

MINUTES

PLANNING COMMISSION MEETING AUGUST 16, 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: RAMIREZ, Principal Planner
GALLAGHER, Staff Attorney
KRULIKOWSKI, City Traffic Engineer
SHUTE, Senior Planner
ALVEY, Assistant Planner
O'BRIANT, Administrative Secretary

MINUTES OF July 26, 2004: Motion by TURNER, second by BLACK to approve the Minutes of July 26, 2004 pro forma; carries 4-0, HANSON-COX abstaining due to her absence on July 26.

ZONE RECLASSIFICATION 2252 – Weiland Development Company for Uden, Birrenkott, Jannone Family Trust
(public hearing) Continued to 11/15/04
P. C. Meeting 8/16/04

AND

PLANNED RESIDENTIAL DEVELOPMENT 61 – Weiland Development Company for Uden, Birrenkott, Jannone Family Trust
(public hearing) Continued to 11/15/04
P. C. Meeting 8/16/04

AND

TENTATIVE SUBDIVISION MAP 553 – Weiland Development Company for Uden, Birrenkott, Jannon Family Trust
(public hearing) Continued to 11/15/04
P. C. Meeting 8/16/04

The subject property is located on the north side of Villa Crest Drive between Country Crest and Pepper Hill Drives, and addressed as 1628 Villa Crest Drive; APN 400-330-30 & 507-081-08; existing LUC 1111, proposed LUC 1110A; General Plan Designation: Low Density Residential.

REQUEST ON ZR 2252: To prezone and rezone property from the County RS4 and City of El Cajon R-1-6 zones to the City PRD-Low (Planned Residential Development-Low) zone.

REQUEST FOR PRD 61: A 24-unit common-interest development in the proposed PRD-Low (Planned Residential Development-Low) zone.

REQUEST FOR TSM 553: A 25-lot subdivision including one common lot in the proposed PRD-Low (Planned Residential Development-Low) zone.

AMBROSE advises that these items will be continued to November 15, 2004, and invites anyone who cannot attend that continued meeting to come forward tonight. However, testimony would be more relevant the evening it is being heard.

The public hearings are now open on Zone Reclassification 2252, Planned Residential Development 61 & Tentative Subdivision Map 553.

RAMIREZ asks for a show of hands to see how many people came this evening to participate in these items. Approximately 60% of the audience raises their hands.

AMBROSE reiterates that these items are being continued to November 15, 2004, and will be renoticed. He encourages the audience to get as much information about the project as possible. They can come to City Hall and meet with the planners and see what is being proposed before coming to the continued public hearings.

SHUTE adds that staff did receive a petition from property owners, primarily on Souvenir, with 28 signatures in opposition.

No one comes forward to speak.

Motion by TURNER, second by BLACK to CONTINUE the public hearings on Zone Reclassification 2252, Planned Residential Development 61 & Tentative Subdivision Map 553 to the meeting of November 15, 2004; carries 5-0.

AMBROSE states these items will be renoticed at the expense of the applicant.

AMENDMENT OF CONDITIONAL USE PERMIT 732 – First Literacy School @ Foursquare Church

(discussion) Letter to applicant

P. C. Meeting 8/16/04

The subject property is located on the north side of East Bradley Avenue between North First Street and North Mollison Avenue, and addressed as 1012 E. Bradley Avenue; APN 388-201-63 & 388-203-10, -21 & -22; LUC 911A; General Plan Designation: Low Density Residential.

Six-month review of religious facility (church) in the R-1-6 (Residential One Family 6,000 sq. ft.) zone.

ALVEY states the Planning Commission first approved the Literacy First Charter School on August 11, 2003. The approval was for a charter school, grades 4-8, with a maximum enrollment of 350 students.

On October 6, 2004, a review of the conditions of approval for the existing religious facility took place. During the public hearing on the school, many adjacent residents expressed concerns regarding church operations. These included noise, fence maintenance, access to rear parking areas when the church is closed, as well as the maintenance of landscaping.

On January 5, 2004, the Literacy First Charter School began operations. Currently, the school population is approximately 270 students. Prior to school, student drop-off begins at 7:30 AM and classes begin at 8:05 AM. School ends at 3:35 PM and after-school activities continue for a portion of the students up until 4:45 PM.

In preparation for this discussion item, staff sent out letters to those individuals who spoke at the previous public hearings regarding both the school and the church. One e-mail response was received. The individual expressed concerns regarding landscaping along Summer Place Drive, and of noise.

In staff's opinion, both the church and the school have taken the appropriate measures to ensure compatibility with surrounding properties. Improvements to the landscaping and fencing have been made. It also appears that the school pick-up and drop-off pattern is working effectively and not causing problems.

Staff therefore recommends that the Planning Commission accept and file this report and not schedule any future reviews unless there are valid complaints.

HANSON-COX thinks it is wonderful that the church is actually working with all the

neighbors. That e-mail was really a compliment, with just a few things. She thinks it is a great job on the church's part.

No further comments are offered.

Motion by HANSON-COX, second by TURNER to accept and file the report and not schedule future reviews unless there are valid complaints. Motion carries 5-0.

AMENDMENT OF CONDITIONAL USE PERMIT 1080 – Volunteers of America

(discussion) Letter to applicant

P. C. Meeting 8/16/04

The subject property is located on the northwest corner of South Magnolia and West Lexington Avenues, and addressed as 290 S. Magnolia Avenue; APN 488-162-15; LUC 1200; General Plan Designation: Special Development Area #9 / Office Non-retail.

Request major / minor change determination to modify the number of approved beds in an existing board and care facility / homeless shelter in the O-P (Office Professional) zone.

RAMIREZ advises this applicant was last before the Planning Commission in late 2001 with a conditional use permit (CUP) amendment to increase the board and care facility capacity from 35 to 39 beds. Now that the project is finally moving forward, staff has noted 54 beds, total, on their plan check permit drawings. Staff checked the 2001 record to find a reference to the activities being conducted at this site, where staff referred to all activities as having a total of 39 beds. Apparently the applicant intended for the license maximum to apply to the board and care beds only, not the homeless families' care as well.

It is noted that the applicant has operated at this location since 1984 with no complaints. Staff does not anticipate that additional beds will create an additional parking demand since residents at this facility do not have motor vehicles there. Staff recommends the Planning Commission find this to be a minor change to Conditional Use Permit 1080.

AMBROSE thinks staff called this correct. Volunteers of America has been a good neighbor in the community.

TURNER agrees.

No further comments are offered.

Motion by TURNER, second by WOODS that the 54 beds be found to be a MINOR CHANGE to Conditional Use Permit 1080. Motion carries 5-0.

SPECIFIC PLAN 503 – Cingular Wireless for The Chaldean Church of USA

(*continued* public hearing) Resolution No. 9988

P. C. Meeting 8/16/04

AND

CONDITIONAL USE PERMIT 1987 – Cingular Wireless for The Chaldean Church of USA

(*continued* public hearing) Resolution No. 9989

P. C. Meeting 8/16/04

The subject property is located on the south side of East Washington Avenue between South Mollison and South Lincoln Avenues, and addressed as 799 E. Washington Avenue; APN 493-104-58; existing LUC 6911A / 6810A, proposed LUC 6911A / 6810A / 6810A / 4712B; General Plan Designation: Medium Density Residential.

REQUEST FOR SP 503: To exceed maximum building height for a proposed wireless communications facility in the R-3-R (Multiple Family Restricted) zone. *Continued from the meetings of June 28 and July 26, 2004.*

REQUEST FOR CUP 1987: A wireless telecommunications facility (faux pine) in the R-3-R (Multiple Family Restricted) zone. *Continued from the meetings of June 28 and July 26, 2004.*

ALVEY states Specific Plan 503 is to exceed the height limitation in the R-3-R zone. As the Commission may recall, there was a lot of discussion at the previous public hearing regarding the height of the proposed facility. Staff requested that the applicant provide justification for the increased height. The applicant provided staff with a separate exhibit that shows the coverage levels that the wireless facility at this location could provide at 35 ft., 45 ft. and 55 ft. That is the colored exhibit displayed behind him, which was included in the Commissioners' packets.

In staff's opinion, height exceeding 35 ft. at this location is not justified. As shown on the exhibit provided by the applicant, a 35-foot-high facility will increase coverage levels in the area, be functional and very closely mimic the coverage at 45 ft. Staff also believes that a reasonable alternative to the proposed taller structure would be additional facilities along East Washington Avenue. Rather than having just one tall facility, it is staff's opinion that multiple facilities, each of which blend into the surrounding environment, would be more desirable, especially in this corridor, which is primarily residential.

The second part of the request (Conditional Use Permit 1987) is the actual wireless facility, which is allowed by the conditional use permit. At the previous public hearing, mostly the use of a monopine was discussed at the site. The applicant was instructed to come back with an architectural feature. The architectural feature currently proposed, in staff's opinion, does not effectively integrate into the existing church facility. It creates somewhat of a "silo effect" and does not enhance the architecture of the existing structures on the site.

Staff is recommending that the Planning Commission recommend approval of a faux pine tree either at the rear of the property or at the front of the property, with the location to be determined by the Planning Commission as well as with input from the applicant. Staff recommends that the Planning Commission recommend approval of Specific Plan 503 and grant Conditional Use Permit 1987 subject to the conditions and reasons contained in each staff report.

The public hearings are still open on Specific Plan 503 and Conditional Use Permit 1987.

Daryl DAUGHERTY, 6160 Cornerstone Ct., Ste. 150, San Diego CA 92121, represents the applicant and thanks the Planning Commission for having them back this evening. They provided staff with the alternative architectural addition to the church. He doesn't know if it is posted. (ALVEY confirms that it is.) They worked with the church as well as their architect to come up with that solution.

The project architect is present tonight and can talk about why he feels it is the right design and how he has articulated it, what he thinks it does for the church and how it is enhancing it.

AI DI DONATO, 3939 First Avenue, San Diego CA 92103, is the project architect. When DAUGHERTY asked him to work with the design of the cross tower, they wanted to integrate it with the feel of the church. He looked at several elements: First, the massing of the church. The walls are slanted in slightly and are reflected by 90° angles, which have sort of a folded plate roof. The walls are stark white but along each of the walls there is a trellis-type of form. They located an area in one of the courtyards that would be typical of a church profile, where a bell tower would normally be found, or a clock tower or a spire set within a courtyard of the church. They moved back into the courtyard to remove it from the street and the base of the cross tower is basically a solid mass that effectively reflects the walls of the church. Then, up on legs, would be the enclosure for the antennas that also mimics the trellis-like forms that occur along the sides of the church. They then hold up a folded plate. This allows the mass of the church, the parts that are going above the 35 ft. limit, to be lighter and airier. It also alludes to a bird in flight and brings the eye upward as a church tower or church steeple is supposed to do.

From an architectural standpoint, he feels that this does integrate very well and had the

church come to him with nothing more than the request to do a church tower, and nothing to do with wireless, this is more than likely the location where he would have put it, and the design he would have come up with for them. He believes it works. The coloration and visual feel will be the same. He thinks the location in the courtyard will enhance the facility.

AMBROSE asks if DI DONATO didn't believe that attaching it to the building somehow would work architecturally.

DI DONATO replies not in this case. The church itself, because of the downward pitch on the roofs, is going up and pulling back down. Putting an element directly linked to them, some type of spire or an entry column, didn't seem to work visually. It seemed more of a courtyard element that was effectively set away from the church, freestanding from the church but attached to the outbuildings.

AMBROSE understands that the angles of the roof, in DI DONATO's opinion, would be a design conflict, with the tower attached to the main building.

DI DONATO says yes, he thinks it would be a "bit much".

Dr. Sami JIHAD, 1673 Avenida Cherylita, El Cajon CA 92020, refers to the Congress Act of 1996 that allowed wireless communications to install stations. The higher the towers, the better reception. We all know that cell phones have no harmful electricity. He remembers when he had .25¢ in his pocket and needed to make an urgent phone call and missed the call; it was a disaster. The church council was very excited with this tower because it fits in with the structure of the church. He suggests putting a small bell in that opening to really make it a part of the church. He is in full support of the architect and also is in full support of having the tower 45 ft. high. Perhaps in the future, other wireless communications (facilities) might be interested and bring an income to the church.

He doesn't know if any of the Commissioners have looked at the palm tree at the corner of Avocado and Chase, which is higher than 47 ft. Even though this zoning is surrounded by commercial, it is the same as the palm tree on Avocado and Chase.

HANSON-COX states on the proposed structure there is a cross. Would the other cross be removed so the eye just goes to that one cross or will both crosses be on the buildings?

JIHAD replies the main cross will remain.

DAUGHERTY returns and states, with respect to staff, they did provide the coverage plot, at the three heights. They feel that the compromise of 45 ft. is appropriate in this case. Their engineers would love the project to be higher. They have a lot of urban clutter: trees, buildings and tall structures that they are trying to penetrate deep into these residential

areas. It is his opinion that staff's desire to build more sites in the residential areas is probably not the best project or proposal. When they have a site that clearly can accept, handle and articulate architecturally a solution to get greater height, he thinks that would be the way to go. In this case, where there is a project that is doing that, he thinks it should be supported.

If a lot of neighbors were coming out in opposition, he probably would see an incompatibility; but here he thinks there is compatibility. He doesn't think the tree at 35 ft. will work. He knows for a fact that Cingular will never build that project. There is a 45-ft. pine tree next to that. He and the Chair talked about that being a "weed tree" in some respects. If the Planning Commission desires to approve a tree, they would still want that tree to be comparable in height to the architectural structure. His position tonight, for Cingular and the church, is for the architectural solution that we talked about bringing back to the Commission this evening.

No one else comes forward to speak on this item.

Motion by TURNER, second by WOODS to close the public hearings on Specific Plan 503 and Conditional use Permit 1987. Motion carries 5-0.

AMBROSE thinks a decision needs to be made on 1) the height; and 2) whether it is going to be an architectural solution or a faux pine solution. He personally favors the architectural solution. He would rather have the antenna closer to the street than on the backside closer to the residential area. Regarding the height, he doesn't have as much problem with what is being proposed at 50 ft. He thinks 60 ft. would be too high, as originally requested, but maybe 50 ft. isn't so bad for a church steeple.

HANSON-COX thinks it would look nice if something else was done with it. She liked Dr. Jihad's idea of putting a bell in the tower. That would add to it, and maybe have some flowers around the base. In her travels, she went to a lot of churches and looked at a lot of towns and how they were building things. There were a lot of things similar to this, whether it was a church or museum or whatever. Flowers around the base kind of added something to them. She really has no problem with this as long as a little more can be added to it.

BLACK wonders if the height of other church towers in the area is 50 ft. He doesn't know if anyone knows.

AMBROSE responds that staff knows. He believes one was approved on Third Street.

ALVEY advises that the majority of churches being located in residential properties are going to have a height limitation of 35 ft. The one project AMBROSE referred to on North Third Street had an existing steeple that exceeded 35 ft. A variance was granted for that

project, which allowed the steeple to be moved. The antennas at that site were located inside the steeple but they were still limited to a height of 35 ft.

BLACK asks if it weren't a communications tower, but a church steeple, would the Planning Commission limit it to 35 ft.?

AMBROSE states a specific plan would be needed to exceed the height limit.

TURNER asks the difference on the 35 ft., the 45 ft. and 50 ft. proposed coverage. What is the percentage of difference of reception? They all look pretty close, but between the 35 ft. and the 55 ft., she knows the 55 ft. looks like a more green area. Staff is saying to stick with 35 ft., but her understanding is that there is not a lot of difference between the 35 ft. and 45 ft. That wasn't addressed.

HANSON-COX agrees. It looks like it is only a few blocks in that one area and that is all the additional coverage it has.

TURNER agrees with the Chair and thinks the tower is better, but the height just seems out of proportion with the rest of the building. She drives that street a lot and thinks something needs to be added to make it look not so obvious. She thinks the height is too extreme for that building.

AMBROSE asks if TURNER has a recommendation.

TURNER thinks the height should be reduced; 45 ft. would be acceptable to her. The Planning Commission needs to think of future requests also, so what is done tonight is very important. She is in a quandary but thinks the tower looks out of place, and the height they are proposing looks extremely high compared to the rest of the building.

AMBROSE states according to the elevation plan, the height of the structure is 47 ft. What height does TURNER think it should be?

TURNER is comparing the map of the area and the coverage levels. There is not a lot of difference between 35 ft. and 45 ft., based on the two maps. Staff is recommending the 35 ft. height. She thinks the Commission should consider having the steeple brought down.

BLACK states if everybody has to have a 35 ft. limit it will be awfully hard for him to say "no" if 47 ft. or anything above 35 ft. is granted. He will have a hard time saying "no" to the next applicant if they want to go 50 ft. He wonders how much of this might be speculation to put other antennas there.

AMBROSE thinks the Planning Commission has to make the best planning decision it can this evening and go forward. The Commission can grant this tonight and if the applicant is

dissatisfied with that decision, they can appeal it. He doesn't have a lot of trouble with the higher steeple, but the issue is how to address subsequent steeples that want to be at 47 ft. high.

No further comments are offered.

Motion on SP 503

Motion by TURNER, second by BLACK to RECOMMEND APPROVAL of Specific Plan 503 for a 35-foot-high unmanned wireless facility, rather than the requested 50-foot-high facility, in accordance with the staff report. Motion carries 5-0.

WOODS asks if this gives them a choice between a pine and a tower.

AMBROSE replies this just establishes the height.

Motion on CUP 1987

TURNER and AMBROSE both think the tower would look better proportioned at 35 ft. Motion by TURNER, second by WOODS to GRANT Conditional Use Permit 1987 in accordance with the staff report.

Under discussion, AMBROSE asks staff if there are any conditions that should be modified since the conditions of approval refer to a faux pine.

RAMIREZ replies the Planning Commission can enumerate them for staff, or staff will take care of it when the draft resolution is prepared. For the record, staff understands that the Commission is granting approval for a tower, the architectural element, and not a faux pine. She is curious if, in theory, this cell service provider goes away and another one comes in and wants to accept the approval but would rather have a fake tree, does that mean the Commission would want them to formally apply for an amendment so it could see what they are proposing instead of the tower element?

TURNER asks if she should include both in the motion, or have staff work the applicant.

AMBROSE thinks he heard the Commission say it would prefer to have the tower out on the street rather than a pine tree. If they want to put in the faux pine in the residential, the Planning Commission wants to see that. AMBROSE says just substitute "steeple" for "faux pine" in the conditions.

TURNER says that the Commission is saying that it prefers the tower to the tree.

Votes are now cast. Motion carries 5-0.

AMBROSE states this is final action unless appealed to the City Council. The appeal period ends on August 30, 2004, in the City Clerk's office, by 5 PM.

AMBROSE abstains from the next three items (Zone Reclassification 2251, Planned Residential Development 60 and Tentative Subdivision Map 547) because his company has had a contract with the developer in the past.

HANSON-COX also abstains because she lives within the proximity of the project.

TURNER assumes the Chair.

ZONE RECLASSIFICATION 2251 – Priest Development Corp.

(delayed public hearing) Resolution No. 9990

P. C. Meeting 8/16/04

AND

PLANNED RESIDENTIAL DEVELOPMENT 60 – Priest Development Corp.

(delayed public hearing) Resolution No. 9991

P. C. Meeting 8/16/04

AND

TENTATIVE SUBDIVISION MAP 547 – Priest Development Corp.

(delayed public hearing) Resolution No. 9994

P. C. Meeting 8/16/04

The subject property is located on the east side of Ballantyne Street between Broadway and Cedar Street and addressed as 823 & 841 Ballantyne Street and an adjacent vacant lot; APN 483-240-82 and a portion of 483-240-84; existing LUC 1111E, proposed LUC 1110A; General Plan Designation: Low Density Residential.

REQUEST FOR ZR 2251: To rezone property from the R-1-6 (Residential One Family 6,000 sq. ft.) zone to the PRD-Low (Planned Residential Development-Low Density) zone. *Delayed from the meeting of July 12, 2004, due to a lack of a quorum.*

REQUEST FOR PRD 60: To rezone property from the R-1-6 (Residential One Family 6,000 sq. ft.) zone to the PRD-Low (Planned Residential Development-Low Density) zone. *Delayed from the meeting of July 12, 2004, due to a lack of a quorum.*

REQUEST FOR TSM 547: A 29-lot subdivision in the proposed PRD-Low (Planned Residential Development-Low Density) zone. *Delayed from the meeting of July 12, 2004, due to a lack of a quorum.*

SHUTE states since nothing about the proposal has changed, the staff reports and recommendations that were prepared for the July 12, 2004, agenda remain the same.

He advises that the request includes the rezoning of the subject property from the R-1-6 zone to the Planned Residential Development (PRD) zone. The proposal includes 26 two-story single-family detached units with two-car garages for each unit. The project includes a 24-foot-wide private road from Ballantyne. No proposed vehicle access from Cedar is part of this plan. The common area, or recreational area, proposed for this project is located on the east side and is a narrow 230-foot strip of landscaping. There is no proposed playground or other facilities--only plants. It is not clear if the access from Cedar will be fenced or gated to allow pedestrian access.

Fourteen of the 26 proposed units are proposed along the southerly property line, with 13 of them only 10 ft. away from the property line separating them from the existing single-family dwellings to the south. These 14 units are adjacent to 10 existing dwellings that front on Cedar Street. Staff believes that the proposed 14 two-story units will impose or have a crowding effect on the 10 existing dwelling units to the south. The southerly adjacent residences in the R-1-6 zone may also be two-story as what is proposed here by right, but they must observe a greater, 15-ft. rear yard setback.

SHUTE says that 12 units are proposed along the northerly property line of the project but they are predominately adjacent to commercial uses that front on Broadway. Eight of the 12 northerly units occupy the same amount of space and are in line with the 11 units on the south side of the project and, in staff's opinion, could be swapped with each other to result in only eight units to the north of the existing residences on the north side of Cedar Street. This may seem much, but it is three less in the same amount of area, which could reduce the effect of crowding or looming that two stories may have only 10 feet away from the rear property line.

Staff is also concerned with the placement of most of the proposed units. Twenty-four of the 26 units have a rear yard setback of the minimum district boundary for the PRD zone, which is 10 ft. This minimum rear yard setback prevents the addition of any future patio covers to these units. Staff has mentioned this and the concern regarding the "looming" or crowding effect to the applicant at a meeting that staff had with the applicant on June 7, 2004. The applicant did resubmit a new site plan but these concerns of staff were not addressed.

Staff has some additional concerns with the elevations of two units (units #1 and #26) that front or have their sides to Ballantyne. These units are approximately 30 feet from the right-of-way at Ballantyne and do not exhibit an upgraded side elevation facing Ballantyne, in staff's opinion. Staff believes that these two end units also continue the looming effect over onto Ballantyne. Coupled with the plain and unbroken side elevations, staff believes these

end units need some enhancement on the elevations that face Ballantyne and, in addition, believes that dense landscaping should be incorporated between Ballantyne and these units to help soften the effect and have an eye-pleasing transition between Ballantyne and this project.

Staff recommends approval of Zone Reclassification 2251, Planned Residential Development 60 and Tentative Subdivision Map 547. The Planning Commission may open all three public hearings at once, but separate motions must be taken.

TURNER asks the City Attorney to explain to the Commission the density of the PRD zone, if that should be approved. There is a comment in the third paragraph of page 3 of the 7/12/04 staff report for PRD 60.

ATTORNEY GALLAGHER explains that probably won't be relevant this evening since the project is also including a second part of this under item 4B (PRD 60), so the Commission will know the density this evening. She believes that was to avoid making decisions that were going to be years down the road before the Commission knew how many units there would be.

TURNER states staff mentioned and was concerned with the 10-ft. setbacks. Would staff give the Planning Commission more information?

SHUTE believes that staff's position is that although they do meet the 10-ft. district boundary under the PRD zone, being that close at two stories to an existing single-family development neighborhood, in staff's opinion, gives a looming or crowding effect on the existing homes. Two stories, although it is allowed by right in the R-1-6 zone, have a greater setback of 15 ft. Staff just wanted the Commission to know what their concerns were regarding the two stories.

TURNER says, for the new commissioners, if the zone were changed from PRD to R-1-6, the setbacks would be the 10 instead of the 15 feet on the two stories.

SHUTE replies that is correct. The PRD-Low zone's district boundary is 10 feet, although the Planning Commission can recommend a greater setback because of the height of the proposed units.

TURNER comments that staff is recommending a switch on the two stories.

SHUTE states that both sides of the project, on the north and south sides, are two stories. Staff is saying is that in the same amount of area on the north side there are less units than on the south side and staff believes if there were a "swap" that there would be three less units adjacent to the existing single-family homes on Cedar and may provide more of a

relief.

TURNER, for the new commissioners, asks if the zoning on the existing housing in the area is R-1-6, because this is kind of a different project.

SHUTE responds that is correct. That equates to a density of approximately 7.26 units per acre.

TURNER comments this applicant is asking for 10 units per acre.

SHUTE replies affirmatively.

TURNER drove by the site today and behind (the project) there is a fairly new project on Cherry Hill [sic; *Cherrywood Way*]. That project has 28 units. It was an old zoning of R-3. Did staff compare that to this project?

SHUTE believes it is a PUD that was developed under R-3 zoning, which has a density of up to 18 units per acre.

TURNER just wanted that comparison also. Regarding the common area, she doesn't see a lot going on in the "rec" area. Has the applicant addressed the "rec" area?

SHUTE states the applicant is proposing what is seen on the site plan. Those issues were brought up in a meeting on June 7, 2004. Staff understands they are only proposing a passive, landscaped "rec" area.

TURNER refers to the road where the gate is onto Cedar. Will that just be a walking area, not driving? It is a pretty big driveway.

SHUTE replies no vehicular access is being proposed as part of this project. He understands it will be secured and only accessible by the project homeowners. Staff has recommended that perhaps a pedestrian walkway could go through and be secured so that not just anybody could go through. Perhaps there could be a locked gate only usable by the project homeowners.

BLACK's only concern is that there is no recreational or quality of life enhancement. It is just houses, streets and garages.

TURNER states maybe the applicant can address that.

The public hearings are now open on Zone Reclassification 2251, Planned Residential Development 60 & Tentative Subdivision Map 547.

Todd KEEGAN, 124 W. Main Street, Ste. 240, El Cajon CA 92020, represents the applicant. He is here to answer questions and try to alleviate the Planning Commission's and the neighborhood's concerns. Initially, he would like to ask the Commission's consideration of two things. One is about PRD condition 6.b), the latter part of which talks about a pedestrian walkway out to Cedar Street. They, as the developer, don't believe that is in their best interest or that of the residents on Cedar. They would rather keep that closed. They don't see any reason for pedestrian access to Cedar Street. The second thing is that the staff report didn't say if the map would expire after one year or two; he asks that they have two years before it expires because it takes a while to get things going.

SHUTE responds that by State law, the tentative map is initially good for two years and subsequent three one-year extensions.

TURNER refers to density in the PRD zone for 10, and also the setback issue, and asks KEEGAN to address them.

KEEGAN states in a PRD zone, such as this, the outlying setback is always 10 ft. They have done projects like this all over town where it has always been 10 ft. As for the looming effect into the backyards of the residents on Cedar, they have faced this before as well and have either increased the landscaping or raised it so that there is not so much of a brick and mortar effect. There are a number of ways they can work with the neighbors and Commission to take care of this.

TURNER asks if they took into consideration the staff's recommendation to flip-flop the eight units.

KEEGAN replies yes, but they couldn't quite make it work. When looking at it, it is not really eight and 14; there are still 11 on the one side. So it is 11 and 14.

TURNER asks if more can be added to the "rec" area.

KEEGAN responds that they would like to have the "rec" area passive. They can put in some barbecues or picnic benches and tables, that type of thing. He thinks it is too small to be an active recreation area, and there is an added insurance cost for the HOA that takes over that development. They would like it to remain passive but they will put amenities in for picnics.

BLACK states the corner is fenced in by the "rec" lot. Is that a safety issue to have a dead-end?

KEEGAN answers that it is a perceived safety issue. When somebody moves into a development like this with the street coming in and the cul-de-sac at the end, one way in

and one way out, there is a greater perception of safety rather than having access from another street into the “rec” lot and then into the development. That is the way they believe their homeowners will see it. He can’t speak for the neighbors on Cedar but, frankly, he would anticipate that they wouldn’t have more pedestrian traffic coming out of this development onto their street either. It doesn’t make sense to leave it open because the stores and different amenities that the homeowners would be going to are not on Cedar; they are out on Ballantyne and Broadway. It has been closed for a number of years and they don’t see any reason to change that.

BLACK asks how they will close it in. Is there a proposed solid fence?

KEEGAN replies it is closed right now, but they will certainly work with the neighbors or the Planning Commission to close it in some other way. It appears the way it is closed now has been successful over the years; at least no one has had any comments about it being changed that he knows of.

TURNER asks if the driveway is part of the project. Is it part of something that this development purchased?

KEEGAN responds yes, it is part of what they purchased.

TURNER states then that could also extend the “rec” area.

KEEGAN asks if she means out to Cedar?

TURNER states or a part of that. That is a pretty deep lot where people have their yards. There are block walls over there too.

KEEGAN believes the “rec” area would extend out to the back of the lot on Cedar. Of course, they wouldn’t come right between the two homes on Cedar. Absolutely not.

TURNER refers to another project on the other side of the wall, Cherry Hill, and says they have a pretty nice landscaped area, a pool and those kinds of things. That would be something to consider also. She knows KEEGAN’S reasoning.

KEEGAN says that they just don’t generally do that for the reasons he already stated.

TURNER states Ballantyne is a very busy street going out to Broadway.

Kirby MOULTON, 448 Cedar St., El Cajon CA 92021, has a petition, which he turns over to the City Attorney at TURNER’s direction. There are enough copies for the Commission, and GALLAGHER distributes them.

MOULTON asks for an additional two minutes. TURNER agrees. The Commission takes a few minutes to read the handout.

MOULTON didn't write the comments, which he reads: "We, the homeowners that border the south side of the proposed residential development, request the following: 1) That houses numbered 16 thru 26 are swapped with numbers 1 thru 8". MOULTON says that KEEGAN said that doesn't add up, but the way they looked at it, it did. 2) "The existing brick wall that proposed the new properties be adjusted to actually 6 ft." MOULTON says his fence is actually less than 6 ft.; it is 5 ft. "The existing closed-off driveway off Cedar Street not to be used as a driveway nor pedestrian". MOULTON says that KEEGAN covered that.

TURNER asks if they are asking for them to come all the way out to the street.

MOULTON doesn't think that is cosmetically appealing to the neighborhood. Maybe it could be set back at the homeowners' fence. He won't talk about the traffic.

They bought their house a year ago in July and if he were to go look at this house today or when this is built, he would not buy it with two houses in his back yard 10 ft. away. They said it would raise the value of their home. He doesn't think it will.

TURNER asks if he feels the looming effect or the overcrowding.

MOULTON responds yes. Their back yards are not very deep on Cedar.

BLACK asks if MOULTON is concerned about the 6 ft. fence height being a wall of China or being too high.

MOULTON states theirs is not 6 ft. The applicant is saying they will maintain a 6 ft. fence and it is already less than that. Are they going to add on to it? MOULTON wasn't sure what KEEGAN meant by adding onto the setback, or changing the height or adding landscaping. How does that change the setback?

BLACK thinks KEEGAN was saying they would heavily landscape it.

MOULTON asks, 10 ft.?

TURNER suggests bringing KEEGAN back to clarify that. She thinks KEEGAN was saying they could add some landscaping on the backside to help with that piece so there wouldn't be a looming effect or overcrowding.

BLACK asks the size of MOULTON's back yard. Thirty feet? Twenty feet?

MOULTON would approximate 25 ft. from the back of his house to the fence.

David BOYLES, 502 Cedar St., El Cajon CA 92021, states TURNER mentioned a project called "Cherry Hill" that is on the east side of Cedar Street. The houses there, from 544 Cedar Street to 596 Cedar Street, have lots that are probably 30 ft. to 40 ft. deeper than the ones they have, which are 60 ft. by 100 ft. Those houses are two-story. The ones from 608 to 688 Cedar Street are single-story houses. They have 60 ft. by 100 ft. lots. So the crowding effect, which has been mentioned, is very real. He was saying that property values were going to be affected. BOYLES talked to a couple of appraiser friends and they said absolutely it would negatively affect their property values. Maybe the City of El Cajon could make up the difference when people propose to sell their property, or perhaps the church could.

This property was sold to the church a number of years ago in the mid-'80s on the condition that they were going to expand. The church did expand for a while and even used the property behind him for parking. Since that time, the church has had problems and has decreased in membership and attendance, and they claim that there are 82 parking spaces. He doesn't know if that is true or not. This report (staff report) claims that the walls are 6 ft. high and, as Mr. Moulton just pointed out, the walls are only 5 ft. high. At his place, a portion of it is 6 ft. and the other portion is 5 ft. Nonetheless, there are 83 spaces with one addition that this Priest development will add. That will not be enough spaces if the church grows to the size it was before. That church holds probably at least 300 to 350 people. There is also room for Sunday school, which would be approximately 100 people. This is 400 to 450 people. If on an average there are three people per car, they are not going to be able to adequately supply the parking for that church. Consequently, they will have to park on Cedar Street. He doesn't know if this particular transaction has taken place yet; he would assume it hasn't because he would assume that Priest Development would want to wait until this is completely resolved and passed by the Planning Commission. But there is a problem because people will be parking on their street from the church if the church grows to the same capacity it was before, and that is what churches are supposed to do.

The people on both the north and south sides of Cedar Street have potential parking problems that will also affect the people on the south side of the street.

BOYLES asks for and receives additional time.

If they don't go with the eight units as the planners have proposed, it will definitely affect their property values. BOYLES proposes that Priest Development compromise and only build on the north side by Broadway and leave the remainder for the church. As he mentioned before, the church has used that as parking in the past. That would give the

people on Cedar Street everything that they need and also provide Priest Development with space for a few more units. He noticed that Priest Development also is building across the street from the middle school in the old shopping center. So Priest Development is definitely not being cut short if they are cut short a few units here on Cedar Street.

TURNER asks if BOYLE has any idea how many people go to that church and how many spaces they need. The parking was addressed in the staff report a little bit.

BOYLES states for the present he is sure it is adequate. However, at one time that wasn't adequate and they were parking behind the neighbors' houses.

SHUTE advises the applicant's original proposal, did not include the church property and the resulting number of parking spaces. Staff needed to see that to be sure that there was enough parking for the size of the property that remained for the church. Parking for a church is based on the gross floor area of the church or on fixed seating, not the size of the congregation.

TURNER asks if that is based on the square footage of the building.

SHUTE replies either that or fixed seating, whichever requires more. There is a condition of approval that the church has to amend their CUP (conditional use permit) for the change in the amount of land for this property. This project can't go forward if the church doesn't have their required parking.

TURNER says that answers the parking question.

BOYLES states the appraised value of their houses is going to go down tremendously compared to other houses in the neighborhood. Granted, houses in San Diego County continue to rise; however, it is not fair that the people along this northern side of Cedar Street, this one strip of land, have devalued property values because some builder wants to build an excess amount of units.

SHUTE states, as the Commission knows, the Planning Commission can only talk about land use issues. This is not the forum for any talk of financing or perceived property values.

Kareen FOSSE, 522 Cedar Street, El Cajon CA 92021, states her house is right on that wall. Ballantyne Street is always backed up with traffic. There is no way they will not end up opening that back driveway. She gets sick to her stomach thinking about 25 to 50 cars coming and going every day.

TURNER asks staff if a traffic study was done.

SHUTE answers that as part of this proposal for 26 units, there was not a requirement or the need for a traffic study. In response to the speaker's statement about access on Cedar Street, two things are assured there. One, this is a required open / space passive landscaped area so the project is required to propose a certain number of square feet for a project. Two, the City can, and probably will as part of this project, require relinquishment of access rights to Cedar Street.

FOSSE's other concern is that she works for the City of El Cajon and every vacant lot in the city is being smashed full. They are squeezing in three and four bedroom homes with 10 feet in between them. She thinks that is just ridiculous. Little old ladies are not going to be living in three- and four-bedroom homes; there are going to be families. That is too many people in too little area.

TURNER understands that but, basically, based upon the zoning being considered, it is 10 units per acre in the PRD zone, so the project is within the guidelines of the City. The City is trying to get home ownership, so that is a strong point too.

FOSSE says the looming is terrifying.

TURNER understands. She thanks FOSSE for her comments.

Virginia SIMMONS, 597 Cedar St., El Cajon CA 92021, states their concerns are the possibility of that access way or alleyway onto Cedar being made a condition of the project that it can never be opened to vehicle traffic, even for emergency use. The parking issue is really bad already. This project says that everyone will have both cars in their garage and we all know that very few people keep their cars in their garage because garages are used for other purposes. There is so little parking there that it will obviously impact Cedar Street. The traffic on Cedar anyway is quite bad because people come from the apartments at the end and try to skip the signals on Broadway and come down Cherrywood and down Cedar. She submits some papers to Attorney Gallagher.

Louise MARTIN, 535 Cedar St., El Cajon CA 92021, asks if the little asphalt alleyway is going to remain asphalt. Will the gate at the end of the alleyway remain a wrought iron fence?

TURNER responds that it sounds like the applicant is going to take that down. She will have the applicant readdress that.

MARTIN would like to see the asphalt come out. If it doesn't, 4, 5 or 6 cars can park in there.

TURNER saw that herself.

MARTIN says it could become a trash heap, and that has happened in the past.

TURNER asks KEEGAN to return to the podium.

While he approaches, SHUTE addresses a couple of things mentioned by the speaker. One, in terms of the parking requirements, in a PRD (planned residential development) and a PUD (planned unit development), the parking standard is higher than a typical single family zone: a two-car garage is required and, in addition to that the CC&Rs have to contain language that says the garage has to remain available for parking at all times to hopefully prevent the accumulation of products that one usually sees in a single-family neighborhood. They are also required to have an additional parking space in the driveway to the garage and three additional parking throughout the project. This is above and beyond that which is normally required in a single family zone. The arm that extends to Cedar is proposed to be fully landscaped and sealed off all the way to Cedar, according to the plan.

KEEGAN comes to the podium.

TURNER tells KEEGAN that she was at the site today and there are two houses, a big roadway and the gate. Speakers tonight have said that people park there and that there is trash there. Is the plan for it to come all the way out?

KEEGAN replies if that is what the neighborhood wants, they will come all the way out. They were assuming that the neighbors would probably want them to stop at the rear property line. If the consensus of the neighborhood is for them to go out to the street, they will certainly do that. They will also relinquish the rights to Cedar Street so that it can never be opened up for traffic. They don't have a problem with that.

TURNER states that would extend the "rec" area.

KEEGAN responds affirmatively.

TURNER refers to the looming of the houses on Cedar and asks KEEGAN to explain the fencing or the landscaping they are proposing.

KEEGAN states they will have 6-foot-high fences around the perimeter of the property. They would be perfectly willing to plant larger, more mature trees in those back yards so that there wouldn't be the looking effect of the buildings because of the higher vegetation. Normally, in a development such as this, the back yards are not planted; the homeowners plant them. The HOA (homeowners association) takes care of the front yard. In this case, they would be willing to plant some large trees in the back to alleviate those concerns.

TURNER asks the about the 10-foot setbacks, which would prevent future homeowners from building a covered patio in the back yard. The patios might have to be put on the side. Will that be addressed? That seemed to be an issue and something that staff was concerned about.

KEEGAN replies that will be included in the CC&Rs.

WOODS asks what would make it impossible to have a greater setback of 15 ft. rather than 10 ft. Is it not possible to move the houses any closer to the street?

KEEGAN states they have a 24-foot-wide street, which is the minimum a private street can be in order for these homes to have any front yards. If the houses were moved, housing on one side of the road would be lost. Before doing anything like that, they look at the property and pencil it out as to what will fit and what won't. This would only fit as a PRD setback [10 feet].

WOODS asks what is the difficulty of switching the houses on the north side with the houses on the south side.

KEEGAN replies for two reasons. This was a decision of the architect, the engineer and the owner; aesthetically they didn't like the move. They didn't see where enhanced landscaping was all that necessary.

WOODS asks if it would be possible to make smaller second-floor windows so it doesn't look like they are peering down into the houses.

KEEGAN says absolutely. In any development they do, they are willing to work with the neighbors, the Commission and staff. That is not a problem.

WOODS asks if it is possible to raise the existing fence another foot at some points where it is 5 ft.

KEEGAN states their fence will be 6 ft. around the entire perimeter.

WOODS asks if they will be replacing the existing fence.

KEEGAN responds they will either be replacing or adding on. He doesn't recall what it looks like over there. They will probably be fencing. The old one will probably come out.

TURNER asks if they would be losing units by switching them.

KEEGAN understands they would. He is sure that is part of the issue.

SHUTE addresses the issue of the windows. The windows from the second story have to meet certain Uniform Building Code requirements, especially for exiting in case of an emergency, so there is no guarantee, whether the applicant works with the neighboring homeowners or not, that the windows could be any smaller.

Regarding landscaping along Cedar Street, the Planning Commission, at its discretion, can add in the conditions that the landscape plan indicate detailed enhanced landscaping on the "arm" that extends to Cedar Street. The Commission can also indicate the location of a solid fence or wall, or wrought iron, whichever the Commission determines to be appropriate. It would have to be consistent with the front setback on Cedar Street. That would be at least 20 ft. back so that would leave a 20-ft. swath from the property line on Cedar to a fence, and that area would still have to be landscaped and maintained by the homeowners association. A condition number 6.b) can be added that would include those notes in the landscape and irrigation plan.

TURNER understands he means for the "leg" to Cedar. SHUTE responds affirmatively.

RAMIREZ is aware of a project that this same developer did some time ago called Navello Terrace. There were issues with the surrounding neighborhood on that project as well with regard to windows on the second floor looking down on and encroaching into the privacy of yard activities of the existing single-family homes in the neighborhood. As she recalls, in that case, windows were required to be relocated. It is not possible to do that easily sometimes without knowing how the floor plan of the second floor plan is laid out. So, moving windows is an option. In one case where a window did not have to be operable, the requirement was to use obscured glass so that a person standing in the second floor didn't have easy access to view the neighboring properties.

On the landscaping, RAMIREZ thinks it is appropriate to modify the language in condition 6.b).

RAMIREZ reads into the record that the Planning Commission has been given copies of the comments from the Public Works Dept. They are dated July 9, 2004, and in each instance where a condition of approval refers to the Public Works Dept. comments with no date, the July 9 date will be filled in.

TURNER says it sounds like something can be done with the windows. The Planning Commission might want to require that the windows be relocated. She thinks that was done on another project.

KEEGAN states that Granite Hills Glen is another project where that was done.

TURNER understands that the "leg" to Cedar Street would be fully landscaped from the

private street to Cedar.

KEEGAN says yes. He knows someone is here that lives right next to that driveway. He wants to clarify how far the Planning Commission or neighbors want them to go on the gate. He doesn't know if the neighbors want the development's recreation area to be right next to their back yards or set back farther toward the development. They will do it either way.

SHUTE thinks it might be advantageous for the applicant to come up and point to the site plan in posing his statements again. Additionally, staff reiterates its previous statements concerning the swapping of eight units with 11. Staff still believes that the area would be the same for the eight units on the north with the 11 units on the south. Staff still supports that those units be swapped.

KEEGAN goes to the mounted plan and points to the area where he is confused about the location of the fence so that their "rec" area is not abutting the back of the homes, or the gate should be here (he points to a location) where their "rec" area would be right next to the neighbors' back yards.

TURNER thinks the neighbors are referring to the gate.

KEEGAN wants to make sure that the neighbors understand that the "rec" area for the development will be right next to their back yards.

TURNER asks that a representative from the neighborhood come forward and talk about that, somebody that lives on either side of that street.

Kareen FOSSE (previous speaker) comes forward. She is on the end lot. She doesn't want it up to the street. She wants to keep it back where it is.

TURNER states that another neighbor was saying that cars could still be parked there and attract trash. TURNER was over there today and could see where that could happen. Are there dogs over there?

FOSSE says yes.

TURNER says the other person's garage is kind of backed onto that. FOSSE's back yard is farther back.

FOSSE's lot is a little wider than most on that street, so she has a patio area that is shaded in the afternoon.

TURNER states for security reasons, the applicant is asking if the neighbors want a wall

brought all the way out to Cedar Street, or do they want it up to the garages? If it comes all the way out, the applicant is saying that would look odd.

FOSSE doesn't want it all the way out. She is curious as to the type of mature trees that will be put in that will not damage their block wall.

TURNER replies that the applicant can be asked about that. The fence is pretty far back where the gate is. It sounds like it needs to be moved up maybe halfway.

FOSSE asks what will be on the other side of it.

TURNER states it sounds like it will be grass and maybe benches, the kind of things people have in their back yards.

FOSSE understands it would be recreational, and says there could be a compromise of moving it halfway. Would there be no gates?

TURNER says no, but that would leave a gap. The applicant is trying to give up the access to Cedar Street so there is kind of a Catch 22. She asks for comments from staff.

RAMIREZ states staff thinks it has a solution. This takes into consideration (1) the idea of passive open space (which staff thinks is best described as "landscaping"); (2) the active open space, which is more traditionally called a "recreation area" where people go to do something; and (3) the issue of a setback from the property line along Cedar Street. Staff has just discussed amongst themselves the possibility of taking the first 20 ft. from Cedar and having that be low maintenance, low profile landscaping, and then a 6-foot-high solid wood fence. The next length of property would be enhanced landscaping open to view to the north to the recreation area but with no active activities there next to FOSSE's property. The next element would be a low (36" or 42" high) maybe wrought iron fence even with the back of FOSSE's property that would hopefully let the users of the recreation area see past it and enjoy the enhanced landscaping but keep kids and dogs out of there. The remainder (northerly segment) of the "rec" area would be the active use area with the picnic tables and chairs offered by Mr. Keegan, a barbecue perhaps, and landscape that is appropriate to be around those facilities.

TURNER suggests that the applicant work with staff on that piece of it.

BLACK has another question for KEEGAN. KEEGAN returns to the podium.

BLACK says there are some concerns about the height and type of trees to be used and about roots wrecking fences. The height worries him. Is there a minimum height?

TURNER asks staff to make suggestions on the types of trees and the height that should

be used.

RAMIREZ recalls that FOSSE has one or two trees that are huge at the property line. They are significant, mature trees and have very, very long branches that overhang the property line. Basically, this applicant has available to him the choice of any tree that is listed in the City's policy. The City focuses on using drought-tolerant material for all required landscaping and there are a number of species that could be appropriate here. If providing shade is desirable, then we would be looking for a tree with a wide canopy. Staff looks for a mix of deciduous and evergreen trees so there won't be a bunch of bare-looking sticks in the wintertime. Staff is looking for compliance with the City Council's policy without being so specific tonight that it isn't able to see all the solutions that might be possible.

KEEGAN advises that they retain licensed landscape architects for all their projects. These are professionals who won't be recommending planting anything where the roots will tend to disrupt the fencing or anything like that.

BLACK's question on the height was because he got a vibe from the residents that they would like to see some that would be immediate to soften the height problem. They don't want to plant 4-ft. trees and wait 10 years for them to get high enough.

KEEGAN responds that is not what they intend. The trees would absolutely be higher than 4 ft.

SHUTE, regarding the trees and the rear of these properties that would back up to those houses on the north side of Cedar Street, says that the Planning Commission can set a minimum requirement for the size of the trees and attach it to the landscape and irrigation plan requirement, anywhere from 15-gallon to 24-inch or 36-inch box trees, but the larger they are the more costly they become. Additionally, there is no guarantee that those trees will remain because the future property owners may not like them and might remove them.

No one else comes forward to speak on these items.

Motion by WOODS, second by BLACK to close the public hearings on Zone Reclassification 2251, Planned Unit Development 60 and Tentative Subdivision Map 547. Motion carries 3-0, HANSON-COX and AMBROSE abstaining.

Under discussion, TURNER asks if staff wants to add anything before the motions are made.

SHUTE states that some of the conditions probably need to be modified, including 6.b) that has statements to include an active "rec" lot. If those things are not going to be included, they will need to be removed (from the condition).

He believes that staff proposed that there should be a pedestrian walkway from Cedar through that “arm”, and that should be removed.

Additionally, SHUTE says that even though trees have been discussed as a mitigation measure between the units, staff has never used that before and a project has never proposed it before. It might prove to be difficult to enforce.

TURNER understands that. She asks if the commissioners have any comments about switching the units, the landscaping or the Cedar piece.

WOODS is still at a loss why that many homes would be lost by doing a switch.

SHUTE replies that staff doesn’t believe there is a loss in the number of units if there is a switch. The eight units on the north equal the same amount of linear footage as the 11 on the south. There would still be the 26 proposed units, with 29 total lots including three common lots.

TURNER says it sounds like a good plan for the neighborhood.

WOODS states it appears that we are stuck with the 10-ft. setback because the houses, both north and south, have a 10-ft. setback.

SHUTE responds that is correct. Staff believes if this project were to be approved, that would somewhat mitigate the effect of the 11 two-story homes that close to the property line.

TURNER understands that if the zoning were changed, we would just have to live with that 10-ft. setback in the PRD zone.

SHUTE states that is a district boundary requirement. That is the minimum district requirement. That doesn’t mean that the PRD itself, the proposed development, has to be approved at a 10-ft. setback.

TURNER says then the Planning Commission could make it a 15 ft. setback. She is trying to clarify whether this is feasible.

In reply to TURNER, RAMIREZ states the Commission has heard from the applicant what would happen if there was a greater setback requirement. He said they would only have houses on one side of the street.

TURNER says the number of houses would be considerably reduced.

RAMIREZ advises that the Commission still has the option of further exploring the swapping of units by continuing these hearings and directing the staff and/or the applicant to follow up on this idea. It is not easy to envision what is being described in either case and we are not here to make this any more of a workshop than it has already become.

TURNER asks if the Planning Commission would rather do that.

BLACK would like to postpone this, given that the Commission has heard from the people on Cedar Street and certain points have been made that should be covered. He doesn't think waiting a few more weeks will kill the project.

TURNER states the public hearing should be re-opened to hear from the applicant. He might want this to be denied so that it would go to City Council, if there is a time issue. She suggests bringing the applicant back. She asks staff if the zoning could be left at R-1-6.

RAMIREZ states that the development plan was reviewed to the standards of a different zone.

TURNER says then that couldn't be done. If there are questions about the setbacks and the switching of the houses, and the applicant doesn't want to wait for a continuance, he might want the Planning Commission to deny it.

RAMIREZ encourages the Chair to allow the applicant to come forward and address that very question before moving on.

Motion by BLACK, second by WOODS to re-open the public hearings. Motion carries 3-0, HANSON-COX and AMBROSE abstaining.

KEEGAN returns.

TURNER asks if they would prefer a continuance to work with staff on the switching of the houses and the setback issue. Or would he rather proceed with a denial?

KEEGAN states they generally wouldn't mind continuances to iron certain issues out, but they were scheduled for July 12 and now here it is August 16. This is two or three weeks more. When purchasing property, there is money involved. They would rather have a decision sooner than later. He would prefer a decision tonight.

TURNER understands KEEGAN would rather move on with a denial from the Planning Commission. There are some questions on the switching of the property and the setbacks. KEEGAN replies affirmatively.

Motion by BLACK, second by WOODS to close the public hearings. Motion carries 3-0, HANSON-COX and AMBROSE abstaining.

TURNER states if the Commission still doesn't feel comfortable with the project as is, it can vote to accept it in accordance with the staff report and try to make some of the changes, or it can be moved on with a denial.

RAMIREZ comments that moving it on with a denial doesn't mean the Planning Commission will never see it again. If new information appears at the City Council public hearing, the Council may direct that information to come back to the Planning Commission for re-consideration.

This discussion has been detailed enough for the Planning Commission minutes to reflect it properly for the City Council to understand what the Planning Commission's concerns have been all along tonight.

TURNER thinks it has been a great discussion.

WOODS asks if it is best to recommend the adoption of the proposed Negative Declaration but deny approval.

TURNER replies affirmatively, or another recommendation can be made with the changes the Planning Commission is proposing for the 15-ft. setbacks and the switching of the units, and then the applicant can appeal it. Those issues can be addressed that the applicant would probably oppose.

ATTORNEY GALLAGHER, for clarify of the record, advises that separate votes need to be taken on each item.

Motion by WOODS, second by BLACK to adopt the proposed Negative Declaration; carries 3-0, HANSON-COX and AMBROSE abstaining.

Motion by WOODS, second by BLACK to RECOMMEND APPROVAL of Zone Reclassification 2251 in accordance with the staff report; carries 3-0, HANSON-COX and AMBROSE abstaining.

Motion by WOODS, second by BLACK to reaffirm adoption of the proposed Negative Declaration; carries 3-0, HANSON-COX and AMBROSE abstaining

TURNER asks if this is where the recommendation would be changed on the approval of the planned residential development. She asks staff what number should be used for the switching of the units and the other added conditions.

SHUTE advises that a condition #3.q) can be added to indicate that the northerly eight units be swapped with the southerly 11.

TURNER asks where the condition for the map is. KEEGAN had asked about that.

SHUTE replies that statement is not in the subdivision staff report. It is a State law. Traditionally staff's proposals in terms of PUDs and PRDs have always had a two-year life in accordance with the Map Act.

RAMIREZ reminds the Commission to also look at condition #6.b) in the staff report, at the top of page 10, and remove the reference to the pedestrian walkway at the end of that condition. She is suggesting that the phrase "a pedestrian walkway" be removed. The Planning Commission may also want to add some discussion on enhanced landscaping in that area and reserve the active recreation uses to north of the back property line of the lots fronting on Cedar.

TURNER asks about the additional trees and fencing on the backside of Cedar.

RAMIREZ asks if she is referring to RAMIREZ' earlier description earlier. If the commissioners are agreeable, her previous description will be used and formulate a condition for the record. She doesn't believe the Commission wants her to formulate something on the spot tonight.

TURNER agrees. She asks about the setback issue.

RAMIREZ states that the staff report discusses a 10-ft. minimum district boundary. She thinks a condition 3.r) should be added to say something like, "Indicate a minimum rear yard setback of 15 ft. instead of 10 ft."

TURNER asks if the window issue needs to be addressed.

RAMIREZ states for all of these details, it is important that they be in the record in order for that to be communicated to the City Council and for the applicant's company to understand what approval was given this evening. The window location should be specific as well. There are a couple of choices. She would not suggest that the Commission ask for smaller windows that still allow someone to look out into the back yards. It might suggest relocation or using obscure glass if that could meet the building code.

In reply to TURNER, RAMIREZ suggests that a condition #3.f) could refer to relocated second-story windows.

TURNER asks if the landscaping would be under condition #3.t) based on what is written

up later.

RAMIREZ would add it to condition #6.b).

TURNER suggests saying after “enhanced”, to say “enhanced northern to be the active part and the Cedar part to be non-active with. . .”

Motion by WOODS, second by BLACK to RECOMMEND APPROVAL of Planned Residential Development 60 in accordance with the staff report, adding a condition #3.q) that the north and south units be switched; removing from condition #6.b) the words “pedestrian walkway” and modifying that condition to read, “In addition, benches, barbecue, and trees shall be provided in the northerly portion of the common recreation lot, with the balance of that lot to be improved with fencing and enhanced landscaping”; adding condition #3.r) “Indicate a rear yard setback of 15 ft. instead of 10 ft.”; adding a condition #3.s) “Relocation second-story windows from the south facing walls, or use obscure glass, if permitted by building codes. (This requirement applies ONLY to units located on the south side of the proposed private street.)” Motion carries 3-0, HANSON-COX and AMBROSE abstaining.

Motion by WOODS, second by BLACK to affirm adoption of the proposed Negative Declaration. Motion carries 3-0, HANSON-COX and AMBROSE abstaining. Motion by WOODS, second by BLACK to RECOMMEND APPROVAL of Tentative Subdivision Map 547 in accordance with the staff report. Motion carries 3-0, HANSON-COX and AMBROSE abstaining.

RAMIREZ advises these items were not joint noticed this time because of the continuance. It will be approximately three to four weeks from today, on a Tuesday. A definite date can be gotten by a phone call to the City Clerk’s office at (619) 441-1764.

RECESS: 9:00 PM - 9:10 PM

PLANNED UNIT DEVELOPMENT 236 – Decker Street, L.P.

(public hearing) Continued to 10/4/04

P. C. Meeting 8/16/04

AND

TENTATIVE SUBDIVISION MAP 550 - Decker Street, L.P.

(public hearing) Continued to 10/4/04

P. C. Meeting 8/16/04

The subject property is located on the southwest corner of Decker and Ballard Streets, and addressed as 1165 Decker Street; APN 489-380-30; existing LUC 1141A, proposed LUC 1141B; General Plan Designation: Medium Density Residential.

REQUEST FOR PUD 236: To convert an existing 16-unit apartment complex to a common interest development in the R-3 (Multiple Family) zone.

REQUEST FOR TSM 550: A one-lot subdivision map in the R-3 (Multiple Family) zone.

RAMIREZ states as an introduction, staff notes that direction was recently received from the City Council to develop a pilot program for the steps involved and the time allotted to each department for apartment conversion project processing. This application and the two projects which follow on the agenda are three projects for which staff has begun tracking the processing time. A basic checklist has been developed and will be modified as the projects progress through the system. That check list has been attached to the staff report.

This particular request is to convert an existing 16-unit apartment complex to a common interest development. The companion item, Tentative Subdivision Map 550, is a request for a one-lot subdivision and is also on this evening's agenda. Both items were advertised for a City Council public hearing on September 14, 2004. If approved, the applicant will convert the existing 20-year-old complex into air space units. No individual lots are proposed for each of these 16 apartment units.

As with other conversion requests, staff believes that approval of this project supports the General Plan objective of increasing opportunities for home ownership in El Cajon.

To date, the applicant has met City and State requirements for notice to tenants regarding the proposal to convert the apartments to condominiums. The City sent each tenant a notice of this public hearing and a copy of the staff report. In the future, tenants will be given an exclusive right to purchase their respective unit at equal or better terms than offered to the general public.

With regard to the development standards, RAMIREZ states the applicant's plan shows 26 on-site parking currently exist. This equates to about 1.6 spaces per unit and complies with the conversion ordinance for parking.

The majority of common recreation and open space is comprised of a collection of small passive landscaped areas. A barbecue area is also provided and shown on the applicant's site plan. The applicant proposes landscaping and hardscape upgrades for the existing development. RAMIREZ advises that the Planning Commission should determine the adequacy of the facilities.

Robert Presta, a licensed architect, prepared the Physical Elements Report for this

development. The report is unusual in that it makes note of only five minor items that are in need of repair in this 20-year-old project. Staff has looked beyond the contents of that report and looked at the age of the major building components and systems. Staff is therefore recommending that the applicant re-roof the existing buildings and replace all windows and doors with energy-efficient units. The standard requirement to install one-hour fire-rated separation walls is also included in the conditions of approval.

The three conversion projects, which are now being tracked, are also the first projects to respond to the City Council's direction for what they have called "enhanced exterior elevations of the existing development". There are presently no standards that an applicant can use as a guide to develop those enhancements. Staff is expecting that the City Council's feedback will be needed in order to better direct applicants with projects that are pending approval or being prepared for submittal.

RAMIREZ states that the applicant for this project is proposing no architectural changes to the building exteriors, only a fresh coat of paint. Staff believes that some type of window treatments or architectural features, such as shutters or stucco borders, should be added as enhancements to the existing building.

In summary, because the existing apartment development on the subject property has been compatible with the surrounding neighborhood for at least 20 years, the units should remain compatible after being converted into common-interest units.

Other City departments have submitted comments on the conversion proposal. Those comments are incorporated as conditions. No public input was received in response to the City's public hearing notice.

Staff suggests that the Planning Commission recommend approval of Planned Unit Development 236 and its companion map, Tentative Subdivision Map 550, subject to conditions and for the reasons stated in the staff report.

AMBROSE had some issues right away with this particular application. In looking at the Physical Elements Report, it says a licensed architect signed it and the ordinance says "structural, civil or contractor". He didn't see a stamp on it by a licensed individual so he has no way of knowing whether this person is really a licensed architect. He thinks it is a moot point because the ordinance says "structural, civil or contractor".

RAMIREZ states AMBROSE's point is well taken. She believes in this case, this licensed architect also holds a State of California Contractor's License.

AMBROSE thinks that these come forward that they should be stamped. The license number should be on them, and the date it expires, because there is no way of knowing if a

licensed person that is preparing them.

There was a comment in the physical elements report that the preparer didn't know if the studs in the walls were 24 inches or 16 inches on center. If anybody had done a look at this building and done any kind of inspection, he thinks they would have known where the studs are. That just flabbergasted him. That was his first notice that he had some issues with this particular project. And there was no attempt to design the exteriors, as staff said.

He thinks a good example is the northeast corner of Lexington and Ballantyne [*sic*; Avocado]. They have created some interest such as two-tone paint. He thinks that has gone a long ways to fixing up some boxes. That project could be pointed to as at least a way to start.

His other issues will come to light as the hearing continues.

TURNER agrees with some of the same things that AMBROSE was saying, such as where it says interior walls, doors and finishes deficiencies "none". There is just not a lot in the report.

The public hearing is now open.

Joseph CULLUM, 190 Decker Court, El Cajon CA 92019, says that RAMIREZ said that the public was notified of this hearing. They have lived in this development for over a year and this is the first they have heard of anything happening to this apartment complex. The first notification was July 29. They are listed as a condominium complex and they are actually a homeowners association in actual houses. Staff said that this notification went out but no one in the association has seen any notification prior to this, and it was only delivered to one person.

RAMIREZ asks to look at CULLUM's notice, which he hands to her.

RAMIREZ states that the notice that was handed to staff from the speaker is a proper public hearing notice sent by the Planning Division for the project proposed by Decker Street LP. The address label shows the speaker's name and the address that he gave for the record. This, to her, looks like Mr. Cullum was included as one of the many property owners who own property within 300 ft. of the subject property. That is the City's policy for notification, and complies with one of several choices of policies in the State law. She is not sure how it is that the speaker thinks the notice process was deficient to the Planning Commission as well.

AMBROSE states the notice for the hearing only goes out once. There wouldn't have been any prior notice that there was some activity going on here. The fact that CULLUM did get a

notice is positive. If his neighbors didn't get a notice, all he can do is apologize on behalf of the City staff. AMBROSE understands that records are not always up-to-date.

AMBROSE asks if CULLUM has an issue with the apartments being converted to condominiums.

CULLUM thinks it would be great. But the thing in here has got a Police report saying about the fences being done up. Now the back half of the parking which would be the lower portion of the map, is that wall going to be taken down? If it is they have their security lighting on that wall. If it is to be taken down, who is going to replace it?

AMBROSE asks if CULLUM's comment is regarding the Police Department worksheet.

CULLUM replies yes. It said that solid fences should not be up due to security reasons.

RAMIREZ advises that the Police Dept. comments are routinely attached for the applicant's information. She thinks 95% of the time none of those suggestions are incorporated as conditions of approval.

AMBROSE states in this case they have not been incorporated in the conditions. That is just a recommendation, not a condition. No, it will not be torn down.

RAMIREZ believes that is correct.

AMBROSE asks if the applicant is in the audience.

Christina WATSON, 9252 Chesapeake Drive, San Diego CA 92123, represents United Development Group. In reply to AMBROSE, she responds that she has read the staff report and conditions.

AMBROSE, regarding the physical elements report, asks if the person who signed is a licensed structural or civil engineer or contractor.

WATSON was under the impression that they were. This is the first that she has seen this question.

AMBROSE still has an issue with this. It doesn't meet ordinance requirements. It needs to be stamped by a licensed professional and it is not stamped.

WATSON doesn't have the report in front of her and is not really prepared for this.

AMBROSE asks if their company has any intention of doing any design treatments to the exteriors. Is there a paint palette to show what they are going to do? Can WATSON tell the

Commission what the applicant's plans are to upgrade the exteriors of these units?

WATSON says they do hire a professional design consultant. They have a property at 1000 Estes Street that is up for sale right now as condos. They do numerous improvements to the outside: full landscaping. Their properties are actually very pretty on the outside when they are done. She doesn't have anything with her tonight to show the Commission that. If they have seen the 1000 Estes property, it is a nice looking property. They have a full report that they get from their design consultant. She can submit that to the Planning Commission.

TURNER refers back to the physically elements report and the things it says don't need to be replaced. Some of the items seem unbelievable, such as appliances and things like that.

WATSON has also submitted with the report a list of improvements that they do on their projects. It includes everything from new fixtures, plumbing, granite counter tops in the kitchen, all new appliances, flooring. They do everything. Regardless of the physically elements report,

TURNER says the Planning Commission normally goes by the physically elements report, and then ask what the owner is going to do, based on that report. But this report says nothing on a lot of the items that WATSON is saying they are going to do. There is a huge gap between the two reports.

AMBROSE felt that the report was pretty cavalier in its attitude about the property. It doesn't meet the standards of the usual reports that come before the Planning Commission. This one is particularly awful.

TURNER asks if the Commission can ask for a replacement report.

AMBROSE replies affirmatively. The question is whether the Commission wants to continue this to get a replacement report or does it want to go ahead this evening and push it along and require that the report be prepared and resubmitted to staff.

WATSON states they would be more than happy to prepare a report from a licensed contractor if the Planning Commission needs it.

TURNER thinks WATSON can see what the Commission is saying. Based on the report received, it is not acceptable. She would say that at least a (new) one, that is stamped, needs to be submitted to staff before it is moved on.

AMBROSE really would have liked to see some effort for exterior upgrades and landscaping upgrades. He would like to have seen what it is that WATSON's company is

proposing to do with this. He knows they have intentions of doing that and WATSON has stated that, but he doesn't have anything substantive that convinces him that will happen. He thinks the City Council's direction to the Planning Commission has been quite clear that they want the Commission to move in the direction of looking for exterior design improvements for condo conversions.

TURNER asks if it would be better to continue this and have them bring back some additional information.

WATSON states she can provide a rendering if the Commission needs it.

TURNER asks how long WATSON would need to get those types of items.

WATSON says maybe a week. She doesn't know how long a physical elements report would take from another licensed contractor but the rendering can be done in a couple of days.

TURNER thinks they would probably need about 30 days for a new report.

RAMIREZ, with regard to landscape upgrades, the applicant did submit a plan. This is not something she is prepared to discuss in detail with the Commission this evening, but this is an indication that the applicant has provided more detail than just saying that the landscaping would be upgraded. On the question of a new physical elements report, if the Commission would note that the cover has another company's name on it, AES Due Diligence, Inc. Is the Planning Commission willing to accept a qualified individual who works for that company to add an addendum to this report and send that with the original report to the City Council?

AMBROSE states it would be all right with him if that is somebody there who is licensed there who can stamp and sign it.

RAMIREZ asks if it would be sufficient if that person acknowledges the contents of this report and signs with their credentials and registration.

AMBROSE would agree to that if they are willing to accept responsibility of it and provide an addendum that addresses some of the other issues that the Commission and staff, as well as is not totally happy with regarding all those items under \$2000 that weren't addressed because they didn't think it was necessary.

RAMIREZ states the problem is the time element. The Planning Commission may make a recommendation that this item go on with its approval to the City Council, but it may be impossible for an addendum to be prepared in a timely fashion and keep that advertised

City Council date, at which the City Council could continue it.

AMBROSE realizes that but he thinks at some point the Planning Commission has to ask for some form of excellence. He doesn't think that is asking for very much. It is just asking for a commitment from the developer of what they are going to do.

RAMIREZ asks if it is possible to get some more detail on the ideas from the Planning Commission on the enhanced exterior elevations, if the color palette idea isn't enough.

AMBROSE thinks the example he gave was a step in the right direction. That particular project he mentioned has some window trim and some reveals, paint and new windows. They did quite a bit of work on it. Every project is a little different but he thinks that could be looked at as a standard and a place to start.

RAMIREZ states it sound like it would be the Commission's choice to let the record reflect its concerns and have the City Council decide if they want to approve the project as presented by the applicant. As sure as just a fresh coat of paint and not doing anything else, she is sure the City Council is aware of that same example; staff uses it all the time. It is a very good one.

AMBROSE can't just recommend a fresh coat of paint. That isn't going to cut it.

TURNER says that it seems that for the Planning Commission to pass this on, it needs to see something and this report changed at some level. We are trying to make the standard a little higher on conversions, and here there is hardly anything to look at or go by. For her to blindly do it just to push it forward is not the right thing to do.

AMBROSE thinks there are too many issues for the Planning Commission to just let it go. If there were only one or two issues, the staff and the Council could work it out, but he thinks the Planning Commission's job is to make a recommendation to the City Council and what he is hearing from the Commission is that it is not ready to make a recommendation yet.

TURNER would rather continue it.

HANSON-COX sees a lot of things that she cannot believe weren't in the cost. She doesn't think this report is sufficient at all. It doesn't list anything; everything was satisfactory.

AMBROSE asks if everyone has been out to see the site. There are some things there that obviously should have been included. The Commission is just disappointed.

HANSON-COX comments that she would also like to see all the HVAC units are replaced. That wasn't recommended either. Apparently there are seven units that Ms. Johnson

believed had them replaced but she didn't know when they were replaced, and that is only seven out of the 16. She would like to see that included as a condition.

TURNER thinks the whole report needs to be reworked. They didn't talk about windows—there were a lot of things there, appliances. She thinks somebody else needs to do this report.

AMBROSE states the Planning Commission has had some good reports and this isn't one of them.

No one else comes forward to speak, and no further comments are offered.

TURNER asks staff for a date these items could be continued to. She is sure they would need at least 30 days to get a new report.

RAMIREZ refers to the calendar and states October 4 is the soonest available opportunity. October 18 would be the next one after that.

TURNER thinks the Commission should check with the applicant.

AMBROSE calls WATSON back to the podium and asks if October 4 will give them enough time.

WATSON states of course they would like to get it done sooner. If they had been notified that this physical elements report was not satisfactory—this has been on the Planning Commission agenda for weeks—it would have been better. They submitted this physically elements report weeks ago. For it to come this far and be recommended for approval and then denied is

AMBROSE says the Planning Commission is not denying it.

WATSON says right, postponing it.

AMBROSE states this is the first time he has seen the report and the complete package in front of him and had a chance to review it. Sorry, but it is just one of those things. The report is just inadequate to go forward this evening.

WATSON agrees to a continuance to October 4, 2004.

Motion by TURNER, second by HANSON-COX to CONTINUE the public hearing on Planned Unit Development 236 and Tentative Subdivision Map 550 to the meeting of October 4, 2004. Motion carries 5-0.

AMBROSE states there will be no new noticing of these continued public hearings.

PLANNED UNIT DEVELOPMENT 237 – CondoConversions.com for Maple Park Property, a General Partnership

(public hearing) Resolution No. 10005
P. C. Meeting 8/16/04

AND

TENTATIVE SUBDIVISION MAP 551 – CondoConversoins.com for Maple Park Property, a General Partnership

(public hearing) Resolution No. 10006
P. C. Meeting 8/16/04

The subject property is located on the west side of North First Street between East Madison Avenue and East Main Street, and addressed as 390 N. First Street; APN 489-130-58; existing LUC 1142A, proposed LUC 1142B; General Plan Designation: Medium Density Residential.

REQUEST FOR PUD 237: To convert an existing 24-unit apartment complex to a common-interest development in the R-3 (Multiple Family) zone.

REQUEST FOR TSM 551: A one-lot subdivision map in the R-3 (Multiple Family) zone.

RAMIREZ notes that a standard condition was inadvertently omitted. If the Commission could look at page 13 of the PUD staff report, the listing at the top of the page begins with lower case g. (1) through (12), then there is an (h) and an (i). She would like to add (j) "Submit an inspection report addressing the presence or absence of lead-based paint in the units." She will be glad to repeat if the Commission gets to a point where there will be a motion to recommend approval.

This is the second conversion that will be tracked as it moves forward through the many steps needed to actually produce "for sale" units on the subject property. This request to convert an existing 24-unit apartment complex was submitted by CondoConversions.com as agent for the property owner. The companion map is a request for a one-lot subdivision of the property and scheduled as a companion item on this agenda. Both items were noticed for the City Council's September 14, 2004 meeting.

By helping to achieve the General Plan objective for increased homeownership opportunities, staff is of the opinion that the proposed conversion is consistent with the General Plan designation for the subject property of Medium Density Residential. Staff has confirmed that proper notice was given to tenants before this project was submitted to the

City.

Regarding development standards, there are 41 parking spaces provided on the subject property, which equates to about 1.7 spaces per unit.

During a visit to the site, staff observed that a security gate has been installed in the driveway near the front of the property. The gate is electrically operated, presumably with a remote device. The existing gate location, in staff's opinion, has the potential to cause a problem by remaining in the closed position as staff found it when visiting the site for an inspection. As it works, when a visitor turns into the front driveway and finds no place to park and cannot activate the gate to open it, there is barely enough room to turn around and exit the site. There is no alternative parking available for visitors either on the street or in some other way. If the proposed conversion is approved, staff suggests that the applicant consider securing the property by some other means or by designating the spaces outside of the gate for visitor use and turnaround only.

Staff has another recommendation about the parking as it currently exists. The site plan shows four parallel spaces near the southerly property line, which don't meet the Zoning Ordinance standards but may remain if the resulting narrower driveway on site is not opposed by the Fire Marshal.

RAMIREZ states as the Commission is well aware, there are several acceptable forms of common recreation or open space areas that may be provided in conjunction with a conversion proposal in order to meet that requirement. Because the Commission has recently expressed concern about the adequacy of common rec areas in conversion proposals, staff has paid particular attention to the quality, nature and location of the existing facilities on this site. In staff's opinion, it is the smaller conversion projects, such as this one, that seem to be most lacking in recreation facilities, usable private yard space and attractively landscaped open space.

This project provides passive open areas and an active area including a swimming pool, a barbecue under a patio cover, a concrete patio area, and turf. The recreation area is located at the rear of the development a reasonable distance from the closest units and private enough to be an appropriate for small children to play without having to use the parking lot as a playground. Staff noted that the recreation area is well maintained and that the pool was being used while staff was on site.

Other typical features of apartment development that might be looked at as recreation areas might include private yard space and balconies. This project has both of those features. Staff would not, however, suggest in this case that that would be appropriate since the balconies and private yards are very small and quite commonly used to store personal items that don't belong indoors. Staff suggests that it would be appropriate for the

Planning Commission to find that the existing common recreation and open space areas for this project are adequate.

The physical elements report for the development on the subject property was prepared by Anthony Taylor Consultants and is signed by a registered civil engineer, Joseph L. Welsh. The report indicates that certain physical, mechanical, and miscellaneous repairs will be needed for this project. Staff believes that certain items discussed in the report need clarification or correction.

First, the Commission will recall its recent direction to staff for at least two-thirds of the unit interiors to be inspected. Although this application was submitted prior to that new requirement, the applicant has indicated that all unit interiors were inspected in this case.

Second, the physical elements report notes that the composition shingle roof appears to be about six to seven years old. The development itself is about 17 years and typically comp shingles last about 20 years. Staff was not able to find records for permits in the building division to indicate that the project had ever been re-roofed and is wondering if a re-roof took place without permits or if it is the original material. In either case, staff has added a condition of approval to require that the roofing be replaced.

Lastly, a standard Building Division requirement for a condo conversion project, such as this, is the installation of one-hour fire-rated separations between all units, or verification that the fire-rated separations already exist. Staff believes that the report preparer has not performed the necessary work during the site inspection to confirm the presence or absence of one-hour fire-rated separations required by the current code. A condition of approval addresses that issue appropriately.

RAMIREZ says that the applicant's list of improvements include painting the buildings, replacing unit entry doors, repairing balcony stucco and fencing, upgrading landscaping, replacing kitchen appliances, cabinets, countertops, sinks, bathroom fixtures, floor and smoke detectors, and water heaters.

The PUD Conversion Ordinance requires all existing or proposed landscaping areas to be provided with a combination of groundcover, shrubs, trees, and a permanent underground irrigation system. The existing landscape areas on the subject property are in good condition, in staff's opinion, with the exception of two small turf areas which appear to be in need of replacement.

Also, with regard to landscaping, the physical elements report recommends that a tree located adjacent to the west side of the trash enclosure, which has caused damage to a curb, be removed and replaced. In another area, during the site visit, staff noted the remains of a tree, a large stump, in the southwesterly corner of the property. At one time it appears that the tree grew across the property line and may have been cut

down because it caused some damage to the adjacent property and to the fence. Staff recommends that the remaining portion of the tree be removed and the adjacent fence be repaired.

With the recommended removal of mature trees, staff recommends that they be replaced at a ratio of 2:1 and with the replacement trees being draught tolerant and a 24" box size.

Recently the City Council directed staff to require enhanced exterior elevations in conjunction with conversion requests. This application, as well as the other two on this agenda, represents the first ones to come forward with enhanced exterior elevations to show the applicant's level of commitment to improving the aesthetic appearance of the existing development. The enhanced elevations for this project are posted on the board behind RAMIREZ. They show a new color scheme to be applied to the building as it currently exists. Again, there is an example of no architectural design or building material alterations being proposed by the applicant. In this case, however, staff would distinguish this project from the previous one by virtue of the fact that it has different building materials, colors and texture elements that provide a variation to the building walls on both the first and the second floor.

The proposed color scheme uses earth tones in three shades of brown for roof, stucco walls, and wood trim. Staff requests that the Planning Commission determine whether or not the use of a new color scheme in this case is an adequate enhancement for this conversion project.

Staff received one protest letter from a current tenant. The letter was directed to the management company and was submitted to the staff by the applicant for this proposal. The tenant suggests that the existing development is not the best candidate for conversion because it is lacking in some desirable features, in his opinion. He notes that it is difficult for a displaced tenant to find a nice place to live that is affordable.

RAMIREZ states that staff's recommendation is to recommendation approval of both Planned Unit Development 237 and Tentative Subdivision Map 551 for this 24-unit conversion. She would be happy to entertain any questions the Commission may have.

AMBROSE says that at least the applicant submitted some elevations to show a willingness to improve the exteriors. That was a good step.

TURNER states the Physical Elements Report was stamped by a preparer with proper credentials. That is a good example to show somebody. AMBROSE agrees. This one was stamped on the front page.

The public hearings are now open on Planned Unit Development 237 and Tentative

Subdivision Map 551.

Chris CHRISTENSEN, P. O. Box 1243, La Mesa CA 91944, represents CondoConversions.com as an agent for the owners. He is here to respond to any questions. Acknowledging the late hour, he will try to be brief. There are also some residents here whose comments are very important to add for the public record.

In response to the very thorough report done by staff, he wants to point out a couple of things. They have been through several conversions in El Cajon. They have tried to comply with both the directives of the Planning Commission as well as the intent of the plans behind the actual language of the wording that is required. They did provide enhanced elevations. They are looking for some direction from the Planning Commission and the City Council with respect to the enhanced elevations. They came up with some interesting challenges, which he will discuss later.

He wants to clarify one thing that RAMIREZ mentioned in her report. This project was also unique in the sense that it was one of the pilot projects that they used to do what they call a "building pre-inspection" for the purpose of condominium conversions. On April 6 of this year, they contracted with the City's building department, specifically Mr. Dan Pavao, senior building inspector, to visit the property with their engineering representatives for the purpose of determining the existence of the one-hour rated firewalls. They actually did a destructive test in the laundry by taking a section of the drywall out that was representative of the complex. It was determined that they did not have in that particular case proper fire wall separation. As a result of that destructive test, they also had their structural engineer and civil engineering firm, who also happens to be their architect on this project, provide them with cost estimates and quotations based on what it would take to bring the project up to code. They took the unique step of approaching that challenge and being proactive as opposed to reactive. They are not waiting until the end of the process, after people have moved in, to find that they don't have firewalls. They think that is a very proactive and a very successful way of looking at these projects and going forward in all cases where the owners are interested in doing that. That is what they strongly suggest that they do for the purpose of providing that information to the Council (Planning Commission) and the staff of doing the actual construction.

With respect to the enhanced elevations, certainly the staff and the Commission are going to make some recommendations. They look at those as their top priority recommendations and, obviously, conditions of approval. Beyond that, they have what they call cost or value engineering decisions that will have to be made at a future point. The roof is an issue, and there are some landscaping and common area issues. Essentially, what they have left over in the budget after they meet the required conditions of the project are things that they will then be able to evaluate on an individual basis in terms of ways to enhance the livability of this project. They are looking for some direction and constructive comments as to what they may add to enhanced elevations in the future.

AMBROSE asks what happens to the office.

CHRISTENSEN points to an area where the tree is in the front entryway. What there is essentially is a breezeway that enters up into a small lobby, which enters into the manager's unit. The manager is here tonight and can probably speak more specifically on the character of that. Essentially, it is the front part of a unit right now, which is mischaracterized as an office. It is a breezeway that enters into a unit, and the front of that unit is operated as the on-site management office.

AMBROSE understands it is not a freestanding office, but part of a unit.

CHRISTENSEN responds that is correct. To the south side of that breezeway there is an access door from the west, which he points out, coming from the courtyard where there is a meter room and a very small storage area. He indicates the laundry room, the pool and common area, which incorporates some grass and is set back from the property. This property borders a school and a park so there are tennis courts to the north and considerable open space, so there is a lot to do in that neighborhood.

AMBROSE asks when they expect to have all this work done and be able to sell these (condos).

CHRISTENSEN states that assuming they get a favorable recommendation tonight and go to the City Council in 30 days—the condo conversion process is really unique because they need to have the entitlement before they go forward into the Department of Real Estate. It would be reckless for them to retain their attorneys based on the assumption that the project will be approved without having it actually approved. Assuming they go forward with a favorable recommendation, they will begin the state entitlement work with the Dept. of Real Estate and hiring their building contractor to start to put some cost estimates on the recommendations that incorporated in the staff's report.

Regarding the conditions of approval, the question of the roof came up. His assumption is that they have the original roof. It happens to be in a very well maintained condition. RAMIREZ pointed out that there are no building permits. If the roof was replaced, it is beyond his knowledge. It is just a very well maintained, existing original roof. He believes if they get the condition to re-roof the project, that is something they would comply with. They would also like to have some kind of professional opinion as to the useful life of that roof. If the remaining useful life is 10 years or more, it may be something the owners would decide to budget for in the homeowners association. They will defer to the staff and the Commission for direction in that regard.

The staff report talks about the Fire Marshal and the driveway, and parking is obviously an

issue. They will work with the Fire Dept. to discuss the access route and the gated entry. He points out the parallel striped parking spaces. When there are no cars there it is a 20-ft. width. With cars there, it reduces it to 16 ft. They have the proper appropriate width, but they have parking spaces striped there too, which they intend to utilize. They will work with the Fire Dept. about that.

CHRISTENSEN refers to the recent condition about the project requiring a lead paint inspection. This property was built in 1987. His understanding is that projects built in 1978 or prior are the ones most susceptible to the existence of lead-based paint. They are happy to comply with the requirement, but he thinks it may be somewhat unnecessary because their assumption is that the paint will be in conformance with the federal laws.

There is also some discussion about the trash enclosure. There is an adjacent storage shed next to the existing trash enclosure. One of the requests is that they build an additional trash enclosure. He would like to think that staff got out there on a day when there was just a lot of trash. Rather than build a second trash enclosure, he suggests they monitor it or speak with the trash collection provider and either enhance or enlarge the existing trash collection area rather than provide a second, adjoining trash collection area, or maybe the residents can give some input tonight about whether or not there is always an excessive amount of trash.

Rather than a blanket acceptance all of staff's recommendations, he is concerned that some of staff's concerns may be redundant.

HANSON-COX was at the site today. The barbecue is very old and looks like it needs to be replaced. The washers and dryers look like they are on their last legs. She would like to see those replaced. If someone is going to buy something, it is expected that everything will be new or like new. The patios are really small and big, huge trees are growing out of them. She can see some going into the upper balconies. She would like to see all of those removed because they are going to create a problem down the line for whoever owns the balconies at the top. She saw a lot of things that if she were going to buy and invest money into, that she would like to see changed.

CHRISTENSEN thinks that is why this is an excellent opportunity for conversion. Their physical elements report and the staff report both pointed out some stumps and some mature trees that need to be replaced. They do plan to comply with the staff's 2:1 exchange for trees. In the interior and exterior rehabilitation, as RAMIREZ point in her report, the lower units on the north side of the property have very small yards, which are fenced and private and they plan to enhance. The upstairs units have cantilevered balconies on the south side of the property. They do plan to upgrade and enhance those to a more livable standard and certain take into the comments with regard go the common areas. In fact, if the Commissioners have been to the common area, it is really a nice little green area. In

relation to other projects that they have seen that have much less desirable, or more challenges in the renovation stage, it is well maintained and the on-site management does a very good job and the tenants do a good job. It is well utilized and they plan to just enhance it.

HANSON-COX says that she liked all the grass in that area but as she was walking from the pool she could see that big cement slab. It just stuck out like a sore thumb because there is no landscaping around it or anything. She tried to think what it could be used for. Maybe kids playing ball, but the fence isn't really that high so she could see the ball going over the fence and then the kids climbing over the fence, which is already leading. She wondered what it would be like if the cement was taken out and some benches and "stuff" put out there.

CHRISTENSEN responds that they will certainly acknowledge those things and deal with staff. As someone who has chased a ball over the fence, he realizes that maybe it isn't the best place for a ball playing area. If there is anything they can do in working with staff for guidance on how to best utilize that area, they are more than happy to do it.

What he was referring in the recommendations (conditions), in # 3. f) on page 12, item (7) says "Repair balconies as needed". Item (12) under f) also says, "Repair balconies as needed". That is the redundancy he referred to earlier. It also says under f. (11) "Upgrade handicapped parking as needed". An earlier section in the report says, "If required by the Building Division staff". He asks that the Planning Commission modify that to include the language "if required" under f. (11) and they will look for the Commission's on 3.f. (9) to replace roofing. Again, the roof is very good with no reports of leaks or damage. They would like to make that an economic decision unless the staff of Commission has further direction in that regard.

HANSON-COX asks what their plans are for landscaping. The conditions say to install landscaping in accordance with approved plans. She hasn't seen any landscaping plans. What are their plans where the cement area is, and the grass area?

CHRISTENSEN says that some of the things referred in the physical elements report were specific to the trees and their replacement and the removal of some of the stumps and trees. There are also some comments about redirecting the sprinklers. Those are some of the simplistic ideas. With respect to the landscaping, it has some very nice green turf areas, both in the western part of the parcel where the common area is and along the south side of the main structure. There is already a lot of grass.

In the front of the building where the entryway is, there is a comment to move one of the monument signs. He guesses it is a traffic hazard. The photo next their elevation shows some trees which, at the very minimum, will be laced and very well may be replaced. It also

includes some color spots and, he imagines, some low shrubs. Other than that, they would look for guidance by the staff, the Commission and the Council. If there is something specific the Commission would like, please let them know either as a condition or suggested to them and they will be glad to incorporate them into their final plans.

Sharise BROWN, 390 N. First Street, Apt. #E, El Cajon CA, is a new tenant and has lived there for only about 2 ½ weeks. She is concerned about parking. There is no off-street parking. They said that there are 41 slanted parking spaces. If they eliminate the one on the south side by the setback, that will bring it down to 40 spaces. If they eliminate the other four, that will bring it down to 36 for 24 units. As it is there is a parking problem. She can speak for herself and a few of the other tenants that they are not in a position to purchase condominiums at this time. They are trying to get on their feet and take care of their children. One of the tenants told her that they suspect that the property is 26 years, not 17, and that it was erected in 1978 instead of 1987. There are a lot of issues with the complex. There is water leakage on top of her apartment where water spots can be seen, so there must be something with the plumbing that needs to be rectified. If they do that, the tenants have nowhere to go and it will be an issue for them to relocation, even with relocation funds as far as finding someplace respectable or raise their children.

AMBROSE sympathizes with BROWN's situation. He guesses when she rented there that they didn't tell her that they were going to go through this process. He can tell her that of the 1200 or so apartment units that have gone through this process there are only about 150 that have actually been converted. Just because they are going through this process doesn't mean it is necessarily going to happen. Also, there are 15,000 apartments in El Cajon. Twelve hundred units is only a drop in the bucket compared to 15,000 apartments. He knows moving is difficult and wishes BROWN had known that this was anticipated before signing a rental agreement. He wouldn't be too worried about it happening too quickly though because what the Commission has seen is that these things move very slowly.

BROWN states she was aware of it but it took her five months to find that apartment, which she could afford with her income and being a single parent with three children. She likes the complex. It is quiet and to her is kind of homey as far as the apartment manager and everything. She thinks it is nice the way it is.

No one else comes forward to speak on this item.

Motion by TURNER, second by HANSON-COX to close the public hearings on Planned Unit Development 237 and Tentative Subdivision Map 551. Motion carries 5-0.

RAMIREZ asks if staff may respond to some of the speakers' points. AMBROSE agrees.

RAMIREZ states that the construction date shown on the microfilm records in the Building Division is 1985 for the original construction. The Site Development Plan was also approved in 1985. With respect to Mr. Christensen's description of the office area, it was quite appropriate according to what she saw when she visited. Inside the area that he calls a breezeway there are mailboxes and staff was not concerned about what might become of this office or lobby area because it looks like it would be okay as is.

With regard to the possible duplication in the staff's report where conditions of approval are recommended, handicapped parking does appear in two conditions. The first place it appears is to have the applicant add a note to the revised PRD/PUD site plan acknowledging that the handicapped parking may have to change. The second one is actually saying make that change if the Building Official determines it is necessary. It covers the same issue but it is not actually giving the same direction to the applicant.

For the replacement of balconies as needed, staff would strike that wording where it occurs the second time and renumber the conditions that follow it.

AMBROSE states the applicant was looking for some input on the exterior elevations. Are the commissioners satisfied with the paint colors?

HANSON-COX thinks if they do the paint it will be all right. She was looking at the upper units where there is a wood trim around the windows. The lower units do not because they are all stucco. She thinks if they use different color scheme somewhat like they have now and repaint it, it could still look very attractive. It looked nice when she drove up. The only thing was that she had a hard time parking in one of those little spots and at the same time a van was pulling to the side to let another car squeeze into the gate and everyone was in everyone else's way. That was disturbing to her. She stood there for a long time trying to figure out what they could do with that area. Once again, she thinks it can be a pretty good conversion but feels strongly about some things needing to be replaced. The applicant said yes, they would do it with the funds left over. But she thinks it needs to be stipulated that the barbecue be replaced, that the washers and dryers need to be replaced, and the trees removed from the patios. Those trees just overpower those small patios. There are still a lot of things that she thinks should still be done. Other than that, she thinks it can be a pretty good project.

AMBROSE asks staff to address the parking area that was brought up by speaker BROWN.

RAMIREZ states it is acceptable under the current Zoning Ordinance provisions for conversions to condominiums for the Planning Commission to recommend to the City Council and for the City Council to approve a conversion proposal that uses only the amount of parking that exists at the time the application is submitted. The Commission has

discretion available to deny a project if it believes that parking is or will be a problem. She suggests that that is not appropriate in this case because this is one maybe two dozen conversion projects that have come to the Planning Commission for consideration using that Zoning Ordinance authority. That authority isn't going to last forever; it expires in mid-January 2005. Staff will be bringing a discussion item to the Commission in October to give a status report, although she thinks it is premature because not enough units have gone to market, and ask for the Commission's guidance on whether that provision needs to be extended for some period of time or if it wants to just let it go away.

HANSON-COX says there is a little gate to the left of the main gate. It looks like there is a spot there for another car but she didn't see it blocked off with lines so on one parks there. Is that a parking spot? Inside the gate there is parallel parking and it looked like there was another parking spot but as soon as the gate is opened a vehicle will be right there.

RAMIREZ responds that those parallel spaces and the area HANSON-COX is referring inside the gate, those features were not shown on the approved site development plan and were not subsequently approved by the City either. They probably got marked in that location because it was a doable thing and because someone recognized that more parking on site was needed.

BLACK asks if there is a gray area on the roof thing. He was asking for an inspection and either a monetary or a replacement. The roof is vital to the value of that thing. What is proposed on that?

AMBROSE answers that staff is currently requiring the roof to be replaced as part of the conditions of approval. The applicant is requesting that consideration if the roof proves out to have a 10-year life expectancy that they will make a deposit and the homeowners association would replace it in ten years. That wouldn't be the full amount for a roof replacement; it would be only a portion of what is really needed. His opinion is that when somebody buys one of these units that they shouldn't have to worry about anything for 20 years.

HANSON-COX agrees that if that is the original roof, it needs to be replaced.

BLACK says if the Commission agrees to that and it turns out to be a 10-year period, who is going to pay for that, the homeowners association? Will a fund be set aside for roof replacement?

AMBROSE says it was his understanding that there would be some money set aside and initially deposited on behalf of the homeowners association.

In reply to BLACK, AMBROSE says that the developer does that calculation.

TURNER agrees that the roof needs to be replaced.

No further comments are offered.

Motion by HANSON-COX, second by TURNER to RECOMMEND APPROVAL of Planned Unit Development 237 in accordance with the staff report. Motion carries 5-0.

AMBROSE states this is a recommendation to the City Council. The Council will hold a public hearing on September 14, 2004.

Motion by HANSON-COX, second by BLACK to RECOMMEND APPROVAL of Tentative Subdivision Map 551 in accordance with the staff report. Motion carries 5-0.

AMBROSE states this is a recommendation to the City Council who will hold a separate public hearing on September 14, 2004 to approve or not to approve this project.

PLANNED UNIT DEVELOPMENT 239 – Eric Comer, CB Richard Ellis

(public hearing) Resolution No. 10007

P. C. Meeting 8/16/04

AND

TENTATIVE SUBDIVISION MAP 554 – Eric Comer, CB Richard Ellis

(public hearing) Resolution No. 10008

P. C. Meeting 8/16/04

The subject property is located on the northwest corner of Naranca Avenue and North Third Street, and addressed as 1490 Naranca Avenue; APN 507-283-21; existing LUC 1141A, proposed LUC 1141B; General Plan Designation: Medium Density Residential.

REQUEST FOR PUD 239: To convert an existing 14-unit apartment complex to a common-interest development in the R-3 (Multiple Family) zone.

REQUEST FOR TSM 554: A one-lot subdivision map in the R-3 (Multiple Family) zone.

ALVEY states this project represents the third and final project that will be tracked through the conversion process as part of the City's pilot program. The unique aspects of this conversion include the proposed exterior enhancements. The applicant for this project has submitted a photo simulation of the proposed exterior. It shows the exterior of one building. The colored elevation is on display. The proposed enhancements include dual-tone paint on the two-story building and the additional shutters around the windows. The applicant has

indicated that the one-story building will be painted one solid color. Staff has recommended the two-tone paint on all exterior elevations and the use of shutters around the windows.

The applicant for this project has satisfied the required tenant notifications and has also provided staff with a physical elements report that is prepared by a licensed contractor. The physical elements report indicates that there is half-inch gypsum board drywall for the walls inside the units. The existing walls would therefore not satisfy the one-hour firewall requirement.

The physical elements report also recommends that five trees be removed from the site. Staff would prefer to see these mature trees maintained and remain on the site. But if the applicant prefers to remove them, staff has included a condition of approval that requires each tree to be replaced. In accordance with that, staff requests the Planning Commission take a look at two conditions. The first is condition 8.d)9 that pertains to the 5 large trees. Staff requests modifying that requirement to "Remove the 5 large trees and replace with ten 24" box drought tolerant trees (or trim and root prune existing trees)". This is just a recommendation in accordance with the last project in order to remain consistent on the size of the trees staff is requesting.

Staff did have an opportunity to speak to the applicant this afternoon about the second item in regard to the physical elements report. It appears there may be one misunderstanding in regard to bathroom exhaust fans. The applicant has indicated that these probably won't be necessary. Staff was able to discuss this with the Building Division and it appears that will be the case, but staff would then just ask that the Planning Commission recommend 8.c)7, which reads "Install bathroom exhaust fans," be modified to say "Install bathroom exhaust fans if required by the Building Division."

Staff received one phone call from an adjacent property owner that expressed a positive opinion as to the proposed conversion of apartments to condominiums. Two tenants have called, and each asked for clarification as to how the conversion process works.

Staff therefore recommends that the Planning Commission recommend approval in accordance with the conditions stated in the staff report.

The public hearing is now open.

Eric COMER, 4365 Executive Drive, Ste. 900, San Diego CA, is part owner of the property and also the applicant. He is here to answer questions and to address some concerns he has with some of the staff recommendations. He refers to page 6 of the PUD 239 staff report, the 4th paragraph down where it talks about staff's requesting certain repairs and replacements be done before either the subdivision map is recorded or a guaranteed. He thinks what is happening is, and maybe staff can clarify this, that staff looked at the

physical assessments report, which was very thorough, and there were some items that staff may have thought should have been repaired like yesterday. Just so the Planning Commission knows, before he received the physical elements report, it was given to his partner, Thomas Hoban, who runs Hoban Property Management. They reviewed the report and items that they felt needed to be repaired were repaired. He considers the site to be very well run and very well maintained. He would like to see the conditions of the map go under a guarantee, which would be an Agreement Not to Convey the item, if that is necessary. He would like some feedback on that.

ALVEY responds that staff has included in condition #8 that, "Prior to recording the final subdivision map, the following conditions shall be met or guaranteed:" The method of guarantee in this instance could be a Restrictive Covenant Not to Convey. It wasn't the intent of staff to require the applicant to make any upgrades to the property prior to that guarantee.

In reply to AMBROSE, COMER says that clarifies it for him, but what he is reading in the staff report is that staff is of the opinion that the minimum repairs and replacements recommended need immediate repair and replacements as well as those recommended for short-term repair be completed prior to the subdivision map being recorded or guaranteed. So you are saying fix this before the subdivision map is recorded or guaranteed. Is he misunderstanding? Can they do the Guarantee Not to Convey, and it is a non-issue?

ALVEY states that the guarantee aspect of that requirement is to allow the applicant to proceed with the conversion and record the subdivision in this instance without making any repairs to the site. It is a requirement of the conversion itself. The applicant would be required to make those requirements before the Restrictive Covenant Not to Convey the units is removed from the subdivision map. Staff's recommendation is not that anything be done right now. It is a requirement prior to the guarantee.

COMER apologizes if he misunderstood that.

AMBROSE states staff is of the opinion that it should be done, but are giving a way out.

RAMIREZ says on the flip side of that, according to the way things are working now, which doesn't mean it will always stay this way, the process for asking the City to defer those improvements is being done through an application that is called an Agreement Not to Convey, or a Lien Contract and Agreement Not to Convey. Even if the Planning Commission and staff this evening were willing to have Mr. Comer and his partners do nothing but execute the Agreement Not to Convey, there is still a part of that process that allows the City Attorney to bring forward some requirements and have those done immediately. She would expect that there still might be the opportunity for that to happen no matter what is agreed to here this evening. At this time, it is kind of premature to be

talking about the agreement until after COMER has received an approval from the City Council, but staff appreciates COMER letting them know what his intent is.

COMER states “they” are asking for a report to be submitted in reference to testing for lead based paint. Typically, in the real estate industry, any properties newer than 1978 don’t require the lead based paint disclosure. He believes the use of lead based paint stopped in 1978. For a property built in the ‘80s, such as the subject property, he thinks this requirement is creating some unnecessary work and reports for staff.

AMBROSE asks if it would be possible for COMER to just get an expert to say this was built after that time and stamp and sign it.

COMER agrees. That is no problem.

AMBROSE says if somebody is willing to put their license and name on the line and guarantee there is no lead based paint, he thinks City staff would be happy with that.

COMER states “you” are requesting an inspection report for any mold problems. Part of the conditions of getting the final map and selling these will be to remove much of the things that are on the site right now, such as vanities, cabinetry, flooring—to have a mold inspection when a lot of materials on the site will be ripped out and taken down almost to the studs seems to be creating work. He is sure there is some mold in some of the cabinets, but all the stuff is going to be gutted out so he questions the efficiency of doing it in this matter. Maybe there is a better way of doing it; perhaps a mold study after everything else is done.

AMBROSE asks if staff has considered the timing of the mold study. It is a standard condition that has been used recently.

RAMIREZ doesn’t have a good answer. This condition is put in very simple terms and doesn’t even specify the credentials of the person that would do such an examination. In this case, she will represent to the Commission that the staff is willing to take this to the Building Division and ask for some advice on their part. She will note, however, that the Building Division comments on the project that she presented to the Commission a few minutes ago required a mold report to be submitted in the physical elements report. She thinks that we will find that the Building Official will be even more conservative in that issue area and want the information up front.

AMBROSE thinks the Planning Commission will defer that to the Building Official and let staff work that out. He is not a mold expert.

TURNER states for getting property insurance, that is an inspection that is normally done.

COMER says there are a lot of mechanisms here to protect the homebuyer in reference to mold. Whoever the developer is, they want to deliver them without any potential mold problems. If there is a mold issue after a sale, it is a liability issue of getting sued. It goes back to whether there is a better way to do this.

AMBROSE thinks some input is needed from the Building Official on this item, regarding mold, before it goes to the City Council. He really feels like he doesn't know enough about it. He knows some people who have had mold problems, and it has been a disaster.

HANSON-COX states of all the apartments she has visited so far, she likes this one, especially the flowers—she is a flower person. The color adds a lot to that complex.

AMBROSE adds that the physical elements report was very well done. He noticed that somebody had actually stamped it. Also, the property photographs were very good and helped him become familiar with the project before visiting it. He thanks COMER for taking the time to do that.

COMER realizes this is not a Planning Commission item, but they will ask the City Council to waive the requirement to underground the utilities on Naranca. He guesses that will be a City Council item.

KRULIKOWSKI states there appears to be only one pole on Naranca that hasn't already been waived by staff.

Terry HARDIN, 1490 Naranca Avenue, Apt. D, El Cajon CA, states it is a very nice apartment. However, he has some concerns regarding the validity of changing it over from apartments to condominiums. Maybe some upgrades could be possible. It is a very quaint apartment for 925 sq. ft. He isn't sure if anyone here has been inside the unit. One of his major concerns is that it does not have a linen closet or any place to put towels. He thinks that any apartment or house has something to put towels and linens in. It is essential to have that in an apartment. He thinks it could be reworked or redesigned, or put in the washer and dryer area. They need something in that apartment.

Second, he believes there is a design defect in the kitchen. There is a ceiling fan and when the cabinet door is opened, the cabinet door and the ceiling fan meet and hit. He feels that causes a problem. Why would anyone want to buy a unit with a defect? The fan is only so big, an industry standard, and can only be moved so far, and the cabinet can only be made so big.

The fan in the bathroom was addressed (in the staff report). He doesn't feel that is a major problem. Living in the residence, he feels it is very well ventilated.

Also, it would need a more secure type of mailbox. The box that is currently there is not adequate and if mail needs to be left for the post person to pick up, there is no place to put it inside.

Additionally, what type of deal is the owner going to give the tenants that are living there? Also, everyone is going to have to move out. To get another place, they have to get a six-month lease. If he stays there for the very last month and this place is ready in three months, where does that leave him?

AMBROSE states lots of times all the apartments are not done all at once. They are phased so if somebody that is living there wants to rent or buy one of the units, they move into one of the other units temporarily until their unit becomes available. That is fairly common. As he said earlier, of all of the condo conversions that have come before the Commission, very few have actually been completed. Time is on HARDIN's side. He can ask the developer to come back to the microphone and tell the Commission what they are proposing to do for any of the tenants.

HARDIN wouldn't mind buying a unit, but they can't afford it.

AMBROSE replies there are at least 50 different programs for first time homebuyers. They might be able to get into a place for less than they are paying for rent.

AMBROSE calls COMER back to the podium.

COMER comes forward and states, as the Commission knows, the Subdivision Map Act requires a six month notice be given, which will not be given until they get the final approval from the City Council. The six-month notice might not be given for several months after that. In terms of timing, when a resident gets the 180-day notice, he refers to it as a six-month notice, that is kind of their six-month lease so that they know that something is going to happen after six months. Their intention is to let a professional developer do it, as Commissioner Ambrose has alluded to. These things sometimes take longer than they anticipate, so what he likes to tell people is that when the 180-day notice goes out, that is when they know that something is going to happen. They might not see that notice for another six months, or it may come up in three months, or maybe a year. He doesn't know.

He thinks there is a condition for one-month's rent that is required for those residents that are there when the conversion happens. That will be a developer issue, and he really can't speak for the developer. He knows that the developer will be required to do that.

By statute, residents will be given first right of refusal if they want to buy their unit. Typically, if a resident is there at the time of conversion, they will get better placing because the way

the statue is written, it is at market price or less. Obviously, there is less marketing cost and it is just more efficient to sell the units to somebody who is actually living there. It just works better for everybody.

HARDIN returns. He still needs an answer to his question about the fan. Also, he forgot to mention that they had a leak in the washer line. As an insurance agent, he understands a lot about mold. He is very scared about mold and the insurance perspective about it. He doesn't understand exactly what the applicant's company is going to do to insure that there is no mold there. If those two questions could be answered, he would greatly appreciate it.

COMER states if HARDIN can see any of what he believes to be mold, or moisture in the unit, he asks that he call the property manager and let them know. They will immediately get out to look at it. If there is an issue they will aggressively take care of it because it is a liability issue. They have to rely on residents to let them know if what is happening. They do try to monitor and go through the units once a year to make sure that nothing really crazy is happening. They have to rely on residents to communicate with them if there is a moisture problem or something else happening.

AMBROSE, regarding the fan, says as he understands it, these units are going to be totally gutted, and there will be all new cabinets, a new fan location; everything will be done. Is that right?

COMER replies yes. That is what is typically seen in all the conversions. Obviously, the staff is recommending that they replace all cabinetry, kitchen cabinets, so they will be gutting them. In reference to the design element, he sure hopes that the new developer won't make the same mistake. It was probably an afterthought to put the ceiling fan up and that is why the issue became apparent. In the process of selling the building, he will make a promise to point that out to whoever buys it and ask them not to make that mistake again.

AMBROSE asks COMER if linen closets will be put in.

COMER thinks that is a pretty cost effective thing to do to add value and make it more appealing for people. A logical place would be where the washer and dryer area is, to put up some shelving for clothes and stuff. He doesn't know if there is another place other than that. It is a pretty simple and easy fix and will probably be where the washer and dryer are.

AMBROSE states the units can't be designed here tonight.

No one else comes forward to speak on this item.

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

Motion by TURNER, second by WOODS to RECOMMEND APPROVAL of Planned Unit Development 239 in accordance with the staff report.

Under discussion, AMBROSE states there were two modifications that staff made that should be included in condition numbers 3.c)7 and 8.d)9.

Motion by TURNER, second by WOODS to RECOMMEND APPROVAL of Planned Unit Development 239 in accordance with the staff report, adding to condition no. 8.c)7. the words "if required by the Building Division"; and modifying condition no. 8.d)9 to read ". . . and replace with ten 24" box drought tolerant trees (or trim and root prune existing trees)"; Motion carries 5-0.

Motion by TURNER, second by BLACK to RECOMMEND APPROVAL of Tentative Subdivision Map 554 in accordance with the staff report. Motion carries 5-0.

AMBROSE states this action is a recommendation to the City Council who will hold a meeting on this on September 14, 2004. He wishes the applicant good luck.

AMENDMENT OF ZONING ORDINANCE SEC. 17.64.170 – Planning Commission
(public hearing) Resolution No. 10009
P. C. Meeting 8/16/04

To consider amendment of Section 17.64.170 of the Zoning Ordinance regarding disabled parking requirements.

RAMIREZ states this item was discussed by the city's Commission on Disabilities as a result of a citizen calling the City Council's attention to an issue. The citizen is himself a handicapped person who rides in a wheelchair and owns a van that must have a van-accessible type handicapped parking space in order for him to get in and out of his vehicle.

The problem that he finds is that van-accessible parking spaces are not readily available and a standard handicapped space size does not accommodate his needs. He is looking for the City to have more van-accessible spaces and staff has attempted to give some background on the authority for handicapped and disabled parking requirements by citing Title 24 and explaining to the Planning Commission that every parking lot, especially retail commercial establishments, must have a minimum of one handicapped space. The number of spaces beyond one is determined by how many spaces total are provided in the parking lot. As an example, staff has given the Planning Commission a development that has 90 spaces and indicated that four of those 90 spaces would have to be handicapped parking. Out of those four, one is van accessible and that would be a space that is twice the width of

a normal, standard space. There is an 8-½ ft. width for a standard space and 17 feet is the width for our van-accessible space. The other standard size handicapped spaces are 14 feet wide rather than 17 feet wide. The problem that staff sees is twofold. It is not fair or logical for the City to say that van-accessible spaces can only be used by people who have a handicapped placard and drive a van. What happens to the rest of the population that is carrying a valid handicapped placard but they drive an automobile and they still need a handicapped place to park? The other thing is that staff's opinion is that the State law should prevail in this case. That is where the City's requirements come from. We could be more restrictive if we wanted to, but it seems that any changes should come down to the local level from the State and not be initiated here. Even if El Cajon was to go along with the proposal for a van-only space, it seems curious that this person's problem may be solved for some or all of his parking needs in El Cajon, but staff believes that he probably goes outside the city of El Cajon for other services or whatever he does for entertainment, and may encounter exactly the same problem. He would have to go to every other jurisdiction that he is ever going to visit when he is driving his van to seek a solution there.

Changing the ordinance to suit this person's needs would possibly also help others, but staff believes that it will not make a big difference in the spaces that are available for his convenience. It could be taken as a bad idea to the business community, who might have to give up standard parking spaces only to provide more handicapped spaces. It could be precedent setting, and staff envisions possibly having a Court even being willing to go along with the enforcement of an idea that allows van-only spaces.

All of these things taken together leads staff to recommend that the Planning Commission make no change in the ordinance and recommend denial of this ordinance amendment.

The public hearing is now open.

KRULIKOWSKI states that he was contacted this morning by the Commission on Disabilities, who would have liked to have representatives here but this is an evening meeting and some of their disabilities preclude them from coming to an evening meeting or being available at an evening meeting.

Since he was present at the meeting when this was requested, they asked him to point out the following on this item:

- It is understood that the State occupies the field on the Van Enforcement issue and that the requestor has been referred to the legislature.
- The Commission requests that the City consider being a little more disability friendly by establishing a higher van ratio above the current minimum on new development only.
- They also want to be reasonable and will understand if this issue cannot be

addressed at the City level.

AMBROSE agrees with staff that this is a statewide issue. It is unfortunate that the person has a van with very few places to park. AMBROSE has a neighbor that has MS and drives a van. He is in a motorized wheelchair, and he has never heard him complain once. He has a trailer and goes camping. He has a very good quality of life for what he has. Neither he nor his family has complained that there aren't enough places to park for them to go shopping or anything.

AMBROSE tends to think that this individual has had a couple of bad experiences and is upset that the handicapped parking was all filled up. If anything, it is the doctors giving out those placards to people who probably don't need them.

KRULIKOWSKI states that this gentleman is a doctor and he agrees with the fact that a lot of doctors are issuing the placards needlessly. But there are a lot of individuals that have arthritis or other problems that certainly need the disabled placards. He doesn't want to begrudge these people, it is just that he has no option if there is not a van-accessible space available, and there a limited number at some of the shopping centers and some of the areas that he goes to. This is a very intelligent individual who happens to also try to travel and do so on his own, so he is very independent. He is a medical doctor.

TURNER speaks from experience, since she has 23 vans and busses with wheelchair lifts. The space is very limited. In El Cajon, most of her busses and vans have found areas where it is the right area to use a lift. She guesses it is just where one is going. She can understand that when a lift comes out, if there aren't certain sections of a parking lot, there isn't enough room to get a person on and off a wheelchair. She can understand his point, and she can also understand the businessperson's point of taking more spaces for disabled. She thinks there does need to be some consideration for the vans that have the lifts because it is an issue and it does limit people's access.

AMBROSE thinks that can be looked at as new developments come through. But to go back and retrofit the whole city would be an imposition and he doesn't think that could be done.

TURNER says it has to start somewhere though.

AMBROSE thinks it can be considered as it comes through and see if it is feasible to add a van-accessible handicapped parking space.

TURNER thinks the malls should be looked at. There is another place to start.

AMBROSE states there are different size vans. Where can the line be drawn on how big the van is going to be?

TURNER has big vans. She thinks we are talking more about the individual people though. She transports a lot of people, but the individual vans do need a bit wider space, if somebody is trying to be independent. Just to get the wheelchair down and out is a difficult thing.

AMBROSE says his neighbor went from a half-ton van to a one-ton van and it is bigger than all outdoors. It is a nine-passenger van. Somebody wants to drive an SUV and somebody wants to drive a Toyota. Everybody can't be accommodated, but he thinks we can be more sensitive when new development comes along.

BLACK asks if the Commission on Disabilities could write a letter about this ratio thing. That is one thing that the City could probably endorse and send on to the State of California or maybe the local rep. That is something he thinks could be done, or recommend that the City Council endorse some kind of increased ratio and send it on, just to let people know that there is a possibility that we could change that.

AMBROSE tends to agree with that, but on the other hand he is always scared that the State is going to come down very Draconian on things like that. He would like to get some recommendation from the Commission on Aging though.

KRULIKOWSKI indicates that they have already done that. This item is in front of the Planning Commission because they made a written request to the City Council that has been referred back to the Planning Commission. He doesn't see that here, but that is how this process came about.

AMBROSE asks if this amendment of the Zoning Ordinance is the result of the Commission on Aging.

KRULIKOWSKI states it was actually the Commission on Disabilities that referred this over. The Commission on Aging is certainly concerned with this. Debra (Commissioner Turner) is right, this wouldn't help the big vans. This is more for the individual vans. He was there when they talked about it. To give a little insight; they talked about, like right now, it is 12.5% of the parking spots that are required to be at 1 in 8. They were talking about maybe it should be 1 in 4, then they said they were not the ones to decide that and they didn't want to be the group that has to do this. They asked if it would be possible to make it 1 in 7, or a little more. In a pretty large development with a ton of parking spots and if only one of them is van accessible, and that spot is occupied, and can be occupied by anybody--he doesn't begrudge those people and he doesn't think this individual begrudges those people, but he is just concerned because he has no option.

The Police Dept. suggested that he could take two parking spots and not be cited for that,

but there are other issues that are involved with that. It certainly is a concern. KRULIKOWSKI thinks what the Commission on Disabilities was doing was to see if maybe something could be done on new development only. They had no intention in going back and making this retroactive. Just to be a little more disabled-friendly and maybe up the ratio or consider providing an additional van-accessible space where we don't have to. As the report states, this is a minimum requirement.

AMBROSE says what the Police Dept. suggested was an excellent idea about taking two handicapped spaces. He goes to so many places where the handicapped spaces are not being used, and they sit all day unused. He doesn't see where that would be a problem at all. He thinks it is a great idea.

KRULIKOWSKI says it is a concern sometimes to the person. There are some other issues. Let's not get into them tonight.

HANSON-COX says that with her father being handicapped too, she can't say how many times she was so frustrated when she saw people with placards park in the handicapped spots that really didn't have any walking disabilities at all. We are talking about van accessibility and she was trying to think of other remedies also because of what she went through with her father. Usually people with handicapped license plates are the ones with walking disabilities. Usually the ones with the placards have some other type of disabilities. She knows a gentleman that has no hand, and he has a placard. He can walk fine but he has a placard so he can park in the handicapped spaces. Can't we change it to van accessibility or change it to handicapped license plate only because van accessibilities all have handicapped license plates? That way, we know that the people that actually have a walking disability will have a place to park.

KRULIKOWSKI thinks what we have had indicated is that the State occupies the field in that, so there would have to be a change in State law. As far as the numbers go, it is an issue because it is a minimum standard and that could be set as a guideline or a policy by the Commission in trying to provide some higher numbers. He thinks that is what the Commission on Disabilities was looking for when referring this particular issue forward. The first issue, the individual was given a contact to possibly sponsor a legislative change. He doesn't know what has happened with that. He thinks it would be a very difficult fight.

TURNER agrees with staff.

Motion by HANSON-COX, second by WOODS to close the public hearing and DENY Amendment of Zoning Ordinance Sec. 17.64.170 in accordance with the staff report. Motion carries 5-0.

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. 9988, 9989, 9990, 9991 & 9994, 10005, 10006, 10007 & 10009 pro forma. Motion carries 5-0.

ORAL COMMUNICATIONS

TURNER advises that she may be absent for the August 30, 2004 meeting. She will let staff know for sure, probably by Friday.

CORRESPONDENCE

There was none.

ADJOURNMENT

The meeting of the El Cajon City Planning Commission adjourned at 11:10 PM this 16th day of August, 2004.

Anthony AMBROSE, Chair

ATTEST:

James S. GRIFFIN, Secretary