

MINUTES

PLANNING COMMISSION MEETING

OCTOBER 18, 2004

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

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: WOODS, BLACK, TURNER, HANSON-COX, AMBROSE
COMMISSIONERS ABSENT: NONE
OTHERS PRESENT: GRIFFIN, Director of Community Development
GALLAGHER, Staff Attorney
DAVIES, Principal Civil Engineer
MOSSAY, Minutes Clerk

MINUTES OF 10/04/04

Motion by HANSON-COX, second by WOODS to approve the Minutes of October 4, 2004 pro forma; carries 4-0, TURNER abstaining due to her absence on October 3.

PLANNED UNIT DEVELOPMENT 244 – Wisconsin, LLC

(public hearing) Resolution No. 10028

P. C. Meeting 10/18/04

(JOINT NOTICED. CC MTG 11/09/04)

The subject property is located on the south side of Wisconsin Avenue between Chambers Street and North Magnolia Avenue, and addressed as 299 Wisconsin Avenue; APN 487-172-73; existing LUC 1141A, proposed 1141B; General Plan Designation: High Density Residential.

Request to convert an existing 22-unit apartment complex to a common interest development in the R-4 (Multiple Family, High Density) zone.

AND

TENTATIVE SUBDIVISION MAP 559 – Wisconsin, LLC

(public hearing) Resolution No. 10029

(JOINT NOTICED. CC MTG 11/09/04)

The subject property is located on the south side of Wisconsin Avenue between Chambers Street and North Magnolia Avenue, and addressed as 299 Wisconsin Avenue; APN 487-172-73; existing LUC 1141A, proposed 1141B; General Plan Designation: High Density Residential.

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

GRIFFIN states this project was originally built in 1985, so it is not quite 20 years old. It is in the R-4 zone, which would allow a density of up to 30 units an acre under today's R-4 zone standards. When this project was built, the density was higher than that.

The applicant has completed the required noticing, although they have not provided the 180-day notice of termination, but they have provided the notice of intent to file. The rest of the notices are required as the project goes through the process. The applicant will have to give the 90-day notice of the ability for a tenant to buy his or her own unit once the project is approved and at the end of the process, there are additional notices that are required by State law.

In this case, the open space area is primarily between the two rows of units at the back. Ironically, part of this area was originally a tot-lot in 1985, when the plans were originally approved. Apparently, over the years, the tot-lot disappeared and now it is asphalt. The applicant is proposing to reconvert that area to a tot-lot and to upgrade it to provide their primary common recreation and open space area.

The physical elements report was prepared by NAC (National Assessment Corporation). They have done other physical elements reports, and a licensed individual that meets the City's requirements did this one. Eighteen of the 22 units were inspected, so they met the minimum two-thirds interior inspections that the City has requested.

GRIFFIN advises that the upgrades, repairs and replacements are listed in the staff report. Typically, we have new energy efficient appliances and the one-hour firewalls. The applicant is also proposing a number of upgrades: the kitchen cabinets, countertops and those kinds of things that are not technically City requirements but when the applicant proposes those they are rolled over into the staff recommendation so they do become part of the City's requirement.

There is one unusual feature with this property. In 1985, when the City agreed to rezone

this property, it was recognized that the property immediately to the west would probably not qualify for a higher density zone because it is only 60 feet wide and the minimum width for any of the City's multiple family zones is 65 feet (R-2 zone). An unusual condition that was imposed on this rezoning is an access easement over this property to the property to the west. That access easement still exists and is displayed on the site plan on the board behind him. He points out the easement shown in yellow on the site plan, and the property to the west. Staff believes that since 20 years have now passed, it may be time to revisit that specific plan (Specific Plan 368), and recommends a condition of approval that this applicant initiate the deletion of that specific plan. In staff's opinion, the owner to the west has had ample opportunity to redevelop that property and hasn't done so. He thinks now that this project is proposed to be sold to individuals through a condo conversion, that that burden should be removed.

This item and the companion subdivision map have both been jointly noticed for City Council hearings on November 9, 2004.

Staff is recommending approval of the request to convert the 22 apartment units to common interest ownership, with several conditions. The one unusual one is the deletion of Specific Plan 368.

Staff's recommendation on the subdivision map is that the Planning Commission recommend approval of that as well.

The public hearing is now open.

Chris CHRISTENSEN, CondoConversions.com, P. O. Box 1243, La Mesa CA 91944, is present to respond to any questions.

In reply to AMBROSE, CHRISTENSEN replies they agree with the conditions of approval. With respect to the easement, they will work with staff to comply with their suggestions and recommendations. They currently have 37 marked parking spaces and the granting of that easement (sic) would reduce that number to approximately 33 or 34. They have submitted some before pictures that show the common area in question. That submittal of "before and after" pictures was to adhere to the comments and recommendations of the Planning Commission at previous meetings. This project had some challenges with respect to the common area improvements. They have submitted an artist's conceptual drawing to do the best they can with that space. This particular project happens to have 12 two-bedroom units and 10 three-bedroom units. The staff report has the numbers transposed. They consider these to be family units and will do what they can to provide some kind of active play area other than just asphalt and concrete. That will be part of the general upgrades to the parking lot and the rear area between the units. He points out that in the artist's

conceptual drawing, at the bottom, the artist didn't actually have the benefit of having the colors proposed in the enhanced elevation rendering, so there is some inconsistency in the color. The buildings are not proposed to be lemon yellow. The color will be more consistent with the earth tone pattern shown in the middle drawing.

HANSON-COX noticed on the conceptual drawing a reference to "rubber bark", and asks what that is.

CHRISTENSEN replies it is an interesting surface. They are constantly looking at innovative new things that come out. Some athletic fields have rubberized turf. Rubber bark is similar to that. It has a brownish bark appearance. For example, the San Diego Zoo has something similar where the apes are. It has the look of natural bark but is actually a rubberized treated surface. It has some additional padding so the kids can play on it. They will also be providing an upgraded barbecue and picnic area. They will adhere to the proposed design as much as possible.

HANSON-COX asks if the "rubber bark" is a solid piece. When she hears "bark", she thinks of pieces of rubber.

CHRISTENSEN says it is not something that can be lifted up. It has a rough surface. The chips cannot be picked up or kicked around. It is sort of glued together in a rough matted texture.

HANSON-COX asks if it will get hot. She is thinking about tots walking around on it. Will it generate heat?

CHRISTENSEN doesn't know what the characteristics would be with respect to heat. Just immediately to the south of the area where the bark area is proposed, there is a masonry wall and there are buildings on both sides. It won't be directly in the sun. Some of the comments they had from staff, which he thinks are very valid, are that there is some low shrubbery and some high trees but there is no real intermediate-sized landscaping. One of the comments from staff is that perhaps they should incorporate a mural or some kind of intermediate shrubbery along the wall on the northerly property line. They didn't incorporate that into their drawing, but if it is a recommendation from staff as they go forward, they can resubmit a landscaping plan that includes that. That will do two things: break up the masonry wall; and also provide some shade and temperature relief on a hot day in the back part of the project.

HANSON-COX assumes that they will be putting in some kind of equipment for little tots to play on. She is trying to think why they wouldn't put grass in that area.

CHRISTENSEN responds that there is a little bit of grass in the area closest to the parking

lot where there will be a picnic table and barbecue. Right now, the kids play ball there. They throw the ball against the wall, kick it around and play hopscotch and jump rope. They are really going to use the area as an open area. They are not planning on installing any play equipment there. It is more of a free space open area for children to do whatever they would like to do. It is somewhat of a confined space so they are trying to keep it open as much as they can.

AMBROSE thinks the enhanced architectural elevations look good. That is definitely a step in the right direction. He knows that the upgrades in the courtyard area are a little subjective and there are a lot of different things that could be done with it. He would like to see more attention paid to the entrances of the lower units since they open right into the play area. He thinks a little more landscaping as a buffer between the open play area and the ground floor units would be good. He thinks this has come a long ways. He thinks staff called it right about the back wall. There needs to be a mural or something to break it up.

CHRISTENSEN agrees. They are planning to modify that. They will work with staff. A mural is kind of interesting.

No one else comes forward to speak on this item.

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

AMBROSE states this is a tough project because it is a small site and doesn't have a lot of amenities that some larger projects have.

HANSON-COX refers to condition #4 and asks clarification of the number of condensing units to be replaced. It says, "Permits are required for 10 condensing units". Will the other 12 be replaced also?

GRIFFIN replies yes. The issue was that the physical elements report said that 10 had been replaced. That requires a building permit and inspection but there was no record of any permits. This condition is saying that needs to be resolved.

In response to HANSON-COX, GRIFFIN states that all 22 HVAC units are to be replaced or have permits and inspections on those that have been recently replaced.

TURNER thinks this project has come a long way. She applauds the applicant for trying to upgrade the recreational space and with the wall and landscaping.

No further comments are offered.

Motion on PUD 244

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Planned Unit Development 244 in accordance with the staff report. Motion carries 5-0.

AMBROSE states there will be another hearing before the City Council on November 9, 2004.

Motion on TSM 559

Motion by TURNER, second by BLACK to RECOMMEND APPROVAL of Tentative Subdivision Map 559 in accordance with the staff report. Motion carries 5-0.

AMBROSE states this action is a recommendation to the City Council. There will be a public hearing before the City Council on November 9, 2004.

PLANNED UNIT DEVELOPMENT 245 – Garcia/Rich (CondoConversions.com)

(public hearing) Resolution No. 10035

P. C. Meeting 10/18/04

(JOINT NOTICED. CC MTG 11/09/04)

The subject property is located on the southwest corner of East Lexington and South Mollison Avenues, and addressed as 855 E. Lexington Avenue; existing LUC 1141A, proposed 1141B; General Plan Designation: Medium Density Residential.

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

AND

TENTATIVE SUBDIVISION MAP 560 – Garcia/Rich (CondoConversions.com)

(public hearing) Resolution No. 10036

P. C. Meeting 10/18/04

(JOINT NOTICED. CC MTG 11/09/04)

The subject property is located on the southwest corner of East Lexington and South Mollison Avenues, and addressed as 855 E. Lexington Avenue; existing LUC 1141A, proposed 1141B; General Plan Designation: Medium Density Residential.

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

GRIFFIN states the subject property has an interesting history. When staff did its research, it was found that a new condominium construction had been approved along with a tentative map in 1979. However, that project was not built. There were extensions of time granted for both the PUD and TSM and subsequently, the final subdivision map was recorded. Typically, that is the required sequence: you get your PUD and tentative map approved and then record the map before the City issues any building permit. In this case, the project was processed at a time when condominium construction was not popular, so even though the map was recorded, the applicant chose not to build condominiums. Instead, they submitted a site development plan to build 12 apartments. When the subdivision map was recorded, there was a note placed on the subdivision map that said that prior to conversion of any apartments built on this property they would have to process a new planned unit development for a conversion, which is essentially the ordinance we have today. It is ironic that tonight we are considering that planned unit development for the conversion of the apartments that were built instead of the original condominiums that were proposed almost 25 years ago.

As a result of that, staff has concluded that because there is a recorded map that says it was for common interest development, that there is not a need for a new subdivision map. Staff will recommend, under the companion subdivision map, that the Planning Commission recommend withdrawal of Tentative Subdivision Map 560 and that the applicant does not have to process and record a new map because one already exists.

GRIFFIN advises that the tenant noticing requirements were satisfied. The common area is located on the east side of the property and includes an outdoor landscaped area as well as a concrete slab on which a new barbecue and picnic table and bench will be installed. There is a barbecue area there now

National Assessment Corp (NAC) did the physical elements report for this project. They did inspect 10 of the twelve apartments, so they inspected over two-thirds of the units. The project includes a number of upgrades and repairs and replacements. One of the typical main requirements is the need for the one-hour firewalls, and that is a recommendation from the staff.

In this case, as far as the exterior elevation upgrades, the applicant is proposing to repaint the building and add a horizontal trim element around the middle part of the building walls between the first and second floors.

The windows facing the street currently have trim around them. Staff believes that feature should be carried throughout the project so that even on the entrance sides to the units, which is actually on the south side of the two buildings, those windows should also be

trimmed in wood to match the north-facing windows. That is the one addition staff is recommending on the exterior elevation.

GRIFFIN states this item has been joint-noticed, along with its subdivision map, for a City Council public hearing on November 9, 2004. Staff is recommending the Planning Commission recommend approval of this conversion of the 12 units to common interest in accordance with the conditions in the staff report.

The public hearing is now open.

Chris CHRISTENSEN, CondoConversions.com, P. O. Box 1243, La Mesa CA 91944, is here to respond to any questions.

AMBROSE asks if they agree with all the conditions of approval.

CHRISTENSEN replies yes, with the exception of condition #5 e) on page 11. He asks that that condition be amended to read, "No recreational vehicles, including RVs, boats, trailers or motor homes may be parked on the site". He points out that they did have a telephone conversion with one of the Planning Division staff members and the owners are planning to enhance the recreational area, which is currently kind of a wooded area to the east of the project on the corner of Mollison and East Lexington, by adding a barbecue and a picnic table and benches. It is a unique outdoor area, more of a passive recreation area. It is not really a play area but is a shaded grove with some trees. There was some discussion by the applicant about installing a spa (not a pool), but at this point those plans are not going forward and they plan to go with the project as proposed.

In reply to AMBROSE, GRIFFIN states the language in condition #5 e) is an error on staff's part. It should say "recreational vehicles". Obviously, if it said no "motor vehicles" that wouldn't make any sense because then nothing could be parked on the property.

No one else comes forward to speak on this item.

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

AMBROSE states some of these projects are becoming pretty straightforward when they do what the Planning Commission and staff have asked of them.

No further comments are offered.

Motion on PUD 245

Motion by BLACK, second by WOODS to RECOMMEND APPROVAL of Planned Unit Development 245 in accordance with the staff report, changing condition 5 E to read: “No recreational vehicles, ”. Motion carries 5-0.

AMBROSE states this is a recommendation to the City Council, who will hold a public hearing on this item on November 9, 2004.

Motion on TSM 560

Motion by WOODS, second by TURNER to ALLOW WITHDRAWAL of Tentative Subdivision Map 560 in accordance with the staff report; carries 5-0.

AMBROSE states this is a recommendation to the City Council, who will hold a public hearing on this item on November 9, 2004.

PLANNED UNIT DEVELOPMENT 246 – RFT Management & Development Co.

(public hearing) Resolution No. 10037

P. C. Meeting 10/18/04

(JOINT NOTICED. CC MTG 11/09/04)

The subject property is located on the north side of West Main Street between Dewane Drive and El Monte Road, and addressed as 1280 W. Main Street; APN 487-110-20; existing LUC 1142A, proposed 1142B; General Plan Designation: Medium Density Residential.

Request to convert an existing 44-unit apartment complex to a common-interest development in the R-3 (Multiple Family) zone.

AND

TENTATIVE SUBDIVISION MAP 561 – RFT Management & Development Co.

(public hearing) Resolution No. 10038

P. C. Meeting 10/18/04

(JOINT NOTICED. CC MTG 11/09/04)

The subject The subject property is located on the north side of West Main Street between Dewane Drive and El Monte Road, and addressed as 1280 W. Main Street; APN 487-110-20; existing LUC 1142A, proposed 1142B; General Plan Designation: Medium Density

Residential.

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

GRIFFIN indicates that the applicant's representative has been changed on this project. After it was originally submitted, RFT Management & Development dropped out. The current applicant is Westone Management Consultants. There was a letter in the staff report from the property owner to confirm that change.

He was surprised to learn that this project is older than the other two projects on this agenda. This one was built in 1976, and the other two were built in 1985, so this one is almost 10 years older. It has been maintained very well, in staff's opinion.

The noticing that is required by state law and the City's ordinance has been satisfied. In this case, the open space landscaped areas consist of: an existing swimming pool, which will be retained; a recreation building that is adjacent to it that will be retained (there is also a laundry in that building); and also there are open space/landscaped areas throughout the project that will be renovated and retained.

The physical elements report in this case was prepared by Johnny Huang. He has done a number of physical elements reports for conversion projects. His credentials have been accepted. His team inspected the interiors of 30 of the 44 units, which is approximately 75%, so they exceeded the minimum two-thirds. The upgrades, repairs and replacements for this project are similar to the ones discussed in the other projects. There was apparently some reroofing done on some of the buildings but no permits were obtained and that reroofing was not inspected so staff is recommending that the building inspection staff now review it with the applicant, and that the other buildings that weren't previously reroofed be reroofed with permits as a condition of approval.

Again, the one-hour firewalls must be provided in this project.

GRIFFIN says that the enhanced exterior elevations for this project were uniquely presented to the Planning Commission on 8 ½" x 11" sheets. They have provided a color photo of the existing building and on top of that is a clear acetate that shows the changes in the exterior treatment and colors. Staff thought that was a unique way of clearly showing the Planning Commission what this applicant is proposing to do, rather than just having the changes displayed on the board and have to wait until Monday to see them. Staff thought this applicant was very innovative in providing that and staff would like to use this approach as an example because staff is typically asked what is wanted to show the proposed changes. If the Planning Commission agrees, staff will use this as an example of what somebody might consider in the future to help present their case for enhanced exterior

elevations to the Planning Commission and City Council.

Currently all the buildings are the same color, a monochromatic beige. They are proposing to repaint the building in a series of different earth tones--not every unit, but several different units together. He thinks there are a total of four different earth tone colors. Staff believes that would be an improvement to the existing buildings.

This item and its companion subdivision map were jointly noticed for a City Council public hearing on November 9, 2004. Staff is recommending that the Planning Commission recommend approval of this conversion subject to the conditions in the staff report, and also approve the subdivision map in accordance with its conditions.

The public hearing is now open.

Brian HIGGINS, 1280 W. Main St. #12, El Cajon CA 92020, is currently a tenant in this project and says his concern relates directly to a physical element within the complex that is not covered in the staff report. That is the gate-opening mechanisms that control ingress and egress to the parking lots. He has lived there for over two years and those gate-opening mechanisms have been subject to constant breakdown. The breakdown periods range from a minimum of three days to well over a week. He believes it is a safety issue. He nearly got into a collision with another vehicle within the complex when one of the gates was stuck about 10% of the way open, and could not be opened fully to allow exit from the complex. His concern is that the prospective homeowners, of whom he may be one, will inherit a pair of antiquated gate-opening mechanisms that will require almost immediate replacement. He thinks they are beyond repair. He suspects that shortly after conveyance is made to the homeowners that the gates will break down once again and the homeowners will be stuck with having to replace those systems. He requests that the replacement of these gate-opening mechanisms be made a condition of approval of the conversion project.

In reply to AMBROSE, HIGGINS replies he has lived there over two years.

AMBROSE asks what percentage of time these gates have been broken down since he has lived there.

HIGGINS would say probably between eight and twelve times in total that one or the other has been broken down

Domenic LUPO, Lintvedt, McColl & Associates, the civil engineer for the project, 2810 Camino del Rio South, Suite 200, San Diego CA 92108, represents the applicants. He states they prepared the tentative map. They have one question on condition #2 on page 12, to replace all windows and exterior doors with dual glazed and energy efficient units.

There are existing exterior doors that are energy efficient and relatively new. Do those need to be replaced?

AMBROSE thinks if they can prove that they are energy efficient by submitting receipts, etc. to the staff, and that they are relatively new and meet current standards, that condition could be waived. The Planning Commission won't take that out of the conditions of approval; the applicant needs to provide the proof.

In reply to AMBROSE, GRIFFIN agrees. As a matter of fact, satisfying that condition generally is probably something that should be discussed with the Commission tonight. When staff has asked for "energy efficiency" on any of the various appliances, equipment or windows the staff has advised applicants we are talking about products that have received the "energy star" certification. That is an "energy efficient product", in staff's opinion. That way, the City isn't involved in saying it is or isn't energy efficient, and it is something that is accepted by the industry as an indication of energy efficiency

TURNER asks LUPO about the gates a previous speaker mentioned.

LUPO doesn't think the owner of the project will have any problem with upgrading, repairing or replacing the necessary gate-opening mechanisms. They don't want to turn over problems to the new owners.

GRIFFIN comments that security gates are not a City ordinance requirement. It is a developer option. However, he thinks the comments were well taken that if the security gates are going to remain, they should work.

No one else comes forward to speak on this item.

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

TURNER thinks this is a great project. She knows it pretty well because she drives by all the time. It is well maintained, and is probably one of the better projects the Planning Commission has seen for conversion.

In reply to AMBROSE, TURNER thinks the security gates should be included in the conditions.

HANSON-COX thinks they should be replaced and not repaired, because of what the Commission has heard.

AMBROSE says the mechanisms should be replaced, not the gates themselves.

HANSON-COX replies that is correct.

BLACK refers to page 15, condition #11.E and notices it should be changed to say “No recreational vehicles, . . .”

GRIFFIN agrees.

One thing GRIFFIN would like to add to the security gate discussion is that the Fire Dept. typically requires a so-called Knox Box, which is a trade name for a standardized emergency security access for Police and Fire. The Fire Dept. is now requesting, in addition, a laser-activated access unit to be added to the security gates. If a condition is to be added dealing with repair or replacement of the security gates, he recommends it be added as condition #8.d) 24 on page 13, and include that they comply with the new Fire Dept. access requirements.

No further comments are offered.

Motion on PUD 246

Motion by HANSON-COX, second by BLACK to RECOMMEND APPROVAL of Planned Unit Development 246 in accordance with the staff report, modifying 11 “E” to read: “No recreational vehicles, including RVs, boats, trailers or motor homes may be parked in the parking areas or driveways”; and adding condition 8.d) 24 to read: “Repair or replace parking lot security gates and comply with Fire Department access requirements.” Motion carries 5-0.

Motion on TSM 561

Motion by HANSON-COX, second by WOODS to RECOMMEND APPROVAL of Tentative Subdivision Map 561 in accordance with the staff report. Motion carries 5-0.

AMBROSE states these items will be heard by the City Council on November 9, 2004.

AMENDMENT OF CONDITIONAL USE PERMIT 1563 – Karmo
(public hearing) Continued to December 6, 2004

P. C. Meeting 10/18/04

The subject property is located on the south side of Broadway between North First Street and North Mollison Avenue, and addressed as 1031 Broadway; APN 484-294-23; General Plan Designation: General Retail Commercial.

Request to add 800-sq. ft. storage space to an existing commercial building in the C-2 (General Commercial) zone.

GRIFFIN advises that the fax the Planning Commission has a copy of was received today. He spoke with the applicant this afternoon and he said he did not have time to completely review the staff report and wanted more time. He asked for a continuance. GRIFFIN advised him that the last meeting this year is December 6, and he agreed, so staff's recommendation is to continue to that date

The public hearing is now open.

AMBROSE asks if there is anyone in the audience who wishes to speak who cannot return on December 6, 2004.

No one comes forward.

Motion by HANSON-COX, second by TURNER to CONTINUE the public hearing on Amendment of Conditional Use Permit 1563 to the meeting of December 6, 2004, with the applicant paying the cost of renoticing. Motion carries 5-0.

AMBROSE advises this item will be renoticed for the Planning Commission meeting of December 6, 2004.

AMENDMENT OF CONDITIONAL USE PERMIT 1035 – Jabo for Najor

(discussion) Letter to applicant

P. C. Meeting 10/18/04

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

Ninety-day review of social club in C-2 (General Commercial) and P (Parking) zones.

GRIFFIN states that Mr. Jabo acquired the social club earlier this year from Mr. Hamana. That change in ownership required an amendment of the conditional use permit. The reason for that condition is that there have been a number of issues with the social club over the years. For some reason the operational conditions have not been carried forward from one operator to the next. By putting that condition in, it was felt there would be a better job of trying to convey that information.

Mr. Jabo applied for his amendment in July 2004 and one of the conditions of approval was for a 90-day review to see that he had met all of the conditions. There were a number of things that were identified as needing to be fixed or upgraded. One of those conditions was that the club side of the block wall around the property be repainted one solid color.

There was also discussion about the use of the infamous east door. There is a public alley on that side of the building and in the past, under previous operators, that door has been used routinely as an ingress and egress. It is only supposed to be an emergency access and is not to be used for access to the club, or to use it to go out and have a cigarette or access the trash. It is for emergency purposes only, and actually should be kept closed. It still appears, however, that that door is still being used regularly and staff will have to speak with Mr. Jabo about a way to make it clearer that it is not supposed to be used for regular access in and out of the club. That was a condition in the last amendment.

The one issue that hasn't been quite resolved is that there is equipment on the building roof and part of the screening for that equipment was falling over back in July. One of the approved conditions was that Mr. Jabo restore that screening around the rooftop equipment. As of the date of the staff report for tonight's meeting, he had not completed that but today he indicated that he was working on it, pending the weather conditions, which were not very enviable today to do any work like that. The staff recommendation is for a continuance to November 15, which is one month, to allow Mr. Jabo to complete the roof screening and staff can also talk to him about the east side door access.

Other than that, there were no complaints from other businesses and generally staff is satisfied that the exterior maintenance is in good condition. There is not excessive trash, the landscaping is in pretty good shape, and staff is satisfied that Mr. Jabo is following the conditions of approval.

GRIFFIN adds that Mr. Jabo indicated to him today that, unfortunately, he had a death in the family and he would not be able to be here tonight

AMBROSE states this is not a public hearing; it is a discussion item. He asks if there is anyone in the audience who would like to speak.

No one comes forward.

BLACK has made several visits to the site. At his last visit, the gate in the alley was closed but there were two parked cars right in front of the gate. Both the adjacent trash doors were open, blocking access to make a turnaround at the trash area, and the club parking lot was a mess. This is the second time he has discovered this condition. This last time, he took some pictures in case they need to be passed on to the applicant. And, the side door on stood wide open. One fellow went out and looked around and then went back in, and the door was still left open. For BLACK to accept this 90-day review, there will have to be some improvements.

GRIFFIN states staff will pass that information on to Mr. Jabo. GRIFFIN will encourage him to be at the November 15 meeting to respond to any questions, if the Commission continues this item to that date.

HANSON-COX comments that she also frequently goes by the site and in the applicant's defense, she did see him trying to fix the rooftop equipment screen. That was probably in August. She is really surprised it hasn't been completed by now.

No further comments are offered.

Motion by TURNER, second by HANSON-COX to CONTINUE the discussion on Amendment of Conditional Use Permit 1035 to the meeting of November 15, 2004, in accordance with the staff report. Motion carries 5-0.

CONDITIONAL USE PERMIT 1961 – Cortes

(discussion) Letter to applicant

P. C. Meeting 10/18/04

The subject property is located on the south side of West Lexington Avenue between El Cajon Boulevard and Emerald Avenue, and addressed as 605 W. Lexington Avenue; APN 487-323-08; General Plan Designation: General Retail Commercial / Special Development Area #10.

Six-month review of auto repair and motor vehicle sales in the C-2 (General Commercial) zone.

GRIFFIN states this conditional use permit for both the repair of motor vehicles and the sale of motor vehicles was granted in June 2003. The applicant didn't complete the building

until more recently, so that is why the six-month review is being held now even though it has been more than six months since it was first approved. As mentioned in the staff report, there have been a number of occasions when staff visited the site where it appears to be overwhelmed with vehicles for sale. When this was before the Planning Commission in 2003, that very issue was discussed; that this is not a big property and there is not a lot of room to display cars for sale. There is barely enough room to park cars to be worked on. The operator has not been complying with that condition, in staff's opinion. As the photos indicate, there are more than three or four cars offered for sale. Sometimes they are out in the driveway; sometimes they are even in the street. Vehicles undergoing repair have even been seen up on jacks in the parking lot rather than being worked on inside the building. This is also a violation of the conditions of approval.

Staff has written letters to the property owner and to the operator explaining to them what the requirements were. There are photos taken in August and again just before tonight's meeting. There has been some improvement, but staff still feels the applicant does not fully understand that there are restrictions on this site as far as the display and servicing of vehicles. That is why staff is only recommending a two-week continuance, not a longer one than that, and hopefully the applicant is here tonight to hear that it is the Planning Commission and staff's expectation that they comply with the conditions all of the time. If in two weeks there still is no demonstrated compliance, staff would propose to bring back a resolution of intention to initiate the consideration of the revocation of the current conditional use permit. That is a serious step because that means the applicant is totally out of compliance and has resisted every effort to comply. Staff takes that step as a last resort.

AMBROSE shares staff's concerns. He remembers when the Commission saw this before that he was concerned that ten pounds of sand were being put in a five-pound sack. He was concerned then, and it looks like he might have been right. We'll see how the applicant can handle this.

AMBROSE invites comments from the audience on this discussion item.

Nick CASTIGLIONE, 631 W. Lexington Avenue, El Cajon CA 92020, has the body shop next door to the subject property. He watches them every day and they do get crowded periodically, but it is a short-lived thing. He has the same situation at his business. You get people in and people out. It is not an everyday occurrence but there are occasions when they become overwhelmed themselves with just being busy. He was next door to this former vacant lot for 17 years, and they have dealt with every kind of homeless, drugs, bonfires, bull whip fights, on almost a daily basis and at least every single weekend. It has been quite refreshing for him to come in and see a business there and run like it is. It has cleaned up a huge amount of the riffraff in the neighborhood. He is happy with what is there

now.

AMBROSE is glad to hear that one of the neighbors is happy with what they have seen over there. He is glad that the vacant lot is gone too.

Anthony CORTES is the owner of the subject property. He believes that the tenants are trying to comply and that they probably can comply 80 to 90 percent of the time. He was there today and while he was there, the driveway was clear but every parking space was full and their display area was full. In the time he was there, a tool truck came in and a customer came in to have something checked on their vehicle. They both parked in the driveway. He has been there at other times when the customers actually pull in and even though there was an open parking space, they would just pull right up in front of the service door. He is in the automotive repair business himself, and that happens at his business also. They have parking spaces all around the building, but the customers will pull right up to the front door, get out of their car and leave it there, even though it is not a designated parking space. These guys can either try to conduct their business or they can spend all their time chasing their customers around and moving vehicles and trying to comply.

While he was there today, he was speaking with the tenants and expressing his concern with them about what is going on—nobody wants revocation of the conditional use permit. He asked them about the vehicles parked in the parking spaces, how many are theirs and how many are customers' vehicles. They explained to him that virtually all but one or two of the cars in the six or seven parking spaces were customers' vehicles. They are either waiting for parts, waiting for an approval of the repair job, or for some other reason that the vehicle cannot be pulled into the shop to work on it.

On the way here, as he was driving down El Cajon Blvd., CORTES looked into the lot of virtually every car dealer in the City to see how many have cars parked in the driveways and other places. In nearly every instance he saw vehicles parked in nondesignated parking spaces.

AMBROSE thinks the Planning Commissioners are all pretty familiar with the automotive repair business. They are not blind to what goes on. He thinks what is being asked for is balance. The concern is perhaps that if they are trying to sell cars and repair cars at the same time, maybe they should only be doing one thing instead of two things. He has been around the car business a long time and understands how it works. He is concerned that maybe there is too much going on on this site with trying to sell cars and repair cars at the same time. To get his support, they need to explain to him where the balance is. The Commission is asking for full compliance with the conditions because the applicant agreed to these conditions. The Commission is not asking him to make it perfect 100% of the time. It is recognized that there will be circumstances where someone will pull in or someone

else will pull in behind them. But when staff goes to the site and sees a chronic situation where there is stacking and people parked in the driveways all the time, they are concerned.

CORTES guesses that is the question, whether it is chronic or not. He really believes that “these guys” are trying to operate within the spirit of the conditional use permit. They are not overhauling cars in the parking lot or are not overhauling cars at all, which is one of the conditions. The work they are doing is relatively clean and they are keeping everything within the shop. They are not washing cars outside. The only issue is that there are too many vehicles on the lot from time to time. Again, they are trying to operate within the guidelines of the CUP. A solution for them would be to park the cars on the street around the neighborhood, which would be perfectly within their right to do (*sic*). He doesn’t think anybody wants that. What he is asking for is a little latitude from the Planning Commission that when “these guys” do exceed the designated amount of cars, don’t pull their permit for something like that. They are good neighbors and are taking care of the property. They haven’t had any complaints. He remembers the Commission had a strong concern that there would be complaints from the apartment building next door. He doesn’t think there have been any complaints whatsoever. These guys are good neighbors. We are talking about a couple of extra cars on the lot.

AMBROSE thinks maybe they need to amend their (conditional use) permit. Maybe they should be operating under a new set of rules.

CORTES asks what if they put up an obscure fence across the front of the property? Right now, there is a decorative wrought iron fence that provides a small degree of security. He sees GRIFFIN shaking his head no to that idea.

AMBROSE states the Planning Commission will discuss that.

HANSON-COX deals with this same situation all the time where she works. The speaker is right. She has the same problems at one of the warehouses that she manages. She knows sometimes her tenant has problems with people pulling in. She has another tenant behind her building, and her tenant has to be responsible to make sure people don’t block the aisle way for people to get back to her tenant in the back. She commends them for trying to work on the cars on the inside of the building. She doesn’t know why there are so many extra cars here. Maybe it is a scheduling thing.

Jose LOCANO is one of the Three Amigos who run the business under that name. Their have a famous name and the customers come into their shop and it is hard to control the parking spots.

AMBROSE is glad to hear they are successful.

LOCANO says maybe the Planning Commission can give them a solution.

HANSON-COX's observation is that many of the customers are getting there all at the same time.

LOCANO responds they are their customers who bring their cars in. Every morning they have two or three customers waiting and they don't have any extra spaces. They bring their car in and leave it there, and it is hard to control the parking.

HANSON-COX has a solution. She takes her car in for service now and then. When she calls up they always say they are sorry but their parking lot is full, and they tell her to bring it in on Wednesday or Thursday. Maybe the applicant could put up a sign saying "By appointment only". In other words, they usually know about how long it takes to fix a car, depending on what it is. Maybe they can start scheduling a time for their customers to come in. She commends The Three Amigos for their success. She is thinking, to help them out, that a solution would be to schedule appointments.

LOCANO thanks HANSON-COX.

AMBROSE states he is on the same wavelength. Because the applicant and the owner and at least one neighbor came tonight, he would like to give them more time than just to November 1.

HANSON-COX agrees. She thinks they are trying to make this work. She understands because she also has the same problems at her business. She thinks if he starts scheduling his customers that he will be pleasantly surprised. It will make his customers happier and he will be able to stay within the conditions. She thinks it will help them out a lot.

John HARRIS, 468 Emerson, Chula Vista CA 91911, runs the applicant's transmission division. He understands it is a small parking lot. He has worked in San Diego as a transmission technician for 20 years so he knows what it is like to work in different facilities and areas and how hectic it can be trying to get customers checked in. He wants to make sure there is clarify on what needs to be done for them to comply and be good tenants. If someone says something has to be done a certain way, and then two weeks they are told to do it another way—he just wants to make sure there is clarity.

AMBROSE states they do have clarify. They have a resolution of approval and the conditions in it need to be maintained at all times, to the extent possible. There isn't going

to be somebody looking at what they do 24 hours a day.

HARRIS heard something mentioned about setting a limit on the number of cars allowed to be sold, but no number was given.

GRIFFIN advises that there is an approved plan that showed a car sales area along the westerly property line, and it will not accommodate a lot of cars for sale. In his opinion, that is the problem. The applicant is maximizing the sale of cars and does not have enough room to have both a maximum used car sales business and the repair business. Either the used car sales is a minor aspect and the parking spaces are available for customers as they are supposed to be, or there are going to continue to be problems. That is the crux of it, in his opinion. The photos show that routinely, at least when staff has been by, all kinds of vehicles have been in the driveway. There would be no way to get out of the parking spaces with cars parked in the driveway. The driveway needs to stay clear at all times and the number of for sale vehicles has to be minimized. If there are vehicles for sale in the driveway or out in the street, then, in his opinion, they are in violation of the CUP (conditional use permit). It is not acceptable to the staff for this site to have an overwhelming number of used cars. It is either a used car lot or a car repair lot, but it can't be both to the extent that it is today.

HARRIS asks if there is a definition of an "overwhelming number of used cars" for sale.

GRIFFIN replies over four.

HARRIS appreciates that, just as long as there is clarity.

AMBROSE thinks if there is not clarity, then the applicant needs to have a meeting with Mr. Griffin to make sure they fully understand what they agreed to in the conditional use permit. He doesn't think it is the Planning Commission's job to make sure the applicant understands what he agreed to.

HARRIS says that sounds reasonable.

Commissioner BLACK sees an adversary type thing going on. He has owned three businesses in El Cajon and knows what it is to operate a business. The Planning Commission needs to hear ideas from the owner/operator about mitigation and what they can do to improve the situation. He suggests they put on their thinking caps and come back with some ideas. It was nice that HANSON-COX gave them some ideas, based on her experience, but the Planning Commission can't continue doing that.

AMBROSE agrees the Commission is not the source of ideas.

BLACK would not like to see a confrontation type of situation. The Commission wants to solve the problem and make it work.

HARRIS agrees.

In reply to AMBROSE, HANSON-COX would like to hear a plan when they come back. She is not sure what the timeframe should be.

GRIFFIN states staff doesn't want to make this confrontational. There is more work for staff to do than to visit The Three Amigos every day and find out if they are parking where they are supposed to. It is up to the Commission if it is satisfied that they are going to try and make this work, then there is less urgency of getting their attention and the fact they are here tonight is an indication that they are interested in trying to comply. The fact that they are here and have heard staff's concerns and the Commission's comments, there shouldn't be any question about what the expectations are.

As far as when the Planning Commission wants this to come back, it can wait until the first meeting in January.

WOODS asks if it is GRIFFIN's opinion that if the sale of used cars was limited to four spaces that the rest of the parking problems would be minimized.

GRIFFIN believes so. This site is not very big. In order to have the parking spaces and the driveway work, there has to be a certain amount of space to turn around. Once that space is compromised, if cars for sale are parked perpendicular along the west property line like the parking spaces on the east, the site doesn't work. The lot is only 60 ft. wide. What we are talking about tonight is exactly what the staff envisioned in the long term when this CUP was approved in 2003. Now that it is known what the problems are, let's see if they can be resolved in a way that the applicant can be successful, because the City wants them to be successful, but to also comply with the City requirements including the conditional use permit. He thinks that can be done. If they can live with a limitation on the number of vehicles they display for sale, that should take care of the problem as long as they aren't working on cars outside.

WOODS understands that, for the sake of clarity, limiting the vehicles for sale to four would solve the problem.

GRIFFIN replies it is easier to count the for sale cars than it is to mark off the space on the ground.

AMBROSE encourages the applicant to meet with Mr. Griffin and tell him how they are going to solve the problem and let Mr. Griffin have some input into that. Then they can come back in a couple of months and show the Commission how they are solving the problem.

HANSON-COX says that sounds good. The Planning Commission wants them to succeed and is here to help.

No further comments are offered.

Motion by HANSON-COX, second by WOODS to CONTINUE the discussion on Amendment of Conditional Use Permit 1961 to January 10, 2005 with the applicant to work with staff regarding the issues discussed including a parking solution dealing with the display of vehicles for sale and the parking of vehicles to be repaired. Motion carries 5-0.

CASTIGLIONE comes forward again and asks that the Planning Commission not micromanage. Cars can't be told when and when not to break down. He tries extremely hard to schedule work in his shop. He and his wife work at that diligently, and they are backed up almost constantly. No matter how hard they try, they get everything on path and then a wreck comes in that throws everything off for about a week. It does come back to normal, but it takes some time to get the vehicle repaired, in and out.

AMBROSE states that the issue here is that this is a small site and car sales and repair are both being done. The Commission and staff are of the opinion right now that maybe there is an imbalance between car repair and car sales. All he is expected to do is get together with staff and work out a solution. The Planning Commission will look at it again in a couple of months and if it is working and operating fine, then it will be done.

EXTENSION OF TIME FOR ZONE RECLASSIFICATION 2235 – Tuttle (Shoemaker)

(discussion) Resolution No. 10039

P. C. Meeting 10/18/04

The subject property is located on the south side of Granite Hills Drive between South Second and Dorothy Streets, and addressed as 1203 Granite Hills Drive; APN 514-014-07.

Request extension of time to prezone property from County RS4 zone to City of El Cajon R-1-6 (residential one-family 6,000 sq. ft.) zone.

GRIFFIN states the ordinance permits the Planning Commission to grant up to a one-year

extension without a new public hearing. In this case, the applicant actually is the new buyer of the property. There was an unauthorized connection to the City sewer at this property. The City Code says a person can't connect to the sewer unless they are in the city. El Cajon doesn't have out-of-city sewer agreements. The applicant was required to prezone the property, which is a requirement in order to annex. In the meantime, the applicant has submitted the annexation paperwork but they are not finished yet. Rather than recommend a one-year extension, which the Planning Commission could grant, the staff believes the fires should be kept burning and just grant a six-month extension. That doesn't mean they can't come back in six months, if there is justification, and request six more months. Staff is recommending a continuance to March 15, 2005. Hopefully by then the annexation will be done and the applicant will have obtained all the necessary permits and everything will be resolved.

AMBROSE asks if there is a fee for a request for an extension of time.

GRIFFIN replies yes. If the Planning Commission grants the six-month extension, it will probably just be treated as one request. Staff is not going to tell them they can't come back and charge them another fee.

AMBROSE was concerned about that.

No further comments are offered.

Motion by TURNER, second by WOODS to GRANT AN EXTENSION OF TIME for Zone Reclassification 2235 to March 16, 2005, in accordance with the staff report. Motion carries 5-0.

SIGN APPLICATION #166 – Mossy Nissan

(discussion) Letter to applicant

P. C. Meeting 10/18/04

The subject property is located on the northwest corner of West Main Street and North Marshall Avenue, and addressed as 1170 W. Main Street; APN 4887-110-27; LUC 5511; General Plan Designation: Light Industrial.

Request a 63-foot-high freeway-oriented sign in the C-M (Heavy Commercial/Manufacturing) zone.

GRIFFIN states Mossy Nissan is going through a total sign revision program at their dealership. One of those signs is what is called a "freeway-oriented sign" because it is

between the building and the freeway and is within 660 ft. of the freeway. The Planning Commission must approve any freeway-oriented sign that is over 35 ft. high. The request is for a 63-foot-high sign. Any freeway-oriented sign over 52 ft. high is only allowed when the property is two acres or larger. This site is more than two acres and is also below the grade of the freeway. Staff recommends that the Planning Commission approve the 63-foot-high sign that is 200 sq. ft. in sign area. It is not pointed out in the staff report, but the subject sign is actually Sign A on the materials the Planning Commission received. It is also circled on page 1 of the attachment where it is shown on the site plan, and then on the second page (actually page 3) it is the one on the left that says "63 ft. high". That is what it will look like, and staff recommends approval.

AMBROSE thinks it is pretty straightforward and staff has called it right. Do any of the commissioners have any concerns about the sign or where it is located?

HANSON-COX likes it. It is aerodynamic. It is very pleasing to the eye.

No one comes forward to speak.

Motion by HANSON-COX, second by WOODS to APPROVE Sign Application #166 for a 63-ft.-high freeway-oriented pole sign that is 200 sq. ft. in sign area, subject to obtaining a building permit and 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 HANSON-COX to adopt Resolution Nos. 10028, 10029, 10035, 10036, 10037, 10038 & 10039 pro forma; carries 5-0.

ORAL COMMUNICATIONS

AMBROSE thanks staff for putting the disclosure statements in the agenda packets.

GRIFFIN states staff will include the statements when it is other than an individual involved. If the commissioners have any questions, he suggests contacting staff for any more information about possible conflicts.

GALLAGHER adds that this issue was discussed with the City Attorney regarding the steps the Planning staff is taking to make sure the commissioners have the disclosure forms. She cautions that, in addition, if a commission member is in a business where they might be doing business with someone who would be coming before the City, that they should check with their own employers and find out what projects they may be working on—for the commissioner to obtain additional information him or herself.

Regarding the Physical Elements Reports, AMBROSE thinks that sometimes the black and white photos get “muddy” and are almost useless. It would be better if the applicant could have color or, if they are going to use black and white, to do original laser prints, because after they get copied three or four generations, they are useless to look at. The other commissioners agree with this.

GRIFFIN also agrees. There may be some photos in future conversion project PERs (physical elements reports) that are already in the system that may be black and white, but staff will make sure that future applicants are aware that all of the photos, regardless of whether they are in the PER or just the regular photos given, are color photos.

GRIFFIN wishes Commissioners Hanson-Cox and Black good luck in the City Council election.

HANSON-COX appreciates the staff for what they do for the commissioners and thanks them. She also thanks Commissioners Ambrose and Turner for helping and guiding her this last year and a half.

CORRESPONDENCE

There was none.

ADJOURNMENT

The meeting of the El Cajon City Planning Commission adjourned at 8:43 PM this 18th day of October 2004.

Anthony AMBROSE, Chair

ATTEST:

James S. GRIFFIN, Secretary