

MINUTES

PLANNING COMMISSION MEETING

FEBRUARY 9, 2004

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

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: WOODS, TURNER, BLACK, HANSON-COX, AMBROSE

COMMISSIONERS ABSENT: NONE

OTHERS PRESENT: RAMIREZ, Senior Planner
GALLAGHER, Staff Attorney
KRULIKOWSKI, City Traffic Engineer
SIMOS, Associate Planner
SHUTE, Associate Planner
ALVEY, Assistant Planner
O'BRIANT, Admin. Secretary

MINUTES OF 1/26/04

Motion by TURNER second by HANSON-COX to approve the Minutes of January 26, 2004, pro forma; carries 5-0.

RAMIREZ states it is her pleasure this evening to welcome to their first Planning Commission meeting Mr. Tom Black and Mr. Gary Woods, who are newly appointed members of this five-member body. There is a full commission this evening. With these new commissioners, there will be a special interview by the City Attorney prior to the commencement of the public hearing on item #1 (AM CUP 1035).

AMENDMENT OF CONDITIONAL USE PERMIT 1035 – Planning Commission (Chaldean Assyrian American Social Club)

(continued public hearing) Resolution No. 9909

P. C. Meeting 02/09/04

The subject property is located on the southeast corner of South Mollison Avenue and East Main Street, and addressed as 115 S. Mollison Avenue; APN 488-133-12; General Plan Designation: General Retail Commercial.

Request consideration of the possible revocation of the conditional use permit for a social club with on-premises alcohol in the C-2 (General Commercial) zone due to noncompliance with the conditions of approval. *Continued from the meetings of September 8, 2003 and December 8, 2003.*

ATTORNEY GALLAGHER needs to get on the record that the two new commissioners have reviewed the minutes from the September 8 and December 8, 2003 meetings, including all the public comment that has gone on with this item. Commissioners WOODS and BLACK confirm this by responding affirmatively.

ATTORNEY GALLAGHER states because tonight the Planning Commission is functioning as a quasi-judicial body, and the following matter before the Planning Commission involves the possibility of the revocation of a conditional use permit, this implicates certain fundamental rights. Although not required to follow the formal rules of procedure regarding testimony and evidence applicable to civil court trials, the Planning Commission must nonetheless follow certain procedural safeguards to maintain the integrity of the proceedings. Accordingly, for this matter only, any individual, including members of City staff here this evening who anticipate speaking on this matter, must swear or affirm to give completely truthful testimony prior to speaking. For efficiency, she can give that oath to all interested parties at this time.

AMBROSE asks anyone in the audience prepared to speak on this item this evening to stand and be sworn in. Two persons in the audience, plus RAMIREZ and SHUTE from the staff stand and are sworn in by GALLAGHER.

SHUTE states this conditional use permit (CUP) had been continued from the meeting in July 2003, when the Planning Commission was updated on the status of the project and its compliance with the conditions of approval. This was the six-month review that was required when the CUP was amended in 2002. At the July 2003 meeting, staff advised the Planning Commission that there were numerous violations and some of the neighboring businesses also voiced complaints.

The Planning Commission set the conditional use permit to public hearing to consider its revocation. That hearing was in September of 2003. At that hearing, there was again input from neighboring businesses but it appeared the revocation proceedings had gotten the club's attention to resolve the violations, so staff recommended the revocation hearing be continued for six months. The Planning Commission concluded that six months was too long, and continued the item to December 2003. At the December meeting, the staff showed that the applicant had not completed the improvements and things had reverted to the bad. Staff recommended revocation. At that meeting, there were only three commissioners (one absent and one vacant seat) so the club's representative asked for a further continuance to this meeting so that they would have the benefit of a full commission. Since that time, the social club has made significant progress in cleaning up the property and getting closer to full compliance; so much so that staff has changed its recommendation for a continuance and is recommending the Planning Commission deny the revocation with the Planning Commission having the benefit of a six-month review, or sooner or longer, whichever the Planning Commission would determine.

SHUTE points out that the current owner has stated he has sold the club. There is a condition in the original conditional use permit that any change in the operator requires a full amendment of the conditional use permit, so this could come back when escrow closes for a new operator at the club.

The public hearing is still open.

Eddie HAMANA, 115 S. Mollison Avenue, El Cajon CA 92020, agrees with the staff report.

AMBROSE asks if he has sold the club.

HAMANA replies he will be the operator for a while, but the sale is in process.

In reply to AMBROSE, HAMANA thinks that will be in another three or four months.

AMBROSE asks if the new buyer is aware of the possibility of having to amend the conditional use permit.

HAMANA says yes.

SHUTE states that a letter from the Director of Community Development is being sent to the possible new owners to advise them that a full amendment of this conditional use permit would be required.

In reply to AMBROSE, HAMANA says he is working with the City to correct all the violations. He called SHUTE and Director of Community Development GRIFFIN and said they were going to keep it up.

AMBROSE states the Planning Commission appreciates the progress he has made.

HANSON-COX asks who was taking the initiative in cleaning the parking lot. Was it HAMANA or the owner?

HAMANA asks right now, or back then?

HANSON-COX states now.

HAMANA responds that they changed the maintenance company because the landlord hired the maintenance company they had. They were showing up when they felt like it. When they got all the violations from the City and complaints from the neighbors, he forced the landlord to come (to the Planning Commission meeting) and hear it because he didn't believe it was that serious. So the landlord came, and when they left the meeting he knew how serious the City was after them. They hired a maintenance company themselves and they are doing it on a daily basis instead of a couple of times a week. Because of Kragen, someone needs to pick up the bags and trash. Their

customers don't have any bags. It is a nightclub: you come, you eat and you leave. They don't have bags, but the parking lot is always full of bags and oilcans, and just garbage.

HANSON-COX understands that HAMANA is paying for it. She remembers when his attorney, Mr. Garmo, was here, both he and HAMANA mentioned that it was within their contract.

HAMANA states yes. They are paying for it just to keep it up now. They have their own company. Actually, they have been paying for all that just to keep it up.

HANSON-COX asks if that will cease once the club is sold.

HAMANA states the owner was his partner, and he knows all about it.

Judy ASHE, 925 E. Main Street, El Cajon CA 92020, owns the business next to the social club. She says she came tonight prepared to say that things have improved. She was sort of against the fence going up because she didn't mind people driving through their lot, but the fence has helped keep people from parking in back of their customers' cars so they can get out. Two or three weeks ago, someone came over and said they were going to be the new owners of the club. She thought they had been the new owners for the last six months, but he said for only for the last three weeks. He assured her that there would be no problem; that he had told his employees that if they used her trash can or dumped anything in the gutter, that they would be fired immediately. But, they are still using her trash can. She doesn't know that they are putting anything in the gutter, or even if they were the ones doing it before when they complained. Things have improved as far as the parking goes since the fence went up. They are not parking in the alleyway, so their customers don't have a problem getting out. As she said in the first meeting, this is what happens; they own a business for a while and then they - - - she thinks they are just passing it around the club members. Then this has to be gone through all over again. How many chances does a business get?

AMBROSE states that revocation is a pretty tough thing for the Planning Commission to do. It is taken very seriously. The Commission has given the social club as many chances as it thinks they possibly can have. He thinks they are making some progress, and the Commission is willing to give them just a little bit more time to see if they can - -

ASHE says that is what she would like to see, some consistency.

AMBROSE advises that the staff recommendation is to deny the revocation and bring this back in another six months and see how they are doing. If the club changes ownership, they will have to come back for a full-blown amendment, which means it will be a whole new application, so it could be back sooner than six months.

ASHE asks if the neighbors will be notified.

AMBROSE replies they will be notified if there is going to be a hearing.

AMBROSE asks HAMANA to return to the podium.

HAMANA, regarding the dumpster, says he had a gate and the City told him to improve the gate and put in a new one with a lock. If they are so concerned about his employee using their dumpster, why can't they have a gate and lock it too? That would solve that problem. He doesn't tell his employees to dump his garbage in their dumpster. His dumpster is emptied every other day. It was emptied twice a week when he took the club over, and he found that was a serious problem between them and the neighbor. He called the garbage company and told him he wanted it picked up every other day. Why can't the neighbor put a gate on their dumpster and lock it? Maybe there wouldn't be a problem any more.

AMBROSE says the Planning Commission will take that as a suggestion to the neighbor. He thinks HAMANA came over loud and clear.

HAMANA states two or three homeless people live right next to the neighbor's dumpster. Maybe that (a locked gate) would get rid of those homeless people at the same time.

HANSON-COX asks why HAMANA is selling the club. He hasn't even owned it for a year.

HAMANA responds he wasn't experienced in the club situation. He is usually a landlord or owner of shopping centers. It was a bad experience for him so he is thinking of getting out of it.

HANSON-COX asks, when he owned it, if he had an employee on the premises every time there was an event. For example, after the event, did an employee check to make sure everything was cleaned up and things disposed of properly, and that there was no trash in the parking lot or alleyway, so they can get their deposit back? What procedure was there for that?

HAMANA states they had employees to take care of the inside. The parking issue belonged to the landlord's maintenance company. They skipped it.

HANSON-COX was really referring to the trash. She hates to admit it, but she actually looked into the trash. The neighbor is correct, there were a lot of things from various events dumped into the trash. She was just curious if HAMANA had an employee to oversee that to prevent that from happening.

HAMANA states they were told, more than once, to do it on a daily basis. But that is how much one gets from employees. HAMANA had to be there even when the garbage was dumped. HAMANA kept telling the employee that the club had a dumpster, so why was he using the neighbor's? The employee claimed he didn't, but somebody told him

they had a picture and it was their food. He doesn't know whom to believe. His employee swears he doesn't dump their garbage there (in the neighbor's dumpster). HAMANA told him by doing that he was causing a lot of problems for him; they have a dumpster that is being emptied every day, so what excuse is there for using the neighbor's dumpster? The only thing he can think of to stop his neighbor from complaining is for them to put in a gate like he did. Maybe that would solve the problem.

HANSON-COX tells HAMANA that she has been by the club quite a few times, and the parking lot has been kept pretty clean. She understands some of HAMANA's concerns with Kragen. She commends HAMANA for that.

HAMANA has been watching the parking and the neighbors more than he has been watching the inside, just so he doesn't have to go through this all year long.

No one else comes forward to speak on this item.

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

TURNER states it looks like the staff is satisfied with what the social club has done, and having them come back in six months.

Motion by TURNER, second by HANSON-COX to DENY REVOCATON of Amendment of Conditional Use Permit 1035, with a review in six months; carries 5-0.

AMBROSE advises this is final action unless appealed to the City Council by February 23, 2004 at 5 PM in the City Clerk's office.

CONDITIONAL USE PERMIT 1976 – Ballantyne Development LLC

(continued public hearing) Resolution No. 9901

P. C. Meeting 02/09/04

The subject property is located on the west side of Ballantyne Street between East Main Street and East Park Avenue; APN 488-111-34; existing LUC, proposed LUC 0580/1151B/1000AP; General Plan Designation: Regional Retail Commercial / Special Development area #9.

Request a mixed-use development with a reduction in required parking in the C-R (Regional Commercial) zone. *Continued from the meeting of January 26, 2004.*

AND

PLANNED UNIT DEVELOPMENT 218 – Ballantyne Development LLC

(continued public hearing) Resolution No. 9903

P. C. Meeting 02/09/04

The subject property is vacant and located on the west side of Ballantyne Street between East Main Street and East Park Avenue; APN 488-111-34; exiting LUC 9000, proposed LUC 0580/1151B/10000AP; General Plan Designation: Regional Retail Commercial / Special Development Area #9.

Request to construct eight common-interest residential units in the C-R (Regional Commercial) zone. *Continued from the meeting of January 26, 2004.*

ALVEY advises that the continuance from the January 26, 2004 meeting was requested by the applicant in order to resolve some issues that arose in conjunction with some comments from the Building Division and Fire Department. The request is for a mixed-use development, and includes eight two-story residential units. There will be over 680 sq. ft. of retail office space. The request is also for a reduction in the required parking.

The authority for requesting a modification to the parking requirement and to allow the residential units in the mixed-use development in the downtown area is found in Specific Plan 182, which allows the reduction in the number of required parking spaces and the mixed-use development subject to the conditional use permit. The residential aspect of the project will be addressed in the Planned Unit Development application.

The critical issue associated with the Conditional Use Permit would be the parking requirement. The standard parking requirement for the proposed development would be 31 total spaces. The project currently proposes a total of 15 parking spaces underneath the building. The proposal would allow for one parking space per bedroom for each of the eight dwelling units, there being four two-bedroom units and four one-bedroom units. There would also be three parking spaces for the commercial office space. The 15 proposed spaces would represent less than 50% of the normally required parking for a project of this size.

ALVEY says that the proposed plan also indicates that the under-building parking will be closed off with a security gate. This was originally a condition of the project's design review approval by the Community Development Corporation. Staff is concerned that the inclusion of a gate will result in cars backing out onto Ballantyne Street when the under-building parking cannot be accessed by either patrons of the commercial space or by guests coming to visit the residents. Staff has therefore included a condition that the gate be removed.

Staff also included a condition to work with the owner of KC's Chinese Food & Donut Shop to the south to install fencing to prevent unauthorized use of KC's parking area for the proposed development. Staff has requested a few modifications to the site in conjunction with the proposed planned unit development as well. The first issue is the required setback. Staff has requested that the front setback be reduced to provide a

more urban type of development. Also, a proposed trash enclosure will need to be relocated outside of the under-building parking area according to the Fire Dept. comments. Finally, staff has included a condition that requires the applicant apply for and gain approval of a tentative subdivision map application. This will be required in order for the planned unit development to become effective.

Staff does understand that there are some issues associated with this development, but believes they can be resolved through the conditions of approval, and therefore recommends that the Planning Commission grant Conditional Use Permit 1976, finding that the mixed-use development will not result in a parking inadequacy that is detrimental to adjacent uses or properties and the downtown area as a whole. Staff also recommends approval of Planned Unit Development 218 subject to the conditions contained in the staff report.

AMBROSE has a big concern about the trash container. He doesn't know where it can be put so it won't be sitting out on the street. He thinks it is a pretty big issue. Has staff had any discussion with the applicant about this?

ALVEY responds that staff hasn't had an opportunity to specifically discuss with the project architect the relocation of the trash enclosure. Hopefully, with the additional space gained by having the building closer to the front property line, there will be some additional room to play with. Maybe the project architect could better address some solutions.

The public hearing is now open.

Steven RAY, 470 3rd Ave., Chula Vista CA 91910, concurs with the staff report. They don't have any issues with the conditions of approval. He knows that the trash situation is something that needs to be worked out. They did have it outside, but it ended up going back inside. He has a concern about it being in front on the street because of setback requirements, as well as the visibility and the maintenance of it. He thinks it can be worked out.

AMBROSE hopes so. It seems like a pretty serious issue to resolve because there is no parking on Ballantyne and a trash truck can't sit on the street while it collects trash for one development. It will be an interesting design challenge. He would like to see the solution to this regardless of whether or not the Planning Commission approves this item tonight or continues it. He would like to know how it works out.

Claire CARPENTER, President and CEO of El Cajon Community Development Corporation, 168 E. Main Street, El Cajon CA 92020, first takes this opportunity to say 'hello' to and welcome Commissioner Woods and Commissioner Black to the Planning Commission. It is exciting to see a full commission. She says the Planning Commission really affects what happens in the downtown area and its work is really appreciated, and certainly all the work the staff does.

To clear up any concern about the Design Review Commission comment about adding a security gate, the thought behind the commission's comment was more of a safety issue, not necessarily anything more than that. They were just concerned about the walls or camouflaging the parking spaces and thought it would be appropriate. The staff called her and asked how strongly they felt about it, and it was no big deal at all to drop that off. She just wants to make sure that wasn't a real consideration because it was more a helpful suggestion than a design concern.

In general, CARPENTER speaks on behalf of this project because this and the other one tonight, and a few more that are coming down the road in the next couple of meetings are what the Community Development Corporation have been waiting for and working towards for a long time. The CDC wholeheartedly endorses the project and thinks that this innovation of making a small space, that has been abandoned and a problem for so long, into something as productive as this is really exciting. She encourages the Planning Commission's support.

AMBROSE states that since the Design Review Committee for downtown El Cajon supports this, he doesn't see any reason to delay this project.

No one else comes forward to speak on this item.

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

HANSON-COX thinks this item is straightforward.

TURNER thinks it is a great project.

No further comments are offered.

Motion on CUP 1976

Motion by HANSON-COX, second by TURNER, to GRANT Conditional Use Permit 1976 in accordance with the staff report; carries 5-0.

Motion on PUD 218

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Planned Unit Development 218 in accordance with the staff report, with the results of the trash enclosure issue to be brought to the Planning Commission as a discussion item.

AMBROSE states the Planning Commission has granted Conditional Use Permit 1976 and recommended approval of Planned Unit Development 218. These items have been joint noticed and will go to the City Council on February 24, 2004.

TURNER would like to see the results of the trash enclosure and how it is managed.

AMBROSE asks staff to bring that report back to the Planning Commission as a discussion item.

ZONE RECLASSIFICATION 2242 – Snyder

(public hearing) Resolution No. 9904

P. C. Meeting 02/09/04

The subject property is located on the east side of Grape Street between Oakdale and East Madison Avenues, and addressed as 569-571 Grape Street; APN 511-015-28; existing LUC 1111, proposed LUC 1111E; General Plan Designation: Medium Density Residential.

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

AND

SITE DEVELOPMENT PLAN 1397 – Snyder

(discussion) Letter to applicant

P. C. Meeting 02/09/04

The subject property is located on the east side of Grape Street between Oakdale and East Madison Avenues, and addressed as 569-571 Grape Street; APN 511-015-28; existing LUC 1111, proposed LUC 1111E; General Plan Designation: Medium Density Residential.

Request to build two new single-family residences and remodel an existing house, in the proposed R-3 (Multiple Family) zone.

ALVEY advises that the request to rezone 569 and 571 Grape Street includes a request to remove one unit from the property and then to construct two new dwelling units. Each of the new dwelling units will have a two-car garage. The property currently has two legal nonconforming units. The General Plan designation for the subject property is "Medium Density Residential". The requested R-3 zone is consistent with that General Plan designation; however, staff has recommended that the property be rezoned to R-2.

Although there is no code or policy in effect, the City Council has not supported rezoning of properties to the highest density that is consistent with the General Plan. The more recent request for a zone reclassification in the vicinity of the subject site was at 1358 and 1362 Oakdale Avenue. Those applicants requested to be rezoned from the R-1-6 zone to the R-3 zone and ultimately the Planning Commission and the City Council approved the R-2 zone rather than the R-3.

In the case of the subject site, ALVEY says an additional reason for staff's recommendation is that the existing 65-ft. lot width does not satisfy the minimum lot width requirement for an R-3 zoned property. If the subject site is approved with R-3 zoning, it would be capable of having five dwelling units. The R-2 zoning would only allow for two dwelling units on the site.

The second part of the request is for the site development plan, which is only required for the construction of three or more dwelling units on an R-3 zoned property. If the Planning Commission recommends approval of the R-2 zone, the applicant would only need to apply for and obtain a building permit in order to construct a second unit on the site. Staff has therefore recommended denial of the site development plan.

If the Planning Commission determines that the R-3 zoning is appropriate for the subject site, staff has proposed an alternative set of conditions for the site development plan that details some small changes to the plan in accordance with the R-3 standards.

ALVEY states staff recommends the Planning Commission recommend approval of the R-2 zone, rather than the requested R-3 zone, subject to conditions, and deny the request for Site Development Plan 1397.

AMBROSE guesses if the Planning Commission decides to approve the R-3 zone, it would have to come up with some good reasons.

ALVEY replies since the R-3 zone is consistent with the "Medium Density" General Plan designation - - -

AMBROSE states the Commission would be making a determination that the width of the lot is consistent with at least the intent of the ordinance.

ALVEY states with the lot width requirement, if the property in question is adjacent to another R-3 zoned property, it can still be rezoned to the R-3 zoning designation with the "Medium Density Residential" General Plan designation. The reasons for the recommendation for the R-2 zone would be the same as for the R-3 zone if the Commission found that to be appropriate. The R-3 zone would be consistent with the General Plan designation of "Medium Density Residential".

RAMIREZ adds that the Planning Commission's action, if it recommends the City Council approve R-3 zoning, would not be in keeping with the City Council's fairly firm and long-standing policy not to grant the maximum density when it is a rezoning request to a multiple-family residential zone.

The public hearing is now open.

James SNYDER, 1003 Rachele Way, El Cajon CA 92019, states they are not trying to use the maximum density. Where the staff report says they could get five units for the

lot, they are only asking for a total of three homes, just like the project he has at the corner of Grape and Oakdale that is also zoned R-3. They are finishing right now. That was zoned R-3 and he believes the maximum was six units on that property, and they only went with four. It ended up being a real nice project and that is what they want to do on the subject property—to keep it single-family residences, with no attachments at all. They are not trying to get the maximum density out of the property. The width of the property is 65 ft. They have plenty of driveway and meet all the requirements of the City for the driveways in and out of the property. He doesn't think the width of the lot is a concern.

AMBROSE states that the issue is the rezone itself because the City Council policy has been not to rezone to the highest zone, but to the lowest zone. If SNYDER has been in El Cajon for a long time, he knows what apartments have done to the city of El Cajon. That is why the City reacts the way it does.

Unfortunately, if the property is rezoned, there is no guarantee that SNYDER won't sell it to somebody else who might do something different than what SNYDER proposed. God forbid something could happen to SNYDER tomorrow after it is approved, and it doesn't turn out the way it was originally intended. That is something the City looks at very carefully before it makes a decision.

In reply to AMBROSE, ALVEY advises the R-3 zone allows one unit per 2200 sq. ft. That is just about 20 dwelling units per acre. There is one zoning designation between the R-3 zone and the R-2 zone, which is the R-3-R zone. The R-3-R zone allows one unit per 2500 sq. ft. The one important aspect of the R-3-R zone is that it has a 20-ft. height limitation. Mr. Snyder's proposed two-story units could have a problem meeting that height restriction.

AMBROSE asks staff if two-story units could be approved by a variance or is there another way, perhaps a specific plan?

RAMIREZ explains that a variance is not likely to be something that the staff would support because the need for a variance basically is self-imposed by the developer. [A specific plan would be required.] As a point of clarification, she corroborates the applicant's statement that he is asking for less than the maximum density. This is true. The staff report indicates five units maximum would be allowed in the R-3 zone; Mr. Snyder is proposing three. That is just a little over 11 units per acre.

AMBROSE explains to the applicant that the Commission and staff are trying to explore another option. It appears that the R-3-R zone would not be a good solution.

RAMIREZ says it is an option. The Commission would probably want to entertain an opinion from Mr. Snyder before closing the public hearing, to allow him to ask questions of staff or indicate what his preference is. Staff will also confirm, for the Commission's benefit, that Mr. Snyder's project next door is exceptional for the neighborhood. It is quite good. It was represented to her as being outstanding and if this is what is to be

expected on the subject property of this application, it is a good example of how redevelopment can really bring a facelift and enhanced appearance to an older neighborhood.

For the benefit of the new commissioners, she clarifies that it is the City's policy to consider a rezoning without regard to the development that will follow. This supports the Chair's statement that the property could be sold and someone else could come in and develop a plan other than what Mr. Snyder has represented tonight. Even though he has a site development plan on the agenda for the Commission's consideration, the R-3 zone is to be considered essentially by itself.

No one else comes forward to speak on this item.

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

AMBROSE went to look at the site and thought if the applicant is the builder on the adjacent property, it was very well done. The Commission might want to consider the fact that the applicant is doing an excellent job on the adjacent property. AMBROSE is still a bit concerned that if the Commission approves the R-3 zone that there is no guarantee that it will get what it sees unless an expiration date is placed on that zone, if it is not built per the plan. He asks staff if that can be done.

TURNER states also that the applicant is saying he only wants three units. That can't be put in the conditions. With housing shortages these days, it seems like a good project as long as it is kept to the three units.

RAMIREZ advises the review of the development plan on this property comes to the Commission and goes to the City Council when it is three units or more. If Mr. Snyder is given the favor of an R-3 recommendation by this body, the Commission would also have the opportunity this evening to review the site development plan for three units, as SNYDER pointed out, not five which is the maximum density. Because both items will go to the City Council, Council will have the option of reviewing his site plan. They have done that a couple of times before. If a different zone is granted, the Commission will not be able to approve the development plan.

AMBROSE asks if a time limit can be set so that if the subject property is not developed within a specified length of time, it reverts back to the previous zone.

RAMIREZ replies it would be unusual to do that in the case where the General Plan doesn't have a designation for some public use. She doesn't see circumstances here that would warrant that. A zone reclassification, when it is given a conditional approval, is given one year within which to satisfy those conditions.

BLACK asks if it can be given a conditional use permit to allow them the three houses.

AMBROSE states they have to be given the zoning.

BLACK asks if it can't be done the other way.

AMBROSE replies no. They have to be given the zoning and the site development plan. He knows where BLACK is going with this, but it can't be done that way. He suggests conditionally approving this and sending it on to Council.

TURNER asks if AMBROSE is saying the R-3 zone should be recommended for approval, and see what happens at the Council.

AMBROSE states that is one way to look at it. If the Commission feels this project is outstanding and is in the best interest of the City to get three quality homes as opposed to two quality homes (and in light of the fact that he looked at the project next door and thought it was very well done), he thinks this applicant has a good product. He thinks it could be beneficial for the City to have one extra home.

TURNER agrees.

ALVEY states, as one possible scenario, if Mr. Snyder were to obtain the R-3 zoning designation for the property, and failed to move forward with the site development plan, any future requests for three or more units on the property would either be subject to another site development plan discussion or the property could be developed as a PUD (planned unit development) as well.

AMBROSE states the applicant would still have to come before the Planning Commission with a site development plan.

RAMIREZ states it hasn't been discussed what would happen to the current status of the property with whatever zone the Commission grants to Mr. Snyder. There are two units on the property now. It is a single family residential zone. The current status of the property is nonconforming because the maximum number of units allowed under the current zoning is one unit. Even if SNYDER were granted R-2 zoning instead of the R-3 zone as requested, he would be able to do something better with the two units. In this case, it is understood he will keep one and remodel the other. There are two benefits there: putting two better units on the market for people to occupy, and getting rid of the nonconforming status that has implications of its own that are not good for the property.

TURNER would like to test the water and see what happens.

No further comments are offered.

Motion on ZR 2242

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Zone Reclassification 2242 to the requested R-3 zone rather than the R-2 zone as recommended by staff.

Under discussion, AMBROSE asks the reason for that recommendation.

TURNER replies the R-3 zone is warranted, based on the project that the Commission has seen on the adjacent property and the need for housing in this area.

AMBROSE suggests also adding that the subject property is not going to be developed as apartments, and that the project would come back to the Planning Commission as a site development plan if it doesn't get built as now proposed.

TURNER concurs.

BLACK asks if this will automatically go to the City Council.

AMBROSE replies yes.

TURNER asks if the motion should include the site plan.

AMBROSE says a separate motion will be taken on that.

Votes are now cast; motion carries 5-0.

AMBROSE states this is a recommendation to the City Council. There will be another hearing by the Council on March 9, 2004.

Motion on SDP 1397

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Site Development Plan 1397 subject to conditions on pp. 6-7 of the staff report; carries 5-0.

AMBROSE states this is a recommendation to the City Council, who will hold a separate hearing on March 9, 2004.

PLANNED UNIT DEVELOPMENT 220 – Westone Management Consultants

(public hearing) Resolution No. 9905

P. C. Meeting 02/09/04

The subject property is located on the northwest corner of June Way and East Madison Avenue, and the northeast corner of La Rue Way and East Madison Avenue, and addressed as 512 June Way and 513 La Rue Way; APN 489-353-14 & -15; existing LUC 1141A, proposed LUC 1141B; General Plan Designation: Medium Density Residential.

Request to convert existing 20-unit apartment complex to a common-interest development in the R-3 (Multiple Family) zone.

AND

TENTATIVE SUBDIVISION MAP 532 – Westone Management Consultants

(public hearing) Resolution No. 9906

P. C. Meeting 02/09/04

The subject property is located on the northwest corner of June Way and East Madison Avenue, and the northeast corner of La Rue Way and East Madison Avenue, and addressed as 512 June Way and 513 La Rue Way; APN 489-353-14 & -15; existing LUC 1141A, proposed LUC 1141B; General Plan Designation: Medium Density Residential.

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

SIMOS states this is a request to convert an existing 20-unit apartment complex that was built in 1961 to a common-interest development, which will allow these units to be individually sold. The tenants were notified 60 days before the application was submitted that the applicant intends to try to convert the apartment complex to condominiums. The applicant also notified the tenants of their rights to buy a unit once they are offered for sale. The noticing requirements to date have all been satisfied.

As far as the existing development standards of this property, the number of parking spaces is less than would be required of a new project but the City Council changed that standard so that the City can accept whatever parking exists. In this case, there are 20 parking spaces and 20 units, which is one parking space per unit.

SIMOS states there is a requirement for the new applicant to submit a Physical Elements Report. This report is used to advise the City of any problems with both the exterior and the interior of the units and all the common areas. The intent of the Physical Elements Report is to eliminate any problems now rather than have the homeowners' association take them on immediately. In this Physical Elements Report, there is a discussion on a number of issues. Staff is recommending that several upgrades be required, including the items listed on pp. 6 & 7 in the Discussion section of the staff report (and again in the Conditions of Approval in condition # 4.a)). The professional engineer who prepared the report did not have access to the roofs so he could not evaluate them. Staff has included a condition of approval that requires a qualified inspector perform an inspection of the roofs with the results to be submitted to the Planning Division. If the roofs have a remaining useful life of less than 20 years, staff is of the opinion that the building should be re-roofed. The Physical Elements Report also calls for a representative from the gas company to inspect all gas powered appliances and equipment, which staff has included in the conditions of approval.

If the Commission recommends approval of this project, staff is of the opinion that all of the upgrades are to be completed before the subdivision map records. The applicant also submitted a list of renovations that include changes to both the interior and exterior.

Some of the changes in the renovations list are cosmetic changes that are intended to assist in marketing the units, but these are not City requirements.

SIMOS requests that condition # 4.I be deleted and that the following conditions be renumbered. Staff is recommending that the Planning Commission recommend approval of Planned Unit Development 220 and the companion Tentative Subdivision Map 532 in accordance with the staff report.

AMBROSE states these are really old units.

The public hearing is now open.

Joseph SCARLATTI, Westone Management Consultants, 710 Camino de la Reina, San Diego CA 92108, states their client is in agreement with the conditions of approval with the exception of probably four. It says clearly that the work is to be done before the map is recorded. They have ongoing discussion with the staff about a method of securing this work so the map can be recorded. He has explained to this commission in the past that for a number of developers it is difficult to get their construction financing unless the map is recorded. Does he make the assumption that there is an alternative to securing this work before the map is recorded or not?

AMBROSE asks staff if it is acceptable for the developer to bond for the improvements. Would that allow them to record the map?

SIMOS states staff has been discussing the use of a restrictive covenant that could be recorded, but has not come up with a standard format yet.

RAMIREZ refers to page 10 of the PUD (planned unit development) staff report and reads a portion of condition #4, which begins, "Prior to recording the subdivision map, the applicant shall also: a) complete or guarantee all interior and exterior site upgrade, . . .". When it says, "guarantee" the improvements, it is implied that the guarantee be accepted by staff and, as SIMOS mentioned, there isn't a standard format yet. If the applicant proposes a form of guarantee, it is subject to review by the City Attorney's office, the Planning Division, and a formal acceptance by the City before staff will agree that the final subdivision map can be recorded and those improvements deferred to some later date. Referring to condition #4, RAMIREZ states that the option is there, but there is no guarantee that the City will agree to a guarantee in lieu of full completion of all of those things specified in the list of conditions.

AMBROSE states that leaves it open for SCARLATTI to come up with some sort of negotiation with staff.

SCARLATTI states as long as the option to guarantee these things is there and is reasonable, he doesn't have a problem with it. If it gets too difficult, that will wipe out a number of their clients' projects. Not necessarily this project, but certainly others.

AMBROSE thinks the door is open for them to prepare some sort of a guarantee. Maybe that is in the form of a bond, or whatever, that staff will accept.

SCARLATTI replies they have had discussions with staff and staff has said they are not sure which way they want to go. As long as they pick one, it is okay with him.

AMBROSE states even though this process has been going on for several months now, he thinks we are still sort of exploring ways of fine-tuning everything. He thinks progress is being made.

SCARLATTI says, for what it is worth, this particular developer intends to spend between 25 and 30 thousand dollars per unit, on average. He thinks this will be one of the finer condo conversions in the city.

AMBROSE says in reviewing the Physical Elements Report, he was very concerned about the wiring. He has owned properties with old wiring and had a fire in one of them, so he knows that the wiring does not last more than about 50 years. That is about the life expectancy.

SCARLATTI states with the fire code issues that have been going on in this city, and even before that, a lot of the walls are opened up and the plumbing and the wiring is now looked at. It is efficient, if necessary, to rewire parts or all. These days, they are pulling the plumbing outside the walls and putting it in through the ceiling. That is a far more costly item than the rewiring. Putting in new rock wall to make it one-hour fire rated is not a big issue. As long as their clients are aware what they have to do when the unit is gutted, these are not issues. When issues come out of left field at some later date when half the units have been repaired, then it is a crisis.

TURNER asks if staff can explain why the completion or the guarantee is so important. Are there other projects that haven't conformed to some of the items?

RAMIREZ responds that is exactly the case. There are some that have failed to perform some work inside the units that is absolutely necessary to meet the minimum standards in the zoning ordinance and the building code. At this point, staff has had to take the firm position that, because the map is about the last hold that City staff has on a project, its release is critical in allowing the project to move forward. As Mr. Ambrose indicated, the conversion process is being refined and options explored. Staff understands that bonding can be a complicated issue and has heard that getting an approval for a condo conversion doesn't mean that the physical work to convert the units happens right away. If that is not the case and an approval is sold to a new party, but the bond was taken from the original applicant, then somebody has to jump through another hoop and get the new owner to bond for the same improvements at whatever dollar amount is felt to be fair at that time. It will not be a simple task to establish a bond, but the option is still available to this applicant.

TURNER asks if units have been sold or people moved in without completing some of the work in some of the conversions.

RAMIREZ replies this is correct.

TURNER just wanted that information for the record.

No one else comes forward to speak on these items.

Motion by TURNER, second by HANSON-COX to close the public hearings on Planned Unit Development 220 and Tentative Subdivision Map 532; carries 5-0.

HANSON-COX understands the bond is something that staff needs to look at. She would hate to be a homeowner and get inside a condo that she purchased and then all of a sudden the homeowners' association is stuck with all the fees.

Motion on PUD 220

Motion by HANSON-COX, second by TURNER to RECOMMEND APPROVAL of Planned Unit Development 220 in accordance with the staff report, deleting condition #4.l) and renumbering the following conditions; carries 5-0.

Motion on TSM 532

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Tentative Subdivision Map 532 in accordance with the staff report; carries 5-0.

AMBROSE states these actions are recommendations to the City Council. These items have been joint-noticed for a City Council hearing on March 9, 2004.

CONDITIONAL USE PERMIT 1977 – AGS Enterprises Inc. dba Rock Automotive Group for Parkway Plaza (Westfield)

(public hearing) Resolution No. 9907

P. C. Meeting 02/09/04

The subject property is located on the south side of Fletcher Parkway between South Johnson and Arnele Avenues, and addressed as 415 Parkway Plaza; APN 482-270-33; General Plan Designation: Regional Commercial.

Request multiple parking lot used car tent sales during the year 2004 in the C-R (Regional Commercial) zone.

RAMIREZ states this is a request to establish several dates for short-term parking lot auto sales during the 2004 calendar year on a particular site at Westfield Shoppingtown

Parkway. The Zoning Ordinance requires a conditional use permit (CUP) for more than two short-term parking lot sales during a given calendar year.

Some background information will hopefully give the Planning Commissioners a better perspective on this request. This applicant is one of two parties who have an agreement with Westfield to conduct auto sales events on the subject property between now and the end of September. The other party is San Diego Auto Connection, whose application is on the February 23, 2004 Planning Commission agenda. Both applicants are asking for each of their sales events to exceed the maximum of 14 days. If both applications are granted as requested, there would be an auto sales event on the subject property every single day between February 9 and September 29. Staff has explained to Westfield's general manager why such an arrangement is unacceptable. Further, staff suggested revisions to the intended schedule, which would give both parties several 14-day events with a week of free time every 30 days or so when neither party would be allowed to operate there. The suggested scheduled revisions are found in Staff Exhibit 'A', which is attached to the staff report.

As for the proposal now before the Planning Commission, staff has experience with this applicant as the operator of numerous short-term sales events in the past authorized by Temporary Use Permit at this and other locations. The Temporary Use Permit process is not appropriate for this applicant's plans for the remainder of 2004 because that process allows only two 2-week events per calendar year at a given location by the same business.

The applicant's previous events are typically what staff would call large-scale and limited to 14 days in duration. Staff has observed that these past events have not caused a parking problem at this shopping center. The only issue that has come up is the off-site use of temporary signs. As long as those signs are not located within El Cajon city limits, they do not violate a city ordinance.

RAMIREZ states that staff is recommending that Conditional Use Permit 1977 be granted subject to conditions, which include a revised schedule to be acted upon by Westfield (the property owner) and the applicants for both Conditional Use permit 1977 and Conditional Use Permit 1978. The reasons for the recommendation are contained in the staff report.

The public hearing is now open.

Scot TURCOTT, the general manager of Westfield Shoppingtown Parkway, 415 Parkway, El Cajon CA 92020, suggests that there is a little bit of confusion. They do appreciate the consideration from the Planning Commission and the planning department. Their intent for 2004, recognizing that they will be opening the Wal-Mart store later this year, is to do some shows earlier in the year. He actually offered the opportunity to do car shows to numerous local dealerships and continues to do that, but two dealers have stepped forward: San Diego Auto Connection, who is present this

evening and will speak next, and Shawn from Rock Automotive, who could not be here this evening.

TURCOTTE states In their strategy sessions, recognizing it is a very difficult economy, they tried to figure out a way to maximize the number of shows they do this year and do three things: 1) pay money to Parkway Plaza; 2) pay taxes to the City of El Cajon; and 3) to make money for dealerships. With that in mind, they came up with the strategy of doing 21-day shows with a minimum of seven days between each show when the parking lot would be empty. That would allow customers to recognize that there is a change in the operation of the dealership.

TURCOTTE suggests the one thing the commission might recognize is that each and every time these dealers participate in a show at the center, they spend a lot of money advertising in print and radio and that comes back. He has spoken to his department store manager and at a time when the center is not quite pretty with the construction activities, they are seeing increases in their department stores. They feel the parking lot shows are bringing in some of those customers. They think that is very positive. They recognize the difference between 14 and 21 days. The big difference for the dealerships is that there is a lot a cost involved in advertising, promotion and scheduling. Most of their dealers, when they are not at Parkway, are at other locations and they form their calendars for 2004 with this in mind.

TURCOTTE asks for consideration of a 21-day show with seven days dark in between shows, running through no later than certainly October 10. They are optimistic to open Wal-Mart October 1, but he thinks it will probably be October 15.

AMBROSE asks if the 14 days just doesn't work for the dealers.

TURCOTTE replies Steve Hodsdon from San Diego Auto Connection, who is on the Planning Commission calendar later this month, is here this evening because they recognize that whatever agreement is made tonight will be followed up with negotiations with City staff in terms of scheduling of dates and times and how they do business. It is their intent to shoot for the 21-day show if they can get it approved. They would look at what is necessary to change the ordinance, if that is necessary.

AMBROSE understands TURCOTTE is requesting 21 days in length instead of 14, and that no auto sales activity would be scheduled on the site after October 15.

TURCOTTE says that is correct. They would come back in 2005 and hopefully the new department store and their center will be so successful that they will do fewer shows. If they do shows next year, they will be smaller and in a different location. But they are not addressing that tonight, only 2004.

Steve HODSDON, President and CEO of San Diego Auto Connection, 12423 Fig Tree Street, San Diego CA 92131, states they have been an operator of Parkway Plaza used car shows for three years. Over the course of those three years, they have honed in on

a successful business plan. Staff's recommendation and the five conditions are all fine with his company with the exception of condition #2. The 14 days just economically doesn't fit to the way they have historically done the sales. Twenty-one days is an absolute necessity for how they do it. A 14-day approval would require them to withdraw from the operation at Westfield Parkway Plaza. In the 21 days, they would have 17 sale days, two set-up days and a day or two to break down. They have found that 21 days physically on the site with 17 sale days is what fits best. He asks the Planning Commission to reconsider condition #2 and amend it to 21 days.

AMBROSE asks if that is condition #3.(a)(2).

HODSDON replies affirmatively.

In reply to HANSON-COX, HODSDON states his company has been an operator at Parkway Plaza partially in 2002, several months in 2003, and one time already this year.

No one else comes forward to speak on this item.

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

Under discussion, TURNER doesn't think it is unreasonable to move it to 21 days since part of that is for set up.

AMBROSE concurs as long as they are not there during Christmas and Thanksgiving.

No further comments are offered.

Motion by TURNER, second by HANSON-COX to GRANT Conditional Use Permit 1977, modifying condition 3(a)(2) to 21 days, and modifying condition 3(a)(5) to October 15, 2004.

Under discussion, RAMIREZ thought she heard the speaker say that October 10 was the desired ending date because Wal-Mart was more than likely expected to open on the 15th. It would probably be good if the breakdown of the last event of the year was before Wal-Mart is expected to open. This is just her suggestion to the motion maker and the second.

TURNER says that is why she was questioning the 15th date.

After some discussion, AMBROSE says just to make the motion for October 10.

Amended motion by TURNER, second by HANSON-COX to GRANT Conditional Use Permit 1977, modifying condition 3(a)(2) to 212 days, and modifying condition 3(a)(5) to October 10, 2004.

AMBROSE states this is final action unless appealed to the City Council. The appeal period ends on February 23, 2004 at 5 PM in the City Clerk's office.

AMENDMENT OF PLANNED UNIT DEVELOPMENT 87 – Davlyn Development

(public hearing) Resolution No. 9908

P. C. Meeting 02/09/04

The subject property is located on the east side of North Johnson Avenue between I-8 and West Madison Avenue, and addressed as 589 N. Johnson Avenue; APN 482-260-16; LUC 1141; General Plan Designation: High Density Residential.

Request deletion of requirement to provide separate water meters for each unit for a previously approved common interest development in the R-3 (Multiple Family) zone.

SHUTE states on October 14, 2003, the City Council approved an amendment to the Zoning Ordinance to remove the requirement for separate water meters in conjunction with the conversion of apartments to condominiums, specifically for planned unit development applications. This applicant has made the request in order to take advantage of that amendment. All previous conditions placed on Planned Unit Development 87 will still apply. This hearing only applies to the removal of the requirement for separate water meters. This item has been joint-noticed for a City Council hearing on February 24, 2004.

The public hearing is now open.

No one comes forward to speak on this item.

Motion by TURNER, second by BLACK to close the public hearing and RECOMMEND APPROVAL of Amendment of Planned Unit Development 87 in accordance with the staff report; carries 5-0.

AMBROSE states the City Council will hear this item on February 24, 2004.

AMENDMENT OF SITE DEVELOPMENT PLAN 1253 – TM 4300 Associates LLC

(discussion) Letter to applicant

P. C. Meeting 02/09/04

The subject property is located on the southwest corner of North Magnolia Avenue and Cypress Avenue (vacant lot); APN 487-192-48; LUC 9000; General Plan Designation: Special Development Area #9/Regional Retail Commercial.

Request for a one-story retail commercial building in the C-R (Regional Commercial) zone.

SHUTE states the reason this project is before the Planning Commission is to review the site plan and exterior elevations of the proposed building at the Albertson's shopping center at the corner of Main and Magnolia. This shopping center is made up of eight building pads, and extends across Sunshine Avenue to the west where it includes the Hometown Buffet and the San Diego County Credit Union. The proposed building is 4300 sq. ft. It is one-story with entrances for four proposed suites, according to the site plan, but it will not necessarily end up with four suites.

From the parking area and from the pedestrian sidewalk along North Magnolia Avenue and at the corner of Cypress Avenue and North Magnolia Avenue a potential access from Magnolia is an important downtown design feature. The applicant has provided a possible floor plan. The proposal includes an arcade along the North Magnolia frontage.

The proposed elevations and materials are consistent with the development that has already been approved for the shopping center, and have been reviewed and approved by the Downtown Business District. The proposed building does not include a pronounced roof tower as seen at other locations throughout the existing development, but it does include a tower element at the northeast corner of the building. The staff and the downtown district have both accepted this tower design.

The applicant did not include any proposed signs with this development application. What is shown on the elevations is just for effect and not necessarily what would be on the building. Any new signs for this project would have to come back before the Planning Commission for review.

AMBROSE asks if staff has been informed of any specific users.

SHUTE replies that the applicant has not stated what, if any, tenants are known at this time.

In reply to AMBROSE, SHUTE says a progression in design can be seen starting with the original Smith's building to what is there now. There has been quite a change, but he thinks it maintains the consistency of what this property was intended to be.

AMBROSE asks anyone wishing to speak on this discussion item to come forward.

Dick FARRELL, 12520 High Bluff Drive, San Diego CA 92130, is partial owner of this project. They have worked closely with CDC to come up with this design. They think it is a "go", and they agree with all the conditions in the staff report.

AMBROSE asks if they have a user.

FARRELL responds they do not. They have designed it to fit four tenants, but it may end up being one, two or three. That is the reason there are no signs yet. They know they have to come back for those approvals. They are working with a number of different tenants but are not sure whom they will end up with yet.

TURNER thinks it is great to have something on that corner.

AMBROSE agrees.

HANSON-COX states it is the focal point coming into downtown from the freeway, and the City wants to have something attractive and inviting so people will go downtown. She thinks this project is very good. They have done a good job.

FARRELL replies they have tried to do something nice.

AMBROSE explains, for the benefit of the new commissioners, that items the Commission does not have to take testimony from the audience on discussion items; the Commission and staff can just discuss it.

HANSON-COX states it is a very nice project, and an added feature to El Cajon.

Motion by HANSON-COX, second by WOODS to RECOMMEND APPROVAL of Amendment of Site Development Plan 1253 in accordance with the staff report; carries 5-0.

AMBROSE asks if this will go on to the City Council. If so, is a date set?

SHUTE advises that anything within Specific Plan 182, in terms of site development plans, do go on to the City Council. This will be scheduled at the City Clerk's convenience. It does not require a public notice.

SHUTE agrees with AMBROSE that it will probably be within about 30 days.

ELECTION OF OFFICERS ON FEBRUARY 23, 2004. (Information Only)

RAMIREZ states there is no staff report for this item. This is just an advance word that at the next meeting, February 23, 2004, the Planning Commission will be asked to elect a Chairman and a Chairman Pro Tem.

PREDRAFTED RESOLUTIONS

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

Motion by TURNER, second by HANSON-COX to adopt Resolution Nos. 9901, 9903, 9904, 9905, 9906, 9907, 9908 & 9909 pro forma; carries 5-0.

ORAL COMMUNICATIONS

ATTORNEY GALLAGHER announces that JENNIFER LYON will represent the City Attorney's office at the February 23rd Planning Commission meeting while GALLAGHER is on vacation.

CORRESPONDENCE

There was none.

ADJOURNMENT

The meeting of the El Cajon City Planning Commission adjourned at 8:41 PM this 9th day of February 2004.

Anthony AMBROSE, Chair

ATTEST:

James S. GRIFFIN, Secretary