



## MINUTES

### PLANNING COMMISSION MEETING

**AUGUST 7, 2006**

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

#### PLEDGE OF ALLEGIANCE

**COMMISSIONERS PRESENT:** AMBROSE, BLACK, SOTTILE, WELLS, WOODS

**COMMISSIONERS ABSENT:** NONE

**OTHERS PRESENT:**  
RAMIREZ , Principal Planner  
DEL VALLE, Assistant City Attorney  
GRIFFITHS, Deputy Director of Public Works/Development  
CRAIG, Assistant Planner  
VALLES, Administrative Secretary

**MINUTES OF 7/24/06:** Motion by AMBROSE, second by WOODS, to approve the Minutes of July 24, 2006 pro forma; carries 5-0.

BLACK explains the mission of the Planning Commission and the proper procedure for speaking before the Commission and asks for proper decorum during the meeting. He advises that the appeal period for the items on this Agenda will end on Monday, August 21, 2006 at 5:00 PM.

#### **PUBLIC HEARING ON**

#### **PLANNED UNIT DEVELOPMENT 322 – Westone Management Consultants for Jacoba**

#### **Heritage LLC**

**(joint-noticed CC 9-12-06)**

(public hearing) Resolution No. 10345

PC mtg. 8-7-06

The subject property is located on the west side of North First Street between East Madison Ave. and E. Main St., and addressed as 360 N. First St.; APN: 489-130-42; General Plan Designation: Medium Density Residential.

Request to convert an existing 56-unit apartment complex into a common interest development in the R-3 (Multi-Family) zone.

**AND**

**PUBLIC HEARING ON  
TENTATIVE SUBDIVISION MAP 636 – Westone Management Consultants for Jacoba  
Heritage LLC**

**(joint-noticed CC 9-12-06)**

(public hearing) Resolution No. 10346

PC mtg. 8-7-06

The subject property is located on the west side of North First Street between East Madison Ave. and E. Main St., and addressed as 360 N. First St.; APN: 489-130-42; General Plan Designation: Medium Density Residential.

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

RAMIREZ provides a quick overview of this project. The request is for the conversion of an apartment development that was constructed in 1971 with six two-story buildings and a total of fifty-six units. The companion item, TSM 636, proposes a one-lot map for the purpose of conveying condominium ownership. Staff is recommending that the parking layout be reconfigured in order to provide a more effective circulation pattern. If the project is approved, the applicant will add a shade structure, barbecue area, new accent paving and landscaping. In accordance with the City Council's recent decision to require masonry perimeter walls, staff is recommending that the existing chain-link and wood fencing be replaced with a six ft. high masonry wall that is consistent throughout the project and painted to match the new color scheme.

These items have been jointly noticed for the September 19<sup>th</sup> City Council meeting. Staff suggests that the Planning Commission recommend approval of both items.

BLACK announces the public hearings are now open.

**Mr. Joseph SCARLATTI**, Westone Management Consultants, 8799 Balboa Ave. Suite 240, San Diego, CA 92123, is the applicant. He states that their concern is with replacing the wall at the rear of the property that backs up to the school. There are bleachers that would be right up against the property line and they think that putting a block wall there would be a safety issue. Also, they fear that graffiti would be a problem as well.

AMBROSE asks staff's opinion on the applicant's concerns regarding the perimeter wall.

RAMIREZ states that staff believes the concern should be a part of the record, but suggests that the Commission make no change in the condition listed in the staff report. The applicant would then be able to discuss his concerns at the council level where this project is headed.

**Ms. Laura SPIRZ**, 360 N. First St. Apt. 16, El Cajon, lives in the current apartment building. She first states that upon looking through the staff report she does not see an owner's signature on the paperwork. She then expresses concerns about this project and has questions about what will happen to her and other tenants who will be displaced and are on a fixed income. She questions whether they will get their deposit back, rent back, or what will be the process.

RAMIREZ first replies to the issue of the applicant's signature, stating that the applicant has submitted a letter of authorization. (The letter is not normally included as part of the agenda packet.) Secondly, regarding the return of funds to the tenants, the City doesn't specify anything different than tenant relocation assistance for payments that are required those tenants that are in good standing at the time that an eviction notice is given. That is included in the ordinance for the conversion of apartments to condominiums.

BLACK asks SPIRZ if she understands. She asks if she will lose her deposit. BLACK states that she will not lose her deposit. SPIRZ indicates that she still doesn't understand how tenants on a fixed income will manage. BLACK states that the average turnover to convert is usually about 18 months, so she and other tenants will have time to plan. SPIRZ states that she has already received a 180-day notice. BLACK asks SCARLATTI to explain further.

SCARLATTI states that traditionally tenants get 100% of their deposit back. The 180-day notice is a requirement by the state of California and it is a minimum number of days left to remain as a tenant.

**Ms. Tracy WALKER**, 360 N. First St., Apt. 39, El Cajon. Asks for clarification on the relocation assistance payments. She inquires whether it is a different amount based on whether the tenant is in a one-bedroom or two-bedroom apartment.

RAMIREZ states that at the time the application is submitted, the applicant is required to give the staff a written statement of the rent that is paid for each of the 56 units. Staff relies on that to know what the required payment will be at the time the project moves forward. The tenant relocation assistance payment will be equal to one month's rent.

WALKER asks if the project will be started in phases, with some tenants still being able to live there during the initial process. RAMIREZ states that this is a question for Mr. Scarlatti.

BLACK tells WALKER she should speak to SCARLATTI after the meeting and he can answer these questions. He also reminds the tenants that they will have the opportunity to buy these units and assistance will be available.

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

WOODS comments that he is a strong proponent of masonry walls, except in very rare circumstances. This might be one of those instances because of the fact that there are bleachers against the current fencing. He believes that putting a wall there will make an area that is not observed, and it would be very difficult to clean. He believes this may be an

instance where they need to make an exception.

AMBROSE agrees with WOODS but states that he believes it should be the City Council's decision.

Motion by AMBROSE, second by WOODS to recommend approval of Planned Unit Development 322, in accordance with the staff report; carries 5-0.

Motion by AMBROSE, second by WOODS to recommend approval of Tentative Subdivision Map 636, in accordance with the staff report; carries 5-0.

These items are jointly noticed for a City Council hearing on September 12, 2006.

**PUBLIC HEARING ON**  
**AMENDMENT OF CONDITIONAL USE PERMIT 1805 – Hamana**  
(public hearing) Resolution No. 10347  
PC mtg. 8-7-06

The subject property is located on the west side of N. Mollison Ave. between I-8 and E. Madison Ave., and addressed as 596 N. Mollison Ave.; APN 483-380-41; General Plan Designation: General Retail Commercial

Request to add a car wash and off-premise alcoholic beverage sales to an existing convenience market and service station in the C-2 (General Commercial) zone.

RAMIREZ summarizes the history of this item stating that the Planning Commission initially granted Conditional Use Permit 1805 for gasoline sales in February 2000. At that time, the Commission denied a request for off-sale beer and wine because the subject property did not meet the minimum ordinance requirement of 600-foot separation from residentially zoned property. In November 2004, the applicant submitted an application to amend the CUP in order to add a car wash and to sell off-sale beer and wine. After several continuances and an appeal to City Council, the request for a car wash was denied, due to concerns about on-site circulation, compatibility and over-impacting the site with auto-related uses. Again, the alcohol sales could not be granted because the subject property did not meet the 600-ft. distance requirement.

The applicant's current request involves removing one of the existing pump islands to provide space for a new automatic car wash. Staff is recommending that the site plan be modified to reflect a stacking capacity of at least four vehicles, and also modified to show wider planters in an effort to direct cars into a single lane to enter the car wash. Staff has also noted the awkward placement of a cashier machine on the wrong side of an entering vehicle. These issues will have to be worked out with staff before the applicant submits building permits.

The second part of the applicant's request is for off-premise alcohol sales, specifically beer

and wine. The applicant has been informed several times that he doesn't meet the 600-ft. distance requirement. Additionally, the Police Department does not support the request for alcohol sales due to the high crime rate and an over-concentration of licensed premises in the area. Staff received a letter of opposition from the owner of the motel located across the street from the subject property, which included numerous signatures from people who opposed the 2004 attempt to gain approval for the sale of beer and wine at this location. Staff is recommending that the Planning Commission grant the applicant's request for an automatic car wash, subject to conditions, and deny the request for off-premise alcoholic beverage sales.

BLACK announces the public hearing is now open.

**Mr. Arthur SLOAN**, 1850 Fifth Ave., San Diego, CA, is the attorney for the applicant. He states that they accept staff's recommendations in regards to the car wash, and they will follow those recommendations. In this particular situation, there are two well-established businesses across the street that already sell alcohol. Mr. Hamana has been persistent to pursue a beer & wine license because he sees the need for it with his customers. He states that customers typically pump their gas and then come inside to buy alcohol. When they see that he doesn't sell it, they leave their car there and run across the street to buy it at the liquor store. Mr. Hamana believes this endangers the customers.

**Ms. Donna BELL**, speaks on behalf of **Mr. Amir HABIB** who is the owner of the Valley Motel located at 585 North Mollison Ave. El Cajon, CA. She states that he objects to Mr. Hamana's appeal for the following reasons: this area has a high quantity of persistent violators, it is too close to two existing motels, the high calls for service in the area, there are two businesses on the same street that were denied licenses to sell alcohol for the same reasons. She also states that Mr. Amir HABIB objects to the applicant adding a car wash to the site because it will add additional noise pollution and traffic in the neighborhood.

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

WELLS poses a question to the staff, asking if there is a time limit that the car wash will be allowed to run, so as not to bother guests of the motel.

RAMIREZ states there is no time limit on the car wash. Staff believes the car wash is at a location farther removed from the motel and wouldn't cause a noise issue. RAMIREZ further states that the Commission has the option of providing a time limit on the car wash if they believe it is appropriate.

WELLS comments saying he is concerned about the crime statistics for this area, as mentioned in the staff report. He feels adding alcohol sales to the area would not be prudent.

WOODS asks staff if the car wash will include a commercial dryer or blower.

RAMIREZ states that there isn't a specific condition indicating such, although there is a condition stating that the car wash must be fully automated.

WOODS asks if there is a way to monitor the amount of noise that will be permitted.

RAMIREZ states that any equipment would have to meet the same noise performance standards that currently apply for any other use on that property.

SOTTILE asks if the owner of the property has submitted any hours of operation to the City.

RAMIREZ replies stating that no hours of operation have been proposed. RAMIREZ further indicates that the Commissioners might want to re-open the public hearing to ask the applicant that question.

Motion by SOTTILE, second by WELLS to re-open the public hearing; carries 5-0.

**Mr. Eddie HAMANA**, 1501 Avocado, El Cajon, CA 92020, is the applicant. He states that his proposed hours of operation for the car wash would be 8 AM to 6 PM.

WELLS tells HAMANA that he might want to reconsider the hours, as it doesn't get dark until 8 PM in the Summer.

HAMANA agrees and changes the hours of operation to 8 AM to 8 PM.

WOODS asks HAMANA how many gas pumps he will be giving up in order to put in this car wash. HAMANA replies that they will be taking out one complete island to accommodate the car wash.

BLACK asks the applicant if he is aware of the City's very strict water drainage pollution control. He informs the applicant that he needs to make sure to pay close attention to that when installing and planning for this car wash.

HAMANA agrees that he will work with staff and do exactly what they require in regards to following proper City procedures.

HAMANA asks if he may make a comment about the alcohol license. BLACK affirms he may.

HAMANA states that he has many customers who come to pump gas and are very dismayed that he doesn't sell alcohol.

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

Motion by WELLS, second by SOTTILE to grant the Amendment of Conditional Use Permit 1805 for a proposed automatic car wash but deny the request for off-premise alcoholic beverage sales in conjunction with an existing service station and convenience store, and adding a Condition 4f. to read: "Hours of operation will be from 8:00 am to 8:00 pm"; carries 5-0.

The appeal period for this item ends at 5:00 PM on Monday, August 21, 2006.

**PUBLIC HEARING ON  
CONDITIONAL USE PERMIT 2010 – Caddy Shack for Cayugan**

(public hearing) Resolution No. 10348

PC mtg. 8-7-06

The subject property is located on the south side of W. Main Street between Van Houten and N. Sunshine Avenues, and addressed as 351 W. Main Street; APN: 487-331-01; General Plan Designation: Special Development Area #9/General Retail Commercial.

Consider the revocation of a Conditional Use Permit for an existing cocktail lounge with outdoor seating and live entertainment (indoors and outdoors) in the C-2 (General Commercial) zone.

CRAIG summarizes this item, stating that this CUP was granted in September 2005. Conditions of approval required a lot line adjustment to consolidate the property into one legal lot, submittal of a revised CUP site plan, and obtaining a special operations business license.

Since approval, the applicant has not fulfilled any of the required conditions. The El Cajon Police Department has withdrawn their previous support of CUP 2010 and has provided staff with correspondence documenting violations at the subject property. However, the renovations proposed by the applicants and the addition of live entertainment have the potential to improve the environment on and around the subject property. The collection of a cover charge and the increased security will cause some of the more problematic clientele to go elsewhere. This conditional use permit is set to expire on September 26, 2006, if all the required conditions have not been met, or if the live entertainment use has not been established at the site. At this time, staff recommends that the Planning Commission deny revocation of CUP 2010.

BLACK announces the public hearing is now open.

**Mr. Alan NEFF**, 351 W. Main St., El Cajon, CA 92020, is the applicant. He states that they have now achieved the conditions required and they are currently working on cleaning up the property. They are making many physical improvements and trying to address all the issues that have been cited in the staff report.

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

SOTTILE asks staff why the applicant hasn't been able to comply with the conditions.

CRAIG states that he believes it has been due to monetary reasons.

SOTTILE asks CRAIG why staff recommends denial of revocation despite the applicant's history of non-compliance.

CRAIG states that the CUP will expire in approximately 5 weeks regardless, and he believes it would not cost the City anything to allow the applicant this last bit of time to possibly make changes and effectively comply.

AMBROSE states that he agrees with staff's recommendation.

WELLS also agrees, and states that he would like to allow the applicant the remainder of the time to try to accomplish the necessary changes.

SOTTILE asks CRAIG for clarification on what will happen to the bar once the CUP has expired.

CRAIG states that the bar will continue to operate selling alcohol, as it has in the past. However, the addition of live entertainment will no longer be allowed.

Motion by AMBROSE, second by WELLS to deny revocation of Conditional Use Permit 2010 in accordance with the staff report; carries 5-0.

The appeal period for this item ends at 5:00 PM on Monday, August 21, 2006

## **PUBLIC HEARING ON**

### **CONDITIONAL USE PERMIT 2029 – Bahija Shallal for Drew Properties**

(public hearing) Resolution No. 10349

PC mtg. 8-7-06

The subject property is located on the southeast corner of Jamacha Rd. and E. Main St., and addressed as 145 Jamacha Rd.; APN: 511-170-54-00; General Plan Designation: General Retail Commercial.

Request to review an existing tobacco/smoke shop in the C-2 (General Commercial) zone. RAMIREZ gives an overview of this item. In June 2006, a new Tobacco/Smoke Shop Ordinance became effective. This ordinance requires that all existing Tobacco/Smoke Shops obtain a conditional use permit within three years. Staff has not received any response to the public hearing notice for this item. Since the business is existing, there were no comments from other city departments. Staff recommends granting this CUP.

BLACK announces the public hearing is now open.

No one comes forward to be heard.

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

WOODS states that he recently noticed a sign on the sidewalk area in front of the subject property. He asks staff if this particular signage is permissible.

RAMIREZ indicates that given the description by WOODS, it would not be an allowable sign.

WOODS asks staff about limitations on signage inside windows and doors, inquiring whether

there needs to be a certain amount of window space open to see inside.

BLACK indicates that he believes the Police Department has a regulation on signage in windows. Staff affirms that signage in windows is limited to 25% maximum.

BLACK comments that he hopes that the owner of this smoke shop takes their civic responsibility seriously.

AMBROSE asks staff, if the City Council were to pass an ordinance regarding drug paraphernalia in the future, would it be retroactive to this conditional use permit?

RAMIREZ states that until the City Council adopts an ordinance, staff can't answer that question.

AMBROSE asks if adding a condition regarding drug paraphernalia to this CUP would be advisable.

DEL VALLE states that such a condition would be beyond the Commissions purview.

WELLS asks if it would be prudent to continue this item, since the Commission has questions and the applicant did not show up for this meeting.

Motion by AMBROSE, second by WELLS to continue Conditional Use Permit 2029 to a public hearing on Monday, October 9, 2006; carries 5-0.

**PUBLIC HEARING ON  
CONDITIONAL USE PERMIT 2030 – Tabares Entertainment, Inc. for Westfield  
Corporation, Inc.**

(public hearing) Resolution No. 10350  
PC mtg. 8-7-06

The subject property is located on the south side of Fletcher Parkway between N. Johnson and State Route 67, and addressed as 415 Fletcher Parkway; APN 482-270-48; General Plan Designation: Special Development Area #8 (Parkway Plaza) / Regional Retail Commercial Request to conduct a circus at Parkway Plaza from 8/23/2006 to 8/28/2006 in the C-R (Regional Commercial) zone.

CRAIG summarizes, stating that this proposed circus would not include the use of exotic animals, carnival rides or games. The proposed circus would generate some additional traffic and create some noise. The area surrounding the subject site, however, is accustomed to lots of traffic and noise. Staff does not anticipate any adverse impacts related to parking at the mall if this CUP is granted.

BLACK announces the public hearing is now open.

**Mr. Mark Landon**, 2534 S. Pleasant Ave., Ontario, CA, 91761, is representing the applicant. They have reviewed all of the requirements and are in agreement with all of the conditions, except one. Animal Control has asked for copies of all City permits fourteen days prior to the circus arrival. The applicant states that they will not have all of the permits prior to circus arrival. They will fulfill all other requirements and will happily give the permits to animal control as soon as they are received.

No one else comes forward to be heard.

CRAIG addresses the Animal Control permit issue that the applicant has specified, stating that he doesn't believe that we should burden the applicant with giving copies of every permit from the City to Animal Control, only the ones directly related to animal handling.

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

Motion by WOODS, second by AMBROSE to grant Conditional Use Permit 2030 in accordance with the staff report; carries 5-0.

The appeal period for this item ends at 5:00 PM on Monday, August 21, 2006.

**PUBLIC HEARING ON**  
**CONDITIONAL USE PERMIT 2031 – Morello**  
**(joint-noticed CC 9-12-06)**  
(public hearing) Resolution No. 10351  
PC mtg. 8-7-06

The subject property is located on the on the west side of Avocado Ave. between E. Main St. and E. Lexington Ave., and addressed as: 226 Avocado Avenue; APN 488-231-24; General Plan Designation: Special Development Area #9 Office / Non-Retail

Request to expand an existing office building with a reduction in parking, in the O-P Office Professional) zone.

RAMIREZ summarizes stating that the authority for this reduction in parking is found in Specific Plan 182, subject to the granting of a Conditional Use Permit. The Planning Commission must make a finding that parking on the subject property and in the vicinity of the subject property is adequate, in order to grant a parking reduction. Staff is concerned if adequate onsite parking will be provided. In order to address this issue the applicant has submitted a written narrative that explains how the facility will be used. The applicant's narrative explains that the intended usage of the site will only require ten onsite spaces in the worst-case scenario, due to the nature of the business and the timing of the activities proposed onsite. Staff recommends that the ongoing conditions of approval include a condition that requires the conference room not be used at the same time as the dental office. Staff has been impressed with the overall design and architecture the applicant proposes. As

a condition of approval the applicant must submit a lighting plan and landscaping and irrigation plans. Staff has not received any response to the public hearing notices sent out regarding this item.

Black announces the public hearing is now open.

**Ms. Laurel MORELLO**, 226 Avocado Ave., El Cajon, is the applicant. She has reviewed the staff report with recommendations and finds everything in order.

No one else comes forward to be heard.

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

Motion by AMBROSE, second by SOTTILE to grant Conditional Use Permit 2031 in accordance with the staff report; carries 5-0.

This item was jointly noticed for a City Council hearing on September 12, 2006.

## **DISCUSSION ON RESOLUTION NO. 10352**

(discussion) Resolution No. 10352  
PC mtg. 8-7-06

Adopt a Resolution of Intention to set a public hearing to consider amending the Zoning Ordinance to add an Historic Preservation Ordinance.

Motion by AMBROSE, second by WOODS to adopt Resolution of Intention #10352 to set to public hearing an Amendment of Zoning Ordinance for the addition of an Historic Preservation Ordinance for 7:00 PM, August 21, 2006; carries 5-0.

## **PREDRAFTED RESOLUTIONS**

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

Motion by WOODS, second by WELLS to adopt Resolution Nos. 10345-10348 and 10350-10352; pro forma, carries 5-0.

## ORAL COMMUNICATIONS

AMBROSE extended an invitation for the next Ad Hoc Committee of Specific Plan 182 that is scheduled for 5:00 PM on Wednesday, August 23, 2006 in the 5<sup>th</sup> Floor Conference Room of the City Hall Building.

RAMIREZ informed the Commissioners that an appeal was filed today with the City Clerk's office to Amendment of Conditional Use Permit 194 that was granted at the July 24, 2006 meeting. The hearing is set for the City Council meeting at 7:00 PM, on Tuesday, August 22, 2006 in Council Chambers.

## CORRESPONDENCE

There was none.

## ADJOURNMENT

Motion by SOTTILE, second by AMBROSE, to adjourn the meeting of the El Cajon City Planning Commission at 8:28 PM this 7<sup>th</sup> day of August 2006; carries 5-0.

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Thomas BLACK, Chair

ATTEST:

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James S. GRIFFIN, Secretary