

MINUTES

PLANNING COMMISSION MEETING

APRIL 11, 2005

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

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: WELLS, WOODS, AMBROSE, BLACK, TURNER-EMERSON

COMMISSIONERS ABSENT: NONE

OTHERS PRESENT: RAMIREZ, Principal Planner
FOSTER, Assistant City Attorney
ODIORNE, City Engineer
ALVEY Associate Planner
HAWLEY, Admin. Secy.

TURNER-EMERSON explains the mission of the Planning Commission and the proper procedure for speaking before the Commission and asks for proper decorum during the meeting.

MINUTES OF 3/28/05: Motion by WOODS, second by BLACK to approve the Minutes of March 28, 2005 pro forma; carries 4-0, AMBROSE abstained [due to his absence from that meeting].

AMENDMENT OF SPECIFIC PLAN 106 – Hamana (Quick Trip)

(public hearing) Continued to July 11, 2005

(joint noticed, CC mtg 5-10-05)

P.C. meeting 4/11/05

The subject property is located on the west side of Ballantyne Street between Broadway and Cedar Street, and addressed as 852 Ballantyne Street; APN 483-222-22 & -23; existing LUC 111A, proposed 111B; General Plan Designation: Low Density Residential.

Request to modify on-site circulation and parking for the addition of automatic car wash and off-premise alcoholic beverage sales to an existing motor vehicle service station and two-story retail/office building, motel and fast food restaurant, in the C-2 (General Commercial) zone.

AND

AMENDMENT OF CONDITIONAL USE PERMIT 1805 – Hamana (Quick Trip)

(continued public hearing) Continued to July 11, 2005
(joint noticed, CC mtg 5-10-05)
P.C. meeting 4/11/05

Request to add an automatic car wash and off-premise alcoholic beverage sales to an existing motor vehicle service station and two-story retail/office building in the C-2 (General Commercial) zone. ***Continued from the Planning Commission meetings of February 7, 2005 and March 28, 2005.***

RAMIREZ states this specific plan amendment is accompanied by a conditional use permit application which was delayed twice recently, in order that both items could be considered by the Planning Commission, at the same time. Staff has had ongoing conversations with the applicant regarding concerns about over-impacting the site with automotive-related uses and concerns about the alcohol sales because it does not meet the distance requirement in the Zoning Ordinance.

The applicant is proposing to add an automatic car wash and off-premise alcohol sales to an existing commercial development. The subject property is developed with a two-story commercial building that has a convenience store on the first floor and empty lease space on the second floor. There are two large gasoline service pump islands as well. The remaining development consists of a 73-unit motel and a drive-thru restaurant. The specific plan addresses interconnecting access and adequate parking and backup for all three properties. The applicant is proposing to locate an automatic car wash behind the existing two-story building, approximately 24 feet from the rear of the building and where the trash enclosure is currently found.

RAMIREZ states the placement of the car wash structure requires that even good drivers carefully negotiate tight turns, which, in staff's opinion, are unacceptable. The original car wash location was located further to the east. A second location was possible behind the fast food restaurant. These other locations that were suggested by the applicant were equally unacceptable to the staff.

The currently proposed location also removes eight parking places along the northerly property line where the parking is part of a reciprocal access easement with the motel. Staff believes that any changes to the on-site circulation, parking arrangement, and reciprocal access easement are not warranted by the applicant's request. The applicant has addressed the loss of on-site parking caused by the car wash location by seeking approval of a caretaker's unit. Such a unit would occupy 3,533 sq. ft. of floor area on the second floor of the existing building. This area was originally approved for retail

commercial tenants. Even if staff were able to support the change of occupancy of that space to residential, staff would maintain that the applicant is trying to push the subject property's use beyond a reasonable level by adding a car wash.

RAMIREZ continues, stating that the second aspect of the conditional use permit request involves adding packaged or "off-sale" alcohol beverages to the existing convenience store.

The applicant has been informed that the City cannot approve the request because it does not meet the minimum 600-foot distance requirement from residentially zoned property. Furthermore, the Police Department does not support the request for alcoholic beverage sales based on a high crime rate in this area, and an over-concentration of licensed premises. As a matter of information, numerous signatures were submitted to the Department of Alcohol Beverage Control (ABC) in protest of a license issuance.

In summary, staff recommends denial of both Amendment of Specific Plan 106 and Conditional Use Permit 1805.

The public hearing is now open.

Jose MARTINEZ, 221 Third Avenue, Chula Vista, indicates his client is Eddie Hamana and he is the design architect for this project. He explains the second floor of the building was designed to provide 5,600 sq. ft. of office space. He calculates using the square footage, this yields 18 parking spaces. Even though 18 parking spaces would be taken away, with the given proportion, the issue is only 10 parking spaces.

MARTINEZ adds that in reviewing the amendments, an easement is being shared, so no one has the right to use the circulation. There is an expert on the Planning Commission who has had experience in dealing with car washes. Most clients pump their gasoline first and then go through a car wash, as will the clients that will use the proposed service station. Car washes are rarely found near this location. The design includes access from two locations from Mollison, and the circulation will be from the upper and back portions of the site. The function of the motel will not be disturbed, as the motel has a "C" shape, and is accessed from the inside. The proposed circulation for the car wash will go outside the motel.

MARTINEZ would like the planner to be aware that the proposed car wash is not 24 feet away from the building, but is actually about 60 feet away from the existing building. Eight parking spaces will be taken out, but the function of the office space will be eliminated. It is important for his client (the applicant), to have the car wash. In reading through the comments in the report, a car wash was approved in 1999, however no action was taken. Mr. Hamana purchased the subject property a couple of years ago to develop more business. With respect to automotive uses, the proposal is for cleaning cars only, which will take approximately three minutes per car.

MARTINEZ reiterates the entire upper part of the space will be eliminated and more parking will be provided.

In response to the question by TURNER-EMERSON, MARTINEZ indicates he has not provided revised plans to the staff, reflecting the new distance.

TURNER-EMERSON asks staff to comment about the on-site circulation and maneuvering issues. If the building is moved, will more distance be provided?

RAMIREZ replies that staff hasn't heard any information that would change the position already reflected in the reports before the Commission.

Steve SCHOFRO, District Manager for Ryco Manufacturing, 3131 Encore Court, Costa Mesa, indicates he is responsible for approximately 390 car washes located throughout Southern California. The type of car wash proposed is typically added as an adjunct to the existing gasoline volume, and does not really increase the amount of gasoline volume at a particular site. The change may be in the few percentage points. Customers are there to purchase gasoline, and the car wash is added as an additional offering, as a convenience buy or an impulse buy. A person buying gasoline would have a chance to purchase a car wash also, thus raising volume at the site and enabling the owner to do additional improvements and to keep a good-looking site.

SCHOFRO states that when a client is assessed for a prospective car wash, the radius for a right turn is always 35 feet, and for a left turn, such as in this case, 25 feet. This is perfect for the public to be making their exits. Even if there is a 180-degree turn, this radius works just great for the customer. He is not aware at this point, of any problems making the u-turn, especially in a site such as this where there won't be any curbing.

Dr. Sami JIHAD, 1673 Avenida Cherylita, El Cajon, states he supports the items. Staff has mentioned the gas station as a motor vehicle service station, which could be misleading. Service stations include car repairs and whatnot, when it is only a gas station. The ABC has allowed four licenses in this area, two of which are existing. [JIHAD submits documents to the City Attorney for distribution to the Commissioners]. The ABC has granted a liquor license in this location. The car wash is 30 feet by 16 feet, for a total of 480 sq. feet. It is not 24 feet from the rear of the building. He measured it before coming to this meeting and found the measurement is 60 feet. The Commissioners are invited to check the measurements at the site.

JIHAD says Conditional Use Permit 1770 was granted on February 1, 1999 for a car wash in this location, so he does not see why this would be denied at this time. Protests came from Fountain Liquor, who circulated a petition asking the neighbors and whatnot to protest against this project. JIHAD indicates he has over 140 signatures in support of this petition for an off-sale liquor license.

A car wash is not auto related because if it were, he would agree with the staff it should be located down in the auto corridor. There is one case when he has appeared in front of this honorable body, where the police did not say it was a high crime area. Sometimes he wonders, with no disrespect to the Police Dept., that every area in El Cajon is a high crime area.

Relative to concentration, there is no concentration of liquor licenses at the proposed location, as claimed by the staff. Mr. Hamana did work with the staff concerning circulation issues and giving up of parking spaces. It is very hard to rent the upper spaces at the site for office use, especially when this overlooks the gas station.

AMBROSE asks if the speaker has a letter from Motel 8, indicating any comments or input on the project.

JIHAD responds that he has not received any input from Motel 8, otherwise they would have objected and sent in a protest to the staff, and this would be reflected with the agenda item. Since there is nothing reported in the report, he believes Motel 8 has no objection to the project.

In response to the question by WELLS regarding car wash hours of operation, JIHAD indicates he would need to confer with the owner, but he believes it would be not more than 8:00 a.m. to 5:00 p.m., and during daylight savings time the hours might be 8:00 a.m. to 6:00 p.m. The hours should not go beyond 8:00 a.m. to 6:00 p.m.

TURNER-EMERSON asks the property owner to come forward since he made some comments from the audience.

Eddie HAMANA, 596 N. Mollison, El Cajon, advises staff that the subject property is one of the largest stations in San Diego. It offers seven types of gasoline, including racing gas, propane, diesel, and red diesel. Their customers want to have everything available at the site. When they notice alcohol is not offered, they sometimes have to run across the street to purchase alcohol from the Arco station or Fountain Liquor. Customers cannot believe liquor is not available at such a big station.

Concerning the car wash, HAMANA states he has worked with staff in trying to locate the car wash anywhere possible, as far as circulation. He has put the car wash 60 feet away from the west side of the building. Cars can turn around right there, or they can go around the motel. He agrees to eliminating the office building upstairs and replacing it with a caretaker unit, going from 5,600 sq. ft. to build a 480 sq. ft. car wash. This will eliminate 18 parking spaces, and leave eight parking spaces for the car wash. The problem lies with the building, as not many business people, such as doctors, lawyers, engineers, or bookkeepers, would like to have an office on top of a gas station. He has owned the building since last August, paid \$3 million dollars for the building and cannot lease the upstairs space.

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

TURNER-EMERSON comments that it appears the applicant has made an adjustment to the plans, based on the testimony heard from several of the speakers. Since the staff report was prepared, the speakers have indicated there is now 60 feet there. Was there a discussion regarding the 60 feet?

RAMIREZ replies she is not aware of any prior discussion about the 60 feet.

AMBROSE says he does not have a problem with the proposed car wash, and feels it is an acceptable use. He does not have too much a problem with the conversion of the upper floor to a caretaker residence. He has concerns about of the liquor license being within 600 feet of residents. Although this was previously approved, and since this involves an ordinance requirement, he cannot make a finding on how to overcome the 600-foot distance. He would like to hear comments from the other Commissioners.

BLACK concurs wholeheartedly with the statements by AMBROSE. He does not see any problems with a car wash. He cannot change the required measurement of 600 feet.

WELLS comments that if it is dangerous to make the turn out of the car wash, it may make more sense to put up signage to require cars to go around the back of the motel and exit on the other side. There is some discrepancy as to whether or not there is enough room to make the turn. Staff has indicated there is insufficient space for the turn. The applicant states more feet is available than is depicted on the plan. He agrees with the comments made by AMBROSE concerning the caretaker's unit and the liquor license.

WELLS asks if any complaints were received from the motel concerning their guests being disturbed by the noise from the car wash during evening hours.

RAMIREZ replies that at an earlier public hearing on the conditional use permit, testimony was heard from a party representing the motel, who objected to the car wash due to noise.

WELLS suggests time limits be established so that the motel residents could sleep undisturbed by the car wash, should the car wash be approved.

RAMIREZ comments on the separation distance of the car wash from the existing building, indicating that the plan does not show 60 feet in a written dimension. In reviewing the copy of the plan mounted on the display board, with a scale, it doesn't scale 60 feet. She is at a loss as to where that number comes from, and why it is being mentioned now, when the plan submitted to the Commission is the same plan provided staff's evaluation. With regard to the car wash, the last exhibit of Specific Plan 106 shows the car wash location occurs within an area shown on the plan as a reciprocal access agreement.

AMBROSE comments if the Commission is favorable towards the car wash, no conditions of approval have been established, so the item would have to be sent back to staff, and a continuance would be in order. The applicant should be asked if he is willing to have the item continued so that conditions could be worked out.

RAMIREZ states there has been extensive conversation between staff, the preparer of the staff report [someone other than herself], and the applicant. The Commission is discouraged from believing there might be some alternative that hasn't already been evaluated by staff, that would be on the applicant's property itself. The property has an

unusual configuration and although the two other locations described in the summary of the staff report were not formal submittals, the applicant was told that those locations were not any better than the one provided to the Commission.

WOODS expresses concerns about the easement issue and indicates he favors a denial on that basis.

TURNER-EMERSON states the options are to deny the project or re-open the public hearing and continue the item.

In answer to the question by AMBROSE, WELLS concurs that the item could be brought back to the Commission if the applicant can resolve the issue of the easement.

Consensus of Commissioners agrees to re-open the public hearing.

JIHAD returns to the podium indicating he will speak on behalf of the owner to clarify points made by the Commission. A measurement was taken in order to make sure the distance was greater than 24 feet. If there was any protest from the motel people, why did the staff fail to mention it in the staff report? All other persons were mentioned except the motel representatives. He reiterates there was no protest from the motel representatives.

Concerning conditions, they will be more than happy to comply with the business hours of 8:00 a.m. to 5:00 p.m. as suggested, so as not to disturb the comfort of the motel guests.

HAMANA returns to the podium and states that the first time the plan was submitted the car wash was to be located about 100 feet west of the building, and he was told by staff this would not work out. The car wash was then moved between the motel and the Taco Bell restaurant. The motel owner indicated his view would be blocked if the car wash were located between the restaurant and the motel, so the architect was instructed to move the car wash back in the alley, which is 60 feet away from the west side of the building.

HAMANA says he will do whatever it takes to get the project going. When the car wash was 100 feet west, the staff did not agree to the plan. They will push it back to 60 feet so that everyone will be satisfied.

AMBROSE questions the speaker about the use of the easement. Is the location of the proposed car wash on the owner's property or on an easement?

HAMANA replies the location is on his property, and not on a reciprocal easement.

AMBROSE indicates if the item is continued, the speaker will need to bring evidence or other materials, to make the staff understand that this is not on an easement.

HAMANA states the car wash would be located on his property, and that staff was given all the requested documentation, including the deed. He would not spend more than \$400,000 on another person's property. If it were not on his property, he would not even try to do this project.

AMBROSE reiterates the necessity to be clear about the use of the easement. There is a reciprocal easement between the subject property and the Motel 8. The Commission would like to make sure there are no restrictions to prevent the speaker from doing his proposed project.

TURNER-EMERSON asks the speaker if he would prefer the Commission deny or continue the items?

HAMANA asks that the items be continued.

RAMIREZ advises that due to the current workload of the Planning Division, it may be more expeditious for a denial to be appealed to the City Council by the applicant, rather than have this item continued into June or July. She asks for comment by the applicant on this information.

TURNER-EMERSON informs the speaker that to bring the items back, it would be on the next available agenda in June or July. The other option would be to deny, and then it could go to City Council as an appeal.

HAMANA confers with JIHAD.

JIHAD returns to the podium and reminds the Commission that in 1999 there was a conditional use permit that was allowed at this location. He does not see why a car wash is not being allowed when all requirements are being met. They have gone to the trouble of meeting with staff and doing everything the staff asked them to do, to the millimeter. In good faith, they worked with staff. Staff had asked them to move the structure, and now they are faced with denial of the project. The subject property belongs to HAMANA, and not to the motel. The motel has no objection to the project.

TURNER-EMERSON reiterates the choices to deny or continue the items, based on the information that the Commission and staff received. The owner is asking for advice from the speaker, to either deny or continue the item.

JIHAD asks what the requirements are and what the staff needs?

TURNER-EMERSON says the applicant will need to meet with staff to make sure of the easement, and if the building is to be moved, the 60 foot distance be verified. At this point, the location of the building is uncertain. Once the issues are clarified, the applicant could come back to the Planning Commission, but that might be in June or July.

JIHAD asks the Commission would then be satisfied.

TURNER-EMERSON states the applicant will need to indicate his preference for a continuance or denial this evening. If continued, staff would need to make sure all the correct information has been submitted in order to make an informed decision. The Planning Commission would then need to review the packet of information.

JIHAD states they will ask for a continuance, and adds that every time he has appeared in front of the Chair, he sees his cases being denied.

TURNER-EMERSON states she feels the speaker is totally out of line with his comment.

No one else comes forward to be heard.

Motion by WELLS, second by BLACK to CONTINUE the public hearings on Amendment of Specific Plan 106 and Amendment of Conditional Use Permit 1805 to the meeting of July 11, 2005; carries 5-0.

PLANNED UNIT DEVELOPMENT 265 – Jim Neil, CB Richard Ellis for Deepak Israni, Pacifica Companies

(continued public hearing) Resolution No. 10112
P.C. meeting 4/11/05

The subject property is located on the east side of Graves Avenue between E. Madison Avenue and Wells Avenue, and addressed as 453 Graves Avenue; APN: 488-020-48; existing LUC 1142A, proposed LUC 1142B, General Plan Designation: High Density Residential.

Request to convert an existing 28-unit apartment complex into a common-interest development in the R-4 (Multiple Family, High Density) zone. ***Continued from the Planning Commission meetings of February 28, 2005 and March 28, 2005.***

AND

TENTATIVE SUBDIVISION MAP 578 – Jim Neil, CB Richard Ellis for Deepak Israni, Pacifica Companies

(continued public hearing) Resolution No. 10113
P.C. meeting 4/11/05

Request for a one-lot subdivision map in the R-4 (Multiple Family, High Density) zone. ***Continued from the Planning Commission meetings of February 28, 2005 and March 28, 2005.***

ALVEY states these items were originally continued in order to allow the applicant additional time to produce elevations of the interior courtyards of the existing apartments. The Planning Commission expressed concerns about the dwelling unit entrances and the common recreation area in the easterly courtyard. Prior to the March 28, 2005 Planning Commission meeting, the applicant provided staff with an updated written narrative and an additional "conceptual" drawing that illustrated the proposed easterly courtyard enhancements. In order to address the excessive amount of vertical elements in the easterly courtyard, the applicant proposed to fill and landscape the pool, to replace the walkways, to install a picnic table and barbecues, to replace metal balcony railings with wood, to install French-style sliding glass doors, and to convert the two-car garage into a common recreation room.

Staff reviewed the information and determined that the conceptual drawing failed to offer sufficient detail for the proposed upgrades. Staff recommended a further continuance from the March 28th Planning Commission meeting to allow the applicant additional time to produce a consistent, complete and integrated set of elevations for the subject site. Late in the afternoon, and prior to the Planning Commission meeting of March 28th, the applicant provided staff with a set of three elevations for the interior courtyard. These were made available to the Planning Commission prior to the continued public hearing. Staff expressed concerns regarding the updated drawings because they were inconsistent with previous submittals. Staff was also unable to prepare a comprehensive set of conditions of approval to address the updated drawings. The Planning Commission discussed the new elevations and the changes to the courtyard by the applicant, including the pool being filled and landscaped. The Planning Commission continued the public hearing again to tonight's meeting of April 11, 2005, to allow the applicant additional time to prepare a consistent, complete and integrated set of elevations for the subject site. The public hearings were re-noticed due to the overall continuance being greater than 30 days for these items.

ALVEY indicates that on April 5th the applicant provided staff with a bound set of elevations with each of the drawings showing a consistent color palette. Copies of the updated architectural renderings have been provided in each Planning Commissioner's agenda packet and staff has updated the remainder of the reports provided this evening, to reflect the changes as proposed in the most recently updated elevations.

Staff would like to review two aspects of this conversion request that are unique to this project. When the applicant first attempted to submit the conversion application, staff discovered that a recreation and laundry room for the subject complex had been illegally converted into two dwelling units. The applicant applied for a building permit to remove the illegal kitchens and bathrooms in order to resolve this issue. Additionally, as part of this request the applicant is proposing to convert the recreation and laundry rooms, which are the illegal units, into additional bedrooms for two adjacent units. This will modify two of the existing one-bedroom units into two bedroom units but will not change the overall approved number of approved dwellings on the subject site. Staff is willing to support this aspect of the applicant's request because the applicant is also proposing to add stacked washers and dryers in each of the converted units, thus eliminating the need for a laundry room.

With regard to parking, the applicant's current proposal is to convert the enclosed two-car garage into a recreation room, construct carports for 35 spaces, and leave seven uncovered parking spaces. The underlying R-4 zone does require accessory buildings to remain ten feet from the dwelling units. In order to satisfy this requirement, carports will only be able to be located along the southerly property line. This will result in approximately 23 covered parking spaces and 19 uncovered parking spaces, and that would be equal to 1.5 spaces per dwelling unit at the site.

Staff's recommendation is that the Planning Commission recommend approval of Planned Unit Development 265 and Tentative Subdivision Map 578 for a 28-unit residential condominium project in the R-4 zone, subject to the conditions and for the reasons stated in the staff report.

The public hearing is now open.

Jim NEIL, 4365 Executive Drive, San Diego, indicates he is the applicant's representative, and compliments ALVEY on his presentation. He is here to answer any questions concerning the project.

In answer to the questions by TURNER-EMERSON, NEIL indicates he is in agreement with terms and conditions as stated in the staff reports. The client did not originally plan to remove the pool, but the Commissioners were concerned about all of the "vertical elements", the railings seen throughout the property. Two separate architects walked the property. At the last meeting, the Commission saw an inconsistent set of architectural renderings because they could not convince the original architect to finish the work. When the property was walked with the second architect, they felt that by filling in the pool, it simply opened up the areas where the private patios could be extended. This created a better sense of open space and a better feel for the community.

AMBROSE thanks the speaker for his patience and for listening for what the Commission wanted. If it comes across in real life, as is depicted in the drawings, it will be a great project.

NEIL states they are very excited about the project. They also have the 14 units at 472 Graves, which is immediately across the street from the subject property. Construction will begin on that project very soon. The urgency in bringing this project to the Commission sooner, is because they would like to manage the construction of both projects at once. The end product will be something the City and Planning Commission can be proud of. He thanks the Commission for their support.

No one else comes forward to be heard.

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

TURNER-EMERSON comments this looks like a good project based on the information received.

Motion by AMBROSE, second by BLACK to RECOMMEND APPROVAL of Planned Unit Development 265 in accordance with the staff report; carries 5-0.

Motion by AMBROSE, second by BLACK to RECOMMEND APPROVAL of Tentative Subdivision Map 578 in accordance with the staff report; carries 5-0.

GENERAL PLAN AMENDMENT 2005-01 –Sheena for Epstein

(public hearing) Resolution No. 10114
(joint noticed, CC mtg 5-10-05)
P.C. Minutes 4/11/05

The subject property is located on the southwest corner of E. Chase Avenue and Avocado Avenue, and addressed as 393 E. Chase Avenue; APN: 492-522-23; LUC 6230 existing, 6416 proposed; General Plan Designation: Low Density Residential.

Request to change the land use designation of the subject property from “Low Density Residential” to “General Retail Commercial”.

AND

ZONE RECLASSIFICATION 2257 –Sheena for Epstein

(public hearing) Resolution No. 10115
(joint noticed, CC mtg 5-10-05)
P.C. Minutes 4/11/05

The subject property is located on the southwest corner E. Chase Avenue and Avocado Avenue, and addressed as 393 E. Chase Avenue; APN: 492-522-23; LUC 6230 existing, 6416 proposed; General Plan Designation: Low Density Residential

Request to rezone the property from the C-1 (Neighborhood Commercial) zone to the C-2 (General Commercial) zone.

RAMIREZ states this application is necessary in order to consider the rezoning of the property from C-1 to C-2, which is a companion item on this same agenda. Staff understands that a conditional use permit (or a CUP) application will be submitted to add an automatic car wash to the site if the General Plan Amendment and rezoning are approved. Even though the current zoning of the subject property is C-1, the General Plan

Designation is "Low Density Residential". When a city rezones a property, it must make a finding that the approved zoning is consistent with or in conformance with the General Plan.

Neither the existing C-1 zone nor the requested C-2 zone is consistent with Low Density because the former are commercial zones and the latter is a residential designation.

Staff's determination on zoning consistency is guided by a chart which is included as an attachment to the staff report. The chart shows which zones are consistent with which General Plan Designations. The General Plan also contains a policy dealing with properties whose current zoning is not consistent with the General Plan. The policy basically says that the City not need to rezone all properties in the city to reflect the General Plan or change the General Plan to match the existing zoning when certain criteria apply. The criteria are as follows: 1) The property was zoned and developed prior to 1970 or only developed after 1970; and 2) the property is less than 2 acres in size; and 3) the City Council makes a finding that the existing or proposed use is substantially compatible with surrounding properties.

RAMIREZ explains when the City's General Plan was first adopted in 1970, the City did not change the zoning of every single property in the city to match the plan. With the processing of almost all planning applications, however, the City is still required to make General Plan consistency findings. The subject property was rezoned from a former R-1 zone to C-1 in February 1964, prior to adoption of the City's General Plan in 1970. The applicant had requested the C-2 zone at that time. Each of the other three corners at this intersection were already zoned C-1, and the Planning Commission concluded that the C-1 zone, not the C-2 zone, was preferred due to the proximity of single family residences to the south and west.

RAMIREZ continues the presentation stating that the C-2 zone today is a more permissive zone because it allows more uses by right and by conditional use permit than the C-1 zone. Examples include auto sales, auto service and auto repair, as well as an automatic car wash allowed in the C-2 zone but not the C-1 zone. Even though each of these uses requires a conditional use permit, it is the staff's opinion that the proximity of this property to single family residential would make almost any auto-related use incompatible with the existing residential uses. For that reason, staff does not support this request to amend the General Plan. A secondary issue is whether the General Plan should be amended to reflect the existing C-1 zone and haircut store by approving Neighborhood Retail for the General Plan category. Taking no action to change the General Plan at this time would not preclude the subject property from being occupied by any of the current uses, or permitted, or conditional uses also allowed in the C-1 zone.

Because staff is recommending denial of the General Plan Amendment, the rezoning request must also be denied. As a matter of information, staff received three inquiries about the two applications, with two of the parties inquiring expressing opposition to the request.

The public hearing is now open.

Jerry GAWNE, 15265 Andorra Way, San Diego, submits documents to the City Attorney for distribution to the Commission. He states he has read and understands the report from staff. He is a civil engineer and urban designer working in the North County with the County of San Diego. They are working on several General Plan 2020 amendments, and rezoning for urban design and City centers. He does not know if the Commission has had a chance to review some of the changes that the County has made to the urban plan that they recently hoped would be approved. One of the things they have found with the changes in the last 30 years, since apparently the General Plan was adopted here for this particular property, is that the mixed use has become necessary. There are changes such as drug stores being located inside grocery stores, and a lot of different combinations that have taken place over the years. Now almost every gas station has a marked, where 30 years ago this wasn't quite the case.

In this case, there are C-1 properties on all four corners. In the new urban planning, there is now C1 with an asterisk, which denotes mixed use. The reason for the request is that by looking at the different corners of Chase and Avocado one can see the different designs and the uses that have popped up, with the brand new Avocado Center being built cross corner from the subject property, a gas station directly across the corner, and Jack-in-the-Box on one corner.

GAWNE states thirty years ago, automatic car washes were completely different. They were large, bulky, and did not have any type of accessory or retail stores associated with them. By looking at some of the designs just presented to the Commission, one can see they have dramatically changed in their use. They have gotten much smaller. This property is zoned to have a self-service car wash, where there will be a car going in and out every ten to 15 minutes, with no one monitoring it, no one cleaning the area. Now they have a small, self-sufficient, hand car wash that is very modern with its technology and its looks. With the location of the car wash on the property, there are no sound issues with the neighbors. They have removed two of the egress and ingress exits in order to reduce traffic flow currently on the property. Everything possible has been done to increase the looks and reduce the traffic volume considerably. The bank that is currently there, is an old, 3,000 sq. ft. looking square box, that probably had 1,000 cars a day going in and out it, where now they have reduced it to having 60 to 70 cars a day, not needing the exits, not interfering with the traffic, and a new modern design.

GAWNE states they have spoken to all the neighbors in the neighborhood, and indicates that they have not personally heard from anyone opposed to the project. Most neighbors are most happy to have anything other than the square box currently located at the site.

They have tried to design to set precedence in car washes by putting in a 2,400 sq. ft. retail store that will sell everything from ice cream, to children's playgrounds, to car accessories such as air fresheners, little momentum cars and the kinds of things supplied by Betty's Car Wash. There are several Betty's Car Wash locations including Rancho Penasquitos, in front of a Stater Brothers, but there again, completely surrounded by residential. They are very, very nice car washes, and are much different from those seen in the past.

GAWNE says he understands the General Plan Amendment and he also understands that he would prefer not having type of car wash where you pull in, put \$5.00 into, drive out, which allows, to have something much more modern and beautiful in design.

RAMIREZ indicates staff has reviewed the material submitted by the speaker and, with much hesitation, passed it along for the Planning Commissioners to review. She provides the following explanation as a word of caution to the Commissioners. It is the City's policy to not use a future potential design for a project during the consideration of the rezoning of a property, primarily for the reason of not being able to have a guarantee that that is exactly the proposal that will come back, when an application to develop the site is submitted. The speaker unfortunately, has, in staff's opinion, raised issues that were not intended to be discussed during the two items before the Commission, a General Plan Amendment and a rezoning. The Commissioners received an 8 ½" x 11" sheet of small color photos, and set a four 11" x 17" black and white drawings showing a concept design for the site layout, also showing building elevations. These items are typical of a conditional use permit application. There is no conditional use permit application before the Commission this evening. It would not be appropriate, therefore, to base a decision on the General Plan Amendment and the rezoning using the material before the Commission.

Brian SHEENA, 1645 Jamacha Way, El Cajon, indicates he is the prospective owner of the property. He does not understand codes, but he is a business owner, operates businesses and is a business developer. He owns Betty's Hand Car Wash in Rancho Penasquitos, which was a "distressed site" and a type of "sore corner" for the community for a while because many operators could not make it work.

SHEENA explains there are good car washes and bad car washes. What makes a real good car wash clean, likeable, and attractive, is the person behind the doors, the individual that opens the door in the morning and closes the door in the evening.

FOSTER states the discussion, as staff already indicated, is inappropriate for the items before the Commission.

TURNER-EMERSON explains to the speaker that since he has not submitted all the information on what the project would look like, the Commission will just decide on the change in land use designation, which is on the Agenda for this evening's meeting. If the land use issue is approved, the speaker could then come back with a conditional use permit application, with all the plans for the proposed project. The issue tonight is the land use issue itself.

SHEENA addresses the comments made by staff concerning the elevations. He will submit in writing any necessary documents.

TURNER-EMERSON affirms that once the application for the conditional use permit is submitted, drawings, plans and elevations would be part of the requirements.

RAMIREZ adds a comment for the speaker's benefit. Staff was not intending to pass

judgment on the material that was forwarded to the Planning Commission by the engineer for the project. An appropriate evaluation of the entire package would be done if and when a conditional use permit application is received for a car wash at this site. The speaker should understand, however, that there are two hurdles to cross. With the evaluation in the Commission's staff reports on the General Plan Amendment and the rezoning, a conditional use permit application may not be seen since the recommendation is to deny both items on tonight's agenda.

WELLS asks if there were any letters or phone calls from the community stating opposition to this project?

RAMIREZ responds that initially the staff report indicates there were two inquiries; with one person expressing opposition and this afternoon, an individual spoke at length with the Director of Community Development about also being opposed. He indicated he would speak this evening, but she does not know if the individual is present at the meeting.

Victor MESSINA, 3246 Ashford Street, Condo A, San Diego, states he is speaking on behalf of his mother, Marie B. Messina, who has lived at 1126 Avocado, El Cajon, for over 50 years. She is one of the individuals who has protested the rezoning. The neighbors next door, the Totdrops, do not think it is good idea, even though they are not present at the meeting. They are in the process of selling their home due to the recent passing of their parents. Behind the Haircut Store, is the Pagen and Holland families, who have resided in the neighborhood for more than 50 years, also do not agree with the idea. It is not true that people are not protesting. People are not protesting because they do not know the procedure.

MESSINA thanks the Planning staff for answering all of his questions. He spoke with Jim Griffin at great length. This is a learning process, and they agree with the recommendation that the lot stays as C-1. His concern at this time is that once zoning has changed from C-1 to C-2, it does not mean that what is going to go there, will stay, because it changes the value of the property. He would like to know who is the owner of the property.

TURNER-EMERSON responds indicating that the earlier speaker, SHEENA, stated that he was the property owner.

MESSINA continues, stating that while looking at the property at Chase and Avocado, there are only two ways into the property, off of Chase and off of Avocado. Actually, to get off Avocado, a quick right is necessary. There is very heavy traffic at Avocado at Chase. Not only is there the traffic flow, but there is also an elementary school down the street from the project site.

TURNER-EMERSON says she is very familiar with the area, and believes most of the Commissioners are as well.

MESSINA agrees with the staff's recommendation, that the zoning remain C-1, as it has been since 1964. Compared to the other corners, they are all C-1. The proposal would mean zoning would be mixed just for one area at Avocado and Chase. Several residents in the neighborhood are elderly, but new families are moving in. It is not good to mix residential and commercial areas. Uses for the C-2 zone, from what he understands, can be changed 3 years down the road, to bring in a used car body shop, or anything the owner wants, because they will have the right to do so. He does not want the change to take place.

RAMIREZ states at the time of application for the rezoning, on January 26, 2005, the applicant indicated that the property owner was Mike Epstein, with an address of 852 Fifth Avenue #320, San Diego, CA 92131. Whether that has changed since that time, staff is not able to tell.

TURNER-EMERSON asks SHEENA to clarify the issue of ownership of the subject property.

SHEENA states he is in a long escrow with a large sum of money that has passed. In 30 days he will close escrow and he will be the official owner of the property.

GAWNE states that if there is anything in the charter that can amend the C-1, or add to it, they would be more than happy to accept "for a car wash only". Of course it is for a car wash now, but to change it to an "automatic car wash" it would be helpful.

TURNER-EMERSON reiterates discussion concerning uses cannot be undertaken, because a conditional use permit is not being considered.

GAWNE adds the hours of operation would be from 8:00 a.m. to 5:00 p.m.

RAMIREZ adds a further comment on the offer from Mr. Gawne. It is not possible for the Commission to condition a rezoning so that it is so focused on only one use.

Susan MESSINA-HEAVILIN, 9240-A Stoyer Drive, Santee, states mother's bedroom, and that of Mrs. Pagen's, face the subject property, but there is a wall present. Over the years, they have called the police many times, even with the haircut business, for security reasons, with the homeless sleeping nearby. Other concerns include the business hours, and sounds. Chase Avenue Elementary will be becoming a charter school, as well as a regular school, bringing an additional 120 students. The proposed site is located where the children will go in and out. The Commission should consider what the car wash would do to Chase Avenue, with cars going in and out. Traffic is already very heavy and there have been many accidents in the area, including five deaths at the intersection of Chase and Avocado.

MESSINA-HEAVILIN says the zoning should be closely evaluated and not be changed. They do not mind the existing professional businesses. They have lived with the presence of the Haircut Store, the gas station and many other businesses there. With the car wash,

and going through the side street, incoming and exiting traffic; the Commission should really stop and think about this.

SHEENA returns to the podium and states that when he negotiated the deal with the seller, he spoken to a staff member. He got a feel of what was going on and decided he didn't want to get into a business decision that he would lose on, nor did he want to be in a community that will not welcome his establishment into the neighborhood. He wrote a letter of introduction, describing his proposal and shared it with the neighbors within 300 feet of the project site. He recalls meeting Mrs. Messina, who was very nice. Only two or three residents were a little hesitant about the proposal; one was totally against the idea; all others were in favor and happy to see it. He showed them his establishment and the type of operation he ran. This gave him the incentive to think that if the neighborhood is in favor of, and likes the idea, this would be fine.

A couple of people were concerned about the road, traffic and so forth. At that time he directed his engineers to keep the curb cuts on Chase ...

TURNER-EMERSON reminds the Commission does not have a project in front of them, because this item deals with the land use issue. They don't have drawings or plans, or a conditional use permit application. All of those items would be covered when the project is brought forward.

For the Commission's information, RAMIREZ states the staff advised SHEENA early on in the discussion process, before formal submittal, that staff would not be able to support the requested General Plan Amendment and rezoning for his intended car wash.

Marie B. MESSINA, 1126 Avocado, El Cajon, states she moved to the neighborhood over 50 years ago, raised a family, and has a good record here in the City of El Cajon. She would not like to have a noisy car wash at that location, as it will keep her awake. The C-1 zone is okay with her, but with a car wash, the potential noise should be considered.

MESSINA-HEAVILIN returns to the podium and states she walked the neighborhood, visiting everyone down her mother's street and on Lorna Street, one half block. Out of everyone on her mother's side of the street, one person said they did not want it. They did not mind the professional business but did not want the car wash, as it would bring too much traffic.

TURNER-EMERSON reminds the Commission does not have the car wash project before them for consideration. This is a land use issue only.

MESSINA-HEAVILIN says that SHEENA says he spoke with the neighbors, and the neighbors she visited were unaware of the project.

AMBROSE reminds this is a rezone and a General Plan Amendment, and not a site-specific project. This is also not a debate.

Victor ATTISHA, 11989 Calle Lorenzana, El Cajon, asks for clarification of the items being considered, the General Plan Amendment and rezoning to C-2.

RAMIREZ states that looking at the applicant's intent of having a car wash in the future, it is necessary to request a change in the General Plan first. The second step will be to rezone the property in conformance with the General Plan. That comes from a requirement in State law that says when the City looks at rezoning a property it has to make a determination that that rezoning is in conformance with the General Plan. Combined in all of this discussion, what you have heard is reference to three separate applications that have to be considered in a very specific order, in order for Mr. SHEENA to be able to finally get a building permit to put up his car wash. If we cannot get the Planning Commission to first recommend approval of the General Plan Amendment, and then recommend approval of the rezoning to C-2, then Mr. SHEENA would not be able to process the conditional use permit application for the car wash.

TURNER-EMERSON states that the speaker and Mr. SHEENA could see the staff if they have any questions.

No one else comes forward to be heard.

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

AMBROSE comments that he is a long-time resident of the City of El Cajon. He lives in the area and passes by the subject property every day. As far as the C-1 zone, he feels it is the appropriate zone. The C-2 zone is not appropriate because it would allow a much heavier commercial automotive use than that corner is really designed to accommodate. The existing C-1 zone is fine right now. He would like to see the Haircut Store remodeled, or redeveloped into something else. Heavy automotive use would be inappropriate at the subject location.

WOODS says that his concern involves putting a C-2 zone right next to residential homes, and that is why he would not be able to support the item.

WELLS states he does not see any compelling reason to change the zone at this time.

BLACK comments that in the last ten years the City has been more driven towards residential home use. He feels allowing the C-2 zone may not sustain a good neighbor relationship. He supports the staff's recommendation.

Motion by BLACK, second by WOODS to APPROVE the proposed Negative Declaration; carries 5-0.

Motion by BLACK, second by WOODS to DENY General Plan Amendment 2005-01 in accordance with the staff report; carries 5-0.

Motion by BLACK, second by WOODS to RE-AFFIRM APPROVAL of the proposed Negative Declaration in accordance with the staff report; carries 5-0.

Motion by BLACK, second by WOODS to DENY Zone Reclassification 2257 in accordance with the staff report; carries 5-0.

TURNER-EMERSON suggests the applicant come back to speak with staff regarding the project.

In answer to the question by MESSINA, TURNER-EMERSON advises that staff will be able to provide information on the procedure following denial of the items and appeal to the City Council.

ZONE RECLASSIFICATION 2258 – Yousif & Ammo

(public hearing) Resolution No. 10116
(joint noticed, CC mtg 5-10-05)
P.C. Minutes 4/11/05

The subject property is located on the west side of S. Mollison Avenue between Merritt Drive and Portland Street, and addressed as 894 S. Mollison Avenue; APN: 493-224-49-00; LUC 1111; General Plan Designation: Low Medium Density Residential.

Request to rezone property from R-1-6 (Residential One-Family 6,000 Sq. Ft.) to the R-2 (Two Family) zone.

RAMIREZ states the General Plan Designation for the subject property is “Low Medium Density Residential”, with a range of 10 to 18 dwelling units per net acre. The maximum allowable density of the R-2 zone is one unit for every 4,300 square feet of net lot area. This is approximately equivalent to 10 units an acre. Therefore, approval of the R-2 zone would be consistent with the respective General Plan category for the subject property.

In order to be considered for a change in zoning, the subject property must meet minimum lot width and lot area requirements. This site meets the minimum lot width of 65 feet and the site exceeds the minimum 6,500-sq. ft. lot area requirement.

The subject property is located in a neighborhood of mixed residential uses. There are single-family homes, and one- and two-story apartments. Most properties in this area have been developed at the maximum density allowed by the respective General Plan designation.

RAMIREZ comments that it is the City's policy to evaluate a rezoning request without regard to a particular plan for development that the applicant may have. It is necessary, however, to discuss the maximum development potential allowed by the higher density zone in order to evaluate compatibility.

In the case of this applicant's request, the R-2 zone allows one dwelling unit for every 4,300 sq. ft. as previously stated. The subject property's net lot area could accommodate a total of two units if R-2 is approved.

The staff should be aware that the City Council, for several years, has consistently opposed new apartment development in multiple-family residential zones. Recently, almost every residential development approved for ten or more units per acre has been a condominium or common interest type subdivision. Consequently, over the past six years, no residential rezonings for higher density have been approved where there were not homeownership opportunities to follow, with the exception of two or three in the last year or so.

Given the current regional demand for housing, and the City Council's ongoing support for home ownership opportunities, staff believes the City's action to approve R-2 for this property could have a positive impact on the local housing market. Although there are very few lots in the surrounding area which can also meet the minimum lot width and lot area requirements for R-2, the rezoning and subsequent redevelopment of this site might stimulate interest in the development potential in this neighborhood.

This item was pre-advertised for a May 10th City Council public hearing. Staff suggests the Planning Commission recommend approval of the R-2 zone, and subject to conditions.

The public hearing is now open.

Edison AMMO, 894 South Mollison Avenue, El Cajon, indicates he is one of the applicants and he agrees with the staff's recommendation. He states that the lot is big and people have been throwing trash onto the property. He hopes to build another unit and clean up the area.

No one else comes forward to be heard.

Motion by WELLS, second by AMBROSE to close the public hearing; carries 5-0.

TURNER-EMERSON indicates she drove by the property today.

Motion by WELLS, second by AMBROSE to APPROVE Zone Reclassification 2258 in accordance with the staff report; carries 5-0.

TURNER-EMERSON wishes the applicant good luck on the project.

PLANNED UNIT DEVELOPMENT 270 – Westone Management Consultants for Jacoba Washington, LLC

(public hearing) Resolution No. 10117
(joint noticed, CC mtg 5-10-05)
P.C. Minutes 4/11/05

The subject property is located on the northwest corner of S. Mollison Avenue and Portland Street, and addressed as 1000 S. Mollison Avenue; APN: 493-225-27; LUC 1142A existing, 1142B proposed; General Plan Designation: Medium Density Residential.

Request to convert an existing 19-unit apartment complex into a common interest development in the R-3 (Multiple Family) zone.

AND

TENTATIVE SUBDIVISION MAP 583 – Westone Management Consultants for Jacoba Washington, LLC

(public hearing) Resolution No. 10118
(joint noticed, CC mtg 5-10-05)
P.C. Minutes 4/11/05

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

RAMIREZ states this is a 19-unit apartment project that was completed in about 1982 and is therefore 23 years old. The applicant has provided sufficient tenant notice to have his application move forward to the Planning Commission. The staff's comments are primarily focused on features of the existing development and how, and if, they comply with the conversion ordinance standards.

Under the authority of a temporary amendment to the development standard for conversions, this applicant proposes that the existing parking be approved as is. Originally there were 32 parking spaces required for the 19 apartment units. Eighteen garages and 16 open spaces are shown on the proposed plan for a total of 34. This will result in approximately 1.7 parking spaces per unit, but one unit will not have a garage.

The common recreation area for the subject property consists of landscaping, walkways, and a swimming pool. The applicant is proposing to enhance the landscaping around the pool as well as throughout the site. The Planning Commission and City Council will have to determine if the enhancements are sufficient for the project.

A physical elements report (or a PER) for the development on the subject property was prepared by JCEP/Huang Consulting Engineers. Twelve of the existing 19 units, or 63.1 percent, were inspected for the PER. It would take one more inspection to reach the 67 percent required by the Planning Commission.

The PER was also deficient in reporting the condition of the roof system, because the preparer was not provided with roof access. The report on the roof system is based on presumptions and information provided by the management. Staff recommends as a condition of approval that a complete roof inspection be completed to ascertain the condition of the roof system for each building on the subject property. In the future, the staff will strive to ensure that a proper roof inspection is not deferred.

RAMIREZ states that in addition to the items contained in both the physical elements report and the applicant's list of proposed improvements, staff's recommendations also include the items contained in the Building Division's list of comments, items required by the conversion ordinance, and miscellaneous items observed at the site by staff that need to be addressed. Conditions also include the installation of one-hour fire-rated separations between units.

With regard to the exterior elevations, the Planning Commission is aware that the City Council has directed staff to require enhanced exterior elevations in conjunction with conversion requests. The proposed elevations show the applicant's proposal to improve the aesthetic appearance of the existing development. In this case, the applicant submitted a Design Review package that includes pictures of existing elevations and color renderings of proposed elevations. The applicant is proposing improvements to the buildings that include new paint, new windows, new entry doors, new French doors, new garage doors and several other upgrades. Staff assumes that the proposed elevation upgrades will be applied to all elevations of each building.

More recently, the City Council determined at its February 22, 2005 meeting, that it would now like to see the proposed exterior upgrades to all elevations. Shortly thereafter, the Council modified the requirement to specify all sides of each different building. This information was not known to the staff or this applicant, at the time of this project's submittal. The applicant is advised that the City Council may be expecting to see additional elevations when this item goes on to Council.

RAMIREZ concludes the staff's presentation by indicating the applicant's proposed map is a typical one-lot subdivision for the purpose of conveying ownership of each of the 19 units.

Both items have been jointly noticed for the City Council's hearing of May 10th. Staff suggests the Planning Commission recommend approval of PUD 270 and TSM 583.

The public hearing is now open.

Joseph SCARLATTI, Westone Management Consultants, 8799 Balboa Avenue, Suite 240, San Diego, states that with this type of project, many times the developer is working with budgets and things, and items will get changed and more often than not, enhanced. His client agrees with the conditions of approval. The roof will be replaced, as there have been leaks.

Concerning condition 6(a) 10, the developer intends to install washers and dryers in the units, so they don't need to replace the laundry room equipment. The laundry room was originally annexed from one of the units, and the developer's intent is to put it back, so it will form another three bedroom, two-bath unit. With respect to conditions 6(a)18 and 19, the budget will allow them to install central air and heat, so the heaters and air conditioning units do not need to be replaced. Apart from the conditions mentioned, they have no issues with the conditions of approval.

TURNER-EMERSON comments that it looks like a great project.

SCARLATTI says they try to do better with each project. With this particular project, on the second floor units, the master bedrooms were really dark. The drawing in the left hand corner of the display board shows a French door and balcony, which they would be able to provide for under \$3,000, including labor. This opens up the room and brings in light.

TURNER-EMERSON states she visited the site today. There is quite a bit of existing landscaping and this is an interesting project.

SCARLATTI indicates some of the landscaping will need to be addressed as it currently hits the building.

TURNER-EMERSON says each project seems to get better and better.

No one else comes forward to be heard.

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

AMBROSE comments that this looks like a pretty good project and there is something to work with, for a change. Some of the other projects are not nearly as nice as this to begin with. This project has some character. He concurs with the staff recommendation.

Motion by AMBROSE, second by WOODS to RECOMMEND APPROVAL of Planned Unit Development 270 in accordance with the staff report, and making the following changes to conditions 6(a)10, deleting that particular requirement; and deleting 6(a)18 and 19, replacing it to read "Replace HVAC systems".

TURNER-EMERSON asks for comment by staff concerning the change to the conditions.

RAMIREZ indicates staff would prefer that the items enumerated by AMBROSE, remain as is, primarily because the record is absolutely clear in the staff report now, and it is not a problem to put something in new, as SCARLATTI offered. The condition reads "Replace all laundry room equipment", however, staff would consider a washer and dryer in each unit equal to or better than what item number 10 states.

AMBROSE asks for confirmation that staff won't "take it literally" from the staff report, that if something better comes along, the better item would supersede.

RAMIREZ responds yes, that is correct.

AMBROSE withdraws the changes previously stated.

Motion carries 5-0.

Motion by AMBROSE, second by WOODS to RECOMMEND APPROVAL of Tentative Subdivision Map 583 in accordance with the staff report; carries 5-0.

PLANNED UNIT DEVELOPMENT 271 – Westone Management Consultants for Jacoba Leslie Road, LLC

(public hearing) Resolution No. 10119
(joint noticed, CC mtg 5-10-05)
P.C. Minutes 4/11/05

The subject property is located on the west side of Leslie Road between E. Renette Avenue and E. Chase Avenue, and addressed as 1028 Leslie Road; APN: 492-341-17; LUC 1141 A existing; 1142B proposed; General Plan Designation: Medium Density Residential.

Request to convert an existing 8-unit apartment complex into a common interest development in the R-3 (Multiple Family) zone.

AND

TENTATIVE SUBDIVISION MAP 584 – Westone Management Consultants for Jacoba Leslie Road, LLC

(public hearing) Resolution No. 10120
(joint noticed, CC mtg 5-10-05)
P.C. Minutes 4/11/05

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

ALVEY states this development was constructed in 1960 and is approximately 45 years old. The site consists of a single, two-story apartment building, seven parking spaces, and landscaping. Seven of the dwelling units at the subject site are two-bedroom, one bathroom, and one unit is three bedrooms, one bathroom.

The common recreation area for the subject property is extremely limited and consists of outdoor patios and balconies for the existing units. The applicant is proposing to add a picnic area, a raised planter/bench area, paving, and additional potted plants, in order to enhance the recreation area. The Planning Commission and City Council will have to determine if the enhancements as proposed are sufficient for this project.

At the subject site, seven uncovered parking spaces were originally provided for the eight apartment units. As shown on the Landscape Plan, the applicant is proposing modifications to the parking area to include the construction of 7 carports at the rear of the property. The proposed carports must observe a side and rear yard setback of at least 3 feet as an accessory structure. The roof eave may project no closer than to within 1-½ feet of the side property line. Therefore, the proposed post as shown on the landscape plan along the northerly property line, will have to be relocated. Staff has recommended this modification as a condition of approval. These parking spaces and proposed carports do not currently have both the required stall depth and back up room. There is only 39 feet between the back of the building and the rear property line when 42½ ft. would normally be required. Although the staff supports the idea of adding covered parking, in this case, access to and from the carport spaces will require some jockeying back and forth to get in and out. A further complication is that there is only room for seven carports with eight units. Since the conversion ordinance permits the approval of the existing number of parking spaces, this number can be approved but one of the units will be without a parking space.

ALVEY states a physical elements report for the development on the subject property was prepared by National Assessment Corporation and is signed and authorized by Greg L. Gavasse, a licensed professional civil engineer. The report identifies the condition of the property and the structures. Six of the eight dwelling units were inspected for the purposes of preparing this report. Staff has included the recommendations contained in the physical elements report as conditions of approval.

The proposed enhanced exterior elevations show the applicant's proposal to improve the aesthetic appearance of the existing development. In this case, the applicant submitted color drawings of the proposed exterior elevations on 11" x 17" sheets of paper, and these have been included in each of the Planning Commissioner's packets. There are also larger versions on the display board. The applicant is proposing improvements to the building elevations that include new paint, new windows, new entry doors, and canvas awnings. In staff's opinion the applicant also needs to add trim around the windows. The color photographs that were provided of the subject site showed trim around the windows for the existing structure at the front elevation. In staff's opinion this feature needs to be maintained and expanded to include all windows. Staff has included this as a condition of approval as well.

While visiting the subject site staff observed a dumpster in the parking area that does not have an enclosure. The landscape plan provided by the applicant proposes to locate individual trash receptacles along the northerly property line. Since there is a limited amount of open space on the subject site, it is staff's opinion that the most appropriate location for the trash facilities, especially with limited access and maneuvering, would be

along that northerly property line. Staff recommends that CC&R's include language specifying that trash collection services be billed individually and that each tenant be responsible for delivering their own receptacle to the curb.

ALVEY concludes the staff presentation stating that comments from other departments are attached to the staff report and have been incorporated as conditions of approval. Staff has not received any response to the public hearing notice that was distributed for this item.

Staff therefore recommends that the Planning Commission recommend approval of Planned Unit Development 271 and Tentative Subdivision Map 584, subject to the conditions and for the reasons as stated in the staff report.

TURNER-EMERSON asks if carports were in place at one time, with the poles that are located in the back area?

ALVEY responds he does not believe that a building permit has ever been issued for the addition of carports. It may have been something that had been recently started, but stopped, as this application came forward.

The public hearing is now open.

Joseph SCARLATTI, Westone Management Consultants, 8799 Balboa Avenue, Suite 240, San Diego, states with respect to the trim around the windows, his client intended to use the double-paned windows with a 3" white vinyl trim. If that is not sufficient to serve as a trim, his client will be happy to do the trim, but it may be an over-kill.

ALVEY responds that staff would be open to the modification as suggested by the speaker.

SCARLATTI addresses the open space issue stating there were not many options available. When his client purchased the building, some open space had already been paved over. It is not spectacular, but it will work. Because this particular project is so small and there are only a few cars back and forth, some of the driveway area can be used pretty adequately for open space. With respect to the conditions of approval, they have no objections. Floor plans are available to show where the washers and dryers will be located. [SCARLATTI hands the plans to the City Attorney.]

AMBROSE says he feels the project is somewhat "marginal". It is an excellent attempt to do something with the property. If it were not for the fact that the site is on Leslie Road, he would really have some heartburn over this project, and the fact that not even one on-site parking space is being provided for a condominium unit. Leslie Road is a tough area. The project will ultimately be an improvement over what currently exists.

The second issue is that the building is about 45 years old and is getting to the end of its life expectancy. It will need a lot of help. The speaker is doing all that can be done in creating some recreation or open space on the site. He applauds the speaker for taking on this project, but this is really a marginal project.

SCARLATTI states that this particular building is built with 2 x 6 construction and the structure itself is remarkably sound. The rest of it is pretty old and tired.

BLACK comments that with a building of that age, the plumbing has got to be on the verge of collapse someplace. The electrical systems would be woefully inadequate for such items such as big electronic ovens. The units would need special attention paid to in these areas, given the age of the building. Older buildings are marginal. If all the issues are addressed with circuit boards and bringing them up to code, he would then support the project. Tenants should not have to worry about their units exploding.

SCARLATTI responds that most buildings that are 30 years old are now having the wiring and the plumbing replaced in them, so these things are almost part of the condo conversion process these days. He recalls the first time he appeared before the Commission his clients had spent about \$7,500 per unit to renovate the units. Today they are spending closer to \$48,000 to \$52,000 per unit on average, because they have to go that far into the walls to bring them up to code.

TURNER-EMERSON comments that condition 6(b)2 contains a note referring to the electrical system.

No one else comes forward to be heard.

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

TURNER-EMERSON states that this is another interesting project with character. Some improvements can be made by the tables, near the front doors.

Motion by WOODS, second by WELLS to RECOMMEND APPROVAL of Planned Unit Development 271 in accordance with the staff report; carries 5-0.

Motion by WOODS, second by BLACK to RECOMMEND APPROVAL of Tentative Subdivision Map 584 in accordance with the staff report; carries 5-0.

CONDITIONAL USE PERMIT 1999 - Khoroshi
(public hearing) Resolution No. 10121

(joint noticed for CC mtg 5-10-05)
P.C. Minutes 4/11/05

The subject property is located on the northwest corner of El Cajon Blvd. and Millar Avenue, and addressed as 670 El Cajon Blvd.; APN: 487-480-15; LUC 9000 existing, 5511A proposed; General Plan Designation: Special Development Area 10/General Retail Commercial.

Request sales of used motor vehicles in the C-2 (General Commercial) zone.

RAMIREZ states this is a request to establish a used car sales business on the subject property in the C-2 zone. The Zoning Ordinance allows new and used car sales subject to the granting of a conditional use permit. The site is located within Special Development Area #10, an overlay designation, and governed by Specific Plan 462. SP 462 was first established for properties along El Cajon Boulevard and the North Johnson Avenue corridor, and later extended along West Main Street. The purpose of Special Development Area #10 is to encourage the expansion of existing automotive sales, repair and service businesses, and to foster the establishment of new auto-related uses while compatibility is maintained with adjacent residential uses.

The subject property is currently under-improved. The proposed development includes a new two-story, 1,600 square foot sales office building to be located three feet from the rear (or westerly) property line. Other improvements include parking, car display area and landscaping. The building is to be used primarily for office space and storage. The site plan submitted by the applicant shows 39 parking spaces, with a vehicle display area in the center of the site. Landscaping is proposed in a three-foot planter along the northerly and southerly property lines as well as along the front. A trash enclosure can be found near the rear.

RAMIREZ says the proposed project satisfies most of the development standards for a build-out in the C-2 zone. The proposed building will be 21 feet high and painted beige with green reflective glass windows.

Staff believes that some changes are needed in order for this site to fully comply with the Zoning Ordinance. First, some revision to the planters is needed to provide a minimum four feet of width along the entire southerly property line, with an increase in the width of the landscape planter along the entire northerly property line from three to eight feet. Secondly, a rearranging of the remaining landscaping is necessary to provide better distribution throughout the parking and vehicle display area. The justification for the proposed increase in width along the northerly property line is that there are apartments adjacent to the north, and additional landscaping will ensure increased compatibility with the proposed used car lot and the future use of the site. The minimum setback for structures along the north property line is ten feet because that property line is a zoned district boundary separating the subject property's commercial zone from the residential zone on the adjacent property.

RAMIREZ comments that the proposed landscape plan should include wider planting strips along the northerly property line to be planted with several 24-inch box trees that will mature in sufficient height and width to minimize sound and visual impacts to the apartments at the north.

The General Plan designation of the subject property is Special Development Area #10 as an overlay to the General Retail Commercial category. The proposed used car lot is consistent with that General Plan designation if a conditional use permit is granted.

The area immediately surrounding the property is occupied by a variety of uses. In addition to the apartments northward, there is a collision repair business located west in the C-M zone. Continuing northeasterly along El Cajon Boulevard, there are retail sales and service uses of many kinds. Adjacent to the south of the property is a car wash business. With the granting of a conditional use permit and adherence to the conditions of approval, staff believes the proposed use can be found compatible with the surrounding area.

RAMIREZ states that prior to this evening's meeting, staff was handed a letter addressed to Mr. Tony Shute, of the Planning Division. The letter (dated April 9, 2005) is an expression of concern about the interim use of the subject property, and was submitted by Mrs. Stanford Linzey, who has given an Escondido address and indicated that she is a property owner. The letter reads [in part] as follows:

"In regards to the proposed auto repair, Conditional Use Permit 1999, addressed as 690 El Cajon Boulevard at Millar, if people are allowed to stay there or sleep there or live there, they should promise not to trespass, and promise not to vandalize other people's property nearby. A neighbor near, had her car locks and windshield broken into, to the tune of more than \$1,500 in damage. Other people near there, are trespassing, to break windows or doors and have left trash on properties with a cost of more than \$4,500 to clean up and haul it away."

RAMIREZ suggests the CHAIR may wish to clarify whether the letter writer is in support of the project.

The item was jointly noticed for a City Council public hearing on May 10th, to review the Planning Commission's recommendation on the conditional use permit as required by the governing specific plan.

The public hearing is now open.

TURNER-EMERSON asks if the applicant is present, to please come forward to speak.

No one comes forward to speak.

TURNER-EMERSON asks if there is anyone else in the audience wishing to speak, to please come forward.

Verna LINDZEY, 1641 Kenora Drive, Escondido, states she owns a neighboring property to the subject site. She asks questions concerning the meaning of "conditional use permit", the size of the proposed building, and the proposed use.

RAMIREZ replies that the building is about 1,600 square feet, and will cover a small portion of the property at the back, far removed from the street. The proposal involves display of vehicles offered for sale and no service or repair activities will be allowed on the property.

LINDZEY asks if people will be allowed to sleep in the automobiles?

RAMIREZ advises the CHAIR that it is best to assume that this will be operated as a business that has security for the protection of inventory, and the expectation is not to see anyone sleeping on the property at all. The owner of the business would not want to have unauthorized people on the property.

LINDZEY states her property is about one block from the site. People are sleeping in laundry rooms and have broken into a neighbor's car. She is concerned the business will attract people that will abuse other people's property.

TURNER-EMERSON says she feels the opposite will occur in that there will be more security, as cars will be sold at the site.

No one else comes forward to be heard.

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

Motion by WOODS, second by AMBROSE to GRANT Conditional Use Permit 1999 in accordance with the staff report; carries 5-0.

TURNER-EMERSON advises the speaker to call staff if she has any concerns or questions.

CONDITIONAL USE PERMIT 2003 – El Cajon Community Development Corp. for Pedersen

(public hearing) Continued to April 25, 2005

(joint noticed for CC mtg 5-10-05)

P.C. Minutes 4/11/05

The subject property is located on South Orange Avenue between W. Main St. and W. Douglas Avenue; APN: 488-151-21 & 488-162-17; LUC 4550 existing, 4550/7314 proposed; General Plan Designation: Special Development Area 9/General Retail Commercial.

Request a weekly farmers' market on Saturday mornings in the C-2 (General Commercial) zone.

RAMIREZ states the reason for the continuance is a late notice received by staff that the sponsor of the farmers' market wishes to change the day and time of day from Saturday mornings, as was advertised in the public notice, to Thursday afternoon and evening. The City Attorney has offered the opinion that a re-notice is required because the first notice was so specific. Therefore, a two-week continuance is the recommendation from staff.

The public hearing is now open.

Lisa LIND, representing the El Cajon Community Development Corporation, 168 E. Main Street, El Cajon, thanks staff for their help in the continuance. They are interested in changing the date from a Saturday morning market to a Thursday late afternoon, early evening market in downtown El Cajon.

Motion by AMBROSE, second by BLACK to CONTINUE the public hearing on Conditional Use Permit 2003 to the meeting of April 25, 2005; carries 5-0.

DISCUSSION ITEMS:

AMENDMENT OF CONDITIONAL USE PERMIT 1490 – The Truck Stop for Eschweiler

(discussion) Letter to applicant
P.C. Minutes 4/11/05

The subject property is located on the south side of Broadway between N. First and Oro Streets, and addressed as 1175 Broadway; APN 484-182-12; LUC 5512/559; General Plan Designation: General Retail Commercial.

Six-month review of conditional use permit for the sale of motor vehicles, RVs and boats in the C-2 (General Commercial) zone.

ALVEY states the Planning Commission renewed this conditional use permit on October 4, 2004. A condition of approval was the six-month review, and that was to ensure ongoing compliance with all of the conditions of approval.

During the October 4, 2004 Planning Commission meeting, staff expressed concerns regarding vehicles being stored in required customer parking spaces. On November 4, 2004, staff visited the subject site and observed customer parking available. Staff again visited the subject site on April 7, 2005, just prior to tonight's meeting and did not observe any motor vehicles, RVs or boats being stored in customer parking spaces.

In conjunction with the conditional use permit renewal, the Planning Commission expressed concerns regarding the adequacy of existing landscaping at the subject site. When staff visited the subject site approximately 30 days after the public hearing, the applicant had not taken any steps to enhance the landscaping along Broadway. However, on April 7, 2005, staff again visited the subject site and found new shrubs installed adjacent to Broadway, photos of which were provided in the staff report. In staff's opinion, the additional shrubs have adequately enhanced the extremely limited landscaping area that is adjacent to Broadway.

ALVEY concludes the staff presentation stating that since the applicant has complied with the ongoing conditions of approval, staff recommends that the Planning Commission accept and file this report, and schedule no further discussions on this item. If problems do occur with parking or landscaping maintenance, staff may return to the Planning Commission with a resolution of intention to set Conditional Use Permit 1490 to public hearing for revocation in the future.

No one appeared to speak on the item.

Motion by BLACK, second by AMBROSE to ACCEPT & FILE the report, in accordance with the staff report; carries 5-0.

TURNER-EMERSON acknowledges the presence of **Matt WELLS** in tonight's audience.

PREDRAFTED RESOLUTIONS

Motion by WOODS, second by WELLS to adopt Resolution Nos. 10112 through 10121 pro forma; carries 5-0.

ORAL COMMUNICATIONS

AMBROSE asks if an intern was obtained for the Industrial Zones Blue Ribbon Committee.

RAMIREZ replied that an intern has begun work which is being directed by other than City staff.

In answer to AMBROSE's question, RAMIREZ indicates staff has not yet had an opportunity to conduct research on the number of vacant apartments in the City, but will work on this project as soon as possible.

CORRESPONDENCE

There was none.

ADJOURNMENT

Motion by BLACK, second by AMBROSE to adjourn the meeting of the El Cajon City Planning Commission at 9:15 PM this 11th day of April 2005; carries 5-0.

Debra TURNER-EMERSON, Chair

ATTEST:

James S. GRIFFIN, Secretary