

MINUTES
PLANNING COMMISSION MEETING
MAY 17, 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, HANSON-COX, AMBROSE
COMMISSIONERS ABSENT:	NONE
OTHERS PRESENT:	GRIFFIN, Director of Community Development GALLAGHER, Staff Attorney GRIFFITHS, Assoc. Civil Engineer O'BRIANT, Admin. Secretary

MINUTES OF 5/3/04: Motion by TURNER second by HANSON-COX to approve the Minutes of May 3, 2004, pro forma; carries 5-0

SPECIFIC PLAN 501 – Kasitz
(public hearing) Resolution No. 9955
P.C. Meeting 5/17/04

The subject property is located on the north side of Peach Avenue between Oro and North Second Streets, and addressed as 1208-1218 Peach Avenue; APN 484-251-37 & -38; existing LUC 1111E, proposed 1110B; General Plan Designation: Low Density Residential.

Request to exceed the 20-ft. height limitation for two proposed two-story dwellings in the R-2-R (Two Family Residential Restricted) zone.

AND

PLANNED UNIT DEVELOPMENT 226 – Kasitz

(public hearing) Resolution No. 9956

P.C. Meeting 5/17/04

The subject property is located on the north side of Peach Avenue between Oro and North Second Streets, and addressed as 1208-1218 Peach Avenue; APN 484-251-37 & -38; existing LUC 1111E, proposed 1110B; General Plan Designation: Low Density Residential.

Request to add two single-family residences to a lot with two existing single-family residences and create a common interest development (PUD) in the R-2-R (Two Family Residential Restricted) zone.

AND

TENTATIVE SUBDIVISION MAP 538 – Kasitz

(public hearing) Resolution No. 9957

P.C. Meeting 5/17/04

The subject property is located on the north side of Peach Avenue between Oro and North Second Streets, and addressed as 1208-1218 Peach Avenue; APN 484-251-37 & -38; existing LUC 1111E, proposed 1110B; General Plan Designation: Low Density Residential.

Request five-lot residential subdivision in R-2-R (Two Family Residential Restricted) zone.

GRIFFIN recommends that all three public hearings be opened at the same time, all the testimony heard, then close the public hearings and take action.

GRIFFIN states the specific plan is a request to exceed the height limit of 20 ft. in the R-2-R zone. The applicant wishes to build two new homes that would each be two stories and 25 ½ feet tall, demolish one existing house, and complete the process of enlarging a fourth existing house. The net project will be four homes, three new. Two of them will be two-story or over 20 ft. high and one is an existing home that is being enlarged.

The issues with the specific plan, the height increase, are primarily whether or not the increased height will impact adjacent properties. That is why there is a public hearing to solicit input from neighbors, and for the Commission and Council to decide if, in fact, there would be any consequences for those neighboring properties. In this case, because the adjacent properties to the north are commercial, it is staff's opinion that there should not be any impact or intrusion onto those properties. The applicant is proposing the minimum 10-ft. rear yard setback and staff believes that is appropriate in this case. The staff report says that the adjacent restaurant is Don Verde's, but GRIFFIN believes it hasn't been Don Verde's for quite a while. It was La Posada Del Sol and now it's Goody's.

This site plan is very difficult to read. Hopefully the Planning Commission was able to decipher it, because it has numbers in circles and numbers in hexagons all over the plan that made it difficult for staff to figure out. The final proposal is three new houses, one existing house and two of the three new houses would be over 20 ft. high. Because these houses will be available for sale, the applicant is also concurrently processing the planned unit development that would allow him to sell the units as individual properties. The subdivision map is to create one lot for each of the four houses plus a fifth lot that is a common lot and will contain a common driveway to serve the four units.

GRIFFIN indicates there are some minor revisions needed to the site plan. There is an issue with a wall that appears to encroach on the subject property so staff is suggesting that the applicant follow up and try to cure that and see where it came from. There is a need to increase the width of the common driveway from 22 to 24 feet. The colors of the units are a little different on the posted elevations than they were on the materials board staff received. The staff does not purport to be architectural or color experts but the materials board showed the color for the walls of the units to be an off-white/cream color. The mounted plan shows them more of a tan color. Staff has no problem with either color. The Planning Commission can decide which of the two it prefers.

Another issue related to the units themselves is that the applicant is proposing composition shingle roofs. The ordinance does not require tile roofs, but that is a recommendation that the Planning Commission has been routinely making for new PUDs and PRDs. The Commission can decide tonight if it thinks that requirement is appropriate.

Staff recommends that the Planning Commission recommend approval of the specific plan for the increased height, recommend approval of the PUD for four units, and recommend approval of the subdivision map for five lots.

GRIFFIN advises these three items were all jointly noticed for a City Council meeting on June 22. With the exception of items 4 and 6, all of the items on tonight's agenda (if the Commission takes positive action) have been pre-noticed for hearings by the City Council on June 22.

AMBROSE has a couple of concerns. One is that there does not appear to be enough room to store trash cans in the garage.

GRIFFIN responds that staff hasn't discussed that with the applicant but there are private yard spaces for each unit.

AMBROSE is also concerned that the two-story units look pretty bland. There isn't much excitement in the front elevation. The one-story unit has some character, but the two-story unit is lacking. Maybe the applicant can address that.

GRIFFIN says that is the Planning Commission's call. It is the "architectural review committee". The two-story units are at the back of the property. That is not to say that

they shouldn't have some character. The back sides of these units face commercial development so there may not be as much of a need on the back side. Perhaps the front should have something similar to what is proposed for the one-story unit closer to Peach Avenue.

The public hearings are now open on Specific Plan 501, Planned Unit Development 226 and Tentative Subdivision Map 538.

Lawrence KASITZ, 1208 Peach Avenue, El Cajon CA 92021, is the applicant. He requests a favorable decision on all three applications and states he agrees with the staff recommendations except for two conditions. Regarding the condition for the removal of the block wall in the back or making a boundary adjustment, he has a letter from the City of El Cajon Community Planning Department (*sic*) that he had to sign to give them permission to go ahead with the permitted wall. It is not only a retaining wall, but affects draining through the property. He understood when he signed the letter that he was being a good guy for his neighbor to the north (commercial property) so they could expand their business. In return, he got to use the nice block wall in the back of his property.

KASITZ reiterates that from the letter from the City the block wall was permitted. (The microphone is not picking up all of the speaker's comments. AMBROSE says that it is turned on at his location.)

GRIFFIN states if Mr. Kasitz will bring the letter in tomorrow or sometime this week, staff can look at it. Staff's point in bringing up the wall is that it looked like an encroachment. He was not aware of the letter, nor was the preparer of the staff report. If in fact the City asked KASITZ to agree to build a wall on his property to benefit the property on the other side—the reason staff put that condition is was actually to benefit KASITZ, but if he has already agreed to let the wall be there, then staff won't require him to remove a wall that he allowed somebody else to build. It would only be if that encroachment were unauthorized that it should be resolved. If KASITZ will bring the letter in, staff will make a copy of it and that will take care of that condition.

KASITZ refers to the PUD (Planned Unit Development) requirement for a wood fence to surround the property. Will he have to put a wood fence in front of that brick wall?

GRIFFIN replies that staff's thinking was that it is discretionary on KASITZ' part to have a perimeter fence for a project. It just made sense to staff for it all to be the same and not have different materials, but if KASITZ believes the block wall on that portion is good enough, it will be behind the house and won't be visible to anyone except those in the project or on the adjacent commercial properties. Staff thought there should be one continuous fence around the entire perimeter but, again, that is KASITZ' choice.

KASITZ says that the block wall exceeds 10 ft. It is probably closer to 12 ft.

KASITZ refers to condition 2.g.(9) for the width of the driveway and refers to a copy of the Zoning Ordinance that was given to them when they started preparing the plan.

Section 17.54.170 - Streets and Driveways - states that if there are three or five dwelling units that there must be a minimum paved width of 16 feet. Anything over 150 feet requires 22 ft. He wonders how staff got 24 ft.?

GRIFFIN's recollection is that if the driveway is under 150 feet, it must be 22 ft. wide and if it is over 150 it must be 24 ft. He doesn't have his City Code with him tonight so he can't confirm that. The Planning Commission can leave the condition in and just add to it "unless permitted by the Zoning Ordinance to be a lesser width".

KASITZ was born and raised in El Cajon and would like to stay in the community. In reference to selling the houses, his father is the one who is remodeling and lives there. KASITZ plans on living in another one. They are not sure whether or not they will be selling the houses.

AMBROSE states it has been a policy of the Planning Commission and City Council to require that planned unit developments have a cementitious roof material instead of composition shingle. It adds value to the homes and to the community. It has also been something that the city council has reiterated over and over. Is KASITZ willing to use a cementitious roof material?

KASITZ replies yes, but he just completed a new roof on the stone home that is being enlarged. They used a 30-year composition shingle roof. It is quite nice.

AMBROSE thinks they can look nice, but it has been the Planning Commission and City Council's policy to require cementitious materials.

KASITZ asks if AMBROSE means on all four houses, or just the three new ones.

AMBROSE thinks at a bare minimum, the three new units should upgrade the quality, appearance and life of the roofs with cementitious materials like tile. The value is significant when added into a house. The Planning Commission is trying to increase the value of the homes in El Cajon and this is one way to do that. It is not that much extra money.

Regarding the elevation of the two-story buildings, does KASITZ have any ideas of what he can do to improve the appearance?

KASITZ replies they do intend to put veneer rock on the front of the new units. (The microphone is still not picking up.)

AMBROSE states that would help a lot to tie the project together. The way the four units read right now, the two units in the back don't have any relationship to the two units in the front.

KASITZ would like to have the roofs on all four houses the same.

No one else comes forward to speak on this item.

Motion by TURNER, second by HANSON-COX to close the public hearings on Specific Plan 501, Planned Unit Development 226 and Tentative Subdivision Map 538. Motion carries 5-0.

TURNER agrees with AMBROSE on the roofs. That is what the Planning Commission has been doing since she has been on the Planning Commission. She would like to continue seeing roofs upgraded to tile or some kind of concrete.

AMBROSE thinks a pretty good match between the roof on the existing house and the new ones can be made. Councilman Kendrick was the one who started this. He has had a pretty good feeling that tile roofs should be required.

TURNER thinks putting the veneer rock on the two 2-story units will tie the project together architecturally.

AMBROSE agrees that the rock veneer would help a lot. He asks for comments from GRIFFIN.

GRIFFIN agrees it is a good idea. It would be relatively inexpensive and would tie the units together.

AMBROSE would also like to see on the site plan a place labeled where the trashcans will be stored, so they are not stored outside in front of the garage. They should be stored behind a fence or something.

No further comments are offered.

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Specific Plan 501 in accordance with the staff report; carries 5-0.

AMBROSE asks for GRIFFIN's assistance in crafting added conditions for PUD 226.

GRIFFIN, regarding the tile roofs, recommends making that part of condition 2.c, which basically says ensure that the building material types and colors of all exterior elevations are shown on the construction drawings and resolve the color differences between the elevations and the materials board. The roof materials shall be cementitious or concrete tile, whatever words the Planning Commission wants to use that will convey its thoughts.

In reply to TURNER, GRIFFIN recommends adding the recommendation for veneer rock to the same condition and in addition requiring the rock veneer on the two rear units.

TURNER asks if the Planning Commission decided that the block wall would be sufficient instead of putting the wood fence all the way around.

AMBROSE replies no.

HANSON-COX thinks it would look pretty awkward to have a fence in front of the 12-ft. wall.

AMBROSE agrees. He thinks the Commission should require the wood fence on the sides and the block wall in the back, especially since the block wall will be buried behind the units.

TURNER refers to condition 2.g.(9) and asks if the wording needs to be changed to say "...unless permitted by the Zoning Ordinance"?

In reply to TURNER, GRIFFIN advises putting the location of the trashcans in condition 2.e.

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Planned Unit Development 226 in accordance with the staff report, adding a condition 2.c. to require tile roofs and rock veneer on the front elevations on the three new units; adding to condition #2.e. to identify locations of the individual trash containers; modifying condition 2.g.(9) by adding "...unless permitted by the Zoning Ordinance."

Under discussion, GRIFFIN thinks condition 2.f., which is the reference to the block wall, should be clarified. It doesn't provide the option discussed; it just says "resolve the location by processing a lot line adjustment or removal and replacement". The Planning Commission and staff have talked about it, and the applicant indicated that he had received prior approval. That condition can either be eliminated altogether or just add to the first sentence, "...or provide proof of prior wall location" or something like that.

AMBROSE suggests just removing the first sentence of condition 2.f. GRIFFIN states that will work.

AMBROSE states then say that the six-ft.-high solid fence shall be provided along both sides.

GRIFFIN thought the wall just went across the rear of one of the properties, not both.

TURNER suggests saying "...including the wall".

GRIFFIN suggests: "A minimum 6-ft. fence or wall around the perimeter". If that is done, staff can work with the applicant.

Amended motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Planned Unit development 226 in accordance with the staff report, adding a condition 2. c. to require tile roofs and rock veneer on the front elevations of the three new units; adding to condition #2.e.8 to identify locations of the individual trash containers; clarifying condition #2.f. by removing the first sentence; modifying condition 2.g.(9) by adding "...unless permitted by the Zoning Ordinance"; and modifying condition 2.g.(11) to read: "Show the perimeter fence except where the existing wall is." Motion carries 5-0.

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Tentative Subdivision Map 538 in accordance with the staff report; carries 5-0.

AMBROSE advises these are recommendations to the City Council, who will hold further public hearings on June 22, 2004.

PLANNED UNIT DEVELOPMENT 227 and TENTATIVE SUBDIVISION MAP 540 – 1160 Washington Street LLC

P. C. Meeting 5/17/04
(Trailed to end of agenda)

The subject property is located on the northwest corner of East Washington Avenue and Ballard Street, and addressed as 1160 E. Washington Avenue; APN 489-420-06; General Plan Designation: Medium Density Residential.

(PUD) Request to convert a 12-unit apartment complex to a common-interest development in the R-3 (Multiple Family) zone.

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

GRIFFIN advises that these apartments were built in 1977. The 12 units are all two-bedroom, two-bath. There are 19 existing uncovered parking spaces, which equals 1½ spaces per unit. The applicant desires to convert these apartments to a common-interest development so that they can be sold as individual units. The applicant has satisfied the City and State requirements for tenant notification. The applicant has also submitted the physical elements report required by the Zoning Ordinance, which is an assessment of all of the on-site common and private areas in terms of their health and safety standards. There are a few upgrades that are needed. Those are identified in the staff report and in the physical elements report. There are a couple of things that the applicant indicates were done, but staff has no proof, including the re-roofing and the replacement of a water heater, so staff is stating if these were done that the applicant provide proof so staff can clear those items. Typically, one of the major renovation requirements is that all the walls have to be one-hour fire rated. This applicant will have to prove to the Building Official that he does or doesn't have them and if he doesn't, that is a condition of approval.

GRIFFIN says that, in staff's opinion, this project is in fairly good shape. The only other item thing staff pointed out in the staff report that he thinks is significant is that there are some tall shrubs across the front of the property along the Washington frontage. The units are built at the minimum front setback of 10 ft. and Washington Avenue is a very busy street. The shrubs are more than 3 ½ feet high, which is the maximum. They couldn't have a fence or wall, for example, that is more than 3½ feet high at this location either. Staff recommends the shrubs be cut down to the maximum 3½ ft. height.

Staff recommends that the Planning Commission recommend approval of the planned unit development and also the tentative subdivision map, which is the entitlement to convey interest in the 12 units to each of the future buyers.

AMBROSE has a concern that there is no landscaping in the middle of the project. Nothing is being offered, such as a barbecue or park bench or something.

GRIFFIN replies that is why the Planning Commission is here. If it believes there needs to be some common area upgrades, it can recommend that and the City Council can decide if that is appropriate.

The Planning Commission is not required to accept all these conversions “as is”. It has required changes in some projects. Some determinations are at the Planning Commission’s discretion. If it believes it is appropriate for the common area to have features that are not present today, it can recommend those be added. If the Planning Commission thinks the common landscaped area needs to be upgraded, it can make that statement and have the applicant work with the staff, or continue these items and have the applicants bring back a plan to show what they are going to do.

The public hearing is now open.

No one comes forward to speak on this item.

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

AMBROSE has a couple of concerns. He doesn’t know that this applicant is a builder so he thinks it is a speculation project.

Someone from the audience starts to speak. AMBROSE tells him that the public hearing is closed, and asks if he is the applicant. He replies affirmatively.

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

Seung LEE, 1824 Hornblend St., San Diego CA 92109, is the project manager for the project. This is their fourth project in San Diego County. They will put in all the amenities as soon as possible. They have been staying up on the changes to the City’s ordinances including the one-hour firewalls and others.

In reply to AMBROSE, LEE says he has not read the staff reports.

AMBROSE says then he doesn’t know if he agrees with all the conditions of approval.

LEE can tell in about five minutes.

AMBROSE says he is taking the Planning Commission's time. The meeting starts at 7 PM and applicants are expected to be here on time.

LEE states their engineer was unable to make it and he is here instead.

AMBROSE states the Planning Commission will trail these items to the end of the meeting so LEE can read and digest the staff report.

In reply to AMBROSE, GRIFFIN recommends leaving the public hearings open and trailing them to the end of the agenda or after the next item, as it wishes. Staff does send staff reports to all applicants so for the applicant to come tonight and say he doesn't have it, it is not the City's fault. Those staff reports are sent to whoever is on the application. They need to get their act together and have the person who shows up be prepared.

AMBROSE says these items will be trailed to the end of the agenda.

TENTATIVE SUBDIVISION MAP 539 – Ballantyne Developers, LLC for McMillan

(public hearing) Resolution No. 9960

P.C. Meeting 5/17/04

The subject property is located on the west side of Ballantyne Street between East Main Street and East Park Avenue; APN 488-111-34; General Plan Designation: Regional Retail Commercial.

Request a one-lot subdivision for residential/office purposes (eight condominiums and two office spaces) in the C-R (Regional Commercial) zone (SP 182).

GRIFFIN states the Planning Commission has seen the subject property before. Earlier this year, the applicants processed both a conditional use permit and a planned unit development on this property in order to have a mixed-use development: eight residential units along with two offices that are part of two of the eight units. In addition, there is a reduction in parking. There were issues at both the Planning Commission and City Council level dealing with a proposed parking security gate and trash access. Those were all resolved by the City Council, but the applicant at that time chose not to concurrently process the subdivision map, which is necessary to sell the units. The subdivision map is being brought before the Planning Commission tonight to complete the process.

HANSON-COX read in the staff report that the City Council on April 13 decided to allow the addition of a security gate to the project. Wasn't that a concern of the Planning Commission because of the traffic on Ballantyne?

GRIFFIN responds it was. The City Council decided that if there was a way for people that drove in to communicate through some kind of electronic message, that they would approve the security gate. Staff still had some misgivings because that is assuming that person is there. If they are not there, you still can't get in and would be backing out onto Ballantyne. He thinks the Council felt the frequency of cars backing into Ballantyne was not great due to the relatively small size of this project. It is a judgment call and the City Council has the final judgment.

HANSON-COX remembers there was also a concern about the trash truck going in.

GRIFFIN states the City Council also discussed that and felt it was not a frequent enough issue. Apparently Waste Management has a way for the driver to leave the truck, go into the project, pull the dumpster out to the street (the truck will be sitting in the street while this is going on), dump the trash, put the dumpster back down and push it back. As the Commission may recall, the reason for that is because the second level of this project overhangs the first level so a trash truck can't be driven in without crashing into the second floor. The City Council was satisfied that that operation is not going to be a problem. It happens now at other locations; it is just not the preferred way of doing it.

HANSON-COX states there is an area right behind the subject property, where the parking structure wall is. The Planning Commission was concerned about people camping there.

GRIFFIN doesn't think that was discussed. It is certainly something that will have to be looked into as far as creating a place for people to hang out. Anytime spaces are created that are not visible, there can be those problems in an urban core area like our downtown.

The public hearing is now open.

No one appears to speak on this item.

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

AMBROSE thinks this application seems pretty straightforward.

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Tentative Subdivision Map 539 in accordance with the staff report; carries 5-0.

AMBROSE states this is a recommendation to the City Council, where another public hearing will be held on June 22, 2004.

CONDITIONAL USE PERMIT 1983 – Suzuki of El Cajon for Kmart (Dickstein)

(public hearing) Resolution No. 9961

P.C. Meeting 5/17/04

The subject property is located northwest corner of Fletcher Parkway and North Magnolia Avenue, and addressed as 298 Fletcher Parkway; APN 483-071-48; existing LUC 5310B, proposed 5310B/5511C; General Plan Designation: Regional Retail Commercial.

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

GRIFFIN states if any of the commissioners have driven down Fletcher Parkway or the vicinity of Parkway Plaza, they have seen car sales almost every week. There is hardly ever a time that they don't occur. The good news is that the City gets revenue from them, although some of the other car dealers are not thrilled about it. The City Attorney's office advised the City Council that the City can't just prohibit the out-of-town car dealers; they would have to prohibit them for everybody. So that is not an issue at this point. The issue tonight is that this applicant wishes to have three or more car sales on one property for the rest of this calendar year. They have already been approved to have two at this location by an administrative process called a Temporary Use Permit. Those two have occurred so tonight they are asking to have six more at Kmart between now and the end of the year. The same conditions and issues apply in this case as in the others. The applicants are asking for approximately 14-day sale periods and that is consistent with the times the Planning Commission has approved on others. This is discussed in the staff report and GRIFFIN would like to modify two of the conditions. Condition #3 states that the use of the subject site for short-term parking lot auto sales shall be governed by the schedule as shown on Staff Exhibit 'A' except that the applicant shall work with staff to achieve a minimum 14-day down time between events two and three. He thinks that is the one that only shows six days.

Add a new condition #4 that says "any amendments to the dates of events covered by this CUP shall adhere to minimum of 14-day downtimes between sales events and maximums of 15-day sales periods." Staff believes there needs to be a definite schedule that everyone can adhere to. Looking at the schedule, it is surprising to him that Kmart is willing to have these car sales going on just after the Christmas holiday.

Staff recommends that the Planning Commission grant the conditional use permit (CUP) with the conditions in the staff report and as amended tonight.

The public hearing is now open.

No one appears to speak on this item.

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

AMBROSE thinks this is pretty straightforward. He wonders if maybe these parking lots should just be allowed to convert to used car lots. It seems like they are out there all the time.

HANSON-COX states that living in this area, they have become annoying to her. She would like to support the local businesses, and it does generate income for the City, but is there any way to limit the number of helium spheres? All she sees when going down Fletcher Parkway is the whole sky filled with these things and it is really distracting. People don't even look where they are going and there are many near misses. She thinks the four banners are fine, but recommends only one 7-ft.-diameter helium sphere and one helium blimp. She would like that restriction for safety reasons, as well as to beautify the community.

AMBROSE agrees.

TURNER asks if the Commission is going to change the sign standards for all of the temporary car sales. It doesn't seem fair to do it for just this one.

HANSON-COX agrees.

GRIFFIN advises these are all just one-year CUPs anyway. It is not like new standards are being applied for just this one forever; it is for the rest of this calendar year. When the others come back next year, the same condition can be imposed on them.

TURNER says the others are at Parkway Plaza.

GRIFFIN says this is the only one at Kmart so it is not like the Commission approved somebody else to be here with two helium balloons and two blimps. This is the first request at Kmart this year.

No further comments are offered.

Motion by TURNER, second by HANSON-COX to GRANT Conditional Use Permit 1983 in accordance with the staff report, changing condition 1.b. to: one seven-foot-diameter helium sphere and condition 1.c. to: one helium blimp (tethered, unmanned); and adding to condition 3 "...on Staff Exhibit 'A', except that the applicant shall work with staff to achieve a minimum 14-day "down time" between events 2 and 3"; and adding a new condition #4 to read: "Any amendments to the dates of events covered by this CUP shall adhere to minimums of 14-day "down times" between sales events, and maximums of 15-day sales periods"; and renumbering the remaining conditions. Motion carries 5-0.

AMBROSE states this is final action unless appealed to the City Council. The appeal period ends on June 1, 2004.

CONDITIONAL USE PERMIT 1984 – Digrigoli (El Cajon Redevelopment Agency)

(public hearing) Resolution No. 9962

P.C. Meeting 5/17/04

The subject property is a vacant lot located on the south side of East Main Street between South Magnolia and Claydelle Avenues; APN 488-211-04; existing LUC 9000, proposed 5811C/6301/1113B; General Plan Designation: General Retail Commercial.

Request outdoor dining and reduction in amount of required on-site parking for a proposed building in the C-2 (General Commercial) zone.

GRIFFIN states this is a new building. The applicants are purchasing the property from the City's Redevelopment Agency, which had previously acquired this property. The proposed use is a bakery known as *New York Bakery*. They currently exist elsewhere in San Diego. It is primarily a wholesale business; they don't deal directly with the public. He understands this will be their first foray to actually sell to individuals. They are proposing to have both indoor and outdoor dining. The conditional use permit (CUP) is for the outdoor dining. The other reason for the conditional use permit is to reduce the required parking. The requirement for this use would otherwise be 77 parking spaces. This applicant will only have four, and those spaces will be on the south side of the building off the alley. They will not be directly accessible to any retail customers. There is some parking on the street as there has been with a lot of other developments in the downtown area along East Main, and the City, including the Planning Commission, City Council and the staff, have consistently recommended reductions in parking. However, sometime down the line, parking will be an issue. So far, it is still at a point where there is sufficient parking, businesses are successful, and staff believes this applicant can be successful without providing the parking that would normally be required.

GRIFFIN says this is an exciting looking building. It has been through the Community Development Corporation's design review. It actually started out under a different architect. Mr. Dueber has taken over the project and has made some minor revisions, but basically it is very similar to the building that was proposed through the CDC. That's why the dates look a little old, because it started out awhile back. The other interesting part of this project is that the second floor will include some private office space as well as a residence for the owners. The Zoning Ordinance allows an owner to live on their property and be a caretaker or resident. The staff is recommending that the Planning Commission grant the conditional use permit per the staff report.

The public hearing is now open.

Allen DUEBER, 6280 Cresthaven Drive, La Mesa CA, is the architect for the project. He was prepared this evening to give a power point presentation, and could do that if the Commission would like. He also has still photographs of very important parts of the

building that he reproduced for the Commission instead. (They are submitted to the attorney.)

They are complying with the design review and the El Cajon Community Development Corporation's recommendations. As shown on the front page of the handout, they are recessing the windows to give additional depth, as recommended by the design review board. There are small grill vents right above the canopy structure. That is an old New York trick to pump the exhaust fumes to get the aroma to the public sidewalk. They are going to allow this to be an enticing device to patrons of the bakery. Mr. Griffin was a little incorrect in his presentation. At their current location on 30th Street and El Cajon, in San Diego, they have previously done retail business but are primarily now doing wholesale. They want to get back into the retail business with this particular facility. They are proposing both indoor and outdoor eating areas for enjoyment with the window into the bakery to see the fine pastries and Italian cuisine that they are going to be providing in their pastries, and cheesecakes, and all the wonderful cookies that they make.

DUEBER says they have tried to design this in a truly New York style. They will comply with the sign ordinance. He believes the banner doesn't comply, so it will probably be reconfigured and will be omitted from their proposal. They are also providing landscaping in good New York fashion: there is no room for landscaping, so the owner wishes to have a greenhouse to house plants on the roof of this building.

The view of the back of the building shows private balconies both off the living area of the deck up above, the service delivery area at the bakery down below, and an access for the rear stairs also down below. The next page indicates the bakery plan with Main Street to the right and the alley to the left. This is looking down on the bakery, showing the outdoor dining area and the bakery. The second plan is the second floor indicating the unit in the back off the alley to the left and future office space, which will be a TI and is shown as a large open space.

The owner wanted him to address condition #A-1. of the Public Works comments dated May 11, 2004. They understand that the Redevelopment Agency, when they purchased the property, planted three trees and mounded up the dirt for a nice little vest pocket park. They really will be doing no grading other than excavating for the footings and they will take all the measures necessary for Public Works to provide for erosion control, so there might not be a grading plan per se. They understood that the Redevelopment Agency and City park people would be removing the trees. They don't have a problem in providing a grading plan but there will be basically no grading other than the removal of the mounding that is there now. Their other issue is with condition A-3, the benches in front. They thought it would be an additional area to enjoy a pastry and coffee, but if it is going to be a major issue they won't put them in.

DUEBER refers to condition 6.c., (C-3) the improvement plans for the alley. The future owners want to underground the electrical lines and improve the alley at a future date, and to improve only half plus two feet at this time would seem to be a little

inappropriate. They have no problem in joining with the rest of the property owners in doing the entire undergrounding and improvements at a future time.

AMBROSE refers to the last condition DUEBER mentioned, the alley improvements, and asks staff to respond.

GRIFFITHS states the alleyway widening has been a condition on other commercial ventures that have gone in up and down that portion of the street. It is a standard condition. DUEBER may want to come in and speak to the City Engineer about that.

DUEBER wonders if Public Works would be open to postponing it as a condition of approval this evening to have that overall scheme when they do improvements for the entire street and the undergrounding at that time when everyone is contributing to the improvement of that alleyway.

GRIFFITHS suggests that DUEBER come into the office during normal working hours and speak with the City Engineer about that condition.

AMBROSE refers to the condition about taking the benches in at night. DUEBER might want to reconsider what kind of benches to put out there.

DUEBER replies they are now shown as slatted, somewhat awkward, heavy benches. They might not even have any benches. This was shown by the previous architect to the Community Development Corporation and he has actually not specified a bench. It is a City liability issue; it is in the public right-of-way and there is some insurance and a hold harmless agreement has to be entered into. So, the benches might go away.

AMBROSE says just look what their neighbors are doing up and down Main Street.

DUEBER states the issue was the fact that the condition required the benches to be brought in at night. That would be a burdensome thing.

DUEBER believes his client was informed that the City was going to remove the trees from the property prior to them taking ownership of the property, and the mounding could go with it at the same time. He doesn't know the specifics of that arrangement.

AMBROSE asks for comments from staff.

GRIFFIN doesn't know anything about that. David Cooksy, the Redevelopment Manager, is in the back of the room. Perhaps he can address that issue.

DUEBER reiterates that other than that, they have no grading except excavating for the footings.

He hopes the Planning Commission will approve this wonderful addition to El Cajon's Main Street. They feel there is adequate parking adjacent to this project to the south, in the lot. They hope the Planning Commission will see fit to approve this design.

In reply to several Commissioners' comments, DUEBER agrees the applicant's bakery goods are wonderful.

AMBROSE is still a little unclear about what it is going to be sold here. He is getting the idea that there will be the preparation of food too?

DUEBER replies it is not going to be a restaurant use. It will be officially used as a bakery. The health department requirements are a lot less restrictive because of the bakery, so it will be limited to bakery items and coffee. He doesn't see any full-on restaurant meals being served. However, if the events along Main Street prove fruitful for after hours, they might reserve the right to consider coming back at a later time to amend the CUP for beer and wine.

David COOKSY, the Redevelopment Manager, City of El Cajon, has already made arrangements with the Parks Department to have those trees taken out. He assumed that the applicant would take the berm out.

In reply to AMBROSE, DUEBER nods his understanding.

No one else comes forward to speak on this item.

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

AMBROSE thinks this is an exciting project and is looking forward to it. He thinks it will be a great addition to downtown and that the conditions DUEBER brought up can be worked out with the staff. Some of the issues regarding grading and erosion control measures are State requirements. The applicant can deal with the Engineering Department about that and the benches, etc.

Motion by HANSON-COX, second by TURNER to GRANT Conditional Use Permit 1984 in accordance with the staff report; carries 5-0.

AMBROSE states this conditional use permit will be forwarded to the City Council since it is in the downtown area. The City Council public hearing is scheduled for June 22, 2004.

CONDITIONAL USE PERMIT 1986 – Coastline Food Services Corp. for JaJou

(public hearing) Resolution No. 9963

P.C. Meeting 5/17/04

The subject property is located on the northwest corner of East Main Street and Greenfield Drive; APN 507-120-14; existing LUC 9000, proposed 5813/5811C; General Plan Designation: Neighborhood Retail Commercial.

Request fast-food restaurant with drive-thru and outdoor dining in the C-1 (Neighborhood Commercial) zone.

GRIFFIN states the subject site had been used as a service station since 1966. Within the last year, the service station building was removed and the site has been vacant. The applicants are asking approval of a fast food restaurant with a drive-thru lane as well as outdoor dining in the center part of the project that is surrounded by the building. The applicant submitted a traffic impact report, which the Planning Commission should have received a copy of. That traffic report indicates that this project should not have a significant impact on the intersection of either Greenfield or Main Street and concludes that there is no mitigation necessary.

The applicants also submitted an update of a soil contamination report. Almost universally, when there has been a gas station on a property for any length of time, there is contaminated soil. This property owner has been working with the County Dept. of Environmental Health to reach the point where the contamination is cleaned up, and they are still moving in that direction. The soil contamination does not preclude the property from being redeveloped; it just means they will have to obtain clearance from the Environmental Health Department, but they can still develop the property.

Staff's recommendation is that the Planning Commission grant this request. There are some conditions that probably should be addressed. One is that a hedge is recommended around the exterior of the property to screen the drive-thru lane. This would be very similar to the condition imposed on the new Jack In The Box at Avocado and Chase. That turned out to be a very nice project despite the neighborhood opposition when that project went through. Speaking of opposition, the subject property is removed from any nearby residential or any other sensitive uses so the staff has not received any objections and doesn't believe there will be the same kinds of concerns that were expressed on the Jack In The Box project.

GRIFFIN says that the applicant is proposing to use an existing freeway-oriented sign that is between their property and the adjacent donut shop. The plan says it is 60 ft. high. The City's records show it is 50 ft. high. There is an interconnection between this property and the donut shop to the north and also to the 7-Eleven on the remainder of the little shopping center to the west. Even though this property will have two driveways, they will be closing two driveways. The one on East Main Street will only be a right-in, right-out because that driveway is covered by a median in East Main Street. A little farther to the north or the east, you can enter through the donut shop driveway and

connect into the subject property. He thinks the property has good access both on site and off site.

The City's Commission on Aging reviewed the project for its handicapped access and facilities and has recommended approval of those features.

There are a couple of things that GRIFFIN wants the Planning Commission to discuss tonight. One is the tower shown over the entrance elevation. Staff doesn't understand why it is there other than to be used as a sign. It is not required by code. The roof of the rest of the building is rather low. The tower is 29 ft. high. Staff recommends that signs not be allowed on that tower and that they only be allowed on the walls of the building as shown on the rest of the elevations.

GRIFFIN indicates that there is also a monument sign at the corner of the site plus the 50-ft. freeway-oriented sign he just mentioned.

Staff's recommendation is that the Planning Commission adopt the proposed Negative Declaration (there is an environmental review on this project) and grant the conditional use permit in accordance with the conditions in the staff report.

AMBROSE asks if there is a picture of what the tower looks like.

GRIFFIN mounts the plans for the project and points out the tower that is 29 ft. high. He indicates the signs on three sides on the tower. Staff doesn't understand the point in having this raised section of the building except for sign exposure. He points out the entrance to the building, the drive-thru lane, East Main Street, Greenfield, the interconnecting access to the donut shop, the interconnecting access to the 7-Eleven, the parking area around the interior, and the outdoor dining area adjacent to the entrance. He indicates the order and pick-up windows, the menu board and order signs, the monument sign and the freeway-oriented sign.

AMBROSE questions the displayed elevations regarding the signs on the tower.

GRIFFIN points out the locations of the signs.

TURNER asks if this is a standard design that *Wendy's* uses on other restaurants, or is it just for this particular one?

GRIFFIN is not aware of that feature on any other *Wendy's* in the city. He doesn't know if it is a new standard part of their architectural package. The applicant is here tonight.

The public hearing is now open.

Martin SAMO, 1225 Broadway, El Cajon CA 92021, represents Coastline Foods. Another representative is also present tonight to answer questions. They have read the agenda (*sic*, staff report). The tower serves a couple of purposes. One, it is a screen for

their mechanical water heater and CO₂ tanks. The other is for cosmetic integration of the building. As far as the *Wendy's* signs on the tower, they are incorporating that feature with all their new designs. Scripps Poway and a couple of other places all have that. They would like to have the *Wendy's* sign at least as high as the remainder of the building, but where it is proposed would be preferable.

Their hours of operation will be 10 A.M. to 1 A.M. They may change those in the future to 24 hours; they don't know yet. They believe the sign is 60 ft. If it is 50 ft., they would like to research it to see if it was permitted at 60 ft. If it is grandfathered in, they would like to keep it that way.

AMBROSE states if the Planning Commission goes forward tonight, and they discover that it is 60 ft., they will have to come back to amend the permit. Is that what they want to do? The other choice is to continue this item until they can determine if it is 50 ft. or 60 ft.

SAMO replies they would like to move forward tonight. If it is 50 ft., they will keep it at 50 ft.; if it is 60 ft. and needs to be at 50 ft., they will bring it down to 50 ft.

In reply to AMBROSE, GRIFFIN addresses the hours of operation. Staff is not recommending any hour restrictions. It was discussed in the staff report that when the Jack In The Box at Avocado and Chase was under consideration, there was a lot of public input and the Commission did make a recommendation to limit the hours to make the restaurant compatible.

AMBROSE tells SAMO there are no conditions to restrict the hours of operation at this time. If they were adjacent to residential, there would be a concern. The Planning Commission is going to leave the hours of operation up to the applicant to decide when they will be open.

David STEINBERG, director of development for Coastline, 11116 Viking Avenue, Northridge CA 91326, reiterates that the tower is used for the water heater and CO₂ tanks and mechanical equipment. It is a new standard over the last three years. This building is actually a little smaller because the property size is smaller. It is a new prototype called the E2000 for Wendy's International. The tower can be seen on the two newest buildings at Scripps Poway and also at College and Plaza in Oceanside.

As far as signage, they would be losing a lot of wall space if they couldn't put any signage on there. They would like to take advantage of the tower height but if they can't they would like to keep the signs at least as high as the parapet of the rest of the restaurant.

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.

AMBROSE thinks the only issue is the tower. How does the Commission feel about the tower?

TURNER asked about the tower because she had seen the other towers. She wanted to know if it was a new standard, and it sounds like it is. If there isn't some kind of sign up there, it will look like a blank wall. She doesn't have a problem with it.

AMBROSE was concerned from reading the staff report that it was just a tower. It looks more architectural and the fact the tower in the elevation from the street side is really in the back makes him feel better.

TURNER states that Greenfield Drive goes up and there is some elevation anyway.

No further comments are offered.

Motion by TURNER, second by HANSON-COX to adopt the proposed Negative Declaration; carries 5-0.

In reply to AMBROSE, BLACK has no problem with the tower. It breaks up the architecture. It is a block and a half from his house and he will pass it every day.

Motion by TURNER, second by HANSON-COX to GRANT Conditional Use Permit 1986 in accordance with the staff report. (Motion later amended)

Under discussion, GRIFFIN states the condition on the tower is 2.b., and staff's recommendation has been that the signage be removed from the tower. The applicant's offer as an alternative is that the signs would be brought down to no higher than the parapet level of the rest of the building. Staff recommends that the Planning Commission consider that as an alternative to having the signs at the higher point on the tower.

TURNER agrees. Amended motion by TURNER, second by HANSON-COX to GRANT Conditional Use Permit 1986 in accordance with the staff report, modifying condition 2.b. to require all signs on the tower to be no higher than the parapet of the building; carries 5-0.

AMBROSE states this is final action unless appealed to the City Council. The appeal period ends June 1, 2004.

PLANNED UNIT DEVELOPMENT 227 – 1160 Washington St., LLC

(public hearing) Resolution No. 9958

P.C. Meeting 5/17/04

(Trailed from beginning of agenda)

The subject property is located on the northwest corner of East Washington Avenue and Ballard Street, and addressed as 1160 E. Washington Avenue; APN 489-420-06; existing LUC 1142A, proposed 1142B; General Plan Designation: Medium Density Residential.

Request to convert an existing 12-unit apartment complex to a common interest development in the R-3 (Multiple Family) zone.

AND

TENTATIVE SUBDIVISION MAP 540 – 1160 Washington St., LLC

(CC Mtg. 6-22-04)

(public hearing) Resolution No. 9959

P.C. Meeting 5/17/04

(Trailed from beginning of agenda)

The subject property is located on the northwest corner of East Washington Avenue and Ballard Street, and addressed as 1160 E. Washington Avenue; APN 489-420-06; existing LUC 1142A, proposed 1142B; General Plan Designation: Medium Density Residential.

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

(These items were trailed from earlier in the meeting)

The public hearing is still open.

Seung LEE, 1824 Hornblend Street, San Diego CA 92109, represents the applicant. They have reviewed the staff report and he has spoken with the owners. They see nothing that they object to.

In reply to AMBROSE, LEE has a couple of questions, just as clarification. On the soils report, he believes there is one from '71 or '73 when the apartments were built. Is that sufficient?

In reply to AMBROSE, GRIFFITHS states that normally when the project is a condominium conversion, Public Works will accept the original soils report for the development, if they have both the preliminary soils and the final soils reports.

LEE replies they will look for those. He comments that they will probably be submitting other applications. They noticed in the staff report that only about 10% of the developers

are fully converting. He wants the Planning Commission to know that they are here for conversion purposes, not an owner wanting to get the map to sell to somebody else. They fully intend to convert. A lot of the items staff has recommended are part of the plan they have given to them. There is not much of a surprise in the conditions. For clarification, he refers to the recommendation for a streetlight and asks its height.

AMBROSE thinks it is a standard streetlight.

GRIFFITHS responds that is correct. It is a standard, standalone streetlight.

TURNER states there was earlier discussion of the improvement of the common area.

LEE states they looked into the possibility of a playground there. As good as that sounds, they found that it would probably be eliminating the market they are trying to sell to.

TURNER asks what about benches or barbecues.

LEE says they will probably put in a barbecue and a bench and table. It will be more of a picnic area rather than a children's play area.

AMBROSE understands their intent is to landscape that area and make it more lush, turn it into a garden area and put in a barbecue and bench and that kind of thing.

LEE states they will be improving the landscaping.

AMBROSE asks staff how that can be conditioned.

LEE believes there are landscaping conditions in the staff report.

AMBROSE sees where it says, "refurbish the landscaping". He asks if a landscape plan for that area can be required, based on the discussion tonight.

GRIFFIN suggests adding a condition e) under #6 (p. 10 of PUD staff report) to require the details of the common area to be indicated on the revised plan.

HANSON-COX is looking at the pictures submitted by the staff report. She was unable to visit the site, but, looking south at the building from the alleyway, she notices a shed on the neighboring property. She would like to see a fence parallel to the alley from the neighboring property line to the existing building for security reasons.

AMBROSE states there doesn't appear to be a fence along the side property line between the two properties.

GRIFFIN thinks Commissioner HANSON-COX is talking about a fence in the area between the corner of the building and the property line of the adjacent property to the west.

AMBROSE states there isn't a fence on the side property line to connect to.

AMBROSE says according to the "topo" site plan, and when he was out there, it looked like the property line and the fence are not coterminous. There is no fence on the boundary of the subject property. From a security point of view, he thinks a fence is needed back there, whether it is all the way across to the existing chain-link that is now on the property line or a new fence on the subject property side property line.

GRIFFIN states it looks like the chain-link fence is actually inset on the neighbor's property. He thinks that is what AMBROSE is indicating. There is a gap between the property line and the chain-link fence on the adjacent property.

GRIFFIN thinks what Commissioner HANSON-COX was talking about was a fence at the edge of the building between the building and that existing fence.

AMBROSE agrees. He thinks HANSON-COX was thinking it would be for security purposes. His concern is that there would only be a short length of a fence and people could still be passing through because they can't put it on the neighbor's property.

TURNER states it seems, since this is going to be a condominium project, that a wood fence all the way down would help with the privacy issue. To really secure it and make it like a condominium project, it should go the whole length.

LEE states it sits on a hill and their portion of the property is at the bottom of the hill. There is about a 2 ½ to 3 ft. rise. He thinks that is part of the reason the fence is set low.

TURNER says it looks like there is a grade but that a fence could probably be put there.

LEE responds affirmatively.

AMBROSE asks if fencing is normally required for PUDs.

GRIFFIN replies yes, with new construction. It is not required on conversions. It is a discretionary item for the Commission and the Council. If you believe that a fence along the westerly property line and along the back where the alley is, is appropriate, then the Planning Commission can recommend that as a requirement.

AMBROSE thinks the Commission has expressed a concern about the need for a fence there.

LEE asks if it would be okay with the Planning Commission if they installed a chain-link fence, with the approval of the neighbor to connect to the neighbor's fence?

AMBROSE replies that creates some other issues. What about the remaining 5 ft. of the neighbor's property between the common property line and the existing fence?

LEE states from his recollection of the site, it is only about 6 to 7 ft. from the building to that fence.

AMBROSE would like to include in the conditions of approval that fencing be along the common side property line, or to the satisfaction of the Director of Community Development. If there is an issue that can't be worked out, they can try to work it out with the Director. That will give them some flexibility.

In reply to AMBROSE, GRIFFIN recommends making that condition #6.f) say: "Show a 6-ft. fence along the westerly property line to be worked out with the Director of Community Development."

HANSON-COX asks if the Planning Commission is just going to make a condition to have fencing along the property line, and the applicant has a choice of fencing. Does the Commission want to require a wooden fence for more privacy, or does it matter, just for safety issues?

AMBROSE thinks it can be specified that the Planning Commission wants a wood fence but if there are some legal issues, or other issues, it can be worked out with Mr. Griffin (Director of Community Development). GRIFFIN can give him some flexibility, but GRIFFIN also knows the purpose of the fence that the Commission wants.

LEE understands the Planning Commission's concern for safety and privacy, and they will address that.

In reply to AMBROSE, GRIFFIN confirms there are two modifications to the conditions in the staff report. Condition 6.e) would be the details of the common landscaped area, and condition 6.f) is the 6-ft. fence along the westerly line to be worked out with staff.

No one else comes forward to speak on this item.

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

Motion on PUD 227

Motion by HANSON-COX, second by TURNER to RECOMMEND APPROVAL of Planned Unit Development 227 in accordance with the staff report, adding a condition 6.e) to show details of the common area on the plan; and adding a condition 6.f) for a six-foot solid fence along the westerly property line to be worked out with the Director of Community Development; carries 5-0.

Motion on TSM 540

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Tentative Subdivision Map 540 in accordance with the staff report; carries 5-0.

AMBROSE states a public hearing by the City Council has been scheduled for June 22, 2004.

PREDRAFTED RESOLUTIONS

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

Motion by TURNER, second by HANSON-COX to adopt Resolution Nos. 9955 through 9963 pro forma; carries 5-0.

ORAL COMMUNICATIONS

GRIFFIN advises that the next Planning Commission meeting is June 14, 2004, one week later than the normal sequence.

AMBROSE asks the status of any parking studies in the downtown area. TURNER states Downtown El Cajon is working on such a study. GRIFFIN is not aware of such a study. AMBROSE suggests inviting Claire Carpenter to a future Planning Commission meeting as a discussion item to provide more input on this issue. GRIFFIN states staff will communicate with Claire Carpenter.

CORRESPONDENCE

There was none.

ADJOURNMENT

The meeting of the El Cajon City Planning Commission adjourned at 8:55 PM this 17th day of May 2004.

Anthony AMBROSE, Chair

ATTEST:

James S. GRIFFIN, Secretary