

MINUTES

PLANNING COMMISSION MEETING

JANUARY 10, 2005

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

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: WOODS, BLACK, TURNER, AMBROSE
COMMISSIONERS ABSENT: NONE (fifth seat vacant)
OTHERS PRESENT: RAMIREZ, Principal Planner
FOLEY, City Attorney
GRIFFITHS, Principal Civil Engineer
ALVEY, Assistant Planner
MOSSAY, Minutes Clerk

MINUTES OF 12/6/04: Motion by TURNER, second by BLACK to approve the Minutes of December 6, 2004 pro forma. Motion carries 4-0.

Per the City Attorney's request, Agenda Item #9 regarding the broadcasting of Planning Commission meetings was removed from the agenda.

ZONE RECLASSIFICATION 2255 – Areigat

(public hearing) Resolution No. 10072
P.C. Meeting 1/10/05

The subject property is located on the west side of Avocado Boulevard between Calavo Drive and Dewitt Court, and addressed as 4876 Avocado Boulevard; APN 497-081-50; LUC 1111; General Plan Designation: Low-Low Density Residential.

Request to prezone property from the County RR1 zone to the City of El Cajon R-S-14 (Residential Suburban 14,000 sq. ft.) zone.

RAMIREZ states this is a request to prezone the subject property prior to requesting its annexation to the city of El Cajon. Prezoning is required by the Zoning Ordinance and

by Local Agency Formation Commission (LAFCO), a separate agency which must approve an annexation before the city considers it. The applicant is requesting that the subject property be rezoned to R-S-14. The zone allows single-family residences on 14,000 square foot lots, which is approximately one-third of an acre. The current county zoning is RR1 or one acre residential.

If the R-S-14 rezoning is approved and the applicant is successful in his annexation petition, the subject property could be subdivided into three separate lots. However, it may be difficult to create those three lots due to the placement of the existing home.

The subject property is technically not within the city of El Cajon's adopted Sphere of Influence or General Plan boundary. LAFCO will require that the sphere boundary be amended, even though El Cajon's sphere was adopted by LAFCO with a note that said, "Any sphere boundary that was a public street would also include properties on both sides of the street".

The city has previously determined that properties that are within the city's sphere are also within the General Plan boundary and have the same General Plan designation or category as adjacent properties. In this case, properties on the north side of Dewitt Court have a General Plan land use designation of "Low-Low Density Residential", which is 0-3 dwelling units per net acre. Also, they are zoned R-S-14 in conformance with that designation. The three zones that are consistent with "Low-Low Density Residential" are R-E-40, for single-family residences on 40,000 square foot lots; R-E-20, single-family on 20,000 square foot lots; and the requested R-S-14 zone. In the past, three rezoning requests for the R-S-14 zone in this neighborhood met with considerable public opposition and subsequently the properties did not annex to the city.

At the time the staff report was prepared, the staff had received four phone calls from property owners requesting information but not expressing opposition.

A City Council public hearing date for February 8, 2005 has been set to hear this item.

It is recommended that the Planning Commission recommend adoption of the proposed negative declaration and recommend approval of the rezoning of the subject property from the county of San Diego RR1 zone to the city of El Cajon R-S-14 zone, subject to conditions stated in the staff report.

The public hearing is now open.

John GRIFFITH, 10914 Rockwood Road, El Cajon, states that part of his property faces Avocado Blvd as well as Rockwood Road. It has a little over an acre of land, which is one of the main reasons he bought the property and moved into that home. He moved out of the city of San Diego to get out into an open area where he would not have a next-door neighbor 7½ feet away.

GRIFFITH is opposed to the annexation because he doesn't want any type of annexation encroaching or coming any further out than where El Cajon is right now. The reason for that is that several years ago he was sent a letter by an engineering firm out of Santee working with a bank trying to annex the property directly across the street from his property. In that letter, it stipulated that he would have to hook up to the city sewage at the cost of \$120,000. He doesn't have \$120,000 to hook up to the city sewage. He doesn't feel that it should be imposed on people like himself to have to do that.

There are many people in the neighborhood who have lived there for 40 years and the reason they bought there is so they would have plenty of room around them and not have to worry about any density being built up around them. Even though there is going to be three houses, that is three houses for this lot. Where is the next one going to come from for four houses or five houses? Even if they tear this house down, which GRIFFITH understands they probably will have to do, to put three houses on that property, it is three more houses that he is not terribly interested in having in the neighborhood.

AMBROSE asks the speaker if he would be opposed to annexation, even if it remained as it is?

GRIFFITH is opposed to any annexation that brings the city closer to him and gives people an easier way to continue to bring the annexation further and further out. Even though they may say it is only going to happen for this side of the street today, in the future who is to say they can't do it again?

Nael AREIGAT, 4876 Avocado Blvd, El Cajon 92020, is the applicant. It makes sense to annex this property because there is a concrete curb and gutter fronting his house on Dewitt Court. Regarding the annexation and the concern about the drainage fees that the neighbor mentioned earlier, the neighbor does not have to pay any of those fees because his property is not going to be annexed. It is AREIGAT's responsibility to do the sewer and the connection and he doesn't need any of the neighbors to share the expense with him.

Right now across the street, he has three dwellings fronting his house that is equal to three houses on the same size as his house. They are about 10,000 to 14,000 sq. ft. The lots will be pretty big compared to the city requirements. We are not talking about 6,000 square feet—we are talking about 14,000 square feet. He has another property between his house and the neighbor's property. And he doesn't think his neighbor to the south is interested in any annexation to the city.

He is here to answer any questions the Commission may have.

No one else comes forward on this item.

Motion by TURNER, second by WOODS to close the public hearing on Zone Reclassification 2255; carries 4-0.

Under discussion, WOODS thinks it is a reasonable request.

BLACK asks if anyone else is going to be required to hook up to the sewage system?

AMBROSE says no, only the applicant. This is only a recommendation. The City Council makes the final recommendation to go to LAFCO. LAFCO will also have to review it if it goes any further.

TURNER asks if the property across the street (to the north) is the same type of situation where it had been annexed in?

RAMIREZ answers yes, on the north side of Dewitt Court. The applicant was actually referring to the three lots that are shown on the location map at the end of the staff report.

TURNER asks if another option would be to reduce the property to half-acre lots, to the R-E-20?

RAMIREZ adds that there is a third option--to go with R-E-40, which is a 40,000 square foot minimum lot size. It would basically leave the subject property the way it is now.

TURNER thinks the request looks pretty straightforward based on the neighborhood. She understands what the neighbor is saying about the density, but the applicant has the right to be annexed in, as long as he is going to pay the fees. It doesn't look like something out of the ordinary, since there is something like it across the street.

Motion by WOODS, second by BLACK to recommend adoption of the proposed Negative Declaration; carries 4-0.

Motion by WOODS, second by BLACK to recommend approval of Zone Reclassification 2255; carries 4-0.

This action is a recommendation to the City Council. There will be a hearing before the City Council on February 8, 2005.

PLANNED UNIT DEVELOPMENT 230 – Easter

(public hearing) Resolution 10073

P.C. meeting 1/10/05

The subject property is located on the west side of Emerald Avenue between Chamberlain Street and Palm Avenue, and addressed as 436 Emerald Avenue; APN 487-541-20; General Plan Designation: Medium Density Residential.

Request for six residential condominium units in the R-3 (Multiple Family) zone.

AND

TENTATIVE SUBDIVISION MAP 544 – Easter

(public hearing) Resolution No. 10074

P.C. Meeting 1/10/05

The subject property is located on the west side of Emerald Avenue between Chamberlain Street and Palm Avenue, and addressed as 436 Emerald Avenue; APN 487-541-20; General Plan Designation: Medium Density Residential.

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

RAMIREZ states this is a re-submittal of a proposal to develop the subject property. The original proposal for a PUD site plan was determined to be deficient in several areas. At the July 26, 2004 Planning Commission meeting, the applicant's request for withdrawal of that original proposal was granted.

According to the revised site plan, the development would replace the existing residence presently located on the subject property with six single-family homes. Each home is a two-story detached structure and includes an attached three-car garage and private courtyard. Two 16-foot driveways, one from the public alley and one from Emerald Avenue, which do not connect to each other, are separated by a passive landscaped area. Exterior elevations and the color materials sample board are posted this evening for the Commission's information.

The proposed project density of approximately 15 units per acre falls within the allowable range of the "Medium Density Residential" General Plan category for this site. The surrounding area is predominantly developed with older apartments with interspersed single-family homes and rest homes on narrow lots. Emerald Avenue is an older area of the city that has not seen significant new development or regular attention to existing properties. Staff believes the proposed PUD will be compatible with the surrounding development if all proposed conditions of approval are satisfied.

The proposed development is subject to the requirements of the PUD ordinance and the underlying R-3 zone. Although the staff report discusses in detail each development standard, RAMIREZ's comments will focus on only those which may require revisions to the applicant's proposal.

The project as proposed complies with building setback requirements, except that the proposed front-entry garages do not observe the minimum setback of 20 feet from the edge of the private driveway in order to count one required visitor parking space in each private driveway. Instead, the applicant is proposing to incorporate one required visitor's space in each unit in each garage by providing a three-car garage. Staff believes this could present several problems. The third parking space in each garage has the potential to become storage space, or the third space could become frequently used by the owner or occupant of the unit. It would at least require that the garage door be opened by the occupant for any visitor to come and go. This arrangement is very unusual and not one with which the city has had any experience. Relying on CC&R's to enforce the availability of these garage spaces for visitors is probably not going to be successful, in staff's opinion. The Commission should discuss this visitor parking arrangement and determine whether it is acceptable.

With regard to open space and recreational areas, Section 17.54.120 of the PUD ordinance permits projects of 10 units or less to satisfy 100% of the required open space area in private yards, subject to approval of the Commission and with concurrence from the City Council. This means that 225 square feet per unit must be satisfied in private yards. The applicant fulfills this requirement by showing private yards with landscaped planters, a patio and an outdoor fireplace for each unit. The outdoor courtyard for proposed Unit 1, however, contains a retaining wall four feet high, combined with a three-foot high fence within the front setback. The ordinance does not permit a wall or fence (or combination thereof) greater than 3 ½ feet within the front 10-foot setback.

There is a common walkway along the northerly side of the property that provides pedestrian access through a security gate on both the Emerald Avenue and the alley sides. This will allow entrance into the units from other than garages and will also afford access to the private courtyard areas.

Because the applicant has not indicated a trash enclosure on this development, it is assumed that the applicant is proposing individual trash service for each unit, which is permitted by the ordinance. Not having a through driveway and having security gates on each driveway may complicate trash collection, although individual containers could be rolled out to the alley or Emerald Avenue by each resident. Since the local trash collection company began requiring that residential customers use rolling containers, staff has noted that other PUD projects which were not designed with the space in mind to store three bulky containers, are experiencing some problems. The proposed garages may have to be modified to accommodate the large trash containers.

To summarize, there are only a few aspects of the proposed project which need to be addressed by conditions of approval. In addition, the proposed elevations are unique in staff's opinion, and quite imaginative. Staff believes that the applicant has proposed a plan that is comprehensively designed and imaginative and staff supports this redevelopment project in this neighborhood.

The companion item, Tentative Subdivision Map 544, proposes a one-lot subdivision for this common-interest development.

Staff recommends approval of both items, which are scheduled to be considered by the City Council on February 8, 2005.

The public hearings are now open.

Jorge PALACIOS, JP Engineering, 4849 Ronson Court, Suite 105, San Diego 92111, represents the applicant. They agree with all the conditions of approval by staff, except for Condition 3(d)(6) and (9). They would like to discuss these issues with the Commission to see if they can come to an understanding. The architect is here tonight to address these issues in more detail.

John EISENHART, 3730 Columbia Street, San Diego 92110, is the project architect and wishes to discuss several issues.

First is the three-car garage and why he is proposing the visitor space be enclosed. It comes down to issues of compliance of being in a garage space. Already you have to comply with not having anything else but cars in a garage space right now. A visitor's space in a garage space would also comply with that. He can't see how adding on an enclosed visitor's garage space would cause any more enforcement problems than what already exists with a two-car garage right now. There is really no way to enforce that.

EISENHART lists three reasons for having an enclosed visitor's space: Enclosing the visitor's space would have a better visual improvement of the project itself. It is an aesthetic upgrade. It would also be able to be better maintained, since it will be under the ownership and care of an individual person instead of open to the elements and the public. There also is an environmental impact that would be improved by enclosing the visitor's space. Cars leak oil and gas and this would be enclosed inside the garage and not be part of a runoff into a public driveway area. The third reason would be to enhance public safety. When there is an enclosed visitor's space, there is no chance for crime or vandalism to take place. EISENHART hopes that under the conditions and tightness of the lot, that the Commission will consider having the visitor space enclosed.

AMBROSE asks about the storage for trash containers.

EISENHART says that is available right now. The garage has a three-foot by 12-foot area in the back that can easily accommodate three containers.

AMBROSE understands the issues with regards to the guest parking situation, but the Commission has not had an applicant come before them who asked to put the guest parking inside the garage. That is an unusual request. He can see why it would be important, especially in this area, to keep it enclosed. But at the same time, it seems that once there is a door closed behind it, there is no way that the city is going to be able to tell if that space is actually being used for guest parking or if it is being used for storage by the owner--not without knocking on the door and going through an inspection process. Staff does not have the time to go around and inspect individual units and find out if they are complying with the conditions of approval.

AMBROSE can see where staff is coming from on this and he agrees with staff. He thinks there might be some other alternatives. You could fully finish the inside of the parking bay that could be used for parking and maybe you could have some kind of wrought iron open fencing that could enclose it, and could be opened and locked up in the after hours. The owner could leave it open and guests could easily come there and they would know that there was a space for them and it could be clearly marked as guest parking. He thinks something to that effect would be a better alternative than closing it off with a door.

EISENHART asks if it would be possible to have two doors—one for the garage and one for the visitor's space? Perhaps the visitor's space would be open during the day and be able to be closed at night?

AMBROSE states that there would need to be two doors—one for the two-car space and one for the guest parking space. He thinks that needs to be a little more transparent than a regular door. Otherwise, he doesn't see how staff could manage it. He asks staff for comments.

RAMIREZ says the suggestion that was given to the commissioners in the report was that the third space has no door on it at all. Staff's position is in agreement with that of Chairman AMBROSE.

WOODS agrees that you can't have a door there; otherwise visitors can't readily access it. The temptation is too great in a small house to use it for extra storage.

AMBROSE thinks this is a great project, otherwise, and has a lot of potential.

BLACK asks about a wrought iron, gate-type front. He can't see leaving it open and accessible to any and all who may walk by without some kind of security.

AMBROSE thinks there could a simple iron gate there, where the owner could come down and lock it up during the after hours or even have it on an opening device. But you need to be able to have a guest pull in there easily.

EISENHART confirms that the Commission's main issue is being able to see through that space.

AMBROSE thinks the main issue is being able to see in there and know that it is obviously guest parking.

EISENHART thinks this can be resolved with staff.

EISENHART discusses the issue of the Unit 1 courtyard space. The retaining wall they can conform to by just coming down six inches. He would like to have some flexibility with the encroachment into the front yard with the private courtyard space. The way it is designed now, there is about 13 feet from the building face to the property line, with a 10-foot courtyard next to that. That leaves three feet of public space for landscaping. The requirement is 10 feet. There is another requirement for 225 square feet of private space.

AMBROSE asks the speaker if he wants to be able to have the wall in there?

EISENHART says the wall is fine—he thinks they can live with a 42-inch solid wall and then have a wrought iron open fence above that to six foot, which is allowed from his understanding. The issue is staff wanting a 10-foot public setback and then he would begin his private courtyard area after that 10 feet. He requests that part of that private courtyard space extend into the public front yard setback. He uses this as a precedent—in many municipalities they do allow for a front porch to encroach into the setback area. In the actual PUD, there is an intent and purpose that there is a flexibility in design that you are allowed to make a decision on, and if it is consistent with the General Plan and with public interest, he would hope that the Commission would look at the public interest as being a front porch that people will sit on and will be beneficial to the sidewalk on Emerald Avenue. This is good socially and makes the community and the neighborhood livelier. There also will be landscaping in that private courtyard. He is hoping the Commission will at least allow a five-foot encroachment of the private courtyard into that area.

AMBROSE asks staff what authority the Commission has to grant that request? There is an ordinance requirement for a setback, but it is a PUD. How much flexibility does the Commission have?

RAMIREZ states it is an ordinance requirement and the ordinance is the law that is not meant to have much interpretation or flexibility at all. She doesn't see a variance application being an option, since there doesn't appear to be anything extraordinary or unusual associated with the property itself. With this brand new development, we are basically starting with a clean slate. It seems to be more the designer's choice to put those improvements there than having some circumstances about the property that make it impossible to do it any other way. Staff would support leaving the condition 3d (9) as it is recommended in the staff report.

RAMIREZ states there are also some things she heard from the speaker that leave her wondering. The project is shown with security entrances and yet the speaker is indicating that it would be good and social to have this front area near the street and,

yet it is being called it a “private” yard. There seems to be an idea or two in conflict that are not the strongest support for encroaching into the setback, in staff’s opinion.

AMBROSE thinks there is some room for encroachment, but he doesn’t think the Commission has much flexibility. That is his issue here this evening. He would direct the applicant to try to work something out with the staff. This has to go to the City Council anyway. He thinks the applicant should bring this request up to City Council and see how they react to it as well.

EISENHART says he will do that.

In response to AMBROSE, EISENHART thinks he is set regarding the conditions. These were the two main issues and the third issue can be worked out.

No one else comes forward on these items.

Motion by TURNER, second by WOODS to close the public hearings on Planned Unit Development 230 and Tentative Subdivision Map 544; carries 4-0.

AMBROSE thinks that all in all this is a very good project. This is a tough neighborhood. He would hope that a project like this might be an inspiration and help attract other property owners to do likewise. It has got a unique flavor to it and he thinks it is something the Commission should support.

TURNER agrees with AMBROSE.

Motion by TURNER, second by WOODS to recommend approval of Planned Unit Development 230 in accordance with the staff report; carries 4-0.

Motion by TURNER, second by WOODS to recommend approval of Tentative Subdivision Map 544 in accordance with the staff report; carries 4-0.

These actions are recommendations to the City Council. The jointly noticed meeting before the City Council will be on February 8, 2005.

AMBROSE wishes the applicants good luck on their project.

PLANNED UNIT DEVELOPMENT 255 – CondoConversions.com/Tseng Wang Tai
(public hearing) Continue to a meeting not later than 3-14-05
P.C. meeting 1/10/05

The subject property is located on the east side of Leslie Road between East Renette and East Chase Avenues, and addressed as 1027 Leslie Road; APN 492-342-20; LUC 1141A, proposed 1141B; General Plan Designation: Medium Density Residential.

Request to convert an existing 5-unit apartment complex to a common-interest development in the R-3 (Multiple Family) zone.

AND

TENTATIVE SUBDIVISION MAP 569 – CondoConversions.com/Tseng Wang Tai
(public hearing) Continue to a meeting not later than 3-14-05
P.C. meeting 1/10/05

The subject property is located on the east side of Leslie Road between East Renette and East Chase Avenues, and addressed as 1027 Leslie Road; APN 492-342-20; LUC 1141A, proposed 1141B; General Plan Designation: Medium Density Residential.

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

RAMIREZ states this is a request to convert five existing apartment units and to create a one-lot subdivision of the subject properties. After reviewing the plans of the subject property submitted by the applicant, there were concerns expressed by staff and discussed with the applicant's representative. The representative was informed that both of these items would either be recommended for denial or for a continuance to the March 14, 2005 agenda. The long continuance is due to the large number of items on other agendas that are already closed and somewhat because the need for a continuance was caused by the applicant not responding to staff's request in a timely fashion. Any new information must be submitted to the staff no later than February 25th in order to avoid another continuance.

It is recommended that the Commission continue both items to March 14, 2005, with the applicant to pay the cost of re-noticing.

AMBROSE states these items will be continued and asks if there is anyone in the audience who wishes to speak on this item before it is continued.

Chris CHRISTENSEN, CondoConversions.com, 4817 Palm Avenue, Suite I, La Mesa, represents the applicant. With all due respect, he disagrees with the recommendation of the staff. He thinks there are a couple of points that need to be clarified. A nine-week continuance is less than desirable. All of the items that were discussed by staff and brought to his attention were brought to his attention during the holiday period. He

did attempt to work with staff over the last couple of weeks. He has had discussions with more than one staff member to try and resolve the conditions. The conditions were essentially re-establishment of an open space that was on the original site plan--the applicant is happy to comply with that, as it is an existing yard right now for one of the lower units; re-establishment of landscaping and removing a trash dumpster to the location that it was originally indicated on the site plan. These are all things they will comply with.

If this comes back as a continuance, it will undoubtedly be recommended for approval. With all due respect to staff, he asks the Commission to take a bold step tonight and overturn the recommendation for a continuance and to approve this project. He will be happy to comply with all reasonable requests that the staff might put forward. In the time it took to write a report and recommend denial of this project, we could have very easily put those as conditions of approval. Again, they were an open space area which is now a private yard, upgrading landscaping and moving a dumpster. In addition to that, they proposed several other exterior upgrades. There was a comment made to him that said, "We are only going to slap a coat of paint on this project." That is not the case. They plan to do significant upgrades. If any of the Commissioners have visited the property, it is in very strong need of being upgraded and converted and that was the purpose of the property owner, who was a new owner--to renovate and redevelop this property as a five-unit condominium conversion. The Commission knows, from CHRISTENSEN's experience before the Commission, that he has brought several items and he is very experienced at recommending to his clients that they do a good job and comply with the requirements of the city.

In this particular case, as an alternative, a continuance is preferred to a denial, but this project will come back to the Commission and will cost additional noticing, which his client is not particularly happy about. Again, they are happy to work with staff. The first decision they had with staff during the holiday period was they were recommending this application as denial, which was unusual, because they had always had a collaborative approach.

CHRISTENSEN asks the Commission to overturn the recommendation of the staff again and recommend approval of the project, forward it to the City Council on the condition that they meet all the recommendations that were given as reasons for denial of this project.

AMBROSE states the Commission doesn't have conditions of approval. They don't have a staff report. He feels like he doesn't have all the information before him to even consider such a request. In light of that, he would not even think about moving forward and recommending approval of a project that he only has a little bit of information on. He couldn't do that and asks how the other commissioners feel.

TURNER agrees and asks staff if there is an earlier agenda date where it could be squeezed in? Her understanding was that the next few agendas are full.

RAMIREZ answers that staff does not intentionally delay applicants where staff knows they can accommodate them. In this case, March 14, 2005 was the date that was suggested to the director and that is what he has approved for recommendation to the Commission.

AMBROSE thinks one thing he can recommend is not require the applicant to pay for the re-noticing. The other is that Mr. Christensen has the option of speaking with Mr. Griffin, the Director of Community Development. If that doesn't work, he can always go up the food chain.

CHRISTENSEN thanks the commissioners. That was his second alternative, which really is a secondary issue because it seems to be somewhat of a prohibitive term to have to wait another 9 weeks to have this item continued. It will be a relatively straightforward item. With all deference to staff, he was surprised at the approach that was taken, given the holiday period and everything else. This project will move forward and they would like to expedite it and if there is any way this could be moved to the first meeting in February versus the first meeting in March, he can assure the Commission they will comply and work with staff diligently and expeditiously to meet all their time lines to have a proper package together. They provided an enhanced elevation, which was not brought to the meeting tonight.

WOODS asks if it would expedite this if the Commission voted for a denial, which would allow staff the time to write a report so that they could go before the City Council in a timely fashion? Is this orthodox?

In response to AMBROSE, FOLEY states it would be difficult for the Commission to deny a project where you don't have grounds for a denial. You don't have anything to look at; there is no evidence presented tonight. It would be equally as frustrating for the Council to try to figure out why it was denied when the Commission can't articulate that tonight. He doesn't think a denial is an appropriate solution to this problem. Staff feels for Mr. Christensen and his client, but they knew that there was a holiday coming and that people were trying to get out of the office and that there was going to be short staffed. They are smart people; they knew that it was going to be difficult to try to put things together for the first meeting in January. It is hard to blame staff for not having the particular person available during this last one-week period.

CHRISTENSEN states the project was submitted in October.

AMBROSE says that staff was waiting for things that didn't come in on a timely fashion.

RAMIREZ believes that the speaker has somewhat simplified things that staff could present in more detail and wishes not to at this time. The things that were requested were easily provided by the applicant and he failed to do so on more than one occasion. As an example, the Planning Commission has specifically requested the enhanced elevations in color be provided in each commissioner's packet in some smaller format, so that the Commission could have the benefit of appreciating those changes that were

being proposed. And yet, after three attempts staff was not able to get those for the commissioners' packets. Other similar requests in dealing with the applicant's representative have been frustrating to staff. At the last opportunity that she had to talk directly with the speaker, she indicated that it is not an easy thing to be recommending denial; staff doesn't take that lightly. Here is the opportunity for the staff to continue working with the applicant, but as stated in the staff report, there is a very firm deadline by which new information has to be received in order for staff to have time to evaluate it, have discussion with the applicant and the representative, if necessary, and have enough time to prepare a report for the next meeting. She strongly urges the Commission to go with the March 14, 2005 continuance.

AMBROSE thinks the Commission has gone about as far as they can go. He suggests Mr. Christensen talk with Planning staff to see if there is any way he could get an earlier date. At this point, the Commission is going to bow toward staff, not knowing what all the agenda items are like over the next couple of months, but he understands they are pretty full. The Commission doesn't like staying until midnight either.

TURNER asks if there is a way to put on the continuance an "and/or" date?

FOLEY recommends that if the Commission is thinking there may be a way to get it earlier, that they could continue it to a meeting not later than March 14, 2005, based on whatever fits with the noticing provisions.

Motion by TURNER, second by BLACK to continue the public hearings on Planned Unit Development 255 and Tentative Subdivision Map 569 to a meeting not later than March 14, 2005, waiving the re-noticing fee for the applicant; carries 4-0.

PLANNED UNIT DEVELOPMENT 256 – Hieb

(public hearing) Resolution No. 10075

P.C. Meeting 1/10/05

The subject property is located on the west side of South Magnolia Avenue between West Washington and West Renette Avenues, and addressed as 828 S. Magnolia Avenue; APN 492-172-11; LUC 1141A, proposed LUC 1141B; General Plan Designation: Medium Density Residential.

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

AND

TENTATIVE SUBDIVISION MAP 570 – Hieb

(public hearing) Resolution No. 10076
P.C. meeting 1/10/05

The subject property is located on the west side of South Magnolia Avenue between West Washington and West Renette Avenues, and addressed as 828 S. Magnolia Avenue; APN 492-172-11; LUC 1141A, proposed LUC 1141B; General Plan Designation: Medium Density Residential.

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

ALVEY states the apartments on the subject site were originally approved in 1977. Each unit is two stories, has three bedrooms and also a private yard. The existing improvements on the remainder of the site include a detached laundry building as well as 8 parking spaces and a very small common recreation area. The applicant for this project has submitted copies of required tenant notifications as well as a physical elements report. The physical elements report is signed by a licensed engineer and also includes an addendum that certifies that all the unit interiors were inspected.

Staff has included conditions of approval that reflect the recommendations that are made in the physical elements report. Staff has also included items in the conditions of approval that the applicant has proposed in the written narrative. Some of these items include upgrades to the unit interior, such as kitchen cabinets, replacing appliances, new windows, door and other items.

The applicant is also proposing to enhance the building's exterior. Currently, the buildings have mansard roof as well as a lava rock siding, which is a fairly dated exterior. In order to update the building, the applicant is proposing to remove the rock siding and stucco the building as well as to replace the shingles on the mansard roof and add trim around the windows and doors. Copies of the enhanced exterior elevations were included in each of the Planning Commissioner's agenda packets and a larger version is on display on the board.

The common recreation area for this property is limited. The applicant is only proposing to enhance the landscaping in this area. Staff went a step further and included a condition of approval requiring the installation of a barbeque, but was unable to come up with any other items to recommend.

This item has been joint noticed for the February 8, 2005 City Council meeting. Staff recommends that the Planning Commission recommend approval of PUD 256 and TSM 570, subject to the conditions and for the reasons stated in the staff report.

The public hearings are now open.

Bill HIEB, 13605 Via Tres Vista, San Diego 92129, is the property owner and applicant. He would be glad to answer any questions. He is very happy to go ahead with the project.

In response to AMBROSE, HIEB states he agrees with the conditions, but thinks some of it is very extensive. He had one question on the covering of the dumpster area, capturing the rain runoff. The dumpsters are covered and if you look at the layout, it would be difficult to extend the mansard roof over to the top.

AMBROSE states HIEB can thank the state of California and the federal government for those storm water regulations that we all have to follow. Unfortunately, we don't have any flexibility on those kinds of things. He doesn't know what to tell the applicant, but unless you can come up with a way to get around state and federal regulations, we are all ears. It is really tough.

HIEB says it will be a challenge to make it look good.

No one else comes forward on these items.

Motion by BLACK, second by WOODS to close the public hearings on Planned Unit Development 256 and Tentative Subdivision Map 570; carries 4-0.

Under discussion, AMBROSE thinks this is a pretty straightforward, small project that has decent open space for a small project. He is not crazy about mansard roofs, but this one doesn't look bad at all. It is one of the better small projects that he has seen.

Motion by BLACK, second by TURNER to recommend approval of Planned Unit Development 256 in accordance with the staff report; carries 4-0.

Motion by BLACK, second by TURNER to recommend approval of Tentative Subdivision Map 570 in accordance with the staff report; carries 4-0.

These are recommendations to the City Council, who will hold public hearings on these items on February 8, 2005.

PLANNED UNIT DEVELOPMENT 257 – Roberts
(public hearing) Continued to the meeting of 3-14-05
P.C. Meeting 1/10/05

The subject property is located on the north side of Naranca Avenue between Grape and Third Streets, and addressed as 1454, 1456 and 1458 Naranca Avenue; APN 507-283-26; existing LUC 1120, proposed LUC 1110B; General Plan Designation: Low Density Residential.

Request to convert three existing homes to a common-interest development in the R-2-R (Two Family Residential Restricted) zone.

AND

TENTATIVE PARCEL MAP 619 – Roberts

(public hearing) Continued to the meeting of 3-14-05

P.C. Meeting 1/10/05

The subject property is located on the north side of Naranca Avenue between Grape and Third Streets, and addressed as 1454, 1456 and 1458 Naranca Avenue; APN 507-283-26; existing LUC 1120, proposed LUC 1110B; General Plan Designation: Low Density Residential.

Request a four-lot parcel map for residential purposes in the R-2-R (Two Family Residential Restricted) zone.

RAMIREZ states this item and its companion were advertised for a City Council public hearing on February 8, 2005. The Planning Commission can hold both hearings concurrently.

The applicant has submitted a site plan together with two sets of color photographs showing the progress of renovation to the existing structures. The site plan shows the subject property basically as is with few changes to the physical layouts or amenities. The applicant has also provided a written narrative on upgrades to the existing houses. No architectural enhancements are proposed, although some exterior work has been done or will be completed in the future.

The subject property is occupied by three residential structures, including a total of four dwelling units. The maximum number of legal units allowed on the subject property is three units. A fourth structure is comprised of a detached garage containing three parking spaces.

According to County Assessor's records, the residential structures were all moved onto the site in 1979. The dwelling nearest the front property line, addressed as 1454 Naranca, was originally built in about 1950. The easternmost dwelling, addressed as 1458 Naranca, was destroyed by fire in February of last year and has been completely rebuilt pending final inspection. The rear structure, addressed as 1456 and 1456A Naranca, was originally built in about 1945 and, according to the applicant, currently contains two units. The westerly unit in that building presumably became a unit sometime after the structure was moved onto the property in 1979. The westerly unit is unauthorized and must be removed or properly incorporated into the floor area of the adjacent structure.

RAMIREZ states correspondence from the applicant dated October 21, 2004, indicates that he would evict the tenants from the unauthorized unit, remove the kitchen appliances, and incorporate the floor area into the adjacent dwelling prior to filing the final plat for the PUD. It is noted that the existing structures have been re-stuccoed and have had windows and roofing materials replaced. Beyond those improvements to the structures, in staff's opinion, the subject property has seen little in the way of physical changes in the last 10 years.

The physical elements report for this property was provided to the Commission prepared by Rhett Butler of Coast Construction, a state licensed contractor. Although very brief, the report addresses each of the applicable elements. It is noted, however, that there was no mention made of kitchen appliances, landscaping and irrigation, and the existence of the illegal unit. Also, the report indicates that the structures were re-roofed, re-stuccoed and had replacement windows installed. However, staff was unable to locate the permit records for all of that work.

The applicant's narrative on upgrades states that he will install new carpet, paint interiors, repair interior walls and replace doors where needed, reseed the grass area in front of 1458 Naranja, replace garage doors with rollup doors, repair garage drywall, paint garage exterior as needed, patch or resurface asphalt driveway and add three parking spaces.

The physical elements report includes the following items that were not mentioned in the above list: Replace one of the two wall heaters and paint window frames and patio doors at 1454 Naranja; replace vinyl floor covering "where needed"; and replace three torn window screens at 1456 Naranja.

The applicant should be aware that the Planning Commission expects that existing units which are converted into condominiums will be structurally sound, provide features which are new or like new once they are ready to be sold, and be an attractive asset to the neighborhood. At this time, staff is uncertain that this applicant is prepared to make a commitment to upgrade his units to meet these expectations.

Staff has closely evaluated the information provided by the applicant. Staff has visited the subject property, and reviewed City and County records for existing development. In staff's opinion, the subject property is not a good candidate for conversion to condos. The primary factor which leads staff to this position is the age of the structures. The unit addressed as 1456 is approximately 60 years old. It is Planning Division staff's opinion, and the Building Official has agreed, that this structure is approaching the end of its life expectancy. Additionally, the unit addressed as 1454 Naranja is over 50 years old itself. Although the General Plan policy statements on goals and objectives support the preservation of existing housing stock, it seems unreasonable to staff to encourage the conversion of this property when there are other properties with newer units, more amenities and project proponents who are committed to fully renovating units and getting them to market as soon as possible.

A second factor which supports staff's position that the property is not a good candidate is the status of the illegal unit. As a matter of information, since the applicant submitted this application in October 2004, staff has taken a much stricter approach in handling existing illegal units in conversion properties based upon recent experience with this issue. It is currently staff's policy to reject any applications where one or more illegal units are identified. Instead, the applicant is directed to work with the Building Division to obtain a compliance inspection. The inspection would identify work to be done in order to restore the illegal unit floor area to its approved former use. Restoring that unit gives the City assurance that the work will be completed if the proponent wants to proceed with the conversion application. It also assures there will be no issue associated with proper tenant notification and payment of relocation assistance to the tenant of the illegal unit. It also assures that no tenant will continue to be housed in the unit that may not meet minimum building code and safety requirements.

This item and its companion were jointly noticed for a City Council public hearing, as indicated previously. However, should the Planning Commission take action to deny the application as recommended by staff, the City Council will not automatically hold these public hearings. It will be up to the applicant to file an appeal for both items and pay a fee in order to be considered by the City Council at that time.

The public hearings are now open.

Jim ROBERTS, 351 E. Bradley Avenue, Space 56, El Cajon, is the brother of the applicant. He is not sure where to begin, so he will answer any questions that the Commission has. He was very disappointed when he read the staff's recommendation.

He thought that they had done so much for improving the property to date. He knows that \$166,000 has been put into the project at this point. He has spoken with Mr. Griffin, Ms. Ramirez and Mr. Alvey many times. Most of the items that RAMIREZ brought up he had no knowledge of. The fourth unit that seems to be a big issue has been there for many years. The current tenant has been living in there for over three years. He doesn't know when it was made into a fourth illegal unit. ROBERTS adds that it is not a garage and has never been a garage.

AMBROSE says that it is an illegal unit.

ROBERTS had no knowledge that it was an illegal unit. In the plan to put in separate water meters for each of the units, he put one in for that unit.

AMBROSE asks why the applicants did all this work in advance of filing an application? He doesn't understand why they spent money and then came to the city with an application, and then find out what the city expects them to do rather than anticipate what the city might ask the applicants to do and be wrong.

ROBERTS answers that it isn't that he didn't plan for it. They have been talking with a City Planner (ALVEY) for several months, since right after 1458 Naranja burnt down.

AMBROSE asks if the staff knew that his plan was to convert this to condominiums?

ROBERTS responds that they did and that ALVEY was aware of it. He spoke with Mr. Griffin before they filed it and talked about the illegal units. He didn't have a problem getting rid of the illegal unit. The lady who lives in that unit is the mother of the lady that lives at 1454 Naranca.

AMBROSE states that is irrelevant. His problem this evening is that there is a staff recommendation to deny the project. This is one of the worst looking projects he has seen come before the Commission. It really needs some professional help. There are some things about this that are not the kind of quality that the Commission has been asking for in this city. The Commission expects the units to be just about like a brand new unit. The Commission expects the interior to be totally redone. They expect that the people who buy these units and make an investment on a piece of real estate, are going to get units that are going to last 30 years. The staff is telling us that some of these units are probably at the end of their life expectancy.

ROBERTS introduces Michael DRAKE, who is an associate, friend and a planner.

Michael DRAKE, 8779 Cottonwood Avenue, Santee 92071, has recently become involved in this project and has a two-fold approach. He has been searching for property to purchase. He states that he has a dog. A stand alone, single-family residential home is very hard to find. That is how he came across this project. He bumped into Jim (ROBERTS) and through month after month of trying to locate a place to live, usually the question comes about in the condos: do you have a dog? Yes, he does. What size of dog? What is your vantage point? He summarizes that he has a son and a dog and he can't split the two. In El Cajon and other communities, try to find a place, a small complex that is moderately priced, that has a yard. They are few and far between.

DRAKE thinks a project of this type is viable in a lot of communities and all of these issues can be addressed. They have been addressed in the past on numerous projects. They will be addressed in the future on a lot of these current projects that are being approved right now. The life expectancy of a building is negotiable and is variable depending on whom you speak to. These two buildings that exist on the property right now were upgraded and met compliance in 1980. Instead of looking at them as a 60-year-old building right off the bat, the Commission should look at them as meeting all current codes in 1980. That puts the remaining units that are going to be completely renovated right within the ballpark of all the other projects that have been approved tonight. He can't swear to it, but he knows this neighborhood and knows these projects and streets, and they were all built about the same time. They all comply with the current codes.

DRAKE asks if the Commission has seen recent pictures from December 2004?

AMBROSE states they have pictures in their packets. He doesn't know if they are the same pictures.

DRAKE answers he recently became involved in the project and didn't realize that. He may request a continuance so he can meet with Planning staff. He has met with Planning within the last three or four days in regards to other projects and this project. He thinks he will need time to review, but he believes this is a viable project and thinks it can do the city of El Cajon justice. From a personal point of view, it is something he could buy, and there are a lot of people in his position in this town. The price range of homes is steadily and very swiftly getting out of reach.

AMBROSE understands that. There are a lot of issues with this project. If we are going to get anywhere this evening, we need to move forward and we are not moving anywhere. AMBROSE asks if the speaker speaks for the owner, Mr. Roberts, as far as wanting to continue these items?

DRAKE answers that he does.

AMBROSE states if the speaker wants to continue this, he thinks the Commission might entertain an indefinite continuance until he can work with staff and understand what it is the city is looking for and then make a commitment to meeting those standards, if possible. He doesn't know that every project, every building in the city of El Cajon is a candidate for conversion. Right now, AMBROSE is not convinced that this project is a candidate. The speaker needs to work with staff and convince them that it is so that staff can convince the Commission that it is worthy of conversion.

DRAKE agrees and he believes can he do that. He is still getting familiar with the project. He built, designed, planned and permitted PUD projects in this town and others for the past 29-30 years. He doesn't see anything out of line with this one. He has personally seen the buildings. That is one of the reasons he told Mr. Roberts he would come forward today and take a look. He believes there is more information that can be provided and requests an extension to let him get familiarized with the project. Most importantly, update information and get back to the Commission.

AMBROSE asks Mr. Roberts if that is what he wants to do?

From the audience, ROBERTS answers yes.

AMBROSE thinks the Commission should give the applicant another opportunity to prove that this project is viable. He remains somewhat skeptical, but the applicant can have another shot at it, bring it back and try to convince the staff.

DRAKE asks for expediting of a date for continuance. He believes he could meet all the time frames.

AMBROSE states the speaker heard earlier that the earliest it can get back to the Commission is in March. March 14 is filling up rapidly at this point. He doesn't want to

commit to March 14. Staff has their things they need to do and he would suggest that the Commission give this an indefinite continuance. He thinks the applicant needs to speak with staff to find out what it is that they need to be comfortable so that they have enough time and the applicant has enough time to prepare an adequate project so that it can come back to the Commission. He doesn't want to get this back with pieces of the puzzle still missing. It doesn't do the applicant any good and doesn't do the Commission any good.

DRAKE thinks he has already covered about 50% of that.

AMBROSE responds that he has got to convince the staff.

DRAKE asks what "indefinite continuance" means?

FOLEY discourages having an indefinite continuance. He thinks the Commission needs to pick a meeting and let it go for that meeting. If it has to be pushed, staff can ask for a continuance at that meeting to a subsequent date. He thinks it would be inappropriate to leave it in limbo at this point. He appreciates what the Commission is trying to do, but he doesn't think legally it should go that route.

In response to AMBROSE, RAMIREZ recommends March 14, 2005 as a continuance date.

WOODS asks if it is staff's position that nothing goes forward until the illegal unit is removed?

RAMIREZ states staff would prefer that the applicant be proactive in dealing with that unit, including vacating the tenant as soon as possible. But technically, the applicant can't do that without having the building permit that is on hold. The whole reason for not letting the permit go forward was because staff has been looking at a possible denial for these applications. It certainly would speak to the benefit of the applicant to move forward on dealing with that illegal unit, but that should not be taken as a promise that the staff can be convinced that the project is viable. Unfortunately, one way or another, that illegal unit has to be dealt with. The City will pursue the correction of that unit without regard to these applications.

DRAKE thinks the illegal unit can be addressed right away.

Motion by BLACK, second by WOODS to continue the public hearings on Planned Unit Development 257 and Tentative Subdivision Map 619 to the meeting of March 14, 2005; carries 4-0.

AMENDMENT OF CONDITIONAL USE PERMIT 1035 – Jabo for Najor

(continued discussion) Accept and file the report
P.C. Meeting 1/10/05

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.
Continued from the meetings of October 18 and November 15, 2004.

ALVEY states this item is the result of the amendment of the conditional use permit that was first approved on July 26, 2004. That amendment was to change operators. The new operator began by having to make some improvements to the subject site. The main improvements that staff had asked for in conjunction with the amendment to the CUP were the painting of the wall that surrounds the parking area, cleaning up some of the trash and other items on the site, as well as removing a roof equipment-screening wall that was leaning. The two continuances were a result of that roof-screening wall not being completely fixed up to staff's satisfaction. Staff is happy to say that the applicant has now completed the roof equipment-screening walls to staff's satisfaction. Photos are attached to the staff report.

Additional issues associated with the social club have been parking in the alley as well as leaving the alley door open. Those problems were mainly based on complaints that had come from businesses to the east. Staff has tried to stay in close contact with those businesses; since the July 26, 2004 amendment was approved by the Planning Commission, there has been no further formal complaints. As a solution to the parking in the alleyway problem, staff suggests to both the club operator and the surrounding businesses that they contact the Police Department if they do observe vehicles that are illegally parked in the alley.

Since all the conditions of approval have been satisfied and because no formal complaints have been received by staff, staff recommends that the Planning Commission accept and file this report and schedule no further discussions at this time.

Motion by TURNER, second by WOODS, to accept and file the report, finding the applicant to be in compliance with the conditions of approval of CUP 1035; carries 4-0.

CONDITIONAL USE PERMIT 1961 – Cortes

(continued discussion) Accept and file the report
P.C. meeting 1/10/05

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. *Continued from the meeting of October 18, 2004.*

RAMIREZ states the continuance was to allow the operator additional time to show compliance with conditions of approval. At the October meeting, staff's report indicated that the business was not operating in compliance, specifically that: 1) Vehicles for sale were not being maintained in the area approved for vehicle display; 2) the backup area in the parking lot was occupied by vehicles that were parked there in an unauthorized fashion; and 3) repair work was being performed on some vehicles in the parking lot rather than in the service bays.

In staff's opinion, the applicant had been displaying too many vehicles for sale on the property. As a result, it had caused double and triple parking on the site, while even using the public right of way to store some of their vehicles. Since October 18, staff has viewed the property several times and now finds that no violations have been noted.

If the property is once again observed to be operating in violation, staff will bring a resolution of intention to the Commission for consideration of revoking this conditional use permit. At this point in time, the business operator is maintaining the property in compliance with the conditions for Conditional Use Permit 1961. Staff, therefore, recommends the Commission accept and file this report.

Motion by TURNER, second by BLACK to accept and file the report, finding the auto repair and motor vehicle sales in the C-2 zone has been brought into compliance with the CUP 1961 conditions of approval; carries 4-0.

AMENDMENT OF CONDITIONAL USE PERMIT 86 – VOLUNTEERS IN MEDICINE -

Leary

(discussion) Resolution No. 10079

P.C. meeting 1/10/05

Request extension of time to add medical facilities to existing religious facilities in the R-1-6 zone addressed as 1415 E. Madison Avenue.

RAMIREZ states Section 17.72.020 of the Zoning Ordinance gives the Planning Commission the authority to grant an extension of up to one year without a public hearing.

Staff's recommendation for denial of this application in November 2004 was based upon the concern that the proposed use was not the type of nonprofit intended to be located

in a single-family residential zone. After considerable discussion and public input, the Commission agreed with staff and denied the amendment. The City Council subsequently considered an appeal filed by the applicant and granted the appeal subject to conditions.

As indicated in the letter requesting the extension of time, the applicants have pursued fundraising activities this year and are planning to submit construction documents in 2005. If a one-year extension of time is granted, the applicant must obtain a building permit and begin construction by December 16, 2005 or the amendment will expire. No further extensions of time will be available if that happens. Despite the controversy associated with this project, staff sees no reason to not grant the request of extension.

Motion by TURNER, second by WOODS to grant a one-year extension of time for Amendment of Conditional Use Permit 86 to December 16, 2005; carries 4-0.

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. 10072, 10073, 10074, 10075, 10076 and 10079 pro forma; carries 4-0.

ORAL COMMUNICATIONS

RAMIREZ reminds the Commission about the City Council workshop on Design Review on January 25, 2005.

RAMIREZ advises that the City Council will be considering an extension to the temporary moratorium for off-street parking for condo conversions at the January 11 meeting. That was a two-year ordinance exception with a sunset date in about a week. Any new conversion applications will be held pending action.

RAMIREZ informs the Commission that on January 25, 2005, the City Council is expected to appoint a new Planning Commissioner to fill the seat vacated by Commissioner Hanson-Cox who was elected as a new City Councilmember.

CORRESPONDENCE

There was none.

ADJOURNMENT

The meeting of the El Cajon City Planning Commission adjourned at 8:35 PM this 10th day of January 2005.

Anthony AMBROSE, Chair

ATTEST:

James S. GRIFFIN, Secretary