

## MINUTES

### PLANNING COMMISSION MEETING

MARCH 8, 2004

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

#### PLEDGE OF ALLEGIANCE

**COMMISSIONERS PRESENT:** WOODS, BLACK, TURNER, AMBROSE  
**COMMISSIONERS ABSENT:** HANSON-COX  
**OTHERS PRESENT:** RAMIREZ, Senior Planner  
GALLAGHER, Staff Attorney  
SHUTE, Associate Planner  
ALVEY, Assistant Planner  
DAVIES, Principal Civil Engineer  
O'BRIANT, Admin. Secretary

**MINUTES of February 23, 2004** Motion by TURNER second by BLACK to approve the Minutes of February 23, 2004, pro forma; carries 4-0, HANSON-COX absent.

#### **ZONE RECLASSIFICATION 2243 – Warner Architecture & Design for Allen Graham**

(public hearing) Resolution No. 9921  
P. C. Meeting 3/8/04

The subject property is located on the north side of East Main Street between Ballantyne Street and Roanoke Road, and addressed as 520-522 E. Main Street; APN 488-112-43; General Plan Designation: High Density Residential.

Request to rezone property from the R-3 (Multiple Family) zone to the C-2 (General Commercial) zone.

AND

**CONDITIONAL USE PERMIT 1979 – Warner Architecture & Design for Allen Graham**

(public hearing) Resolution No. 9922  
P. C. Meeting 3/8/04

The subject property is located on the north side of East Main Street between Ballantyne Street and Roanoke Road, and addressed as 518-550 E. Main Street; APN 488-112-43; General Plan Designation: High Density Residential.

Request modified parking requirement for expansion of existing development and expansion of existing cocktail lounge with on-sale alcoholic beverages to include a dining room with live entertainment and outdoor dining, in the pending C-2 (General Commercial) zone.

AND

**SPECIFIC PLAN 497 – Warner Architecture & Design for Allen Graham**

(public hearing) Resolution No. 9923  
P. C. Meeting 3/8/04

The subject property is located on the north side of East Main Street between Ballantyne Street and Roanoke Road, and addressed as 518-550 E. Main Street; APN 488-112-43; General Plan Designation: High Density Residential.

Request to extend the depth of commercial zoning beyond that shown on the General Plan, consolidate subject properties into one lot, and add new structures to an existing commercial development, in the pending C-2 (General Commercial) zone.

RAMIREZ states the existing commercial zoning (C-2) along Main Street corresponds to the portion of the subject property, which is shown on the General Plan as “General Retail Commercial”. Similarly, the rear parcel, currently zoned R-3, is consistent with its respective General Plan designation of “High Density Residential”.

The proposed rezoning of the R-3 parcel to C-2, as requested by the applicant, is technically not consistent with “High Density Residential”. Due to a specific provision contained in the General Plan text, however, the City can consider a commercial zoning beyond the depth of the General Plan commercial designation subject to meeting certain criteria. The Commission may recall that this approach was used in the year 2000 for the Cash & Carry furniture store on North Mollison Avenue at Main Street.

Staff supports finding that the C-2 zone is consistent with the General Plan based upon the following criteria being met:

1. The property must be assembled into one legal lot or integrated development with frontage on a primary thoroughfare; and
2. The expansion of an existing commercial development cannot adversely impact noncommercial areas adjacent; and
3. The commercial development expansion must be approved by specific plan.

RAMIREZ says the third and final issue that must be considered by the Planning Commission on this item involves Government Code §65863, which has previously not been discussed by the Planning Commission in conjunction with a rezoning request. Section 65863 was added to the Code pursuant to legislation sponsored by Assemblyman John Dutra in 2002. Dutra's bill, Assembly Bill 2292, prohibits a city or county from reducing housing density requirements below what is stipulated in the general plan unless it can be done in a way that does not impact the regional affordable housing quota. The requested rezoning from the R-3 zone to the C-2 zone represents a reduction in the potential number of dwelling units on this property from 14 units to one unit. Approval of the C-2 zone, then, would represent a loss of 13 units. Under the referenced code section, a city may reduce the density on a parcel if it identifies sufficient additional, adequate, and available sites with an equal or greater residential density elsewhere in the city so that there is no net loss of residential unit capacity.

The Commission may be aware that 28 condominium units, located at the southwest corner of South Magnolia and West Douglas Avenue, have recently been completed. These 28 units were added to the housing market without being anticipated during the preparation of the current Housing Element. It is staff's opinion, therefore, that 13 of those 28 units can be earmarked as the units that will take the place of the potential loss of 13 units from this subject property, resulting in no net loss in housing capacity. For the record, staff will document this accounting if the rezoning of the subject property is approved and becomes effective for the C-2 zone.

This concludes staff's presentation on Zone Reclassification 2243 (Agenda Item #1A). At this point, staff would prefer that the Commission open the public hearing for Zone Reclassification 2243 only, take testimony, close the hearing and discuss any questions or issues on the proposed rezoning before moving on to the companion items. By proceeding this way, the Commission can focus its attention on the merits of rezoning the subject property to C-2 without regard to the specific plan for expanding the existing uses and development on the site.

**The public hearing is open for Zone Reclassification 2243.**

**Laura WARNER**, 4311 Coronado Avenue, San Diego CA 92107, is with Warner Architecture & Design, the architects that put the project together. She speaks in support of the zone reclassification as a component of creating a successful specific plan for the project.

In reply to AMBROSE, WARNER states they agree with the conditions of approval in the staff report for the rezone.

**Allen GRAHAM**, 1266 Sea Coast Drive, Imperial Beach CA 91932, refers to page nine of a staff report, condition 9.f. [*sic*, condition 2.f., CUP 1979 staff report (Agenda Item #1B)].

AMBROSE states the Planning Commission is only considering Zone Reclassification 2243 (Agenda Item #1A) right now.

GRAHAM will return for the next (companion) item.

No one else comes forward to speak on this item.

Motion by TURNER, second by WOODS to close the public hearing on Zone Reclassification 2243; carries 4-0, HANSON-COX absent.

AMBROSE thinks the staff has called it correctly. The analysis in the staff report was very well done and understandable, citing the various codes the Commission has to deal with. He personally supports the staff recommendation.

No further comments are offered.

Motion by TURNER, second by BLACK to recommend adoption of the proposed Negative Declaration; carries 4-0, HANSON-COX absent.

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

AMBROSE states this is a recommendation to the City Council. There will be a separate notice for the City Council public hearing(s).

**The public hearings are now open for Conditional Use Permit 1979 and Specific Plan 497.**

SHUTE makes a brief presentation, saying that these two items are companions to Zone Reclassification 2243. The specific plan is to extend the depth of the C-2 zone beyond that of the General Plan designation and for the proposed expansion of the existing development, including the new commercial building. The specific plan is a condition of Zone Reclassification 2243 and is required per the General Plan text that permits the extension of the commercial zoning and development without a General Plan amendment.

The conditional use permit is for the reduction in the parking requirement, to add outdoor dining, to expand an existing cocktail lounge with live entertainment, and to allow the projection of a proposed commercial building over the public right-of-way. As

the Planning Commission may know, and for the new members, all new or modified developments within the boundaries of Specific Plan (SP) 182 must go through the design review process required by SP 182, which in this case goes before the El Cajon Community Development Corporation who reviewed and approved the design of this project.

Staff believes the new architecture of the buildings and the cosmetic upgrade of the existing structures is a major upgrade that will help identify this portion of SP 182 and encourage the redevelopment of adjacent properties. The staff is very impressed with this architectural design. Again, because the project is within El Cajon's downtown redevelopment area, it is also governed by the Downtown Master Design Plan, which was adopted by the City in 1992. Staff believes that the applicant's proposal does support the Downtown Master Design Plan. Staff will be happy to answer any questions the Commission may have at the end of his presentation.

Staff recommends that the Planning Commission reaffirm the recommendation for adoption of the proposed Negative Declaration that was attached to the staff report for ZR 2243, and recommend approval of Specific Plan 497 to expand the depth of the commercial development and commercial zoning beyond the commercial designation on the General Plan; and grant Conditional Use Permit 1979 for the expansion of commercial development including reduced parking, outdoor dining, building arcade over the public right-of-way and for the n-sale alcohol establishment with live entertainment.

AMBROSE states it seems like this project is providing more parking than many of the other projects in the downtown area.

SHUTE responds that is correct. This project is providing approximately 125 spaces.

AMBROSE asks if Public Works wants to talk about the right-of-way issue. After reading their memorandum, he wasn't quite sure what it meant.

DAVIES replies that the right-of-way that is throughout Main Street is 50 ft. from centerline to property line. The proposed plan has an encroachment into that 50 ft. Public Works is asking for that to be rededicated. They haven't seen a title report or anything.

AMBROSE says that is a total of 100 ft.

DAVIES concurs.

**Testimony will now be taken for CUP 1979 and SP 497.**

**Laura WARNER, Warner Architecture & Design**, 4311 Coronado Avenue, San Diego CA 92107, the architects for the proposed project, states they are really excited about this project. They see it as a real opportunity to anchor the east end of the downtown

area and really build off all the positive changes that have happened in the central downtown area already and kind of secure that investment. They are also excited to see the possibilities of catalyzing some positive improvements around this particular site. WARNER sees this as an opportunity to increase the land values of the subject property as well as the surrounding properties. Additionally, they hope it will encourage some other revitalization around the area and increase the amount of activity and the feeling of ownership. They find in other areas that they work in by increasing that feeling of ownership that a lot of the criminal activity can sometimes go down in an area because people feel it is their area. It is active. People are watching what is happening and it is just not tolerated.

WARNER says the other thing is, that by anchoring this, they are hoping to also encourage opportunities to have development happen between the central downtown area and this eastern end. From a revitalization viewpoint, they find it to be a really exciting project.

With the actual project itself, they are looking to improve some existing commercial stock. Currently, it looks like one linear mass. They want to break that down and have some individual personality with each of the storefronts and the tenants that are in it.

They are also showing a new two-story building. The goal is to provide some retail bays and some office above. They have shown the arcade formation, which is a historical one that they know is important to maintaining the character of the downtown area, even though it is a modern version of it.

WARNER thanks the staff, who did a very thorough job and made some good suggestions that they think will improve the project. There are a couple of items they want to share: There was some concern by the Police Dept. that the storage space to the north of Nuna's would be an unsafe space. The owner is willing to eliminate that space and put the storage directly adjacent to the back of Nuna's so that that space is not there.

WARNER and the property owner have two other concerns, but are really interested in moving forward with the project so they are willing to work with staff. They would like to have just one trash enclosure. Currently, the trash enclosure situation is such that the two restaurants and the retail users are only using half the capacity of the existing large dumpsters. They would like to combine those into one dumpster area and increase the number of pickups to twice (weekly).

The other concern is the requirement of the conditional use permit (CUP) that the back patio be closed at 10 PM; it currently is open until 2 PM (*sic, AM*). There are several features about the existing development that they think protect the neighborhood. One is that the patio is almost completely surrounded by buildings. There is a very small opening to get to the rear parking lot. Additionally, there are glass doors that open onto the patio so the goal is to move the entertainment area to the other side of the restaurant. The proposed restaurant use would expand to the east, moving the

entertainment uses to the east. There would be a buffer provided by both the restrooms and the band waiting room from the inside to the outside, so they really feel they will be dampening that sound. Additionally, they can put the self-closing mechanism on the doors so that they close and there won't be a lot of sound from that.

WARNER notes the distance from the rear patio to the rear property and to the surrounding residential uses in the back is 240 feet. It is a little bit closer to the west and the east. They are required to provide a six-foot-high concrete masonry unit wall that they think will provide additional sound attenuation. They would like that to be considered.

WARNER thanks the Planning Commission for its consideration.

AMBROSE asks if condition 2.f is the one they have an issue with.

WARNER replies affirmatively.

TURNER asks if WARNER knows if any of the neighborhoods have filed any complaints against the restaurant-bar.

WARNER understands that they have. They have somebody here tonight, if the Commission is interested, who has taken some actual decibel readings to figure out where the noise may be coming from and how that may be impacting the neighborhood. They are very concerned, and they do want to be good neighbors.

AMBROSE asks if that information has been shared with City staff.

WARNER doesn't know. She found out about it yesterday.

AMBROSE asks WARNER to tell the Commission a little more about what is being proposed for the nightclub. She mentioned something about the interior space moving the band playing area farther away from the back door. He thought there was going to be a restaurant that was going to expand in that direction.

WARNER replies it will be a combined restaurant-bar use with entertainment. In the existing space they currently have a restaurant, bar and entertainment. It is the same sort of use. They want to move the entertainment part of the business over to the eastern side. Looking at the mounted plan, currently the most left-hand side part of the building has On The Rocks and the part adjacent to the east (the right-hand side that pops out) is supposed to be the expanded restaurant use. The intent is to put in the north side of that a band waiting room and restrooms that would be to the north of the entertainment, restaurant and bar area. That would provide some additional dampening to the rear parking lot.

**Claire CARPENTER**, 168 E. Main Street, El Cajon CA 92020, with the El Cajon Community Development Corporation (ECCDC), thinks there are some major kudos

that need to go out for everybody who worked on getting this project here tonight, from the owner of the property to the architect to, certainly, staff. This one was a “doozy” to try to figure out with all the old uses, new uses, mixed zoning. It was really a challenge and everybody has stuck with it over the last 18 months or so. Now they are here tonight with a project that she thinks her office has probably been more excited about than just about anything they have seen. One of the primary reasons they are in major support of this project is because it is a really good example of what a renovation project can be. When people ask why keep those buildings, and what can be done in a downtown with old buildings, this is an example of doing it. Structurally, it is not a massive project, but the new façade will change the entire block. She can't help but think it is going to be a really significant catalyst. She thinks because El Cajon is a “National Main Street Community” that this will be an example the City can point to with pride about what preservation is all about and why there are good reasons to keep the older storefronts. They are really excited about the quality of this project. She doesn't know if the Commission saw the materials, but if they did, they will be even more sold on the renovation; it is outstanding. ECCDC loves the project and they think it will be great: outdoor dining, concert venue, new construction, rehab—it has everything. CARPENTER hopes the Planning Commission will support this project.

TURNER asks what CARPENTER thinks about condition 2.f., the time that the outdoor patio should be closed at 10 PM.

CARPENTER thinks as long as they are addressing the sound in what seems to be a pretty well thought out way—she thinks there are only one or two people over time that have had some concerns. She thinks they are addressing them and that there haven't been any other problems with that outdoor patio that they know of. She is inclined to let them keep it open as late as they can do a good job of it.

TURNER asks if she means to 2 AM.

CARPENTER replies until they close at night, whatever time that might be. If they stay open until 2 AM, that is okay with her in general.

SHUTE, regarding condition 2.f., thinks what staff was feeling is that currently this is a legal nonconforming use. It has been here for many years without a conditional use permit, without a mechanism to establish conditions and ensure compatibility. The staff thinks that since this facility is now expanding to almost three times its current size and operation, that this will also be an expansion of the number of visitors, customers and the potential use of that outdoor patio. Because of its proximity to a residential two-story apartment building to the north, staff thinks that 10 PM is an appropriate time to end any outdoor activities that abut a residential zone to ensure compatibility. That is what the conditional use permit is all about. Sometimes these things do require a little change. The project also proposes an outdoor dining sidewalk café on East Main Street, so those patrons, if they desire to do so, can go to the front instead of to the rear, if they wish to be outside.

RAMIREZ comments that the 10 PM time choice of staff is not purely arbitrary, it so happens that at 10 PM, the El Cajon Zoning Ordinance performance standards for noise take those sound levels to the lowest permissible for the overnight hours of 10 PM through 7 AM. That would be staff's justification for asking the Commission to support that idea.

**Allen GRAHAM, Allen GRAHAM, Inc.**, 1266 Sea Coast Drive, Imperial Beach CA 91932, states for instance, if a group comes out of the theater from Escondido and wants to stop and have a "cool one" before they go home, they may not want to go to a restaurant and they don't want to go to a bar. If one person in the group realizes there is a patio where they can go sit 10, 15 or 20 people and have a "cool one" before they head home, this is the ideal situation for it. The way they came to the name "On The Rocks" is because the whole wall is painted with an ocean scene, birds and rocks. It is a relaxing atmosphere. The people in the front of the new section [referring to the posted building elevation, which shows the new patio on yellow across the front] will be there dining and will not appreciate it if a group who have been inside dancing and having a good time come out and stand around and smoke. Almost every bar in any town has four or five or ten people standing out in front smoking cigarettes. With this patio, they can go in the back and not be out in front where there are people walking the streets asking for cigarettes and money and to buy them a beer and things like that. They will be in a private patio.

GRAHAM continues, describing what exists behind On The Rocks. There is a grocery store to the west of their building, that is 36 ft. from their property line, that has about a 25-ft. wall. Off the back of that 25-ft. wall, still going to the back of their property to the north, when the house was moved there, a firewall was put between the residential and the commercial. It is 16 ft. high and 50 ft. long down from the patio. There is a house up against the patio that they will start using for their office. There are shrubs all around it, and it is a pleasant place to go for a bar atmosphere. It would be a shame not to be able to go out there after 10 PM.

AMBROSE understands GRAHAM would like to keep it open until 2 AM.

GRAHAM replies yes. There are no [outdoor] speakers. They have a television out there where people watch the Jerry Springer show in the afternoon. A lot of people would rather be there than sitting at a barstool. They would rather sit at a table under an umbrella and enjoy themselves. That is the afternoon crowd, but they come back in the evenings and at 2 AM there are still people out there. It is kind of a living room.

AMBROSE always wondered who watches Jerry Springer.

GRAHAM can't believe it himself. He refers condition 2.j. in the CUP staff report. He asks if there is a chance that they could determine what they are going to building and what they are going to start out with first. He would like, if this project passes, to do On The Rocks first because it is a paying entity and he would have income during the course of it and after it is finished. They will do the parking lot and the wall and get the

parking lot paved and all the lights and everything in, just as if they built the other [office] building first.

Regarding condition 2.j., AMBROSE asks if more flexibility can be put in to allow the applicant to work out the phasing of his project with staff or the Director of Community Development.

SHUTE thinks phasing definitely is a possibility that can be worked out with staff, and especially the Director. What staff is concerned about is if this expansion takes place for the cocktail lounge only, there is no guarantee that anything else will follow.

GRAHAM returns and states they just did the bar. He is agreeing to do the wall and the parking lot, so there would be a 125-space parking lot for the bar. He is asking to redo the front on Nuna's restaurant too, and he would start on it at the same time he starts on On The Rocks.

AMBROSE asks if he wants to defer the new building.

GRAHAM replies yes. He is a general contractor also, and it would spread him a little thin to do them all at one time.

SHUTE understands that GRAHAM is saying that if the City does permit the expansion of On The Rocks, that he is willing to put in the required boundary wall between all commercial and residentially zoned property, the parking lot as proposed, the façade upgrade for the western leg of this project, which is everything outside the new building. And, of course, the trash enclosures that would be required. Is that correct?

GRAHAM responds he would like to defer from one part of the parking lot because they will need to use it as a staging area for the tilt-up walls of the new office building. When he gets finished with that, they will pave it and the parking lot would be all finished.

AMBROSE thinks this is something that will have to be worked out with staff because it is getting too complicated for the Planning Commission to come up with a solution tonight. Too much time has already been spent on this particular item.

SHUTE suggests perhaps the applicant, through his architect, Ms. Warner, can propose this in writing before getting to the City Council.

**Mary NIXON**, 1524 Viejas Creek Trail, Alpine CA 91901, is the person who has been trying to take care of the sound for the lady that is complaining. NIXON doesn't think it is actually their bar. She thinks it is a combination of another bar across the street because she has gone directly beneath the complainant's window and taken a decibel reading when their band is playing. It registers about 15 to 20 decibels lower than if she is standing there at 2:00 in the afternoon with just the regular traffic going by. The lady has also called and complained when they don't have a band, saying the band is too loud, and there is no band. As far as the patio goes, there is no entertainment on the

patio and they never intend to have entertainment on the patio. There are no speakers from the interior that go out to the patio. She has sat on the patio with the decibel meter and it is louder in the Council Chamber tonight than it is on their patio filled with people, because the Chamber is amplified. She thinks maybe the sound is coming from different places than people really think. She has been keeping a log if the Commission is interested in seeing that.

TURNER asks NIXON's relationship to this project.

NIXON is working for Allen GRAHAM and Nancy NICHOLS, who own the bar. She takes care of the entertainment and that kind of thing. She has been doing nightclubs all her life and a lot of times there can be problems with neighbors, where decibel readings have to be taken; they learn how to get along and make sure that sound isn't a problem. NIXON reiterates that if she goes directly beneath the complainant's window, it is louder during rush hour traffic.

TURNER states, as staff explained, after 10 PM the ordinance goes to its lowest point.

NIXON says that Noise Abatement did go there one night just to check things out, and they were well below. Out on the patio, all that is heard is people speaking. They were in Applebee's restaurant this evening, and it was louder there than on their patio.

TURNER states it is a lot different at 2 AM. She doesn't know what time Applebee's closes.

NIXON replies Applebee's is also enclosed. She was just trying to give a comparison of how much noise there is. Standing in the parking lot, the sound can't be heard. There are trees and it is almost an enclosed patio roof as well. She honestly doesn't think that any of the sound problems are coming from the patio at all. She asks if the Commission needs to see her log.

AMBROSE doesn't think the Commission needs to see it right now.

No one else comes forward to speak.

Motion by TURNER, second by WOODS to close the public hearings on Conditional Use Permit 1979 and Specific Plan 497; carries 4-0, HANSON-COX absent.

TURNER asks what time the outdoor patio for Downtown Café closes.

SHUTE replies staff doesn't know what time the Downtown Café closes its patio, but it is later than 10 PM. It is not in any close proximity to any residential units.

TURNER understands, and asks what about On The Border. They have an outdoor patio. She is just trying to compare.

SHUTE responds staff doesn't know the time for On The Border.

TURNER feels 2 AM seems awfully late, being next to residential, but 10 PM seems awfully early. Maybe there can be a mid-ground of midnight or something and the Planning Commission can review it in six months.

SHUTE states whatever time is decided, the facility will have to comply with the evening sound decibel levels. If it is 10 PM or 2 AM, 50 decibels is the maximum allowable reading at the property line.

AMBROSE asks if this is regardless of whether they have an outdoor patio or not.

SHUTE replies that is correct.

BLACK states if he understands it correctly, they are going to mitigate the sound even further than it is now. Is that correct?

AMBROSE replies that is what they said.

BLACK suggests requiring a six-month or ninety-day check.

AMBROSE states it can be brought back for a six-month review after it has been operational to see if there have been any complaints or issues regarding the outdoor patio area.

BLACK states until we know, we really don't know. Even limiting it to midnight doesn't sound fair compared to other places. They should be able to go until they close if the sound is not there.

AMBROSE responds they are still subject to noise abatement.

TURNER says that could be the other check.

AMBROSE thinks they are on notice at this point to solve the problem. He refers to the phasing of the project, and states he thinks that is something that should be left up to the applicant and the Director of Community Development to negotiate.

WOODS asks if the condos [*sic*; apartments adjacent to north of subject property] are currently in the process of being renovated. Is there currently anyone there to complain?

SHUTE replies he doesn't believe the apartments to the north of this project are in the middle of renovation.

AMBROSE thinks WOODS is thinking of the ones farther to the north on Roanoke.

TURNER asks if condition j. would just stay there and the architect would have to work with staff regarding that.

AMBROSE says it was his recommendation that the phasing of the project be completed to the satisfaction of the Director, that the applicant and the Director work it out.

TURNER states [in reference to condition 2.f. of the CUP) since we are trying to bring a new project to that area and On The Rocks is a big piece of that, it would seem they should be given every instrument to perform at the level they need to perform to have a good business. With the noise abatement being in place, that is a check also, and perhaps there could be a six-month review.

RAMIREZ has a couple of thoughts for the Commission. A six-month review probably wouldn't come back to the Commission for a year and a half or two because they are lots of things that have to happen for this project to break ground and become the new facility that they have been dreaming about for years. The other point is that special events could draw a different kind of live entertainment, a larger crowd, and until the facility's presence in this neighborhood becomes known and people retain the facility for larger parties, etc., perhaps there wouldn't be good examples on numerous occasions that would expose the neighborhood and result in complaints in the first six months of the life of this new facility.

AMBROSE is sure the Commission will see the CUP for review again someday.

No further comments are offered.

Motion by TURNER, second by WOODS to reaffirm the recommendation for adoption of the proposed Negative Declaration; carries 4-0, HANSON-COX absent.

Motion by TURNER, second by BLACK to GRANT Conditional Use Permit 1979 in accordance with the staff report in accordance with the staff report, changing condition 2.f from 10 PM to 2 AM closing time; adding a condition [13] to read: "Once in operation, there will be a review by the Planning Commission every six months for a year"; and changing the phasing on condition 2.j to allow the expansion of the cocktail lounge to take place prior to completion of the new building, subject to approval by the Director of Community Development".

Under discussion, WOODS thinks a compromise of 12 AM would be more effective. Otherwise, people will all be leaving at 2 AM, slamming car doors and driving out. There is still the front for the late night. He is not comfortable with 2 AM knowing there are residences right next to that lot.

AMBROSE thinks the Commission felt it was not comfortable with 2 AM. That is why it wants to see it come back for two six-month reviews. That will give the Commission an

opportunity to see how it is working. If it is not working, it can be brought back to amend the CUP.

WOODS agrees.

Votes are now cast; motion carries 4-0, HANSON-COX absent.

Motion by TURNER, second by WOODS to reaffirm the recommendation for adoption of the proposed Negative Declaration; carries 4-0, HANSON-COX absent; carries 4-0, HANSON-COX absent.

Motion by TURNER, second by BLACK to RECOMMEND APPROVAL of Specific Plan 497 in accordance with the staff report; carries 4-0, HANSON-COX absent.

AMBROSE states this is a recommendation to the City Council. There will be a separate noticed public hearing for the City Council public hearing. That will probably be within 30 days or so.

#### **ZONE RECLASSIFICATION 2244 – McColl for M & W Acacia Corp.**

(public hearing) Resolution No. 9924

P. C. Meeting 3/8/04

The subject property is located on the north side of Broadway between North Anza and North First Streets, and addressed as 1032 Broadway; APN 484-293-22; existing LUC 9000, proposed LUC 6000; General Plan Designation: Office Non-Retail.

Request to rezone subject property from the R-1-6 (Residential One Family 6,000 sq. ft.) zone to the O-P (Office Professional) zone.

RAMIREZ states the applicant has requested this zone change from the R-1-6 zone to the O-P zone in order to build a commercial office building on the subject property. The proposed development will be reviewed by staff through the site development process. The General Plan designation of the subject property and of the entire block between North Anza and North First Avenue is "Office Non-Retail". The requested O-P zone is consistent with that designation.

With regard to the O-P zone minimum lot requirements, RAMIREZ says that staff notes that the subject property exceeds the minimum lot width and area. They are 70 ft. and 7,000 sq. ft. respectively. Approval of the requested O-P zone would be compatible with the existing development in the block of Broadway where it is located, as well as with the existing single-family residential development to the north in the county, and the existing retail commercial development along the south side of Broadway opposite the subject property.

As a matter of information, RAMIREZ states that the R-P zoned property adjacent to the east is coming forward to the Commission as part of a comprehensive effort to rezone the remaining R-P zoned properties throughout the city.

Staff recommends that the Planning Commission recommend approval of the requested O-P zone for the subject property, with no conditions.

AMBROSE asks who did Staff Exhibit "A" and, in reply to RAMIREZ, says to compliment Mr. Guyer on a nice exhibit.

The public hearing is now open.

No one comes forward to speak on this item.

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

TURNER thinks this is pretty straightforward, and staff has done an excellent job.

Motion by TURNER, second by BLACK to RECOMMEND APPROVAL of Zone Reclassification 2244 in accordance with the staff report.

Under discussion, AMBROSE says this is consistent with the General Plan and he has no problem with this item.

Votes are now cast; motion carries 4-0, HANSON-COX absent.

AMBROSE states this item has been joint-noticed for a separate public hearing by the City Council on April 13, 2004.

### **PLANNED UNIT DEVELOPMENT 221 – Lupo**

(public hearing) Resolution No. 9925

P. C. Meeting 3/8/04

The subject property is located on the southwest corner of North Cuyamaca Street and Swallow Drive, and addressed as 1398 N. Cuyamaca Street; APN 482-032-14; existing LUC 1140, proposed LUC 1140B; General Plan Designation: Medium Density Residential.

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

AND

## **TENTATIVE SUBDIVISION MAP 533 – Lupo**

(public hearing) Resolution No. 9926

P. C. Meeting 3/8/04

The subject property is located on the southwest corner of North Cuyamaca Street and Swallow Drive, and addressed as 1398 N. Cuyamaca Street; APN 482-032-14; existing LUC 1140, proposed LUC 1140B; General Plan Designation: Medium Density Residential.

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

ALVEY advises that this request is to convert four existing apartments at the southwest corner of North Cuyamaca Street and Swallow Drive into condominiums. The applicant for this project has completed the required tenant notifications, including the 60-day notice of intent to file an application with the City as well as the 180-day notice to vacate the property. The applicant has also submitted the required physical elements report, which recommends certain improvements for the property. The most important of these improvements include the construction of a trash enclosure as well as the installation of gutters and some additional small maintenance-related issues.

The physical elements report does not address certain elements of the property that the applicant has indicated will occur in conjunction with the renovation of the building. These items include the replacement of windows with dual-pane vinyl windows and the installation of energy-efficient appliances and bathroom fixtures, as well as the replacement of mechanical units. Each of these items has been included as recommended conditions of approval.

In the written narrative, the applicant has also stated their intention to install doors along the rear of the units. This will allow the applicant to fence private yards for each of the proposed condominiums.

ALVEY states that staff has also included a condition that the building be re-roofed and that the applicant obtain building permits for a storage addition, which is attached to the carports.

Staff also wants to mention the efforts of the Community Coalition for Better Housing. They have been working with property owners along the western side of North Cuyamaca to improve their properties. Since the subject property is virtually identical to the majority of properties along that side of the street, staff hopes that this project can serve as a model for the upgrade of other properties in the vicinity.

Staff received one call in response to the public hearing notice mailed for these items. The caller sought clarification, but expressed no opinion on the project.

Both Planned Unit Development (PUD) 221 and Tentative Subdivision Map (TSM) 533 have been joint-noticed for City Council public hearings on April 13, 2004. Staff is recommending that they be approved subject to the conditions in the staff report.

AMBROSE asks how inoperable vehicles are handled. There is a recommended condition for no motor vehicles, including RVs, boats, trailers, etc. Is there anything that specifically targets inoperable vehicles, somebody's weekend project? Parking is so dear, and if somebody uses a parking space for their pet project or car repair, he doesn't think that is something that should happen.

RAMIREZ responds that it is possible that would be addressed in the CC&Rs, but without regard to that document, the City would be proactive in response to a complaint. If it becomes a problem, it would be expected that someone would call the City and ask what the City can do about it. The caller would be directed to file a complaint (through the City Manager's office), and staff would follow up to investigate whether there actually is a violation of the Code, and then notify the property owner at that point if there is a violation.

BLACK is looking at the list of changes. Is there a firewall concern that has been addressed? These apartments were usually not built with a double insulation.

ALVEY answers that the firewall concern would be addressed in the Building Division comments. They would make an initial inspection of the property and if it is necessary to install those, that would be a requirement of the permit that the applicant would need to obtain for the conversion.

AMBROSE states they (Building's comments) basically say to comply with the currently adopted editions of the UBC, UMC, UPC; they are citing all the different codes.

BLACK has seen it overlooked and then they have to retrofit. That is a very expensive retrofit.

AMBROSE says, hopefully, the applicant has an architect or an engineer who is helping them through this process so that they are aware of this before they start the process.

The public hearings are now open on Planned Unit Development 221 and Tentative Subdivision Map 533.

No one comes forward.

AMBROSE asks the applicant to come to the microphone.

**Domenic LUPO**, 1650 Emerald Point Court, El Cajon CA 92019, comes forward and says they would like to convert the apartments into condominiums. They think it is an ideal location. They apartments front on Swallow, although they are addressed on Cuyamaca. There are single-family homes across the street, as well as up the street,

and apartments on the back side. The Building Division recently did an inspection along Cuyamaca, as ALVEY mentioned, and he thinks that converting these apartments to condos and putting homeowners in will help beautify the area and create a pride of ownership. People will tend to keep the units nicer. As ALVEY said, maybe this will encourage other owners in the area to do the same. He thinks it is a win-win situation: homeowners are brought in and the City would like to see that. When there are homeowners as opposed to all renters, the properties are a little nicer. A mix is needed, and it seems like that is a heavily congested rental area. A few conversions will help everybody out.

AMBROSE asks if LUPO agrees with the staff's conditions of approval.

LUPO answers affirmatively.

TURNER asks if LUPO is going to change the color.

LUPO replies yes. When they bought the apartments last year, his agent said, "You have to repaint those". He thought since he doesn't live there, he doesn't have to paint them, but he is going to.

WOODS asks if there will be separate water meters.

LUPO replies there is only one water meter serving the property. In talking with Helix Water District, they don't want to put in four more meters. There would have to be a total of five, because there will be common water for landscaping and the water heater in the laundry room, which serves everybody. Currently, there are five gas meters and five electric meters; one for each tenant and one common to run the water heater in the laundry room as well as exterior lighting. Those utilities are separate, but the water and sewer are not.

No one else comes forward to speak on this item.

Motion by TURNER, second by WOODS to close the public hearings on Planned Unit Development 221 and Tentative Subdivision Map 533 and RECOMMEND APPROVAL of **Planned Unit Development 221** in accordance with the staff report; carries 4-0, HANSON-COX absent.

AMBROSE states this is a recommendation to the City Council. The City Council public hearing will be held on April 13, 2004.

Motion by TURNER, second by BLACK to RECOMMEND APPROVAL of **Tentative Subdivision Map 533** in accordance with the staff report; carries 4-0, HANSON-COX absent.

AMBROSE states these are recommendations to the City Council. The City Council public hearings will be held on April 13, 2004.

**PLANNED UNIT DEVELOPMENT 222 – R & V Management Corp. for Lexington Park, Ltd.**

(public hearing) Resolution No. 9927  
P.C. Meeting 3/8/04

The subject property is located on the northwest corner of East Lexington and South Mollison Avenues and addressed as 800 E. Lexington Avenue; APN 488-261-86; existing LUC 1142A, proposed LUC 1142B; General Plan Designation: High Density Residential.

Request to convert an existing 79-unit apartment complex to a common interest development in the R-4 (Multiple Family, High Density) zone.

AND

**TENTATIVE SUBDIVISION MAP 534 – R & V Management Corp. for Lexington Park, Ltd.**

(public hearing) Resolution No. 9928  
P. C. Meeting 3/8/04

The subject property is located on the northwest corner of East Lexington and South Mollison Avenues and addressed as 800 E. Lexington Avenue; APN 488-261-86; existing LUC 1142A, proposed LUC 1142B; General Plan Designation: High Density Residential.

Request a one-lot subdivision map in the R-4 (Multiple Family, High Density) zone.

RAMIREZ states these two items have been jointly noticed for City Council public hearings on April 13, 2004. Construction of the 79-unit apartment complex, found on the subject property, was completed in 1987. These units are located within four freestanding buildings. They are two-story and three-story buildings. The units range in size from approximately 888 to 920 sq. ft. in floor area. The General Plan designation of the subject property is "High Density Residential". The proposed conversion of apartments to condominiums provides increased opportunity for home ownership, which is a stated objective in the General Plan. By helping to achieve this General Plan objective, staff believes the proposed conversion is consistent with the General Plan.

To date, this applicant has met the state and city requirements for tenant notification of the intention to convert the units in this development. The applicant will be required to fulfill additional notice requirements prior to recording the tentative subdivision map.

The PUD (Planned Unit Development) Ordinance requires that the applicant provide tenant relocation assistance equivalent to one month's rent to any tenant in good

standing who does not choose to purchase his or her own unit. The requirement for tenant relocation assistance was imposed by the City Council to help minimize the disruption to existing tenants who must relocate.

RAMIREZ says with regard to development standards, the applicant's plan shows 123 parking spaces are provided on the subject property. One hundred nine of those spaces are uncovered, and 14 spaces are provided in single-car garages. This is equivalent to one and one-half parking spaces per unit.

Regarding a common recreation area, there are several ways that this requirement can be met. This project provides a swimming pool and spa. The applicant proposes no changes to those facilities other than the repairs recommended in the physical elements report. The Planning Commission, with concurrence of the City Council, must determine the adequacy of any proposed common recreation or open space area.

In conjunction with an application to convert apartments to condominiums, the City requires a physical elements report. This report discloses the status or condition of all major building components and infrastructure systems to ensure that subsequent homeowners do not inherit the problems and, therefore, the cost of replacing or repairing those elements when the project is new. A recent policy that is now in effect allows the Planning Commission to require reasonable upgrades that are related to health and safety issues.

For this project, a physical inspection was made of the property on December 10, 2003. The report preparer, in this case, is a state-licensed contractor. Staff has reviewed the physical elements report and has included a requirement to complete, as conditions of approval, the repairs that are noted in the report. The repairs and/or replacements called for in the report or recommended by staff include items listed on pages 6 and 7 of the staff report for the PUD. Staff is recommending that all conditions of approval be met prior to recording the subdivision map, or that they be guaranteed through some means approved by the City Council. This recommendation is made for two purposes: first, to reduce the City's concern that units may be sold before all conditions of approval have been met; and secondly, to minimize the financial burden upon the new homeowners' association so soon after the units have been sold to the public.

RAMIREZ says if this request to convert existing apartments to common-interest units is approved, a building permit will be required for an inspection of the complex for compliance with building codes before any work has begun. A building permit will also then be required for any work done in each unit. One of the items that will be inspected by the City of El Cajon Building Division is the presence of the one-hour fire rated wall. That would include a separation between walls, floors and ceilings. These inspections are intended to take place before the recordation of the subdivision map.

This project will have to incorporate separate utility systems for electricity, gas and venting services for each unit, and install separate meters for those services. Separate sewer laterals and separate water meters are no longer required.

The existing apartment units on the subject property have been compatible with surrounding uses and properties for approximately 17 years. No changes are proposed to take place, other than the repairs and upgrades called for in the physical elements report and the ownership of each unit. Staff believes that if the existing rental units are approved for conversion to common-interest units, they will remain compatible with surrounding uses and properties.

Comments received from other City departments are attached to the staff report, and have been incorporated as conditions of approval. As a matter of information, staff received one call requesting clarification of this request. The caller did not express either opposition or support for the project. Staff is recommending approval of both Planned Unit Development 222 and Tentative Subdivision Map 534.

AMBROSE comments that the physical elements report seems to be a bit light. Like lite beer, it didn't seem to have much to it. He was disappointed and didn't really get any "meat" out of it. He would like in the future to have more discussion in the physical elements reports about what "fair", "good" and "excellent" mean. That is a judgment call, and he would like to know a little more about what the conditions are that the Commission is supposed to accept.

He did like the map that was prepared. It was very clear and very understandable about what was happening on the adjacent properties.

The public hearings are now open on Planned Unit Development 222 and Tentative Subdivision Map 534.

**Walter SCHWERIN**, Schwerin & Associates, 814 Morena Blvd., Ste. 101, San Diego CA 92110, states they are the civil engineers on the project and represent the applicant. He is here to answer any questions the Commission may have. They concur with the staff's recommendations. There were a number of items in the staff recommendations that they are including: the upgrade on appliances, the painting, and a number of facilities. They do concur and will implement those. For the possibilities of phasing, they might want to work out how to secure that after the map is recorded. They are not certain about that at this point. They just received the staff report today. In general, they do accept all the conditions. They have read the comments from the City Engineer and will accept those conditions as well.

AMBROSE asks if they or the applicant had a public meeting with the tenants, before this evening, to explain to them about their options and the possibility of them purchasing one of the units and what some of their options are through the City of El Cajon with HOME funds.

SCHWERIN replies no. He didn't know that was a requirement.

AMBROSE replies it is not a requirement, but the Commission likes to see the owners take the initiative and talk to their tenants and tell them what is going on and what is going to happen, and what they can do if they want to continue to live there and the opportunity to buy a unit, and things like that.

SCHWERIN comments that the applicant, R & V Management, has done a couple of selected conversions in the past. They do own 4000 units in the San Diego area with over 300 units in very close proximity to this project. They have worked very closely with tenants in relocating to other projects. He is very proud of his client and his work in the relocation process on the selected conversions that he has done.

AMBROSE states the Planning Commission hasn't worked with this applicant before, and is used to some other applicants on a recurring basis. They seem to have gotten it right in terms of working with the tenants and trying to ease them into relocation or get them into a unit that they can buy.

SCHWERIN replies they are certainly amenable to that. They do want to be good landlords.

TURNER asks staff if this is a condition that can be set forth in the process. There has been a lot of discussion regarding the relocation, people being noticed, and all those things. Where could that be put in some paperwork to make sure it is covered, especially with people that the Commission hasn't seen here before that are doing conversions?

RAMIREZ responds that the Planning Division has a handout that is given to people who express an interest the City's regulations for converting apartments to condominiums. She believes that is the most appropriate place to make the suggestion that apartment owners hold a meeting with their tenants. She doesn't think it is appropriate to formalize it any other way because each candidate property has its own circumstances and certainly each agent and each property owner has a way that they prefer to do business. The City has seen all kinds of things, from very little contact to a tenant-friendly type of letter that gets rid of all the technical language and simply introduces their desire to provide a better living environment for those people who would wish to purchase a unit.

TURNER would like to see this suggestion put into the forefront of that paperwork, because it seems like a lot of those questions aren't answered on the front end, or required by the people converting. A lot of people who live in the complex will be at the Planning Commission meeting because they don't understand a lot of things that are going on. Once again, this 79-unit development is a big project.

**Jane TUBMAN**, 800 E. Lexington Avenue, Apt. #112, El Cajon CA 92020, in reply to the comment that the Commission would like to see more tenants from Lexington Park Ltd. in attendance, says she thinks there are only two or three of them. They have not only been told that this isn't going to happen soon, they have been told that the idea of

condominiums is years down the road. That is what the party line is in the management office right now. She doesn't really know what is going on and is sure the other tenants don't know either. They don't know how soon this project is going to be initiated.

AMBROSE states perhaps the applicant can illuminate that subject. The Planning Commission doesn't know anything either, other than that an application has been filed and it is going through the process, and here we are this evening.

**Bill MURPHY**, 245 Lincoln Avenue, El Cajon CA 92020, wants to reemphasize condition 4.i) F, that all garages shall remain available for vehicular parking at all times. There is a critical on-street parking problem there now. One of the reasons is attributed to this complex in that there are 14 garages, but in those garages there is a health gym, a lawnmower repair shop, and a couple of furniture storage places. Possibly one garage is being used to store a vehicle. All the others are being used for non-vehicular uses. The CC&Rs say, ". . .for parking vehicles". He hopes that is emphasized to them. Also, in the conditions of the Police Dept., Lt. Cunningham wrote that a keypad and code are required. This is a security building, and there is no access for the Police Department. Officers come and have trouble getting in. They either have to call or try somehow to get in because the officers do not carry the Knox key. Some access must be provided for the police officers to get in. That would be nice to have now, but when this comes about, he wants to make sure the police officers have a way to get in.

**James NIMS**, 800 E. Lexington Avenue, Apt. #226, El Cajon CA 92020, states he doesn't see anything in the physical elements report about the water in their unit. Hot water does not exist in that unit. The water temperature is 58 degrees at all times. It is not hot enough to wash in or do laundry in. He also noticed there is nothing in the physical elements report about the termite problem in that particular building. When the garages doors are opened, termite dust can be seen along the ground. He has a letter from R & V Management, addressed to the residents of Lexington Park Apartments, which he reads, which indicates that the apartments are going to some day be converted to condominiums. It indicates that the current owners have no intention to convert the units, but plan to continue to offer the property as rentals. It states if a conversion were ever to occur, the applicants would receive ample notice as required by law. It refers to an attached notice, and to contact the on-site manager with any questions. This is the letter that Mrs. Tubman mentioned. It is dated September 17, 2003. The CC&Rs say they were given a 60-day notice, but they never received any such notice.

RAMIREZ states that the speaker made reference that the letter has an attachment. Perhaps that is the 60-day notice. This is something the City routinely checks when an application comes in and again before it is brought to the Planning Commission. Staff believes the notice requirement has been met. It will take her a few minutes to go through the record if the Commission wishes.

AMBROSE asks her to do so, just to verify that the noticing was done.

AMBROSE asks the applicant to return to the podium.

SCHWERIN returns and assures the Commission that they take the 60-day notice very, very seriously. It is a State requirement. Those notices went out to the best of their ability. If there was a mistake, they certainly wish to rectify it.

AMBROSE asks what R & V Management's intent is.

SCHWERIN replies they are not "off to the races" on this right now. The time frame on this conversion is not known at this point in time.

AMBROSE says they are going through the process, they are going to get a map and the condo conversion approved, but it is not going to happen for a year or two.

SCHWERIN cannot address that. The tenants' concerns about being kept in the loop are certainly something they wish to take very seriously, and they will. Commissioner Turner has suggested a meeting along those lines. They want to conform to that, and will do so.

AMBROSE states the Planning Commission just wants to make the process as easy as possible for all involved. It wants to make sure the tenants are brought along through the process so they understand each step of the way what is going to happen. It can be pretty disruptive to people's lives to get this notice.

SCHWERIN states they take their responsibility as landlords very seriously. R & V Management has been successful landlords for a number of units. They have a very good track record with the people that they rent with.

TURNER thinks this supports the Commission in trying to do something on the front end of the paperwork to make sure things are done correctly. Then our applicant would be standing here, and the tenants too. She thinks a process is needed to help the Commission get through this. There have been so many requests for condo conversions, and more people are jumping on that ship. She thinks more of these kinds of issues are going to come up. She stresses that something should be done to help everybody involved, both the applicant and the tenants. Now, the applicant is saying this may not be done for two years, and giving the tenants a notice has disrupted people's lives and they are uncertain what is going to happen where they live.

RAMIREZ states that the record shows that a notice was delivered by certified mail to Melinda Nims. The signature on the return receipt card shows Melinda Nims at 800 E. Lexington Avenue, Apt. #226. It sounds like this is the resident apartment of the speaker. That notice was signed for on September, it looks like 19, 2003. A copy of the letter that apparently is the same as the letter attached to the cover letter read by the speaker expresses the owner's intention to file an application with the City of El Cajon to convert this building to a condominium. It goes on to cite sections from the State code and Government code, to which this letter is responding.

AMBROSE just wanted to make sure it was done according to the City requirements.

No one else comes forward to speak on this item.

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

Under discussion, TURNER says it appears that the applicant agrees with all conditions in the staff report. She knows a lot of conditions set forth in the other areas must also be satisfied.

Motion by TURNER, second by WOODS to RECOMMEND APPROVAL of Planned Unit Development 222 in accordance with the staff report; carries 4-0, HANSON-COX absent.

AMBROSE states this is a recommendation to the City Council. The City Council public hearing will be held on April 13, 2004.

Motion by TURNER, second by BLACK to RECOMMEND APPROVAL of Tentative Subdivision Map 534 in accordance with the staff report; carries 4-0, HANSON-COX absent.

AMBROSE states this is a recommendation to the City Council. The City Council public hearing will be held on April 13, 2004.

**PLANNED UNIT DEVELOPMENT 223 – R & V Management Corp. for Tres Pinos, Ltd.**

(public hearing) Resolution No. 9929  
P. C. Meeting 3/8/04

The subject property is located on the west side of South Mollison Avenue between East Lexington and East Washington Avenues, and addressed as 520 S. Mollison Avenue; APN 488-261-78; existing LUC 1142, proposed LUC 1142B; General Plan Designation: Medium Density Residential.

Request to convert an existing 68-unit apartment complex to a common-interest development in the R-3 (Multiple Family) zone.

AND

**TENTATIVE SUBDIVISION MAP 535 – R & V Management Corp. for Tres Pinos, Ltd.**

(public hearing) Resolution No. 9930

P. C. Meeting 3/8/04

The subject property is located on the west side of South Mollison Avenue between East Lexington and East Washington Avenues, and addressed as 520 S. Mollison Avenue; APN 488-261-78; existing LUC 1142, proposed LUC 1142B; General Plan Designation: Medium Density Residential.

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

SHUTE states these applications are by the same applicants as the previous items. The applicant has completed all the tenant notification requirements up to this point. There are other notifications to follow, including a 180-day notice to vacate and a 90-day option to buy a unit in the project once the applicant receives approval. Of course, the tenants have first rights to buy one of the units once it is approved for conversion and ready for sale.

The applicant has submitted the physical elements report prepared by the same provider as for the previous items. The report is a study of all the features of the property both inside and out to inform the staff, Planning Commission and City Council of what meets code and what does not. Staff has made certain aspects of this report conditions of approval. Staff has found that the tables in back half of the report are more informative than what was provided in the first half of the report.

One of the biggest issues with many of the conversions the City is seeing these days is the provision of one-hour firewalls. These are the walls between the units. In the building code, they are defined as 5/8" drywall, called Type X. It has a special content in it that minimizes the transmission of fire or heat from one unit to the next or from one above or below. One-hour firewalls are a code requirement and the City has been requiring them for all conversion projects. If this project does not have one-hour firewalls, they will have to provide them.

The subject property is well-maintained. Staff recommends that the Planning Commission recommend approval of both Planned Unit Development (PUD) 223 and Tentative Subdivision Map (TSM) 535.

The public hearings are now open on Planned Unit Development 223 and Tentative Subdivision Map 535.

**Walter SCHWERIN**, Schwerin & Associates, 814 Morena Blvd., Ste. 101, San Diego CA 92110, represents the applicant and is here to answer any questions. He believes a lot of the testimony from the previous item is applicable to this item.

AMBROSE states that, once again, the conversion doesn't appear to be imminent.

SCHWERIN agrees that this is not an imminent conversion.

In reply to AMBROSE, SCHWERIN states they have read the conditions of approval and concur with them. He thanks Mr. Odiorne (the City Engineer) for being accessible on the phone and discussing them with him, as he has not worked with this city before. He was very accessible and very informative.

AMBROSE thinks the last item clarified the intent of the applicant on this item.

**Diana ROUTHIEAUX**, 520 S. Mollison Avenue, Apt. #27, El Cajon CA 92020, states she is one of the residents that have been there for 12 or 13 years. She listened to the previous speaker talk about converting the property on Mollison and Lexington and trying to convert their property at 520 S. Mollison. She urges the Planning Commission to consider that between those two properties there are 147 families that will soon have to relocate somewhere. We are not just talking about units and property, but families, and disrupting them. All these families shop, live and work in El Cajon. Where will they move? Most of the people who live in apartments can't afford to buy a home, or they wouldn't live in apartments. She urges the Planning Commission to consider those things. SCHWERIN said that R & V has 300 units in that local vicinity. That is 300 families and between 4A and 5A (agenda items), that is 147 families in less than two blocks. She urges the Commission to think about the people and not just the properties because, obviously, this isn't just a one-unit item or one that will affect just one little area.

The tenants haven't been told anything except the notice in the mail and a "little flyer" (the public hearing notice). When she looked at the little flyer, she didn't think it was something that needed attention. It needs to look a little more official, but that is not really the issue. The issue is the tenants and their homes. They need to know what is going to happen and when. She understands from one comment that it could be a year and a half or two years, and yet one of her neighbors was talking to management and they said the tenants could be out as soon as June. There is a lot of instability. She urges the Planning Commission to consider those things and not just the dollar aspect and what is going to happen to the buildings.

AMBROSE explains that this city has more apartments than most other cities in San Diego County. This is a policy decision made by the City Council to permit more conversions of apartments to condominiums to provide more ownership opportunities. A lot of people who do not think they can afford to buy a unit are surprised to find out that they really can. There are a lot of programs to help people, like first-time buyer programs. There are about 50 different programs to help people buy a unit. He hopes ROUTHIEAUX and more of her neighbors will make the effort to visit the Planning Division of the City and find out about these programs to see if any of them fit their needs.

No one else comes forward to speak on this item.

Motion by TURNER, second by BLACK to close the public hearings on Planned Unit Development 223 and Tentative Subdivision Map 535; carries 4-0, HANSON-COX absent.

TURNER thinks this project looks straightforward, based on the other project before this one. Also, AMBROSE mentioned how the City Council has approved the conversion process. She stresses to staff to look into procedures. She knows there are a lot of conversions. Maybe we need to look at that to see if it is going to be capped or if we will keep doing it, because it is disrupting a lot of people.

No further comments are offered.

Motion by TURNER, second by WOODS to RECOMMEND APPROVAL of Planned Unit Development 223 in accordance with the staff report.

Under discussion, BLACK comments that he happens to know Diana ROUTHIEAUX and she is the kind of citizen and the kind of people we want to keep in this community. He would hope that we might look into making sure that these people can be relocated, and give them every single access they can get to so that they can be kept in this community. ROUTHIEAUX is one fine person, and he doesn't want to see her leave El Cajon.

AMBROSE replies that is why the City has all the different programs. Since we have two new commissioners, the staff might want to come back and make a presentation to the Planning Commission on what is available out there so they can be addressed.

BLACK states and also make it available to them (the tenants).

SHUTE, to assure the tenants at South Mollison (the Tres Pinos Apartments), states they are still required to receive the 180-day notice to vacate and the option to buy a unit. There is still six months of noticing that needs to take place. They won't have to vacate the premises any time soon. As AMBROSE said, there are first-time homebuyer programs through which people can qualify for down payment assistance. He encourages anybody to at least take a look at that. All it takes is a phone call, or a look at the City's website.

Votes are now cast; motion carries 4-0, HANSON-COX absent.

AMBROSE states this is a recommendation to the City Council. The City Council public hearing will be held on April 13, 2004. He encourages the tenants to be at that meeting.

Motion by TURNER, second by BLACK to RECOMMEND APPROVAL of Tentative Subdivision Map 535 in accordance with the staff report; carries 4-0, HANSON-COX absent.

AMBROSE states this is a recommendation to the City Council. The City Council public hearing will be held on April 13, 2004.

**VARIANCE 943 – Millsap**

(public hearing) Resolution No. 9931

P. C. Meeting 3/8/04

The subject property is located on the south side of Minnesota Avenue between Avocado and Prescott Avenues, and addressed as 373 Minnesota Avenue; APN 493-032-10; LUC 1111; General Plan Designation: Low Density Residential.

Request reduction in front yard setback in the R-1-6 (Residential One Family 6,000 sq. ft.) zone.

RAMIREZ states this is a request for a variance to allow a reduction of the front yard setback from the required 20 ft. to 16 ft. in the R-1-6 zone. Section 17.20.070 of the R-1-6 zone requires a 20-ft. front yard setback. The applicant's variance site plan indicates a distance of 16 ft. from the front property line for the proposed addition. To grant this variance, four specific findings regarding the subject property must be made by the Planning Commission. The applicant has submitted a letter to respond to the four points.

Point #1 addresses whether there are exceptional or extraordinary circumstances applicable to the subject property. The required front setback is 20 ft., and was 20 ft. at the time the house was constructed. The subdivision that created this property, however, indicated a front setback of 15 ft. on the record map. The Zoning Ordinance in effect at that time contained an exception stating that if a building setback line is shown on the subdivision map, then the subdivision setback shall prevail. This provision no longer exists, so any exception to the current standard requires the consideration of a variance; hence, this application.

Staff has noted that several other variances in this subdivision have already been granted and would therefore support the finding of Point #1.

Point #2 looks at whether the variance is needed in order to preserve a substantial property right possessed by other properties in this same vicinity and zone. Staff has observed other properties on Minnesota Avenue that have reduced front setbacks, and there are four properties that have been granted a variance for the reduction in this immediate area. Staff therefore supports the finding of the second point. Point #3 asks if granting the variance would be materially detrimental to public welfare. The applicant states the variance will allow the addition to the front of his house to match other properties in the neighborhood, and that granting the variance would not be detrimental to the subject property or the surrounding area. Staff believes that granting this variance will not be detrimental to the public welfare or injurious to the property or improvements

in this vicinity and zone. The final point (Point #4) is that if the variance request is approved, it would not adversely affect the General Plan. Staff is of the opinion that an approval of this variance request would not adversely affect the "Low Density Residential" General Plan designation of the subject property. Staff supports the finding of Point #4.

It is recommended that Variance 943, to allow a reduction in the front setback from 20 ft. to 16 ft. in the R-1-6 zone, be granted subject to conditions in the staff report.

AMBROSE states this is a very interesting property, with exceptional and extraordinary circumstances. The new commissioners are pretty lucky. This is one of the first times that a variance has come before this commission with a recommendation for approval. Usually, variances are very tough to get and the Planning Commission has to find extraordinary points.

The public hearing is now open.

**Neil MILLSAP**, 373 Minnesota Avenue, El Cajon CA 92020, is the applicant. He is asking for the variance in order to extend the front of his house out equal with the existing single-car garage to enlarge his dining and living rooms.

AMBROSE appreciates MILLSAP taking the time to go through the process and do it right. A lot of people don't do it right and get themselves in a lot worse situation.

No one else comes forward to speak on this item.

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

Motion by TURNER, second by WOODS to GRANT Variance 943 in accordance with the staff report; carries 4-0, HANSON-COX absent.

AMBROSE states this is final action unless appealed to the City Council. The appeal period ends at 5 PM on March 22, 2004.

## **RESOLUTION OF INTENTION NO. 9919**

(Adopted)

To set to public hearing General Plan Amendment 2004-01 (Amendment of Special Development Area #10).

RAMIREZ states this is basically a housekeeping effort following the expansion of Specific Plan 182.

Motion by TURNER, second by BLACK to adopt Resolution No. 9919 pro forma; carries 4-0, HANSON-COX absent.

## **RESOLUTION OF INTENTION NO. 9920**

(Adopted)

To set to public hearing Amendment of Specific Plan 462.

RAMIREZ states this is a logical companion item to the previous resolution of intention.

Motion by TURNER, second by WOODS to adopt Resolution No.9920 pro forma; carries 4-0, HANSON-COX absent.

## **PREDRAFTED RESOLUTIONS**

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

Motion by TURNER, second by BLACK to adopt Resolution Nos. 9921 through and including 9931 pro forma; carries 4-0, HANSON-COX absent.

## **ORAL COMMUNICATIONS**

RAMIREZ reminds the commissioners, who have not yet done so, to submit their completed Statements of Economic Interest at the earliest possible convenience to the City Clerk's office.

AMBROSE refers to the handout given to applicants for conversions and suggests amending it by adding language to encourage applicants to hold a meeting with their tenants to go over the process and, if possible, the City will provide materials on HOME funds and the different programs that are available. He thinks more information needs to be distributed. He thinks one applicant who has been before the Planning Commission has it down to a science. Tonight was an example of somebody not really knowing how the process works yet. TURNER agrees; a lot of people are jumping on the (conversion) wagon right now without the expertise of some of the other people. AMBROSE thinks the City has its process down, but a lot of new people are stepping into it that have never done it before.

WOODS, BLACK and TURNER have numerous questions of staff regarding the requirements and timing of apartment conversions, to which RAMIREZ responds.

## **CORRESPONDENCE**

There was none.

## **ADJOURNMENT**

The meeting of the El Cajon City Planning Commission adjourned at 9:12 PM this 8th day of March 2004.

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Anthony AMBROSE, Chair

ATTEST:

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James S. GRIFFIN, Secretary