

MINUTES

PLANNING COMMISSION MEETING

NOVEMBER 10, 2003

(Including items carried over from the meeting of October 27, 2003,
due to fire emergency)

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: NONE

RESIGNED: BURGERT

OTHERS PRESENT: GRIFFIN, Director of Community Development
GALLAGHER, Staff Attorney
DAVIES, Principal Civil Engineer
SHUTE, Associate Planner
MOSSAY, Minutes Clerk

MINUTES OF 10/06/03

Motion by TURNER second by HANSON-COX to approve the Minutes of October 6, 2003, pro forma; carries 3-0, AGURS abstaining due to his absence on 10/6/03 and BURGERT having resigned.

GRIFFIN apologizes to all the applicants and residents who were originally scheduled for the October 27 meeting. Obviously, no one planned the horror with the fires. It was felt that it was not appropriate to have a meeting that night. The smoke and ash was pretty bad and it just seemed the better thing to do was to continue everything. Unfortunately, it was not possible to make that decision in time to let everybody know. To those who came on October 27, he apologizes for their inconvenience. By the same token, he apologizes to the applicants and any residents that are here for the items that were originally scheduled for tonight, because that means those items will be pushed later in the evening. Hopefully, if there is good testimony, the Planning Commission will be able to get through the agenda in a reasonable amount of time and not inconvenience anybody any further.

He points out that a number of these items were jointly noticed. That means one notice was sent advertising both the Planning Commission hearing and a subsequent City Council hearing. Not all items require Council approval, but a number of applications do, including several on the agenda tonight. If the Planning Commission denies any of those items that were jointly noticed, that ends the process unless an applicant appeals

to the City Council. So, even though it was jointly noticed for a subsequent Council meeting, if the Planning Commission denies the item, it must be appealed in order for the City Council to consider that item.

GRIFFIN states that Planning Commissioner Jim Burgert has resigned because he has moved out of the city and one of the requirements is that a person must be a resident of the city to serve on the Planning Commission. Unfortunately, there won't be a fifth commissioner tonight, or until the Council considers all the different commission appointments in January of next year. That means there will be at least two more meetings this year (one on November 24 and one on December 8) at which there will only be four Planning Commissioners present. Three commissioners are needed to take action one way or the other. A four-person commission can still function, even though it is not the best situation. It is up to the Planning Commission if an applicant wants to have a full commission; they need to understand that there probably won't be one until at least February because the appointments won't be until January. They might be better off going forward with the four commissioners tonight and seeing what the outcome is. That decision can always be appealed. The appeal period for the items tonight, from both Oct. 27 and Nov. 10, ends November 24, two weeks from tonight.

GENERAL PLAN AMENDMENT 2003-02 – Abdulahhad

(public hearing) Resolution No. 9860

P. C. Meeting 11-10-03 (Carried over from 10/27/03)

The subject property is located on the north side of Broadway between First and Oro Streets, and addressed as 1120 Broadway; APN 484-184-16 & -18; General Plan Designation: General Retail Commercial.

Request to change the General Plan designation on certain property from General Retail Commercial to Light Industrial, in the existing C-2 zone.

AND

ZONE RECLASSIFICATION 2238 – Abdulahhad

(public hearing) Resolution No. 9861

P. C. Meeting 11-10-03 (Carried over from 10/27/03)

The subject property is located on the north side of Broadway between First and Oro Streets, and addressed as 1120 Broadway; APN 484-184-16 & -18; General Plan Designation: General Retail Commercial.

Request to rezone property from the C-2 (General Commercial) zone to the C-M (Heavy Commercial/Light Industrial) zone.

GRIFFIN states both public hearings should be opened simultaneously because it may be hard to separate the discussion on the two items. However, in order to approve the zone reclassification (Item #1B), the General Plan Amendment (Item #1A) has to be approved because 1B must rely on Item 1A.

The first item (1A) is a request to amend the General Plan. The City's general plan can be amended up to four times a year by state law. This would be the second amendment in the year 2003. The specific request is to change the land use designation on the subject property from General Retail Commercial to Light Industrial. The intent of that change is to allow the property to be rezoned from C-2 (General Commercial) to C-M (Light Industrial) so that the applicant may seek a conditional use permit to operate a towing service with an impound yard. There had been a towing service without an impound yard on this property a few years ago. However, because of various issues and violations of the conditions of that conditional use permit, the Planning Commission revoked the conditional use permit and the City Council denied the appeal. In other words, they revoked the permit as well. Although there had been a towing service on this property before, it did not have an impound yard. The business that was involved (Magic Payless Towing) currently operates out of a property on Pioneer Way where they are operating both their towing service and their impound yard. That property is in an M (Manufacturing) zone.

The permitted uses currently on the subject property are a truck rental business and a used car sales business and repair. No towing is allowed at this time. That was pursuant to a conditional use permit that the Planning Commission approved in 2001 (Conditional Use Permit 1866).

It is staff's opinion that the subject property is not appropriate for light industrial. The area to the north, though it is in the County, is residentially zoned and developed; the areas to the east and west and south are in the city of El Cajon but are all retail commercial. In staff's opinion, it is just not appropriate to go in and pick out one property in the middle of this area and change the General Plan and zoning because the applicant wishes to have a towing service and an impound yard on that property. Even that is speculation because if the General Plan change is approved and the zoning, then any use allowed in the C-M zone can locate on that property. Staff understands that the applicant would like to have the impound yard and the towing service there, but he would still have to apply for a conditional use permit and that would still have to be granted. On the issues in front of the Commission tonight, GRIFFIN says that the staff believes that this is not the right location for light industrial and therefore recommends that the Planning Commission adopt the Negative Declaration, deny the General Plan Amendment and also deny the zone change.

The public hearings are now open on General Plan Amendment 2003-02 and Zone Reclassification 2238.

Mike MANSOUR, 1120 Broadway, El Cajon CA 92020, thanks staff for the hard work on the report. The reason he is requesting the General Plan Amendment is to utilize the

C-M zone because it has a better choice of uses versus the C-2 zoning that they now have. The truck rental is the only thing that is operated on that premises. There is no more car sales or anything else. Very light maintenance, such as changing oil, is the extent of it. A conditional use permit would allow the City of El Cajon to keep very good control of that property. His ultimate goal for that property is to have a self-storage facility there. There are similar uses around the area on North Second and Lexington (*sic*), and on Ballard and Main Street, and there is one in the adjacent County on Greenfield. If this General Plan Amendment and rezoning are approved, he promises to comply with any conditional use permit conditions in a timely manner. If the towing were allowed here, it would be just temporary, just a back up to the Pioneer yard, but that is not their primary choice for that property. They are counting on the City of El Cajon being business friendly and the expertise of the commissioners to make a good decision, taking the amount of the fees that were paid for these applications into account. He hopes that the commission will come up with a really good decision to approve this general amendment and the zoning reclassification. He thanks the Planning Commission for its time in hearing this matter.

GRIFFIN states if he understood Mr. Mansour's comments correctly, he thought he said he wished to have a self-storage facility on this property. Actually, that use is allowed in the current C-2 zone by conditional use permit. That was a recent amendment that was made last year by the City Council, so the applicant wouldn't need a General Plan amendment or a rezone if that is the use he wishes to apply for.

MANSOUR states this is just another use that could be allowed with the C-M. Both he and the staff know that the C-M is a much better choice and there is a variety of usage. They don't know what the future holds. If it is the towing yard, it would be just temporary; if it is the self-storage, that is what they will look into, or other various uses that are allowed under the C-M. That is why they applied for these changes, hoping that they can utilize the huge vacant space on this property and put it to use and, hopefully, generate work and taxes for the City of El Cajon.

Joseph HANNANEY, 1040 E. Washington Ave. #34, El Cajon CA 92020, prepared the documentation for both applications. The answers to all the environmental questions were negative. There was no negative impact on anything in the environment and surroundings. The amount of money that Mr. Mansour and Mrs. Abdulahhad have expended into these applications is enormous for them. His understanding from Mr. Griffin's comments are that staff believes light industrial will have negative impacts on this property. He did not really grasp the negative impacts that would be caused on the surroundings, on the environment, and on the general plan amendment. He asks if staff could give more detail of the negative impacts that these applications would cause.

In reply to AMBROSE, GRIFFIN responds to the speaker's comments. The concerns the staff has are that the C-M zone is, for lack of a better term, a heavier zone that allows more uses that are unrestrained than does the C-2 zone. For that reason, staff believes this is not the right location for that zoning. The General Plan text, that was included in the Planning Commission's agenda packets, recommends keeping the light

industrial and industrial zoning in the areas around Marshall Avenue and Johnson Avenue, as well as north of Fletcher Parkway. It just doesn't make sense to staff to start moving small industrial areas out into the outskirts of the city. Exhibit "A", which was attached to the staff report after the location map, clearly shows on the bottom part, under General Plan designation, the areas to the east, west and south are all "general retail commercial" and the area to the north is "low density residential". This change to light industrial would be just like a red flag in the middle of an area that is clearly intended to be commercial. The applicant may not be satisfied with the current use of the property, but that was his choice. That property could be used for a retail center, or it could be used for office purposes in the C-2 zone. There are a number of permitted uses and there are a number of conditional uses in the C-2 zone. The applicant attempted to have a towing service there before, as GRIFFIN indicated earlier, and was not able to operate it in a way that was satisfactory. That is also a concern to the staff. The City went through this once on this property with the same applicant. It doesn't make sense to go through the process of amending the General Plan and changing the zoning and then attempting to go through another towing service with an impound yard on the property. If the applicant really wants a self-storage use, he can do that right now; all he has to do is apply for a conditional use permit and convince the Commission that is an appropriate use on that property. He doesn't need the General Plan Amendment to accomplish that use.

HANNANEY states it does not follow that just because somebody did not fulfill all the requirements of one CUP (conditional use permit) that the second time around he is going to be noncompliant. He understands that Mr. Mansour and Mrs. Abdulahhad are very eager to satisfy all requirements for such a change. Just because he did not comply fully at one time doesn't mean they won't comply fully the next time.

No one else comes forward to speak.

Motion by TURNER, second by HANSON-COX to close the public hearing; carries 4-0, fifth seat vacant (BURGERT having resigned).

AGURS needs clarification from the City Attorney. His office is at 1150 Broadway. Does he need to disqualify himself from this item(s)?

ATTORNEY GALLAGHER asks if AGURS received notification of these items.

AGURS replies he has been out of town all week. It is probably in his mailbox. His office is two doors down, so he is within the notification area.

ATTORNEY GALLAGHER advises AGURS should be disqualified. That means that there is still a quorum but there will have to be a unanimous decision for any action.

AGURS leaves the Council Chamber.

AMBROSE has a problem with this application. It seems to be a classic case of spot zoning. He is concerned about the General Plan changing to light industrial. There would be one little spot of light industrial in the center of a sea of commercial and some residential. Although the C-M zone might be able to accommodate the applicant's needs in the future, it could be used for some heavier industrial use if approved for the C-M zone. There is no guarantee that this particular property will stay in the present ownership and that it will be operated as the applicant has indicated it would. Looking out 10, 15 or 20 years from now, things could be quite different. There could be any kind of toxics or something that could be produced there and he thinks that is an inappropriate place for that kind of land use activity. He would not support the applicant's proposal.

HANSON-COX states as much as the Commission tries to be business friendly, she agrees with staff that industrial shouldn't be introduced into residential. She can foresee some problems there too. She agrees with AMBROSE.

TURNER doesn't think there is a justification to change the General Plan. She thinks light industrial is an inappropriate use and that the applicant can get his self-storage use in another way, as GRIFFIN said. She says this applicant has been in front of the Planning Commission several times regarding his permits being revoked. He has been given previous opportunities but, based on his history and his goals here, she doesn't agree with his request.

No further comments are offered.

Motion by TURNER, second by HANSON-COX to adopt the proposed Negative Declaration for General Plan Amendment 2003-02; carries 3-0, AGURS disqualified and the fifth seat vacant (BURGERT having resigned).

Motion by TURNER, second by HANSON-COX to DENY General Plan Amendment 2003-02 in accordance with the staff report; carries 3-0, AGURS disqualified and the fifth seat vacant (BURGERT having resigned).

Motion by TURNER, second by HANSON-COX to reaffirm the adoption of the proposed Negative Declaration for General Plan Amendment 2003-02; carries 3-0, AGURS disqualified and fifth seat vacant (BURGERT having resigned).

Motion by TURNER, second by HANSON-COX to DENY Zone Reclassification 2238 in accordance with the staff report; carries 3-0, AGURS disqualified and fifth seat vacant (BURGERT having resigned).

AMBROSE states these are final actions unless appealed to the City Council by November 24, 2003 by 5 PM in the City Clerk's office.

AGURS returns to the Council Chamber.

ZONE RECLASSIFICATION 2239 – Priest Development

(public hearing) Resolution No. 9862

P. C. Meeting 11-10-03 (Carried over from 10/27/03)

The subject property is located on Cajon View Drive between Avocado Avenue and Magnolia Avenue, and addressed as 1480 Avocado Avenue; APN 493-441-31; existing LUC 9110/proposed LUC 1111; General Plan Designation: Low-Low Density Residential.

Request to prezone property from the County RR1 zone to the City of El Cajon R-S-14 (Residential Suburban 14,000 sq. ft.) & R-E-20 (Residential Estates 20,000 sq. ft.) zones.

AMBROSE abstains because his company has had a contract with Priest Development in the last twelve months. AGURS assumes the Chair.

GRIFFIN states this is a request to prezone a small portion of property adjacent to a larger area that this applicant had previously received approval to subdivide into a five-lot subdivision back in 2001. This property is currently a private street called Cajon View Drive but it is in the County. The subdivision map showed his development in the city of El Cajon (the five lots he wants to create) but the access and street would be in the County of San Diego. It was previously thought that would be feasible, but it has turned out that it isn't. What the applicant is asking the Planning Commission to do tonight is consider a zoning for this street (it will remain a street because that was the way his project was approved) so that it can be annexed to the City and made part of the development that is already in the city.

Staff's recommendation is a split zone because his property is in one zone (R-S-14) and the other part of the street is in a second zone because the property adjacent to it is in the R-E-20 zone.

Staff's recommendation is that the Commission recommend approval of this zone reclassification to allow this property to be prezoned in accordance with Exhibit "A", which is attached to the staff report and shows the split between the recommended R-S-14-H zoning and the R-E-20-H zoning.

The public hearing is now open.

Todd KEEGAN, 124 W. Main Street, El Cajon CA 92020, represents the applicant. All they are asking is to prezone a portion of a street for annexation to the City. It will be a benefit for all. It is in front of one of their potential developments. They will improve the street (Cajon View Drive) and improve the sight distance at Avocado from Cajon View Drive, which has needed to be done for a number of years. He appreciates the staff recommendation for approval.

No one else comes forward to speak on this item.

Motion by TURNER, second by HANSON-COX to close the public hearing; carries 3-0, AMBROSE abstaining and fifth seat vacant (BURGERT resigned).

AGURS states this is pretty straightforward.

HANSON-COX says it makes sense to her. It is very clear-cut.

Motion by HANSON-COX, second by TURNER to RECOMMEND APPROVAL of Zone Reclassification 2239 in accordance with the staff report; carries 3-0, AMBROSE abstaining and fifth seat vacant (BURGERT resigned).

GRIFFIN advises this item was jointly noticed for a City Council hearing on November 18, 2003, which is a week from tomorrow.

AGURS returns to the Council Chamber.

TENTATIVE SUBDIVISION MAP 522 – Helix Development, Inc.

(public hearing) Resolution No. 9863

P. C. Meeting 11/10/03 (Carried over from 10/27/03)

The subject property is located on the southwest side of Grossmont College Drive between Nugent Court and Erin Drive; APN 481-052-19 & -25; General Plan Designation: Low-Density Residential.

Request 17-lot single family residential subdivision in R-S-9-H (Residential Suburban 9,000 sq. ft./Hillside

SHUTE states the proposed subdivision divides the existing parcel of 6 ½ acres into 17 single-family parcels using a new public street extending southerly in a cul-de-sac from Grossmont College Drive. In this case, all of the proposed lots exceed the minimum 9,000 sq. ft. lot area for the R-S-9 zone with an average lot size of over 13,000 sq. ft. Because the site is in the hillside overlay zone area, and the applicant will be performing grading activities, that is governed by the Hillside Overlay Zone, which limits the extent of the grading that can take place.

The applicant has also submitted a Geotechnical Investigation Report that concludes that the property is suitable for the proposed development as long as it complies with the recommendations of that report.

The proposed 17 lots equates to a density of less than three per acre or approximately 2.6 dwelling units and it is consistent with the General Plan designation of low-low density residential for this area and with the type of development that surrounds this vacant lot.

Lots 11, 12 & 13 will each contain substantial segments of graded slopes. Although these slopes will be required to be initially landscaped by the developer, the long-term maintenance will fall to each of the three individual homeowners. The Planning Commission should be satisfied with this obligation, in terms of both fairness and the likelihood of satisfactory ongoing maintenance. The Planning Commission may want to discuss the need for another mechanism instead of relying on the individual homeowners to maintain those slopes.

Staff received a number of responses to the public hearing notice for this item. Each of the neighbors sought clarification. No one stated a position for or against.

Staff recommends that the Planning Commission adopt the proposed Negative Declaration and recommend approval of Tentative Subdivision Map 522.

AMBROSE has a concern real about the long-term maintenance of those slopes, even the slopes on the back of Lots 6 through 10. Does staff have any recommendation for maintenance? He sees that there is no proposal for a homeowners association. He really doesn't think those slopes are going to be adequately maintained by the individual property owners.

SHUTE replies staff was concerned about the slopes and the long-term maintenance of them, as mentioned in the staff report. Typically, with a PRD or PUD, CC&Rs do accompany them and mechanisms can be implemented in those CC&Rs to facilitate or have certain issues addressed. In this case, it is a standard subdivision. Normally there are no CC&Rs in cases like this. Staff mentioned this concern to see if the Planning Commission felt the same.

AMBROSE states the applicant could propose a solution to this though.

GRIFFIN states there are some larger subdivisions to the north of this property on both sides of Windmill View Road. On the south side of Windmill View Road, there is a large open space that was dedicated to the City. So the City actually owns that acreage. There is a process where that could occur. He is not recommending or suggesting that in this case, however. In another large subdivision to the north of Windmill View, a large open space area is part of a homeowners association. All of the owners in that subdivision share its ownership and maintenance. It is not a PUD or PRD but it is a common lot that is owned and maintained by the homeowners association. In other cases, as proposed in this subdivision, there are open space areas that are actually part of individual private lots. That was a concern of staff because there is such an extensive amount of private area that the potential would be that if someone decided they didn't want to water it or maintain it, that it could be a detriment not only to the individual lots

but perhaps to the entire subdivision. Staff agrees with the Commission that that issue needs to be addressed. There are alternatives if the Planning Commission wants to give staff some guidance, and staff can consider that, or pass it on to the City Council and let them make the final decision if the Planning Commission recommends approval tonight.

AMBROSE is also concerned about Lots 6 through 10 where the downhill slopes are. Those tend to become invisible to the residents and they tend not to take care of them if they are running downhill away from them. Then the residents below will be looking up at something that is not maintained.

GRIFFIN replies that is true. There are areas in town where that is the case. However, if you drive north on Fanita from this property there are some downhill slopes much higher than this on the properties on the west side of Fanita that have downhill slopes to Fanita. Those areas, although it is not manicured, is maintained in a way that looks natural. The subject property is not that large where there is a fire concern per se, it is more an issue of slope stability and maintenance that concerns staff.

AMBROSE has some questions about the quality of the units. Maybe the applicant can address what they are proposing to build here.

GRIFFIN advises that the City doesn't have any control over that since it is a standard subdivision. The applicant is asking approval of a map. The applicant can choose to build the houses or to sell the lots to someone else. As long as they comply with the Zoning Ordinance in terms of the parking, setbacks, lot coverage, height limits, then a building permit would be issued whether it was Helix Development building the houses or 17 individuals building the houses. They still will have to go through the Public Works requirements for drainage and grading plans and storm water control. All of that will still be mandated as part of the map, whether there are 17 owners or one developer.

AGURS comments that right now there is no individual homeowner for those lots. The developer actually does own the land and the lots. The Planning Commission could have the developer amend the CC&Rs (*sic*) to make it a matter of fact that the homeowners have to maintain those slopes as part of the CC&Rs. Right now, the developer can do that if the Planning Commission makes that condition, long before the owners ever get it.

GRIFFIN responds that there actually aren't any CC&Rs now and there isn't a requirement for them since this is a standard subdivision. If the Planning Commission wanted to recommend CC&Rs for slope maintenance, if it recommends approval of this project, he thinks we could still come up with a homeowners association, whether this is a PUD or not, and have CC&Rs in conjunction with that.

AGURS states not CC&RS regarding a homeowners association, but there are also CC&Rs that run with the land.

GRIFFIN states that would be something like an easement or something that would stipulate that the owner has to maintain the slopes. In looking at the extent of the open

space lots with the blue striped lines on the map, on the east side, they are almost entirely within three lots. That is a lot of open space hillside to maintain by three homeowners.

AGURS asks if one of the options is deeding it over to the City, would that diminish the amount of the property for each lot and make them fall below the minimum requirement.

GRIFFIN replies not if it is left as part of the lot. It would just be an easement. He is not suggesting that the City is out looking for property, so that would probably be a weak third choice of the alternatives. That requires the City Council to decide if it wants to assume that. Of course, it also takes on some of the liability that goes with it. If AGURS is suggesting that he wants something more than just the individual homeowners that are proposed to maintain it, GRIFFIN would add a condition that suggests that and then go from there. Maybe staff could bring back some proposal to the Commission after the map is approved, assuming that it is, and talk about what those options would be. It could be worked out with the applicant.

AGURS says that makes sense to him.

The public hearing is now open.

Dorothy McRANN, 1099 Nugent Court, El Cajon CA 92020, states that the first lot off Grossmont College Drive will back up to her property. She asks what area staff is so concerned about with the slope. There is a slope on Grossmont College Drive that has been maintained by the owners now (*sic*). Her property butts up to it. When the City approved the adjacent project, she has no line where her property ends any more because everything was dumped on her property and whoever inspected it did not clean it up. The sidewalk was torn up. She would like to know who is going to maintain that sharp hill up the side. The homeowners, she thinks they call the area Highpoint, maintain it now and do a beautiful job. Which one is staff talking about now as far as slope maintenance?

AMBROSE states the crosshatched areas shown on the displayed map.

McRANN asks if that backs up to the beautiful brown water tank.

AMBROSE replies yes.

GRIFFIN advises the water tank is actually on the upper end of the project. The map is displayed the way it is drawn. It actually should be rotated to reflect true north. The north side of the property is where it says "Grossmont College Drive" and the number 3. The top of the displayed map is actually west and the bottom is east.

AMBROSE understands that Nugent Court is to the north, the top of the project.

GRIFFIN replies that is correct.

AMBROSE states the lots backing up to the other subdivision are above the existing development on Nugent Court.

SHUTE advises that the Nugent Court lots run along the north. The lots and slopes the Chairman mentioned are behind Lots 6 through 11. Erin Drive is to the southeast.

GRIFFIN refers to the location map provided in the Commissioners' packets. It shows the relationships better including the lots on Nugent Court and the smaller lots in the PRD to the southeast that was referred to by the last speaker. This property is not part of Highpoint, so if they were maintaining the frontage along Grossmont College Drive, they were doing that because they wanted to.

AMBROSE asks if there is a landscape easement across front of the subject the property.

GRIFFIN replies no.

Ashok GUPTA, Helix Development, is the applicant. As background of this development, he states the underlying R-S-9 zoning could actually accommodate 31 single-family homes on this 6 ½-acre site. The property to the northeast is a PUD, which has private streets and much smaller parcels. He did some initial design work to look into doing a PUD on this parcel. There could be more units proposed by creating a homeowners association, a private street and smaller parcels, but looking at the overall design and the balance, they decided the best way to develop this property would be with a regular subdivision. All the parcels exceed the minimum lot size requirement. There is no variance required from any of the regulations of the state or city requirements and none has been requested. On the street itself, it is a long street and for 17 lots, after curb cuts, there will be 51 parking spaces available for the people on the street.

Regarding the slopes, he had discussions with the staff on the three parcels with extensive slopes. Slopes provide something unique. They provide privacy for the people who live on that parcel. These are larger parcels. Looking at the soil recommendation report, all the slopes comply. It is not a requirement that they be landscaped for slope stability. The slopes are all cut slopes in this case, not fill slopes. He doesn't think slope stability on those three parcels is an issue. These parcels are about 20,000 sq. ft. in size, which is about the same size as the properties off Katherine to the south. He doesn't think that the slopes on these three parcels are that big of an issue. It will be hard to create an association because these slopes really, in appearance and in privacy, benefit the three parcels to which they belong.

AMBROSE assumes that the engineer and geologist are professionals and competent and can judge whether these slopes are stable. He is concerned more with the aesthetics of how it is going to look. If it doesn't have any groundcover on it over a period of time, he doesn't care what it is, that soil is going to wash off those slopes at 2:1 slope ratio and they are going to be down in the street and other places. He is

having a real difficulty with long-term maintenance of a few of the lots, especially the ones in the blue crosshatched area. The first time those people get their water bill for irrigating that slope, they will turn it off and there isn't going to be any landscaping there. He thinks for a quality project and one to be proud of, that the applicant would want it to look aesthetically pleasing. He thinks that means it has to be landscaped and maintained in some manner consistent with most of the rest of the neighborhood. He hasn't heard the applicant say how those slopes will be maintained in perpetuity.

GUPTA says his proposal was for the individual homeowners to maintain those slopes, the land that belongs to each homeowner.

AMBROSE doesn't think that is going to work.

GUPTA states one of the difficulties he has is to ask 14 other homeowners who really have very little benefit of those slopes to help maintain them for perpetuity. He doesn't know how much those homeowners would like to contribute to the benefit of some neighbor that the property actually belongs to.

AMBROSE thinks if a person buys into a development like that, with their eyes wide open, and they know that is how it is going to be, they can make a decision of whether they want to go forward or not. He doesn't see a problem with that. Most developments these days that have large expanses of slope areas have a maintenance agreement or a district or homeowners association to maintain the slopes. He just doesn't believe that the individual homeowners in this case can be relied upon to maintain those slopes.

GUPTA would be willing to work with the staff on a solution. He understands a homeowners association and CC&RS in context with a PRD and PUD, but he has not done a standard subdivision with a homeowners association. If that is what the Planning Commission really wants, he will go along with that.

AMBROSE lives in a subdivision with CC&Rs, so he knows it can be done.

SHUTE reminds the applicant and Commission that there is a condition of approval for a landscape and irrigation plan for all created slopes. That is because this property is in a hillside overlay zone and that is mandated by the ordinance. The issue is not that these slopes will be planted and landscaped; the issue is their long-term maintenance and what instrument will take care of those slopes.

AMBROSE states that is his concern as well.

AGURS would like to kick the slope maintenance issue back to the staff and let staff discuss that with the applicant and come up with some kind of solution. He doesn't want to unfairly penalize 14 other homeowners for property that they don't own and try to create a master-planned community out of something that doesn't exist already. As GRIFFIN said, let's look at some options or some solutions before mandating a homeowners association.

GRIFFIN states if the Planning Commission wants to recommend that and the City Council agrees and also approves the map, it could be set up for staff to bring something back to the Planning Commission before the subdivision records. The only difficulty with that is that it wouldn't be a public hearing; it would be a discussion item. He hasn't discussed this with the City Attorney's office to see if they would be comfortable with that, but if it is the implementation of a condition of approval, he thinks that is something that probably could be handled as a discussion item rather than require a full public hearing. Staff will have to follow up on that if the Planning Commission makes that a condition.

No one else comes forward to speak on this item.

Motion by AGURS, second by TURNER to close the public hearing; carries 4-0, with the fifth seat vacant (BURGERT having resigned).

Under discussion, AMBROSE agrees with AGURS about letting staff come up with a solution. He doesn't want to try to manufacture one this evening. He does think it is important. He thinks most of the other issues have been addressed by staff.

No further comments are offered.

Motion by TURNER, second by HANSON-COX to adopt the proposed Negative Declaration; carries 4-0 with the fifth seat vacant (BURGERT having resigned).

Motion by TURNER to RECOMMEND APPROVAL of Tentative Subdivision Map 522 in accordance with the staff report.

Under discussion, AMBROSE asks if TURNER wants to add a condition regarding the slope maintenance.

TURNER asks if staff has some language.

GRIFFIN suggests adding a condition #9 to read: "Prior to recording the final map, the applicant shall present or provide a mechanism to maintain all slopes in the subdivision". That way, we are not just focusing on the three large slopes that we are talking about because we may want to look at the entire subdivision. Staff can bring that back to the Planning Commission for its approval if the City Council agrees.

The motion now reads: Motion by TURNER, second by AGURS to RECOMMEND APPROVAL of Tentative Subdivision Map 522 in accordance with the staff report, adding a condition #9 to read: "Prior to recording the final map, present or provide a mechanism to maintain all slopes in the subdivision"; motion carries 4-0 with the fifth seat vacant (BURGERT having resigned).

AMBROSE states this is a recommendation to the City Council. The City Council meeting will be held on November 18, 2003.

**AMENDMENT OF ZONING ORDINANCE RE: RESALE USES IN C-2/C-R ZONES –
Planning Commission**

(public hearing) Resolution No. 9864

P. C. Meeting 11/10/03 (Carried over from 10/27/03)

GRIFFIN states the Commission will recall that this was discussed back in September when reviewing the amendment of Specific Plan 182. The specific question that came up was in the downtown area, Specific Plan 182 prohibits the sale of secondhand merchandise. The question was if there is a way to peel off from secondhand merchandise and create a separate category, such as resale uses, that might be something that the City would allow but would not be confused with secondhand merchandise. A lot of time was spent discussing that and it ended up in a situation where it looked like we were thinking of recommending that resale uses be allowed in Specific Plan (SP) 182 even though secondhand stores are prohibited. That didn't fit the format of the specific plan because it allows all uses permitted in the C-2 and C-R zones except those prohibited by SP 182. Staff recommended that the Planning Commission not take that action but instead consider amending the C-2 and C-R zones to see if staff could come up with a way to include resale uses. That is what the Planning Commission opted to do, and adopted a resolution to set it to public hearing. That is what tonight's hearing is all about.

GRIFFIN says that staff has spent more time looking at this and still has not come up with a finite way to clearly distinguish between resale uses and other secondhand merchandise sales. As many options as staff thought of, it could not reach the point where it thought it had something that would be easily understood by business owners, by the public, by the staff, by the Commission and the Council. Staff just felt it would end up in endless arguments over whether something was a resale use or secondhand merchandise. As mentioned in the staff report, the one user that brought this issue to a head, Act II, has actually chosen not to come to downtown so it is not an urgent issue at this point. Based upon staff's further analysis and inability to clearly distinguish between a resale use and secondhand use, staff is recommending that the Planning Commission simply deny the amendment and leave the ordinance the way it is.

AMBROSE thinks we have gone full circle on this.

The public hearing is now open.

No one comes forward to speak.

Motion by AGURS, second by TURNER to close the public hearing; carries 4-0, fifth seat vacant (BURGERT having resigned).

Motion by AGURS, second by HANSON-COX to DENY Amendment of Zoning Ordinance Re: Resale Uses in C-2/C-R zones in accordance with the staff report; carries 4-0, fifth seat vacant (BURGERT having resigned).

AMBROSE states this is final action unless appealed to the City Council by November 24, 2003, at 5 PM.

BREAK: 8:07 – 8:14 PM

AMENDMENT OF CONDITIONAL USE PERMIT 86 – Volunteers in Medicine, San Diego, Inc.

(public hearing) Resolution No. 9865

P. C. Meeting 11/10/03 (Carried over from 10/27/03)

The subject property is located on the south side of East Madison Avenue between East Main and North Third Streets, and addressed as 1465 E. Madison Avenue; APN 511-171-07; existing LUC 6911A/6811A/6815, proposed LUC 6911A/6811A/6510; General Plan Designation: Low Density Residential.

Request nonprofit medical and other health services [devoted to the service of the general public] in conjunction with an existing religious facility (church) in the R-1-6 (Residential One Family 6,000 sq. ft.) zone.

GRIFFIN states this is a request to add a medical and health care clinic to an existing church property in the R-1-6 zone. The church is not the applicant; the church is simply the owner of the property. The applicants do not have any direct connection with the church.

The applicant is applying for this use as a nonprofit, because otherwise it would not be an allowed use in the R-1-6 zone. The R-1-6 zone means single-family residential. The proposed use is an office use and offices are not permitted in an R-1-6 zone. Nonprofits may be allowed, as the staff spent a lot of time trying to explain in the staff report. This language was added to the Zoning Ordinance about 40 years ago, in 1964. It was put in the R-1-6 zone at the request of a group representing the Girls Club because at that time, there was no category for a Girls Club in any zone. They came to the City and asked what zone they would go into. As a result of research by the City staff, it was recommended that a nonprofit organization devoted to the service of the public be added as a use allowed by conditional use permit in the residential zones, including the R-1-6 zone. However, this request tonight, in staff's opinion, is not consistent with the intent of the nonprofit use that was added in 1964. There is no definition of a "nonprofit organization", so that makes it even more difficult for the Planning Commission to try to resolve this because all there is is the language from the Planning Commission and City Council discussions in 1964.

Since medical clinics are allowed in the C-2 zone and in the O-P (Office Professional) zone by right, the staff believes it is inappropriate to consider an office use in the R-1-6

zone in conjunction with the church. There is no question that the applicant's proposed office building is well designed. The architecture and elevations are mounted on the board behind him. However, staff doesn't believe it belongs in the R-1-6 zone even if it is in conjunction with the church. Staff doesn't see how findings of compatibility can be made and therefore recommends that the Planning Commission adopt the proposed Negative Declaration but deny the request to amend the conditional use permit.

The public hearing is now open.

Dr. Grisham BAYNE, 3410 Trumbull St., San Diego CA 92106, is Chairman of Volunteers in Medicine, San Diego. They have written comments that he would like to read in the interest of time.

AMBROSE asks if he represents other speakers. If so, does he need additional time?

BAYNE replies affirmatively. He represents the 15-member board. In reply to AMBROSE, he says some of the members are here this evening.

AMBROSE asks if they are going to speak or are they going to grant BAYNE their time. Someone in the audience gives him their time.

AMBROSE gives BAYNE four minutes.

BAYNE reads his statement: "The staff has recommended denial of the clinic application conditional use permit for two reasons. The first 'because it would introduce an inappropriate building form and scale and the nearby residents fear that it will be a homeless clinic and destroy the peace and tranquility of their neighborhood.' And secondly 'there are no conditions of approval that will insure the proposed nonprofit medical clinic will be compatible with the surrounding land uses and zoning'. We apologize to staff and to the commissioners for not being clear as to what our nonprofit intentions are. In response to #1, we agree that a new environmentally sensitive structure with landscaping and solar panels across an alley from a mobile home park and across the street from a park and ride and C-1 zoned area may be different but we don't agree that it is inappropriate to upgrade the architecture of the neighborhood with buildings that have been approved by your and other over site committees (*sic*). Since the church roof is currently two stories and the R-1-6 zoning permits two-story houses, and C-1 across the street would permit three stories, we are unclear as to why another two-story building would in fact be inappropriate. The commercial scale of the proposed project is compatible with the neighborhood considering the building is located on a 3.74-acre parcel, which is considerably larger than the surrounding R-1-6 lots to the east and the south and it comfortably fits on the site. The scale of the building is compatible with what could be developed on the R-3 site to the west as well as C-1 sites to the north. In addition, the project is set back from the street some 300 ft. Other conditional uses that would be allowed on the site in a building of this type include a religious facility, an educational institution or public buildings and recreational facilities, which could be buildings with equal or greater mass than our proposed project. We

appreciate the opportunity to increase awareness in the community but won't waste your time arguing against concerns about homeless centers since Volunteers in Medicine does not serve the homeless. The homeless are universally eligible for Medicaid or other forms of health insurance in this community. Indeed Medicaid-eligible-but-uninsured-at-the-time patients that come to a Volunteers in Medicine are repatriated into government clinics elsewhere in the County. The director, Mickey Byers, of the community clinics in San Diego County, supports us strongly. The mission of Volunteers in Medicine, San Diego, is to support only the uninsured population, which excludes both the well off and the very poor. We anticipate our future patients in this area would have incomes between \$20,000 and \$50,000 a year. Since 24% of El Cajon's population has no health insurance currently and 85% of the uninsured live in working families, we anticipate the clinic will in fact be a strong move toward improving peace and tranquility in what appears to be a stable working class neighborhood.

As to argument 2, the agreement between the United Methodist Chapel of the Valley and Volunteers in Medicine, San Diego, gives Volunteers in Medicine the exclusive enjoyment of its mission without interference from outside parties including the church. We have no church or religious affiliation but we are honored that the United Methodist Chapel of the Valley have valued our concept to the point of allowing us use of the land for the next 30 years. Volunteers in Medicine is a 10-year-old nationally known program with 27 active clinics, none of which have ever closed since opening, and 42 others under development. It can be researched through www.vimi.org websites and our local seminal documents have been posted for over a year at www.vim-sandiego.org.

The ability for the City to monitor the non-profit status of this project is no less troublesome than for the other conditional uses allowed in the ordinance such as recreational facilities operated on a non-profit basis.

We are just what we say we are. We are just volunteers. No money trades hands. We give our talent, our financial support and our time for an appropriate community that invites us in. We are not part of any movement other than a grass roots attempt to match qualified volunteer clinicians to the needs of communities which choose to invite us in. If the citizens of El Cajon believe that the lack of health insurance is not a problem, or do not want such a benefit, or expect the government will provide free medical care in the future, then we understand and will have to look elsewhere.”

TURNER asks if the applicant looked at any alternate sites besides this one.

BAYNE replies they looked at a number of sites in other communities. This is the only site in El Cajon that they have actually looked at.

TURNER asks if there are other sites in El Cajon that might be more appropriate.

BAYNE doesn't know why TURNER would say “more appropriate”. This site appears perfect for their use.

AMBROSE asks who will own the building. The church owns the land.

BAYNE replies that the relationship is structured as a 30-year lease for \$1 a year. They will lease the building that they will build, at their cost, from the United Methodist Church of the Valley. The lease document provides for any eventuality of changes in church government that would prevent the use of that building from changing from their control for 30 years.

AGURS asks if the church will own the building at the end of 30 years.

BAYNE states the church will own the building the day it is built, but they won't have any rights to use it.

AGURS says we are mixing apples and oranges. The applicant has control for 30 years but after that, the church owns it.

BAYNE states unless there is a mutual extension.

AGURS asks if there are any facilities like those that they are proposing that are up and running in San Diego County.

BAYNE responds this would be the first facility west of the eastern seaboard. This program, which has achieved a tremendous amount of national press because it was founded by the inventor of Tylenol, is all clustered on the East Coast north and south. There is nothing in the west. This would be the first on the West Coast.

AGURS states then there is no local documentation of what kind of success their program or their facility has actually had.

BAYNE replies that is correct. Nothing local. The support of California Endowment is the most powerful local commitment he can cite on the West Coast.

Gary BRADT is a retired family doctor and member of the San Diego County Medical Society. He practiced family medicine in the East County for 30 years. Sixty-six members of the County Medical Society have indicated that they are willing, and even eager, to staff this clinic. They represent all the medical specialties and are all recently retired doctors who are very well trained and very competent.

On behalf of himself and his fellow physicians, they request that the Planning Commission take a good look at this project before rejecting it. They feel it is a true asset to the working people of El Cajon and would really very appreciate the opportunity to work there and continue to practice the oath they took so many years ago as medical students to care for the ill and comfort the suffering.

Pastor Peter MOORE-KOCHLACS, pastor of Chapel of the Valley United Methodist Church, 1465 E. Madison Ave., El Cajon CA 92020, states this is really a fantastic

opportunity and fits well with the surrounding land use. It certainly will look better than Kaelin's Market, the liquor store, even the Cadillac dealership. It will bring a sense of synergy and vibrancy to East Madison near Second Street that is lacking. In terms of the faith-based initiatives that have been coming out of Washington D. C., this fits into the character of compassionate help for persons who lack health insurance who are working and struggling to pay either their mortgages or their rent. This area is deeply in need of this project. The land currently lays barren back there. Those homes that look upon it do so from their backyards. Those who will be looking at this two-story landscaped building, that could have been an educational unit, will have the opportunity to see some visual change to that barren piece of property, the only remarkable feature being the storm drain that runneth through. The City will be served and the property owners in the area will be served. Because of the new preschool on the church property, any homeless folk that have been on the campus are no longer there. The police have permission to immediately come to the campus to remove any homeless person that would come. So, they have been very good neighbors and are proposing an excellent project. The teachers at the preschool, which serves the community and subsidizes children within the community to come there, lack health insurance. This would be a great connect between the teachers who are working there and others working in the community to provide them with no-fee medical care.

AMBROSE states that MOORE-KOCHLACS doesn't see this as a magnet for the homeless.

MOORE-KOCHLACS says no, the magnet is actually across the street at the Salvation Army collection center and the Park-N-Ride. There are clusters of homeless gathered there. It is not a problem at the church.

AMBROSE asks if homeless people who go there for medical attention will be turned away.

MOORE-KOCHLACS states that according to the Hippocratic oath, no person at an emergency site would be. However, they would be referred. The history of these medical centers across the nation, and there really is a track record, even if there is not one in California, is that the first year perhaps 15% of the people who come aren't qualified. Maybe they are too rich; maybe they should be on MediCal. By the third year, there is less than 5%; the word gets around of the focus and the purpose of this clinic to serve the medical needs of the working community.

Vickie BAKER, 513 W. Bradley Avenue, El Cajon CA 92020, is speaking on behalf of a group of concerned neighbors who oppose (Amend.) Conditional Use Permit 86. Once again, there is an organization proposing a plan by putting the cart before the horse. When she spoke to Mr. Bruce Nash, a board member of Volunteers in Medicine, she was dismayed and frustrated by the lack of information he could provide; items such as the eligibility policies. He told her that nobody would be turned away because of the Hippocratic oath. They would be persuaded not to show up a second time, but he could offer no guarantees as to how that would happen. He could not tell her the

scheduled days and hours or whether or not there would be security. He wasn't sure at that time if the patients would only be El Cajon citizens. According to their website, the target patient population is 10,000 in a five mile radius. In addition, the facility should have room for expansion. Will they disperse prescriptions? Again, that is not decided. She personally does not want to wait three years to have undesirable people coming into the neighborhood to find out that they do not qualify. Why was El Cajon chosen, as it has far more than its fair share of social service agencies? Mr. Nash said the San Diego County Medical Board suggested El Cajon. Why not Santee, Lakeside or La Mesa? He also said the hospital of choice for referrals could be Alvarado or Sharp. Does it not make much more sense to place this clinic closer to those hospitals? While she commends the staff on an excellent staff report, and agrees that this residential neighborhood is not an appropriate area for this clinic, she does challenge the staff's recommendation for a negative declaration. She applauds Volunteers in Medicine for what they wish to do, but she doesn't think El Cajon is the appropriate place to do it. Volunteers in Medicine say, and she quotes: "The only approval required to begin fundraising and construction of a VIM center is by the community citizens where it will be located." The citizens in this area do not want another social service agency. She asks the Planning Commission to please deny this permit.

Carol Le PAGE, 485 S. Lincoln Ave., El Cajon CA 92020, is the lay leader of Chapel of the Valley United Methodist Church. This clinic is for her family. She has a daughter and a son-in-law that are full-time students at college. They have no insurance. When her daughter needed a blood test, she was told to go to the free clinic in El Cajon. She called them and they said just come in and they would try to fit her in. She was there from 12 o'clock until 4:30. At 4:30 she realized that they were never going to see her. She asked what she had to do to get a blood test. They told her to make an appointment and it would be about two weeks. Her daughter told her that she was never going back there again. She was crying when she came home, and said they treated her like a cockroach. This is the free clinic that is available to all citizens of El Cajon. Her daughter is a good girl and didn't deserve to be treated like a cockroach. This clinic is for her and for the many other people that she knows that have no insurance and are working hard. She is just a hard-working woman herself. She goes to work every day, pays her taxes and votes every election. It would be wonderful to have this clinic for her family.

Geno DODSON, 8104 Amelia Drive, El Cajon CA 92020, has been a member of Chapel of the Valley Methodist Church for many years and has seen this property lay dormant. When this situation came up, she thought it is what they had been waiting for. She has a son who is a Vietnam veteran. He has no insurance and the VA will not take care of any problems unless they are service connected. So he is out in the cold. There are many veterans, she is sure, that really are hurting.

Bruce NASH, 2317 54th St., San Diego CA 92105, is a Volunteers in Medicine board member. He did speak with Mrs. Baker (a previous speaker). The reason for the vagueness in his answers is that the community decides some of those aspects such as the clinic's hours and the scope of service (that is defined by the volunteer physicians),

so his vagueness is not on purpose. It is community driven. As this process goes forward, the community will be more and more involved. BAKER asked questions like who would be served by the clinic. They talked in their board meeting today that they would just define the zip code that is where the clinic is proposed as their first step. Let them get their feet wet with one zip code and with a certain criteria of patients so that they do eligibility. They have not sat dormant in the County. They have asked several member hospitals in the County—for instance, he talked to the chair of the board of Sharp HealthCare, which spent 90 million dollars on under-insured patients in 2002. They would like a clinic right next to their ER so that they could divert people away from their ER that don't have health insurance. The hospitals welcome these clinics. Every hospital endorses this project. If there are specific questions, he will be happy to answer them.

AMBROSE thinks NASH answered the Commission's questions nonspecifically at this point. The Commission was interested more in specifics about hours of operation and all of these kinds of things that he is not prepared to answer.

NASH can tell the Commission what the hours generally are in other clinics. They generally are from 4 PM to 8 PM because that is when working people, who don't have health insurance, can get off. Statistics are that these clinics do lower nonemergency ER visits. They are going to help the County's health care budget.

AMBROSE asks if they provide any security in the parking lot or anything like that. Have they had occasions at other facilities to need that?

NASH replies there is some part-time security at some of the facilities. They certainly wouldn't want to put their volunteers in danger, or anyone else. If they felt there was a need for security, they would make plans for that.

AGURS asks if there is a provision in the Board's by-laws that allows someone who lives in the community to be a community representative on the Volunteers in Medicine board.

NASH states they have a 15-member board. He believes that at least eight of those people reside in the city of El Cajon. They would welcome input from all aspects of the community.

AGURS states that is not what he asked. He asked if there is a provision in their by-laws that allows a non-professional community member, a community member at large, like Ms. Baker, to be on their board of directors.

NASH replies certainly. They have eight such members. That is what he was explaining.

No one else comes forward to speak.

Motion by HANSON-COX, second by AGURS to close the public hearing; carries 4-0, fifth seat vacant (BURGERT having resigned).

AMBROSE wishes the Commission would have had some additional information in the staff report. He likes the project but has a struggle with the issue of whether or not the Planning Commission has authority to act this evening. He asks the City Attorney's opinion that since this is neither a permitted nor a conditional use in the R-1-6 zone, that maybe the Planning Commission doesn't even have authority to act on this.

ATTORNEY GALLAGHER states that was discussed earlier today. As GRIFFIN mentioned in the staff report, there is some unclear language in the ordinance. If the Planning Commission would like to interpret that language this evening that can be either approved by the City Council or changed by the City Council later on, that is something that is within the Commission's purview.

AMBROSE states the other issue is that the Planning Commission doesn't have conditions that staff prepared in the staff report. As he sees it, there are a few alternatives. The Commission can move this along to the City Council and let them make the decision regarding the interpretation of the ordinance; it will fall on their purview anyway, or the Commission can try to craft something this evening. There is a long agenda tonight.

AGURS has a couple of concerns. Obviously, the Planning Commission is going to make the decision on the best land use, but he doesn't think it has all the information it needs. He wonders if the Commission should continue it. There is a huge amount of working people who don't have health insurance and who definitely need coverage. On the surface, this seems like a nice project. He would like to have some research done. He would like an opinion from the County Health Services Officer, who at the County level looks at all health issues. The applicant mentioned that Grossmont Hospital, and all the other hospitals, like this type of project. He doesn't see anything in the applicant's package with them saying that. He would need more research and documentation about this particular type of project to support it. Maybe El Cajon can be the trendsetter in East County, or maybe it is something we don't want. He personally doesn't feel that he has enough information to act tonight. He suggests continuing this item. He would like some guidance from staff.

TURNER agrees with AGURS. She thinks there is a real need for a clinic like this, especially since many of the agencies out here have closed their medical buildings. At the same time, she knows there must be other possible locations. She works for a nonprofit and knows if they tried to put this on her property in her area, the neighborhood would be out in force because it is a residential area. That concerns her. It is a good project. It looks good, but she agrees with AGURS that more information is needed to make a good decision.

HANSON-COX feels there are a lot of items that are vague, such as "let's approve it and we'll make some decisions later". She doesn't like that approach. She likes to know

every thing up front. She agrees with TURNER that there have to be some other areas in the city that are better for this. It is a beautiful project. She loves what was presented. She still doesn't know how they can limit their patients to the zip code for that area. There are just too many questions. She is not ready to vote unless the Commission just forwards it on to the City Council.

In reply to AMBROSE, GRIFFIN states staff's objection was not necessarily to the use; it was to the zone and the location. As he indicated, this office use, by right, can locate in a C-2 zone, which is all over the city of El Cajon, or in the O-P (Office Professional) zone. It is not as if this is the only property in town where this use can go. There are plenty of locations in El Cajon where this use could go without a conditional use permit. All they would have to do is to apply for a building permit to build it, or move into an existing building and occupy it with a business license. Staff's objection was to the actual location of the use in a residential zone. Staff thinks this is not what the residential zones were intended for, and that was the basis of its recommendation for denial. Staff doesn't disagree that there is a need for this kind of facility in East County and perhaps even in El Cajon, but this isn't the right spot for it.

TURNER also knows there are other facilities in that area right now regarding the homeless, clinics, and different things that impact the environment. She reiterates that she thinks it is a great project and agrees with what was presented tonight, but she thinks there are alternate locations in the city since there are so many social services in that area.

With staff's further explanation, HANSON-COX does not feel this will be compatible at this location.

AMBROSE is still struggling with the authority issue. He thinks it may be in the best interest of the applicant for the Planning Commission to deny this and then they can appeal it to the City Council, rather than the Planning Commission continuing this item, since there are no conditions of approval included in the staff report.

No further comments are offered.

Motion by TURNER, second by HANSON-COX to adopt the proposed Negative Declaration; carries 4-0, fifth chair vacant (BURGERT having resigned).

Motion by TURNER, second by HANSON-COX to DENY Amendment of Conditional Use Permit 86 in accordance with the staff report; carries 4-0, fifth seat vacant (BURGERT having resigned).

AMBROSE states this is final action unless appealed to the City Council. The appeal period ends November 24, 2003, at 5 PM in the City Clerk's office.

CONDITIONAL USE PERMIT 1970 – Tetra Tech (Tom Swarner) for Nextel Inc.

(public hearing) Continue to December 8, 2003

P. C. Meeting 11-10-03 (Carried over from 10/27/03)

The subject property is located on the west side of South Third Street between East Washington and Dumar Avenues, and addressed as 660 S. Third Street; APN 511-550-07; existing LUC 6911A, proposed LUC 6911A/4712B; General Plan Designation: Low Density Residential.

Request wireless communications facility in conjunction with an existing church in the R-1-6 (Residential One Family 6,000 sq. ft.) zone.

SHUTE states this item is being recommended for continuance to December 8, 2003, pending a redesign of the proposed project.

The public hearing is now open.

AMBROSE invites anyone who cannot come back on December 8 to come forward.

Chris CHRISTENSEN, 4527 Third Street, La Mesa CA 91941, expresses opposition to the placement of these wireless facilities in residentially zoned neighborhoods. In La Mesa, there is a general practice to consider placing these in other areas, and also having the applicant consider collocation with other such type of facilities. There are certain ramifications, which are not yet proven, as to the impact of placing these types of facilities in residential zones.

No one else comes forward to speak on this item.

Motion by HANSON-COX, second by TURNER to CONTINUE THE PUBLIC HEARING on Conditional Use Permit 1970 to the meeting of December 8, 2003; carries 4-0, fifth seat vacant (BURGERT having resigned).

AMBROSE states there will be no further notice of this continued public hearing.

CONDITIONAL USE PERMIT 1971 – Autozone

(public hearing) Resolution No. 9871

P. C. Meeting 11/10/03 (Carried over from 10/27/03)

The subject property is located on the north side of East Main Street between First and Anza Streets, and addressed as 1080 E. Main Street; APN 489-130-29; existing LUC 5900, proposed LUC 5520A; General Plan Designation: General Retail Commercial.

Request retail sale of auto parts in C-2 (General Commercial) zone.

GRIFFIN states that prior to 2001, the City did not require conditional use permits for auto parts sales businesses. However, in the year 2001, because the City had had numerous problems with the auto parts sales locations in the city with trash and people repairing vehicles in the parking lots, the Planning Commission and City Council agreed to amend the ordinance to require a conditional use permit. This is the first application since that ordinance went into effect. Other existing, legal nonconforming auto parts sales locations have been discussed, but this is the first new application.

The subject property includes an existing building that the applicants are proposing to remodel. They have also agreed to install perimeter landscaping along the frontage of the property along East Main Street. That would involve cutting into the asphalt and installing a landscape strip across the front of the property. That would improve its appearance. The applicants will be constructing a new trash area and restriping and/or repaving the parking lot. Staff believes that if there are appropriate conditions requiring trash containers in the parking lot and imposing restrictions on the repair of vehicles in the parking lot, that the City will have a handle on this use at this location. Staff is recommending that the Planning Commission grant this conditional use permit for the auto parts sales in accordance with the staff report.

AMBROSE thinks this building was originally built as a 10,000 Auto Parts store.

GRIFFIN replies it has been a number of things over the years.

The public hearing is now open.

Arthur NAVE, 123 S. Front St., Memphis TN 38103, is project manager for the Autozone Company. They agree with the conditions of approval to provide the trash containers and the additional signage restricting the repair of automobiles. He has one question and concern about one of the conditions under the Fire Dept. comments requiring the installation of an automatic fire sprinkler system. He met with Inspector Adams this afternoon concerning this. ADAMS wasn't available until now because he was out with knee surgery. They reviewed this question and, after looking at the fire code, ADAMS was of the opinion that an automatic sprinkler system may not be required. ADAMS' concern was the inventory, the flammables, etc. NAVE pointed out to him that they are within the exempt quantities that are stated within the California Fire Code. ADAMS will have another chance to review this in conjunction with the building permit that is currently being applied for. He requests that the third paragraph of the Fire Dept. comments be amended to state: Install automatic fire sprinklers system if required by NSPACFC and the El Cajon Municipal Code, rather than requiring them.

GRIFFIN states the Planning Commission's hands are pretty much tied as far as modifying conditions from other departments. However, if the Fire Department submits revised comments to the staff, staff will make sure those are inserted in with the conditions of approval. GRIFFIN has not spoken with Agent Adams, so he doesn't know what the discussion was, but he believes the speaker's comments are appropriate so

rather than having the Commission change the condition, which it can't, he thinks if the Commission directs staff to work with the Fire Dept., and if they don't see a need for the automatic sprinkler system, then it won't be a requirement.

AMBROSE doesn't see a condition that specifically refers to Fire Dept. conditions.

NAVE indicates it is condition 1.c). He states GRIFFIN's comments are satisfactory to them.

AMBROSE doesn't think anything needs to be done right now.

In reply to AMBROSE, NAVE says they agree with all the other conditions.

AGURS, for the record, asks why NAVE wouldn't want an automatic sprinkler system.

NAVE replies the building does not now have one. There are two parts to putting in a sprinkler system. An underground system has to be put in out into the road--a 4-inch waterline would have to cut into East Main Street. It is a Caltrans road (*sic*) and it would involve lengthy permits, not counting the additional cost of putting in both the underground and installing a sprinkler system within the building. Their buildings typically do not have sprinkler systems in them if they are not required.

AGURS says it has nothing to do with safety then.

NAVE replies no.

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, fifth seat vacant (BURGERT having resigned).

Motion by TURNER, second by HANSON-COX to GRANT Conditional Use Permit 1971 in accordance with the staff report.

Under discussion, TURNER doesn't think anything has to be done with condition 1.c).

GRIFFIN states staff will work with the applicant on that with the Fire Dept. He doesn't think there is a problem.

Votes are now cast; motion carries 4-0, fifth seat vacant (BURGERT having resigned).

AMBROSE states this is final action unless appealed to the City Council. The appeal period ends at 5 PM on November 24, 2003.

2004 PLANNING COMMISSION MEETING SCHEDULE

(discussion) Adopt

P. C. Meeting 11/10/03 (Carried over from 10/27/03)

GRIFFIN states each year the Planning Commission is asked to approve a schedule of future meetings. Staff has tried to come up with a standard time to meet, like the second and fourth Monday. However, there are conflicts almost every month with some kind of holiday or something happens that a fixed schedule can't be maintained. Staff has tried to make it so that there aren't meetings two weeks in a row or miss three weeks in a row, but generally meet twice a month but avoid the holidays. Staff recommends the Planning Commission approve the presented schedule for 2004. It includes only one meeting in December, like 2003, but staff feels that won't cause a problem.

Motion by AGURS, second by TURNER to adopt the 2004 Planning Commission Meeting Schedule as presented; carries 4-0, fifth seat vacant (BURGERT having resigned).

PLANNED UNIT DEVELOPMENT 212 – Westone Management Consultants

(public hearing) Resolution No. 9867

P.C. Meeting 11/10/03

The subject property is located on the north side of Peach Avenue between North Mollison Avenue and North First Street, and addressed as 930 Peach Avenue; APN 484-282-34; existing LUC 1142A, proposed LUC 1142B; General Plan Designation: Medium Density Residential.

Request to convert a 26-unit apartment complex to common interest development in the R-3 (Multiple Family) zone.

AND

TENTATIVE SUBDIVISION MAP 523 – Westone Management Consultants

(public hearing) Resolution No. 9868

P.C. Meeting 11/10/03

The subject property is located on the north side of Peach Avenue between North Mollison Avenue and North First Street, and addressed as 930 Peach Avenue; APN 484-282-34; existing LUC 1142A, proposed LUC 1142B; General Plan Designation: Medium Density Residential.

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

GRIFFIN states this is another request for an apartment conversion. As the Commission knows, there have been a number of these requests, dating back to March 2003.

A number of issues have come up as the process has proceeded, including some revisions made by the City Council to the code requirements. The most recent change the City Council has made is to eliminate the requirement for separate water meters. That change will be effective later next month.

The Council also approved the Commission's recommendations on the physical elements reports to require that the reports be signed by the preparer and that the preparer be licensed, such as a building inspector or a building contractor. In addition, the preparer may not be the applicant, so that the applicant cannot prepare his or her own physical elements report.

In this particular case, the complex is not real new. It includes 26 units with two rows of two-story units, with a swimming pool and parking. Although the property is in good condition, there are some needed upgrades that were discussed in the Physical Elements Report. The staff believes, based upon the new criteria of health and safety, and they know that that is somewhat open-ended definition of what is health and safety, that there are a number of things that are discussed in the report that should be made requirements of this conversion. They are re-roofing both buildings, installing new heating and air conditioning systems in all units, resurfacing the pool and the deck around the pool, painting the exterior of the buildings, painting all walls and fences, constructing a new trash enclosure, and installing new exterior doors and windows.

In addition, the applicant has indicated some renovations they are proposing to make, which the Commission received a copy of in the staff report, and again, using the criteria of health and safety, some of these things would not be requirements that the staff would recommend as conditions of approval. If the applicant wishes to make them, staff is not going to recommend that they not be done, but staff does not think they should be City requirements. For example, the applicant is intending to add new window coverings, new paint and ceilings, new lighting packages and ceiling fans, new baseboards and crown moldings. Those are all definitely improvements to the project, but staff believes they are more market driven than they are health and safety driven. That is why the staff has not specifically required them, but they are certainly the applicant's option.

The applicant has satisfied all of the noticing requirements that are required by state law. Staff is recommending that the Commission approve Planned Unit Development 212 to convert the 26 units from apartments to a common interest development and Tentative Subdivision Map 523 to allow the sale of the units, once the map is recorded.

AMBROSE asks about Condition 5a. It mentions, "Complete upgrade of all the existing landscape areas". Was that with reference to page 5 of the report, because that was an

extensive, detailed list of things that needed to be done? He is assuming that is what was meant when staff said "complete the upgrade".

GRIFFIN answers "yes". There is also a typo on page 8. There is Condition 5(a) through 5(d) and then it skips to 5(f). Condition 5(f) should become 5(e).

AMBROSE states the staff report says that separate water meters will be deleted as of November 14, 2003.

GRIFFIN thinks that is the date of the first reading of the ordinance. He doesn't think it is actually effective at that point. The ordinance usually has a 30-day waiting period. This application has been jointly noticed for a Council hearing on December 2, 2003, if the Commission takes action tonight. The applicant would be in a position for the Council to consider that time frame on the separate water meters or there may have to be an indemnity agreement (when an ordinance is enacted before the 30-day waiting period is completed). The applicant could choose to sign the indemnity agreement in the City Clerk's office to allow the ordinance to be effective as soon as the second ordinance reading is completed.

AMBROSE says GRIFFIN stated that the ordinance change would be effective in December, but the staff report said November.

GRIFFIN answers that the December date is when the ordinance change would be effective.

The public hearing is now open.

Diane CABLE, 930 Peach Avenue #12, El Cajon, CA 92021, has been a resident of the apartment complex for 16 years. She is concerned about only 15% of San Diego residents being able to afford homes in San Diego.

A larger concern to her right now is with the fires in East County. The neighboring communities of Crest and Harbison Canyon have been burned to almost nothing. These people need housing, at least temporarily until their homes can be rebuilt. Some will be coming to El Cajon to find that housing. Even now, apartments are getting hard to find. If she and her neighbors are displaced now, they are not going to have any kind of opportunity to find new apartments for themselves and their children. She would hope that the Commission would consider putting off this action for at least 24 months to let the neighboring communities rebuild.

AMBROSE asks if the speaker has considered purchasing one of the proposed units for herself.

CABLE answers that she is not able to do that.

AMBROSE asks if she is sure and if she has talked with the City and found out about the First Time Homebuyers Program?

CABLE says she has gone through Fannie Mae and things like that. She is a single parent with two boys and her income is not sufficient to be able to purchase. She works in a local hospital in the intensive care unit, but still having two children, she is unable to make the commitment.

GRIFFIN suspects the Chair is leading up to a suggestion that the speaker contact the City about the First Time Homebuyer Program, which is intended for people with low and moderate income. He asks if she has talked with anyone in the City's Housing Division yet.

CABLE says she hasn't and that she also has concerns about buying one of these units. She has already about paid for it anyway having lived, living there for 16 years. She is concerned with some of the structural problems in the units. She doesn't know if they will be addressed. Nothing has been said about the hot water pipes breaking in the concrete. She was displaced from her home for two months around the holidays because the hot water pipes broke. She was told it was fixed, new linoleum was laid in her apartment, and now the same earmarks that showed that first leak are coming back.

GRIFFIN says the City's loan program is not necessarily site specific. The speaker might be interested in looking into it. It could be used anywhere in the city, not necessarily in this complex.

CABLE thanks the Commission and staff for the information.

Joseph SCARLATTI, Westone Management Consultants, 710 Camino de la Reina, San Diego CA 92108, is here to answer questions. He points out that the Building Division is still requiring separate water meters and he presumes the discussion was taken care of a moment ago.

AMBROSE confirms the requirement for separate water meters will be eliminated in December.

SCARLATTI states regarding the tenant's questions, that she won't have to concern herself with moving for about four to six months. She would have about six months plus 60 days before she has to worry about relocating.

AMBROSE asks for an explanation of the six months plus the 60 days.

SCARLATTI says the state now requires that when the client (developer) needs the unit, they give the tenant a 60-day notice. He was looking at the schedule today and he can't see construction on the project for at least six months, and certainly not before five months.

In response to AMBROSE, SCARLATTI agrees with all the conditions set forth by staff in the staff report. As was said earlier, much of this is market driven. If they don't produce a product that looks awfully close to new, including things like changing water pipes, his clients are not going to be able to sell them.

AGURS thinks there are some undercurrents of distrust. On the one hand, the Commission is hearing from one of the tenants that she doesn't want to move any time soon and using the reason that the fires have displaced people. On the other hand, she is saying she wouldn't want to buy the unit. Has there been any dialogue between the tenants and the applicant, telling them what is going to happen, what the scope of remodel and rehabilitation is going to be? It sounds like the tenants are not aware of that at all. If the applicant met with the tenants and let them know where some of his other projects are, then they could take a look at them. Ms. Cable could have a complete change of heart and want to own the unit she has been in for 16 years. AGURS thinks the tenants have some unanswered questions and it is because of a lack of communication. He adds that the developer also gives the tenants first option to purchase their units.

SCARLATTI states they are a busy firm and can't always get to do what all they want to do. On the smaller projects, 25 units and less, they generally write a friendly letter to the tenants. It is about 1-½ pages and it outlines what the tenants can expect and look forward to and what some of their options are. They also try to educate the onsite manager to answer questions. On the larger projects, they always have public information meetings with the residents before any of the notices go out. It solves a lot of problems. He has talked before about the required 180-day notice that looks a lot like a vacate notice when it really isn't. When his staff is available, they do have public information meetings before the process starts, but they aren't always able to manage it.

AGURS reiterates that SCARLATTI needs to have some dialogue with the tenants. He suggests, before the tenants leave tonight, that they make sure they know how to get in contact with Mr. Scarlatti's company, so that some of their questions can be solved.

SCARLATTI states that a meeting can be arranged for the middle of next week, if that works.

CABLE returns to the podium and says that it is still going to take a lot more time than six or seven months for all of the houses in Crest and Harbison Canyon to be rebuilt. She sees a real conflict in what is available housing-wise in El Cajon.

AMBROSE states the conversion of apartments to condominiums is a City Council policy to create more homeownership opportunities. The city of El Cajon has the largest percentage of rental units in all of East County and is close to having the highest percentage of rental units in all of San Diego County. The City Council has decided it wants to change that and allow more people to have an opportunity for homeownership. The Planning Commission agrees with that policy.

CABLE thinks that is a great idea, but the timing in this case is wrong with what is going on in the county.

AMBROSE understands and says that is a more complicated issue regarding the fire in Crest and Harbison Canyon and other areas. He knows there is going to be a housing crunch.

Betty NUGENT, 930 Peach Avenue, El Cajon, CA 92021, is the resident manager of the subject complex (Peach Tree) and is also the manager of La Quinta Apartments on E. Madison Avenue. Both of these apartment complexes are being converted to condos, so she hears much from her tenants. Every day she gets telephone calls from tenants in other projects being converted wanting to rent an apartment she manages. By law, she has to tell them that these apartments are going to be converted, too. The next question they ask is, "What is going to happen to us? If everything is being converted, where are we going to live?" She thinks Commissioner Agurs' idea of the applicant coming out to talk with the tenants at both apartment complexes is really good. The tenants need to have a timeframe. People have lived at Peach Tree for 15-17 years. Peach Tree is not just an apartment complex; it is a community. It is not just a dwelling; it is everybody's home. Everybody helps each other and they all work together. Nobody wants to move. But, they don't have a choice in the matter. She feels there needs to be a longer time frame for these people at Peach Tree because they have lived there for so long.

AMBROSE suggests she and the tenants go to the City and find out about the City's housing programs for helping people become an owner instead of a renter. There are as many as 50 different programs available.

NUGENT says there are a lot of people in the complex who are on SSI and Section 8. There is no way they can afford to buy anything.

AMBROSE would not say it is not possible. Until the research is done and you find out what is available, you shouldn't say it isn't possible. There are unbelievable opportunities available for people. They just need to know what the steps are.

NUGENT says one thing the tenants really need to know is a more accurate time frame.

AMBROSE says the Commission has encouraged the applicant to have a meeting with the tenants and thinks that will help immensely. He asks Mr. Scarlatti to return to the podium to discuss the time frame some more.

SCARLATTI returns to the podium. In response to AMBROSE, SCARLATTI says the conversion timeframe of six months and another 60 days is realistic.

AMBROSE asks what happens after the eight months? Does the developer start rehabilitating the units?

SCARLATTI says that is correct. The La Quinta complex at 1386 E. Madison will have three phases because there are 42 units. More than likely, Peach Avenue, which has 26 units, will be one phase and done all at one time.

AMBROSE confirms with Mr. Scarlatti about having a meeting with the tenants.

SCARLATTI says there will be a meeting at both properties next week.

Chris CHRISTENSEN, 4527 Third Street, La Mesa CA 91941, wishes to add some objectivity to this situation. He has developed a website called *condoconversions.com*. The purpose of it is largely driven by what the staff, Planning Commission and City Council have done in El Cajon. There have been issues that have come up. One that is most pervasive is the issue of what happens to the folks that live in those communities and what can they do to give them the best effort to make them homeowners or at least give them the opportunity. If you look at *condoconversions.com*, not to advertise his own website, he has made it a point to put a click on there for tenant relocation resources. If you go to the website and click on "tenant relocation resources", you will come up with not less than six local opportunities from *sandiegoapartments.com* to the San Diego Union-Tribune to other California state and local housing programs that are available and designed to assist and help to relocate tenants. There is also some nominal information on the time frames and the obligations. The one thing he always says to tenants is that as a tenant, they have a very unique opportunity, which is an exclusive right to purchase that unit. Exclusive right means the tenants have the right to buy the unit as cheap or cheaper than anybody in the world has the opportunity to buy it. He mirrors what Chair Ambrose said, which is to take every single opportunity available to explore homeownership opportunities. In an appreciating real estate market, you could perhaps recoup 16 years of rent from purchasing a unit in a very short number of years.

CHRISTENSEN says there is also a pamphlet called, "Living in a Common Interest Development" that is produced by the State of California Department of Real Estate. He has a link available to it on his website and has a hard copy here this evening. He would gladly provide anyone with one. It answers many of the questions that have come up tonight.

There is an article in the San Diego Union-Tribune on October 30, 2003. The title of the article is "Region has Plenty of Rental Vacancies". He reads:

The San Diego region has enough vacant rental housing to accommodate the thousands who are scrambling to find shelter in the wake of devastating wildfires experts say. The most recent inventory by the San Diego County Apartment Association found that 8% of all units were available according to Allan Nevin of the Marketpoint Realty Advisors Research Firm. That is about 25,000 units, which Nevin said should easily be enough to accommodate fire victims. The survey doesn't include condominiums or single-family homes that are available for rent.

Further in the article it says, in regards to the San Diego Apartment Association:

The Association in part is asking its members to keep rental rates at the level they were 30 days before the wildfires and to maintain current prices for three months. Landlords also are being requested not to boost security deposits.

In deference to the tenant concerns, and he certainly understands and they are well taken, there are solutions. They are working on more solutions and there is a supply of housing. He suggests if the tenants have any other issues and can't come forth with a solution, to please try his website. It is developed to help tenants as well as developers and homebuyers through the condominium conversion process.

Phillip DODGE, 930 Peach Avenue #11, El Cajon CA 92021, has been in San Diego since 1975. As far as the First Time Homebuyers Program, it doesn't apply in his case. He used to own a house in Portrero. His apartment on Peach Avenue is the cheapest place in town that he could find. He has already done some research to find an apartment. He has talked to five different apartment complexes in the community that have apartments in a price range that he could afford to move into. All five have a waiting list that is three tiers long. His income of \$1200 a month doesn't go very far. It is a no-win situation. Yes, there are programs to help people who are first time homebuyers. For those that aren't first time buyers, there aren't any programs, that he has researched, that will help. What are these condos going to cost? The tenants have no idea, but he is sure it is going to be more than a \$1200 payment. If you are receiving \$1200 a month in income, and you have to pay \$1200 a month in rent, how do you pay for everything else like health benefits, food, clothing, etc.? Part of the reason he looks the way he does today—he used to have real short hair, navy haircut, clean shaven—is he got tired of people telling him he couldn't grow his hair long. Now he can't afford to get a haircut. Something has to be done. The Commission is one place to start.

In response to DODGE's question, GRIFFIN states the City's First Time Homebuyers Program is for anyone who hasn't owned a home within three years.

DODGE says that according to the County of San Diego, he still owns the home.

AMBROSE says that sounds like a legal matter and is not something the Commission can handle.

GRIFFIN adds that it wasn't discussed in detail in the staff report, but the City does have a tenant relocation assistance requirement that the applicant pay one-month's rent to all the tenants. The City Council, however, is currently discussing when that payment would be made. That issue has not been resolved, but there still is a requirement in the ordinance that all tenants receive one month's rent as relocation assistance before they move from the property, until and unless the City Council changes that requirement.

Jesus CAMACHO, 930 Peach Avenue #25, El Cajon CA 92021, is a resident in Peach Tree and he wants to know how much the condo conversions are really going to cost?

He also wants to know about wash and dryer hookups inside the units. He thinks these are very stressful times. In his apartment complex, there are people who are handicapped. Some people are old. This is a very stressful thing for them to be abruptly told they are going to have their apartment changed into a condo. He is not only speaking for himself, he is speaking for these people. Not only in El Cajon but other areas in San Diego. He understands it is nice to have a home, but not everybody can have a home. For a lot of people who have an apartment, the apartment is a home. He doesn't think a lot of these apartments should be changed into condos. He thinks we ought to leave more apartments here. He understands that homeownership is good. He has even looked for a home, and he is sure eventually he is going to find one. Meanwhile, he is living in an apartment and doesn't mind staying there for a little bit longer.

No one else comes forward to speak.

Motion by TURNER, second by HANSON-COX to close the public hearings on Planned Unit Development 212 and Tentative Subdivision Map 523; carries 4-0, fifth seat vacant (BURGERT having resigned).

Under discussion, AGURS states the Commission knows what the intent of apartment conversions is. It is not just an El Cajon City Council initiative. It is actually a national initiative to create homeowner opportunities for folks that typically have been blocked out of homeownership. There are many provisions in place to help people with that. He thinks the biggest problem here may be an information gap. There needs to be a concerted effort to make sure the tenants get the information. No one wants to have to move, but at the same time, the property owner has a right to either continue renting his property as apartments or turn it into condominiums for homeownership opportunities. He would like to see the Commission continue to move forward with the process.

HANSON-COX knows rent keeps increasing and she remembers discussions on rent control when her father was a councilman. Her sister was renting an apartment and she bought a condo and her payment is less than what her rent was. She feels for the tenants here this evening. But at the same time, prices and rent are just going to go up every year. She thinks with these units being smaller units, it is going to give a lot of people a good chance to be able to purchase them at a reasonable price. She is for homeownership.

TURNER thinks this is a very difficult time, which was pointed out by the audience, regarding the fires and housing in this particular area. The timing, once again, is very difficult on this particular project. She thinks there are opportunities for the tenants to purchase the units at a reasonable price and to work towards their future. When she was about 24 years old and living in Denver, there was bond money available and she was able to purchase her townhouse. She was single with two children and she didn't think she could do it either, but she did. She thinks if everyone tries to find out all the information the City has available to help them, they might be surprised. She knows El

Cajon is known for all their apartments. The City Council is trying to make more homeownership in the city and this is a great opportunity.

AMBROSE agrees with his fellow commissioners. He thinks the “train has left the station” and this is where it is headed. He would encourage the tenants to get more information on becoming a homeowner. There are 50 different programs that give them opportunities to buy a unit and hopefully they will be able to fit into one of those. He is sorry that the developer didn’t talk with the residents and give them this information sooner. He doesn’t like for these meetings to turn into workshops and that is what has happened here.

Motion by AGURS, second by TURNER to RECOMMEND APPROVAL of Planned Unit Development 212 in accordance with the staff report; carries 4-0, fifth seat vacant (BURGERT having resigned).

Motion by TURNER, second by AGURS to RECOMMEND APPROVAL of Tentative Subdivision Map 523 in accordance with the staff report; carries 4-0, fifth seat vacant (BURGERT having resigned).

These actions are recommendations to the City Council. These items were jointly noticed and the City Council public hearing is scheduled for December 2, 2003.

TENTATIVE PARCEL MAP 617 – Peloubet

(public hearing) Resolution No. 9869

P. C. Meeting 11/10/03

The subject property is located on the northeast corner of Coker Way and Tangerine Street, and addressed as 1426 Coker Way; APN 484-240-36 & -37; General Plan Designation: Low Density Residential.

Request four-lot subdivision in the R-1-6 (Residential One Family 6,000 sq. ft.) zone.

SHUTE states that this is a request to subdivide two existing properties into four parcels at the corner of Tangerine Street and Coker Way. If the requested subdivision is approved, it would result in three additional residences being added to this neighborhood. Since the surrounding area is already primarily developed at the R-1-6 density, it is staff’s opinion that the proposed subdivision would be compatible with the surrounding land uses and zoning. Each of the proposed lots meets the minimum lot area and lot width requirements.

Lots 1 and 2 do not meet the required lot depth of 90 feet. Each of these lots has a proposed lot depth of 87 feet, but exceeds the minimum net lot area of 6,000 sq. ft. and the minimum lot width of 60 feet for Parcel 1 and a minimum of 70 feet for Parcel 2 (corner lot). The subdivision ordinance allows the Planning Commission, with concurrence of the City Council, to waive the lot depth requirement of 90 feet if they determine the proposed lot configuration will accommodate a typical single-family residence. Staff believes that it will, since these lots both exceed the minimum lot area and the minimum lot width. The two lots should be able to accommodate a house with no exceptions and variances.

If this tentative map is approved, each proposed home on the three vacant lots would have to satisfy the development standards of the R-1-6 zone, including a two-car garage. It should be understood that the applicant could build these homes, but is not required to do so. The applicant could sell each of these lots to individuals and they could build a home, as they desire, as long as they comply with the R-1-6 development standards.

Public improvements include the full width of the streets on the corner of Coker Way and Tangerine Street, including curb, gutter and sidewalks.

Staff received one anonymous call that voiced an opposition and one call that sought clarification. Staff recommends that the Planning Commission recommend approval of Tentative Parcel Map 617 for four lots.

The public hearing is now open.

No one comes forward on this item.

Motion by TURNER, second by HANSON-COX to close the public hearing; carries 4-0, fifth seat vacant (BURGERT having resigned).

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Tentative Parcel Map 617 in accordance with the staff report; carries 4-0, fifth seat vacant (BURGERT having resigned).

This action is a recommendation to the City Council. This item was jointly noticed and is scheduled for the December 2, 2003 City Council agenda.

AMENDMENT OF CONDITIONAL USE PERMIT 1408 – Foothills Christian Ministries Inc.

(public hearing) Continue to December 8, 2003
P. C. Meeting 11/10/03

The subject property is located on the south side of West Bradley Avenue between Pioneer Way and North Magnolia Avenue, and addressed as 315-365 W. Bradley Avenue; APN 387-121-37; LUC 6911; General Plan Designation: Industrial Park.

Request to expand existing religious facilities (a church) in the M (Manufacturing) zone.

GRIFFIN states that staff found out, unfortunately too late, during the work on this project that the negative declaration that was being prepared had not been properly advertised. Therefore, this item cannot move forward tonight. Staff has advised the applicant of the oversight and is recommending that the Planning Commission continue this hearing to December 8, 2003, so that staff can complete the noticing as required by law.

The public hearing is now open on this item.

No one comes forward.

Motion by AGURS, second by HANSON-COX to CONTINUE Amendment of Conditional Use Permit 1408 to the meeting of December 8, 2003; carries 4-0, fifth seat vacant (BURGERT having resigned).

CONDITIONAL USE PERMIT 1972 – Thipsidakhom (Orchid Thai Restaurant)

(public hearing) Resolution No. 9870
P.C. Meeting 11/10/03

The subject property is located on the west side of North Johnson Avenue between Arnele Avenue and Fletcher Parkway, and addressed as 762 N. Johnson Avenue #106; APN 482-240-31; existing LUC 5811A, proposed LUC 5811B; General Plan Designation: Regional Retail Commercial.

Request on-sale alcoholic beverages in conjunction with an existing restaurant in the C-R (Regional Commercial) zone.

GRIFFIN states this is an existing restaurant that is requesting to add on-sale alcoholic beverages. That addition requires a conditional use permit. When the staff reviewed

this proposal, staff realized that the number of existing parking spaces in the shopping center is less than would be required today. However, this does not preclude the Commission from considering the addition of the alcohol sales--that is just one consideration. If the Planning Commission determines that even though there is a shortfall of parking spaces, it appears that there would be three spaces less than required today if the applicant were to re-stripe the parking lot, which would allow the plan to pick up at least one space. Staff does not believe that the shortfall of three spaces is a major problem.

This location also is not near sensitive uses. It is in a commercial area and there are no churches, schools or residential areas nearby. It is a restaurant first, and the serving of alcohol is incidental.

The staff recommends that the Planning Commission grant this conditional use permit.

The public hearing is now open.

No one comes forward.

Motion by HANSON-COX, second by TURNER to close the public hearing; carries 4-0, fifth seat vacant (BURGERT having resigned).

Under discussion, HANSON-COX asks what staff is saying in Condition No.1? What if the owner of the property does not want the expense of re-striping? Does that mean the applicant has to pay for it in order to get this CUP?

GRIFFIN says the staff's intent is that the applicant work with the property owner. The condition doesn't say it has to occur. What this would do is get them closer to the parking requirement. If the property owner says he is not going to do the re-striping, then the applicant will have four fewer spaces than what would be required if this center was built today, with the mix of uses that are there.

HANSON-COX went to the property and it needs re-striping badly. Is there an ordinance regarding re-striping?

GRIFFIN says the re-striping can be required. The addition of the recommended parking space would require some re-striping. It can be left in there and that is the property owner's obligation, regardless of whether there is a new tenant there or not.

HANSON-COX questions if the applicant tries to work with the owner, and the owner decides not to re-stripe, would a letter be sent to the owner saying that they have to re-stripe?

GRIFFIN answers that is correct. That is an ongoing maintenance requirement, just like maintaining landscaping. Once a lot is paved, it must be maintained. Potholes are not

allowed to exist and once the striping deteriorates, it must be re-striped. Staff tries to stay on top of that, but they aren't able to visit every property all the time.

Motion by HANSON-COX, second by TURNER to GRANT Conditional Use Permit 1972 in accordance with the staff report; carries 4-0, fifth seat vacant (BURGERT having resigned).

This is final action unless appealed to the City Council. The appeal period ends on November 24, 2003 at 5PM in the City Clerk's office.

CONDITIONAL USE PERMIT 1933 – Austin for Judson

(discussion) Resolution No. 9871

P.C. Meeting 11/10/03

Request for one-year extension of time for detached accessory structures exceeding 800 sq. ft. (760 Carlow Court), in R-1-6 zone.

GRIFFIN states the Planning Commission has the authority under the Zoning Ordinance to allow extensions of time without a new public hearing upon just cause. This conditional use permit was granted in November 2002. The applicant is not yet ready to move forward and has requested the extension of time. The staff recommends that the Planning Commission grant the extension for one year to November 18, 2004.

AMBROSE asks if the applicant has started anything on this project?

GRIFFIN says they are trying to work out the conditions. They have not started construction. If they had, that would have exercised the permit. It is a very steep site that dropped off down to the street below, so there were many complicated engineering issues that have to be worked out.

AMBROSE states this looks straightforward.

No one comes forward.

Motion HANSON-COX, second by TURNER to GRANT a one-year extension of time for Conditional Use Permit 1933 to November 18, 2004, subject to the same conditions and reasons; carries 4-0, fifth seat vacant (BURGERT having resigned).

PREDRAFTED RESOLUTIONS

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

Motion by AGURS, second by TURNER to adopt Resolution Nos. 9860, 9861, 9862, 9863, 9864, 9865, 9866, 9867, 9868, 9869, 9870 and 9871 pro forma; carries 4-0, fifth seat vacant (BURGERT having resigned).

ORAL COMMUNICATIONS

AMBROSE requests that when photos are submitted to the Commission on condo conversions or any other project, that the applicant provide a key map in order to know at what location the photos were taken.

AGURS asks what the City's standard is on shake composition roofs. He states the City of San Diego just took action, belatedly, and he thinks El Cajon may have taken action earlier.

GRIFFIN answers the City has not allowed shake roofs since 1997. Only Type A roofs are allowed and a shake shingle is not Type A.

HANSON-COX has a question on hazardous waste soil contamination procedures. Are applicants provided with steps to follow?

GRIFFIN answers "yes". It is handled through the County of San Diego Department of Environmental Health. In the process with the County, the applicant works out a plan of how they are going to remediate the soil contamination. The City has a log of all of the sites that have been identified as having contaminated soils and virtually all of them are former or existing gas stations.

CORRESPONDENCE

There was none.

ADJOURNMENT

The meeting of the El Cajon City Planning Commission adjourned at 10:05 PM this 10th day of November 2003.

Anthony AMBROSE, Chair

ATTEST:

James S. GRIFFIN, Secretary