the nicer complexes the Commission has seen. But, if they are going to be family units, kids will be there. Where are they going to play? There just really isn't place for them to play. As much as we would like to see them go down the street to the park and the school, mom and dad typically don't want them to go that far, especially the little ones. He is having a real problem with the common open space on this project.

AGURS says, for the record, there are kids living there right now.

AMBROSE doesn't disagree.

TURNER agrees it is one of the better projects she has seen for 3-bedroom units. It sounds like the applicant is willing to work on some of the parking space issues. Some of the newer projects that have been approved don't have much green space either and are relying on the park systems and schools. She doesn't see any difference in that regard. As long as the applicant is willing to re-look at opening it up or taking out some of the concrete, it seems like some of the other nonconforming issues can be addressed through these reports.

HANSON-COX asks clarification of whether the applicant said he would be willing to remove some of the parking spaces.

AMBROSE replies yes. He would work with staff to create more open space.

AMBROSE can support this project only because it is of such good quality. If it were not of the quality it is, he would not hesitate to not support it. He does have reservations about projects in the future that will come before the Commission that have so many substandard issues, especially in the County. He hopes the City Council will take a hard look at whether or not they want to accept these projects from the County.

No further comments are offered.

Motion by AGURS, second by TURNER to RECOMMEND APPROVAL of **Planned Unit Development 206** in accordance with the staff report.

Under discussion, TURNER asks if another condition is needed for the parking spaces, or if the applicant just works with staff.

AMBROSE defers the question to staff.

RAMIREZ would be satisfied with just having that direction in the minutes without adding a condition.

Votes are now cast; carries 4-0, BURGERT absent.

Motion by AGURS, second by TURNER to RECOMMEND APPROVAL of **Tentative Subdivision Map 517** in accordance with the staff report; carries 4-0, BURGERT absent.

AMBROSE states these are recommendations to the City Council. Further noticed public hearings will be held at that level.

RECESS: 8:50 – 8:58 PM

AMENDMENT OF CONDITIONAL USE PERMIT 1116 – The Home Depot U.S.A., Inc. for AFP Fourteen Corp.

(public hearing) Resolution No. 9833
P. C. Meeting 8/11/03

The subject property is located on the southeast corner of North Marshall and Arnele Avenues, and addressed as 965 Arnele Avenue; APN 482-250-26; LUC 5215/5200B; General Plan designation: Regional Retail Commercial.

Request a canopy over expanded outdoor storage in conjunction with a home improvement center in the C-R (Regional Commercial) zone.

RAMIREZ suggests that if the Commission gets through this item to the point of having a motion on the floor, that the motion maker should consider adding a Reason C under “Reasons for Recommendation”. That reason is needed to address whether the Planning Commission finds the proposal in compliance with development standards and that the applicant is providing adequate parking. When the Commission gets to that point, she will be glad to provide specific wording.

As for the specific request, this is a request by Home Depot, who occupies the entire subject property, to add a canopy over an expanded outdoor storage area at their location on Arnele in El Cajon. A conditional use permit is required for outdoor storage in conjunction with their use, which is the sale of building materials, hardware, etc. The canopy itself does not require a conditional use permit (CUP), but because the addition of the structure modifies the existing conditional use permit, it raises the question of how that modification would become part of the record. This is not necessarily a major or

minor change but since the outdoor storage area has been expanded, and the expansion requires a conditional use permit, staff is using the CUP to cover the proposed canopy addition.

The expanded storage in conjunction with the canopy would result in the relocation of outdoor storage to put as much of it as possible under the canopy. This would free up the southerly edge of the paved area behind the store and make it available for parking once again. It is unusual that Home Depot's property meets the City's requirement for the minimum number of parking spaces but that that amount of parking doesn't meet the demand on the parking lot by their customers, especially on weekends.

Staff understands that Home Depot would hope to have parking for employees behind the store after the canopy has been installed and the storage has been reconfigured. The operations manager for the El Cajon store has expressed some thought about relocating the existing canopy that would have to be removed with the installation of the new one. Staff will work with the applicant to arrive at a mutually acceptable location for the relocated canopy.

RAMIREZ states that Home Depot first received approval for outdoor storage at the rear of this building in 1988. That outdoor storage was at the west side of the subject property, next to North Marshall, and had a 10-ft.-high screening fence along the street but with no covering. That outdoor storage has now grown to cover much of the area behind the store that was once available for parking. Staff has noted, upon observing the Marshall Avenue frontage, that the slatted screening is not a very effective screen of the materials that are stored behind it. They are readily visible, in staff's opinion.

With regard to the compatibility of this outdoor storage expansion and the proposed canopy, staff would support a finding that it is compatible. The outdoor storage would be significantly less visible once placed under the canopy.

RAMIREZ says that staff notes that an ongoing situation has developed with the property in its frequent outdoor display of merchandise that is not normally permitted to be sold outdoors without first obtaining approval of a Temporary Use Permit (TUP) or Conditional Use Permit (CUP). Staff has observed an outdoor rug sale in progress with several banners advertising the event. When this was brought to the operation manager's attention, he submitted an application for a Temporary Use Permit. At this point, the payment for the filing for that application is still pending. Up to two such events may be approved per year through the process using the Temporary Use Permit. Three or more events must be approved by Conditional Use Permit. In order to be compatible with surrounding development and zoning, Home Depot must secure the proper permits for outdoor sales of materials or merchandise not normally sold or displayed outdoors.

Staff is recommending that the amendment of Conditional Use Permit 1116 for a canopy over the expanded storage area be granted subject to conditions and with the added Reason C under "Reasons for Recommendation".

The public hearing is now open.

No one comes forward to speak on this item.

Motion by TURNER, second by HANSON-COX to close the public hearing; carries 4-0, BURGERT absent.

Motion by HANSON-COX, second by TURNER to GRANT Amendment of Conditional Use Permit 1116, adding a Reason C stating that the Planning Commission finds the proposal in compliance with the development standards and that the applicant has provided adequate parking; carries 4-0, BURGERT absent.

AMBROSE advises this is final action unless appealed to the City Council. The appeal period ends on August 25, 2003, at 5 PM. Anyone wishing to appeal should go to the City Clerk's Office to make the appeal.

AMENDMENT OF CONDITIONAL USE PERMIT 1737 – Marougi & Banarji

(public hearing) Resolution No. 9834

P. C. Meeting 8/11/03

The subject property is located on the east side of Avocado Avenue between East Lexington and East Washington Avenues, and addressed as 433 Avocado Avenue; APN 488-242-41; LUC 10000AF; General Plan Designation: Medium Density Residential.

Request renewal of conditional use permit for a nine-bed residential care facility in the R-3 (Multiple Family) zone.

RAMIREZ indicates this is a very simple request to renew a conditional use permit that was approved five years ago for a nine-bed residential care facility. That facility provides 24-hour care for elderly people and has shown no record of complaints regarding the facility's operation in that amount of time. The property is well maintained and will be continuing to operate as a nine-bed facility, if this renewal is granted.

There are conditions of approval. The outstanding change will be in condition #6, in which staff is recommending a 10-year term for this conditional use permit rather than five which was originally approved.

The public hearing is now open.

No one comes forward to speak on this item.

Motion by AGURS, second by HANSON-COX to close the public hearing; carries 4-0, BURGERT absent.

Motion by HANSON-COX, second by TURNER to GRANT Amendment of Conditional Use Permit 1737 in accordance with the staff report; carries 4-0, BURGERT absent.

AMBROSE advises this action is final unless appealed to the City Council. The appeal ends on August 25, 2003, at 5 PM.

CONDITIONAL USE PERMIT 1966 – City of El Cajon Recreation Department

(public hearing) Resolution No. 9835

P. C. Meeting 8/11/03

The subject property is located on the south side of East Madison Avenue between North First and Orlando Streets, and addressed as 1153 E. Madison Avenue; APN 489-140-63; existing LUC 7611A, proposed LUC 7611B; General Plan Designation: Community Park.

Request to add a dog park area to Wells Park in the R-1-6 (Residential One Family 6,000 sq. ft.) zone.

ALVEY states the dog park will be located on the southern edge of the park, just west of the ball field. A dog park is an area where dogs can run and play without a leash. The proposed facility will be open from 7:00 AM until 9:30 PM and will be locked by Recreation Dept. staff when closed.

The proposed park will be enclosed by an 8-ft. wrought iron fence and will be approximately 60,300 sq. ft. Fifty thousand square feet will be devoted to large dogs and 10,000 sq. ft. will be devoted to small dogs. There will also be two 35-ft.-tall light poles, a drinking fountain, and shade shelter.

In order to insure compatibility with surrounding properties, the Recreation Dept. held two meetings prior to this public hearing. They also formed an informal committee to oversee operational decisions and plan to keep the committee in place for at least one year. The Recreation Dept. has incorporated comments from these meetings into their proposal. First, trash cans and bags will be disbursed throughout the site to ensure that solid waste is picked up. Secondly, the area will be regularly leached in order to control odor. The Recreation Dept. has also added shields to the lights to prevent them from being a nuisance on adjacent properties.

Staff has received multiple phone calls about the proposed project. After explanation, no one expressed any objections.

While researching the project, staff did discover that the City's municipal code currently does not allow dogs to be off a leash. The Municipal Code will have to be amended in order to allow the dog park. That action will be handled by the City Council if the Conditional Use Permit is granted.

ALVEY says staff received comments from the Police Dept. after the staff report was composed. They are requesting that the fence along the eastern side of the dog park be slightly modified. Staff believes this can be worked out with the Recreation Dept. and reflected on the revised CUP (conditional use permit) site plan.

Staff recommends that the Planning Commission grant Conditional Use Permit 1966 subject to the conditions contained in the staff report.

The public hearing is now open.

Sue JOHNSON, 1047 Glenhill Rd., El Cajon CA 92020, has been an El Cajon resident for about 20 years. For those 20 years, she has traveled to Ocean Beach, Coronado Beach, and Del Mar Beach to let her dogs exercise. They are excited to think there may one (dog park) here in El Cajon near her home. She lives about two miles from the proposed dog park. She takes her dogs to the new dog park at the end of Chase Avenue, at Harry Griffen Park. She encourages the Planning Commission to consider this dog park. She currently would not consider going to Wells Park. It is not a park that encourages families to come. The back of the park has a very undesirable element to it. With the dog park, she sees it being opened up to a more responsible use and she intends to come over with her two dogs. They are licensed and well behaved. A community of volunteers has been formed at the Harry Griffen dog park that self-polices the picking up of the dog waste. Becky Rice, whom she hopes will speak tonight, has taken on many community actions at the park, such as having guide dogs for the blind come over. She gives the dogs exercise while owners socialize. It has become a social thing for both the owners and the dogs. She hopes the Planning Commission will consider it.

Jim FRYE, 4046 Caminito Terviso, San Diego CA 92122, represents the Aztec Doberman Pincher Club and Aztec Doberman Rescue at 9820 Dunbar Lane, El Cajon CA 92021. Doyle Park just opened up a dog park in February of this year. There were two years of trying to get the dog park open. There has been a significant response in the community, not just among dog owners but also among the residents. It is very common for the dog park to have lots of people. It also has areas, large and small, that can be opened or closed at the request of anybody in the park. All they have to do is shut the gate and the small dogs go to the small dog side and large dogs to the large dog side. If it's open, the dogs can go on either side of the park. There is no problem with smell. There is very little problem with sound.

The park had some undesirable elements on the east side of the park similar to what the previous speaker mentioned at Wells Park. That element has really gone down. There is no tagging of picnic benches on the backside. There is no lighting on that side of the park, yet the dog park is open 24 hours a day. It's not locked by the staff. They have had very few complaints in terms of noise. There are people in the park as early as 5:30 in the morning using the dog park. He encourages the Commission to look very seriously at this request. It is not only for the animals but also for the community as a whole.

Jerry FAZIO, 1820 Galway Court, El Cajon CA 92020, is the CEO of the Boys and Girls Clubs of East County. They have their oldest, biggest unit in Wells Park. They have some 1100 of El Cajon's boys and girls utilizing that facility on a regular basis in Wells Park. He grilled Lori Beliveau (Director of Recreation) with questions about this dog park. All of his questions were answered, not just by Ms. Beliveau, but also by community folks and some advocates and folks who were contrary to this dog park being open. From his perspective, he thinks the dog park at Wells Park, especially at this location, is a terrific idea. First, it will put to the best possible use the dark corner of the park, and put it to a positive community use. Second, he thinks this will coax the relocation of some permanent residents in that corner of the park who have done some despicable things. They have harassed his boys and girls as well as his staff as they come to the Boys and Girls Clubs, and at other times. He thinks it is good that every corner of this park be put to a positive use. Third, very selfishly, he thinks it is a great opportunity for kids from the Boys and Girls Club to learn some positive lessons on pet ownership and handling. He couldn't be more enthusiastic about this.

Marcie FINDLEY, 1440-99 S. Orange Avenue, El Cajon CA 92020, addresses this dog park from a different perspective. She is the Chair of the Commission on Aging and also works with the Honor program on weekends. She sees many lonely seniors who have no family and very few friends, and don't have the opportunity to socialize. After having gone to most of the meetings where the planning sessions have taken place, she visualizes this as a haven for seniors. It is a short walk from some of the senior complexes and senior mobile home parks, and from their individual homes and apartments. This would give seniors who now do not have a dog the opportunity to get a small animal, walk to the park, sit down and chat with their friends or make new friends and, along with the Boys and Girls Club, associate with younger people. She thinks a "buzz word" right now is "intergenerational companionship". This is very valuable for both the youngsters and the older people. She thinks the dog park is a wonderful idea. It is an underutilized area. The dog park is very well planned. She thinks after looking at the plan that the Commission will agree that it will help eliminate the homeless and the drug problem there. She highly recommends the dog park and hopes the Planning Commission will approve it.

Beckee HANDRICH-SEAMAN, 460 Graves Avenue, #15, El Cajon CA 92020, chairs the Park and Recreation Commission and says that all members of the Commission do support the development of the dog park at Wells Park. They all feel that whatever brings people together is a good thing. Parks bring people together. They also feel that

the dog park will only enhance the already existing features of Wells Park. She encourages the Planning Commission to grant the conditional use permit to develop the dog park at Wells Park.

AMBROSE asks how many people in the audience are in favor of this item. About nine people raise their hands. He asks how many are opposed. No hands are raised.

AMBROSE says as a dog owner and a dog lover, he has no problem with this item.

Becky RICE, 4851 Margarita Lane, La Mesa CA 91941, is a La Mesa resident and has been instrumental in the dog park in La Mesa at Harry Griffen Park since its beginning. They have been open almost two years now, with no problems. Nothing but positive things have happened at their dog park, and they have received the Community Service award two years in a row from the City of La Mesa. Everyone enjoys it.

AMBROSE says since there is no opposition, he is ready to move this along. He thinks this is a good move and will help clean up Wells Park.

No one else comes forward to speak on this item.

Motion by TURNER, second by HANSON-COX to close the public hearing; carries 4-0, BURGERT absent.

TURNER is a great dog lover and thinks this is a great use of Wells Park. It will be a positive change. All the speakers are well known in the community and she knows they wouldn't put their names to this project if they didn't think it was worthwhile and something positive for the community.

Motion by TURNER, second by HANSON-COX to GRANT Conditional Use Permit 1966 in accordance with the staff report; carries 4-0, BURGERT absent.

AMBROSE states this is final action unless appealed to the City Council. The appeal period ends on August 25, 2003 at 5 PM.

CONDITIONAL USE PERMIT 732 – Planning Commission (Foursquare Church)
(Discussion, carried over from beginning of agenda) Set to public hearing (Reso. No. 9826); letter to applicant
P. C. Meeting 8/11/03

RAMIREZ thanks members of the audience for their patience in allowing the Commission to do its best job in getting through the other items on the agenda.

AMBROSE thinks there are some outstanding issues relating to the church and its existing conditional use permit and the way it is operating with its neighbors. One of the issues he heard from his fellow commissioners was some sort of restricting access to the front part of the parking lot off Bradley Avenue. That issue needs to be resolved.

He thinks there is another issue relative to fencing. After visiting the site, he feels that some of the fencing on the church's side should actually be taller to prevent people from standing on the curb and peering over the fence. That is an observation that he and one of his fellow commissioners made.

He asks what the Commission wants to do now that this item has been trailed to the end of the agenda.

TURNER states it sounds like the only thing the Planning Commission can do to get some of these things added to the conditional use permit is to set it to public hearing. She still has a concern about the hours of operation and the food delivery. She understands that if the Commission intends to put those things in the conditional use permit, a noticed public hearing would have to be held.

RAMIREZ responds that Commissioner Turner understands the process correctly. In order to proceed with a formal consideration on these four issues, and any others for the church's conditional use permit, it is appropriate for the Commission to now adopt the resolution that was included with the staff report for item #1. This action would initiate an amendment to the church's CUP and set a Planning Commission public hearing date of October 6, 2003. The City would then send out a public notice for the Commission's consideration of the CUP on the church.

AMBROSE asks if the other commissioners feel the same as TURNER.

AGURS has some of the same concerns as far as time and taking a fresh look at use. However, there are some other issues that he would also like to see addressed. First, they put up the gate barrier, disallowing access to the back, but he would like to see one at the front on Bradley. Also, looking at the fences on the west side, he observed that one could still look through those fences down into the neighbors' pools and different things. He would like to see a fence on the church side of the property that is the normal 6-ft. height. Even though the fence is now 6 ft. on the neighbors' side, on the church side it is only about 4' 6". Anyone standing on the curb can look right in (the neighbors' yards).

His other question concerns the east side of the property at the very end of Sumner Place Drive. There is a dilapidated house and the chain link fence there is in very bad repair. He is concerned about kids being able to get into that property. He doesn't know whether it is the church's property or not. It looks like an abandoned house that probably needs to be torn down.

AMBROSE asks Pastor Estill to come forward and address this issue.

ESTILL returns and says the church does own that house; however, it is a life estate whereby the owner controls the property until her death. The fence was damaged from the storm in January or February and has not been repaired. He agrees it is in very poor condition. Because it is a life estate, the church really doesn't have any right to go on the property and make improvements. The resident of that property is a member of their congregation, although her grandson is now living in the property. The church has offered in the past to help clean up the property. The grandson is a younger man with a family. It is ESTILL's observation that they are doing some clean up and cleaning out of the house and are planning to make repairs. The church can ask for repairs, but can't really demand them.

AMBROSE suggests asking Code Compliance to look at the house. With the school being there, the lack of adequate security to keep kids off the property certainly is a safety issue that he is quite sure that Literacy First would be interested in it also because kids on playgrounds sometimes get away.

ESTILL states the church is definitely going to fix the fence before the school comes in. That is within their ability and right. He was just primarily addressing the issue of the house itself.

RAMIREZ advises that staff would not be able to do an internal inspection of the property since that has to be requested [by the owner] or at least have the permission of the owner. The matter could be referred to the Zoning Compliance Officer. She is not optimistic that that would result in the kind of changes that the Commission would be looking for, however.

In response to AMBROSE, RAMIREZ will refer it to the Building Official for his advice on that matter.

AMBROSE remembers when Bob Acker was City Manager there was a problem with a house not too far from his neighborhood. There were several complaints. The City got down there and that house looked wonderful in about a month. So the City has some authority to make things happen if it wants to.

AGURS asks if the exterior and surrounding area could be looked at, if not the interior.

AMBROSE states if it is in really bad shape, the City can condemn the house if there is termite damage or other problems. The house might have to be torn down if it is in really bad shape. He thinks Code Compliance should look at it.

TURNER suggests the church check with its attorney about the life estate. There are requirements with properties that are left regarding safety and those kinds of issues.

AMBROSE tells ESTILL that the Commission is concerned with the fencing along the west side, the hours of operation, the lack of a fence or gate at Bradley, and just general policing of some of the activities that occur in the parking lot, which is not uncommon with any of the churches he is familiar with.

ESTILL agrees. The church is private property but is also kind of a public area. Regarding the gate to Bradley, they could have easily put a gate there than where they ended up putting it. They have never had a problem with the front parking area. All of the issues that they have dealt with in the past five or ten years have always been with the rear. The front area is very visible to the street. It is very well patrolled, by not only El Cajon police but also the Sheriff's Department. They wouldn't have a problem if the Planning Commission required a chain or some sort of barrier. His feeling is that it would be down more than it would be up, thus defeating the purpose.

AGURS thinks it probably would be down more than up during daylight hours but he thinks the big concern everybody is addressing is that in the evening when it is dark, even though ESTILL's residence is 200 yds. back or so, people can still come in and do things or be in that area undetected.

ESTILL knows the possibility exists for that to happen. The fact is that it hasn't happened and it hasn't been a problem.

AGURS says the Commission wants to make the church a good neighbor.

ESTILL replies they want to be a good neighbor. The fences were mentioned. They partnered with one of their neighbors on the west side and are already building a new fence. They would be happy to put a fence there. The Commission could require it, but if their neighbors would like a fence, they would be more than happy. There are just two lots, about 50 ft. of fence for each one. It really is an insignificant addition. They would love to share the cost, but they are also willing to put a fence up to match what already exists on all the other lots.

AGURS says when looking at the west side fence at the back of the lot, there is a double fence, the neighbors' side and the church's side, probably to keep people from getting into the culvert. It also keeps headlights out of the neighbors' yards and back bedroom windows. Right now, with the parking spaces the way they are in front, that doesn't exist. Headlights will be shining into the neighbors' back windows, and people can look into their back yards. A proper 6-ft. fence on the church's side would reduce some noise. We know that from the festival. It would also give the neighbors a better sense of privacy.

ESTILL suggests something similar to what the other neighbors have: a little block retaining wall with a privacy fence on top of that, on the property line.

AMBROSE adds it should be something that is 6 ft. tall.

ESTILL concurs. He thinks all the other fences along the west side are at least about 8 ft. tall. They have all pretty much been rebuilt.

The hours of operation were mentioned. ESTILL wouldn't have a problem with 9 o'clock on weekdays and 10 o'clock on weekends. In 1989, the Planning Commission set the hours at 10 o'clock weekdays and 11 o'clock weekends. Frankly, he has been there for two years and has never had anything go past 9 o'clock. There was one incident he made note of in his letter to the Commission about a service that the Arabic church dismissed at 10 o'clock. That was on a Saturday night so they were still in compliance with the Conditional Use Permit. He thinks 9 PM is more reasonable than 8 PM because even the school is talking about programs for the kids where the parents will be invited and those kinds of things. School activities tend to get out a little later than 8 PM. He thinks 8 PM is a little unreasonable; 9 PM is completely reasonable, and 10 PM on weekends. He knows that 43 people signed the petition about the school, but he doesn't think there are that kinds of numbers [of opposition] with the church. Even if it is just one or two people, they are still very much concerned about that and are willing to make changes in their property and, within reason, in their time schedule.

AMBROSE states staff's recommendation to the Planning Commission is to accept and file the report. However, what he is hearing from the rest of the Commission is that there is not the level of compliance needed to make the church more compatible with the neighborhood. The only way to address that is for the Planning Commission to bring this item back for a formal review of the conditional use permit.

He offers another alternative, to ask for the church's voluntary compliance of the issues that were brought up. There could be a review in a couple of months and if they haven't been able to do it, it could be brought back for a formal review. He doesn't know how the rest of the Commission feels, but that is kind of a "middle ground" approach to try to solve this. He does see some long-standing issues with the neighbors and the Commission wants them to be as compatible as they can.

ESTILL says they do too. They could put up a chain at the front of the parking lot. He has lived there two years and doesn't think it is the best way, but they would do it to make everyone more comfortable. The fence is not a problem. He feels it is part of their responsibility as a good neighbor. With the one exception that he is aware of, they have maintained the hours of operation since he has been there.

Wednesday night, the service was dismissed at 8:15 PM and people stood around and talked. Some of the arguments for the dog park are good for the church. It is good when people are around. The Commission should understand that even though they might dismiss at 8:10 PM, it might be 9:00 or 9:30 PM before everyone clears away. He doesn't know if the Commission is saying that everybody needs to be off the property at 9 PM. It has always been specified as organized activities in the parking lot. That certainly is not a problem.

AMBROSE thinks even with the hours of operation, we all tend to forget that we have neighbors, and it is just a common courtesy to them to try to be a little quieter. Cars starting up and driving away all kind of adds to it. If a neighbor is constantly being bombarded with that, the church will take the brunt of it. The Planning Commission feels it is incumbent on the church, the Commission and everyone to try to get along as much as possible, and to try and make the use compatible. That is why we are here tonight.

ESTILL doesn't have a problem with the principle behind all this. They have not always been a good neighbor in the past. They are sometimes forgetful that they do have neighbors. He thinks the taller fence, especially on those two lots, would solve a lot of the problem. They are happy to be able to do that.

AMBROSE thinks if the neighbors had a number for a person they could call, they would feel like something is being done.

ESTILL says the church number is on the sign out front.

AMBROSE states sometimes one gets an answering machine or voice mail.

AGURS says ESTILL keeps referring to two lots, like two neighbors' backyards. There are more than two neighbors on the west side.

ESTILL asks if AGURS means the ones with the low fence.

AGURS replies exactly. Almost from the very front of that parking lot to where the storage shed is, about 40 ft. in front of ESTILL's house, that property encompasses about four or five neighbors' backyards. He looked at it today.

ESTILL has actually looked at it pretty closely too, and thinks staff has been out there. How many homes does AGURS think have the lower fence?

AGURS replies four or five, as he said.

ESTILL would never argue with him, though that is not what he has observed.

AMBROSE states in the interest of time, the Commission wants to move this item along. Does TURNER have a comment?

TURNER still feels like this needs a formal review. She thinks the neighbors deserve that. They came out in force and told the Commission their complaints. She doesn't think it would be fair to the neighborhood not to address those in a formal way. She thinks that some of the changes that need to be made to the conditional use permit regarding gates, hours and the feeding program need to be formally addressed. She thinks that is the only way to put some substance to this.

AMBROSE says it is sort of a contract between the City and the neighborhood.

AGURS tells the applicant that what he is getting from the Planning Commission is just a preview of what he might see later. He agrees completely with Commissioner Turner that there needs to be a formal review. What ESTILL has been hearing from the community and from the Commission are some of the main issues that the Commission wants to address to make the church good neighbors. Some of the things that have been talked about will probably help that a long ways. If this is set to public hearing for a meeting in October, ESTILL may have a lot of those things already accomplished and the neighbors will have big smiley faces rather than frowns.

ESTILL would be happy to do that. One of his neighbors is here tonight. If she would allow it, they would be happy to build a fence.

ESTILL carries on a conversation about the fencing with a person in the audience who spoke earlier. Her conversation cannot be heard.

ESTILL says they don't want them out there after 9 PM either. The church agrees. They will be happy to address those issues.

No further comments are offered.

Motion by TURNER, second by AGURS to adopt Resolution of Intention No. 9826 to set to public hearing Conditional Use Permit 732 for formal review; carries 4-0, BURGERT absent.

AMBROSE advises there will be a formal review of the conditional use permit so the Planning Commission can amend, modify or change the current issues or status of the church.

In reply to AMBROSE, RAMIREZ advises the noticed public hearing will be held on Monday, October 6, 2003, at 7 PM.

TURNER asks if everyone who spoke will receive a notice.

RAMIREZ responds affirmatively.

RESOLUTION OF INTENTION NO. 9822

Adopted

To set to public hearing Conditional Use Permit 1910 for consideration of the revocation of Conditional Use Permit 1910 for the temporary storage and sale and/or rental of manufactured homes and mobile or modular offices in the C-2 (General Commercial) zone.

AMBROSE asks if staff has any comments.

RAMIREZ replies only that we don't get to this point unless it is thought to be absolutely necessary.

In reply to AGURS, RAMIREZ states the original resolution will be revised to reflect that Commissioner Burgert was not present.

Motion by TURNER, second by HANSON-COX to adopt Resolution No. 9822; carries 4-0, BURGERT absent.

PREDRAFTED RESOLUTIONS

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

Motion by TURNER, seconded by HANSON-COX to adopt Resolution Nos. 9827, 9828, 9829, 9830, 9831, 9832, 9833, 9834 & 9835 pro forma; carries 4-0, BURGERT absent.

ORAL COMMUNICATIONS

TURNER states she will be absent on September 8 and October 27, 2003.

AMBROSE refers to the handout the commissioners received concerning Parliamentary Procedures. He thinks the Commission is already doing all of the things. He would like not to have multiple motions on the floor, however.

ATTORNEY GALLAGHER advises that the El Cajon Municipal Code has a provision which allows only one motion on the floor at a time.

CORRESPONDENCE

There was none.

ADJOURNMENT

The meeting of the El Cajon City Planning Commission adjourned at 9:55 PM this 11th day of August 2003.

Anthony AMBROSE, Chair

ATTEST:

James S. GRIFFIN, Secretary