



## MINUTES

### PLANNING COMMISSION MEETING

**OCTOBER 9, 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  
CRAIG, Assistant Planner  
DAVIES, Deputy Director, Public Works,  
Engineering Division  
DEL VALLE, Staff Attorney  
VALLES, Administrative Secretary

**MINUTES OF 9-25-06:** Motion by WELLS, second by SOTTILE, to approve the Minutes of September 25, 2006 with a minor correction that the approval of the minutes is for the September 11th meeting and not September 25, 2006 meeting as indicated; 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, October 23, 2006 at 5:00 PM.

#### **CONTINUED PUBLIC HEARING ON CONDITIONAL USE PERMIT 2029 – Bahija Shallal for Drew Properties**

(continued public hearing) Resolution No. 10377  
PC mtg. 10-9-06

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.  
***(Continued from the Planning Commission meeting of August 7, 2006)***

RAMIREZ mentions that the CUP was continued because the Planning Commission had questions about signage and drug paraphernalia and the applicant was not present at the August 7, 2006 meeting. Staff, at the Commissions' recommendation, notified the applicant; however, they received no response. Since the August meeting, staff learned that the applicant had un-taxed cigarettes seized by the State Board of Equalization. According to the State Board's website, a first violation is punishable by a fine of \$1,000, if the seizure is less than 20 packets of cigarettes. There could be imprisonment and a fine; staff does not know the outcome of that violation. The City Attorney indicated to staff that this is not grounds to deny this initial CUP, but it would be grounds for revocation of the CUP. Also, at the suggestion of the City Attorney's office, it is recommended that the following condition # 7 be added to read: "Illegal activity, including the sale of drug paraphernalia as defined in Health & Safety Code section 11014.5(a), shall be cause for revocation of the CUP."

BLACK announces the public hearing is now open.

**Mr. Abbott SHALLAL**, the owner of the business, located at 145 Jamacha Road, El Cajon, CA, mentions that the Tobacco Outlet was established 11 years ago and he notes that he is the first person to comply with the City's regulations and apply for a Conditional Use Permit to operate a tobacco/smoke shop.

After some confusion from the applicant regarding the procedure, RAMIREZ explains that the staff is recommending that the Planning Commission grant the CUP, which will allow him to continue operating the store. SHALLAL will need to follow the conditions of approval. The CUP would be for five years, if it is approved at tonight's meeting.

WELLS asks the applicant if he will comply with the new condition that states that any illegal activity, including the sale of drug paraphernalia would be cause for revocation of the CUP. He asks the applicant if he would be comfortable with not selling drug paraphernalia. SHALLAL replies that the police officers stopped by recently and asked him to remove certain items from his store. He states he complied immediately. SHALLAL says he will comply if the City wants more items removed. He states he is willing to accept the conditions.

BLACK notes that smoke shops have a big responsibility to keep kids away from tobacco and drug paraphernalia.

No one else came forth to speak.

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

Motion by AMBROSE, second by SOTTILE to GRANT Conditional Use Permit 2029, subject to conditions in the staff report and adding condition #7 to read: "Illegal activity, including the sale of drug paraphernalia as defined in Health and Safety Code section 11014.5(a), shall be cause for revocation of the CUP."; carries 5-0.

**PUBLIC HEARING ON  
ZONE RECLASSIFICATION 2284 – Planning Commission**

(joint-noticed CC mtg. 11-14-06)  
(public hearing) Resolution No. 10378  
PC mtg. 10-09-06

The subject properties are addressed as 855 & 892 E. Madison Ave., 505 N. Mollison Ave., and a parking lot on Wisconsin Ave., APN: 488-061-16, 488-061-06, 488-062-19 and 487-171-33, -34; General Plan Designation: (pending): “Office/Non-Retail”.

Request to rezone properties from the R-P (Residential Professional) zone to the O-P (Office Professional) zone.

RAMIREZ notes that the zone reclassification was initiated by the Planning Commission to rezone R-P zone properties to a zone consistent with the General Plan. The City has rezoned more than 320 different properties since 1997. She gave an overview of the five separate properties that are currently zoned R-P. For the properties of 855 and 892 East Madison Ave. and 505 North Mollison Ave., the current land use designation is “Medium Density Residential,” but the General Plan Amendment 2006-03 was recommended that the designation be changed to “Office/Non-Retail.” The GPA 2006-03 is scheduled for the October 24 City Council meeting.

RAMIREZ mentions that the other properties, which are defined as Assessor Parcel Numbers 487-171-33 & -34, are developed as a parking lot for the social club at 414 N. Magnolia Ave. In staff’s opinion, the subject property is not ready for what the General Plan calls for at this time; the R-3 or R-4 zone. The subject properties serve as a required parking lot. To provide for some flexibility and to permit judgment as to the appropriateness of a particular zone, a lesser zone (less intense) can be recommended for approval for this property.

Staff has received several phone calls in response to the public hearing notice that was distributed for this item. In each instance, staff explained the reasons why the City is eliminating the R-P zone and then the impact that the proposed zoning designations will have on each of the properties.

BLACK announces the public hearing is now open.

No one comes forward to be heard.

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

Motion by WELLS, second by WOODS to RECOMMEND APPROVAL of Zone Reclassification 2284, in accordance with Exhibit “A”; carries 5-0.

This item is jointly-noticed for a City Council hearing on November 14, 2006.

**PUBLIC HEARING ON  
ZONE RECLASSIFICATION 2285 – Planning Commission**

(joint-noticed CC mtg. 11-14-06)  
(public hearing) Resolution No. 10379  
PC mtg. 10-09-06

The subject properties are addressed as 123 Chamberlain Avenue, 553 S. Magnolia Avenue, 237, 255, 905, 933, 961, and 999 W. Washington Avenue, 983 and 1109 E. Washington Avenue, and 205 and 239 Van Houten Avenue; APN: 488-282-23, 488-290-14, 492-160-42, 492-160-43, 492-011-18, 492-011-04, 492-011-03, 492-011-01, 493-103-10, 493-112-37, 487-331-06 and 487-331-07; General Plan Designation: "Office/Non-Retail" "Low Density Residential," "Medium Density Residential," and "SDA 9 Downtown Redevelopment/Office/Non-Retail."

Request to rezone properties from the R-P (Residential Professional) zone to the R-2 (Two-Family Residential) zone, R-1-6 (Residential One-Family 6,000 Sq. Ft.) zone, R-3 (Multiple-Family) zone, or O-P (Office Professional) zone.

RAMIREZ informs that the staff report addresses the last 11 properties in the City that are currently zoned R-P. She mentions that some of the staff recommendations will result in legal, non-conforming uses. The property at 123 Chamberlain Ave. is developed with one single-family unit, which is permitted in the proposed O-P zone. However, the City Council has approved three new single-family residences based upon the R-P zone. If the property is zoned to O-P and the three houses are built, they will become a legal non-conforming use. If the three houses are not built by the deadline, the project will expire and it cannot be approved under the O-P zone.

She also explains that the properties of 237 and 255 West Washington Ave. are each developed with an office and each property has a General Plan Land Use designation of "LR" (Low Density Residential). The proposed R-2 zone for each property is consistent with the General Plan land use designation, but not the subject property's use. This will create a legal non-conforming use on each property. In this instance, the staff believes that since the surrounding area is predominately single-family density, that the proposed R-2 zone and the resulting legal non-conforming use is appropriate and that consistency of the zoning with the General Plan is maintained. Amending the General Plan land use designation for these properties would result in an "office" designation that would be completely surrounded by "residential" land use designations.

RAMIREZ continues advising that properties addressed as 905, 933, 961 and 999 West Washington Ave. are each developed with single-family units, (except 961 W. Washington Ave. has four residential units) and each has a current General Plan land use designation of "LR" (Low Density Residential). The staff proposed R-2 zone is consistent with the General Plan land use designation for three of four properties. The four units at 961 W. Washington will become legal non-conforming under the R-2 zone.

The properties addressed as 983 and 1109 East Washington Ave. are developed with an office and each property has a General Plan Land Use designation of "MR" (Medium Density Residential). The proposed R-2 zone for each property is consistent with the General Plan land use designation, but not the subject property's use. This rezoning will create a legal non-conforming use on each property. In this instance, the staff believes that since the surrounding area reflects various levels of residential density, that the proposed R-2 zone and the resulting legal non-conforming use is appropriate and that consistency with the General Plan is maintained.

The properties at 205 and 239 Van Houten Ave. are both developed with multiple-family units and each property has a General Plan land use designation of "Special Development Area 9" as the properties are within the boundaries of SP 182. The proposed R-3 zone for each property will be compatible with the "SDA 9" designation and the surrounding area, but even with R-3 zoning, both of these properties will remain legal nonconforming because existing densities exceed currently-allowed maximums. Both properties would benefit from the state law superceding the City's legal non-conforming provisions on reconstruction.

BLACK announces the public hearing is now open.

**Mr. Terry WINEGAR**, owner of 237 and 255 West Washington Avenue, El Cajon, CA, is concerned about the rezoning from the Residential-Professional to residential-only zone, as the value of the properties will be diminished. He would like the Planning Commission to recommend a higher residential zone, such as R-3 or Office-Professional, which aptly describes the properties. He also disagrees and objects to the analysis that there are predominantly single-family density residences in the area.

RAMIREZ informs the applicant that he could address the City Council or send a letter before their public hearing on November 14, 2006 with his concerns.

WOODS asks staff about the applicant's rights of legal, non-conforming use, and RAMIREZ replies that the use would continue as is and it would not be allowed to expand or intensify in activities.

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

WELLS asks if there is another zone classification that would meet the speaker's needs and still be acceptable to the city. RAMIREZ mentions that using the City's General Plan land use designation category of Low-Density Residential, R-2 is the only one that fits. (She refers to the Zoning Consistency Chart that is included in the staff report.)

Motion by SOTTILE, second by WOODS to RECOMMEND APPROVAL of Zone Reclassification 2285, in accordance with Exhibit "A"; carries 5-0.

This item is joint-noticed for a City Council hearing on November 14, 2006.

**PUBLIC HEARING ON  
PLANNED UNIT DEVELOPMENT 326 – Mokou & Zori**

(joint-noticed CC mtg. 11-14-06)  
(public hearing) Resolution No. 10380  
PC mtg. 10-09-06

The subject property is a vacant property on the west side of South Orange Avenue between West Washington and West Renette Avenues; APN: 492-171-09. General Plan Designation: Low Medium Density Residential.

Request a three-unit residential common interest development in the R-3 (Multi-Family) zone.

**AND**

**PUBLIC HEARING ON  
TENTATIVE PARCEL MAP 633 – Mokou & Zori**

(joint-noticed CC mtg. 11-14-06)  
(public hearing) Resolution No. 10381  
PC mtg. 10-09-06

The subject property is a vacant property on the west side of South Orange Avenue between West Washington and West Renette Avenues; APN: 492-171-09. General Plan Designation: Low Medium Density Residential.

Request a four-lot parcel map, including one common lot in the R-3 (Multi-Family) zone.

RAMIREZ informs that the applicant is proposing to develop the subject property with a four-lot, three-unit, planned unit development. The proposal includes three, two-story detached dwelling units with private yards and also includes an associated common driveway and landscaping. The subject property is currently vacant.

The applicant has proposed a 16-foot wide driveway that will serve the three dwelling units. This 16-foot width is allowed if the driveway is less than 150 feet in length and if the number of units serviced is three to five. In their comments, the Building & Fire Safety Division, indicates that a 20-foot wide fire lane is required. Staff, therefore, recommends that the revised PUD site plan reflect a 20-foot fire lane, as well as appropriate signage to reflect permitted parking areas.

RAMIREZ states that the Planning Commission, with City Council concurrence, can approve a reduction in the minimum 18 1/2 –foot setback from the private street for garages. The project proposes four feet and will be required to provide automatic garage door openers.

RAMIREZ notes that the proposed plan has 58% lot coverage which exceeds the maximum allowable figure (55%). The applicant can reduce lot coverage by flipping the westerly dwelling in accordance with Staff Exhibit “A” (attached to staff report). This will allow the driveway to be approximately 20 feet shorter, thereby possibly meeting the criteria to keep it at 16 feet wide.

The proposed site plan meets the City's requirement for three and a half parking spaces per unit by providing two covered spaces plus one and a half uncovered spaces per unit.

The Planning Commission, with the concurrence of the City Council, may also require the fencing of private yards. The staff is also recommending a condition requiring a six-foot masonry wall along the northerly, southerly, and westerly property lines. The required wall shall be reduced to a height of 42 inches within 10 feet of the front/exterior property line.

Additionally, staff recommends a commonly maintained irrigated landscaping within the 10-foot setback along Orange Avenue, and that all landscaping be serviced by a permanent underground irrigation system.

RAMIREZ mentions that Section 17.54.220 of the Zoning Ordinance requires innovation in a planned unit development and the proposed building elevations do not have much imagination. In staff's opinion, the visual appeal of the project would be greatly improved by introducing some additional variation to the color schemes for each of the three proposed units. Additionally, in order to avoid a "cookie cutter" development, staff also recommends that the floor plan for the westerly building be flipped so that the garage is on the easterly side of the dwelling that will provide a varied architectural design and serve to maximize open space.

BLACK announces that the public hearings are now open.

**Mr. Fred MOKOU**, 1455 Fuerte Heights Lane, El Cajon, CA, is the applicant and had no statement, but BLACK asks if he understands that the driveway needs to be expanded to be 20-feet wide. MOKOU replies that because of the "flip-flop" of the house, the architect is supposed to put the garage to be facing the street, so that it complies with the Fire Department's requirement of 150 feet. MOKOU asks staff about the requirement of the Public Works requirement of one-year of construction [paragraph following item 17 on pg. 3 of Public Works letter]. DAVIES replies that any improvements must be guaranteed or bonded for construction within one year. MOKOU advises the Commission that a masonry wall already exists on two property lines; the third one has a wood fence. WELLS informs the applicant that the City Council recommends masonry wall on projects rather than wood. RAMIREZ recommends that the applicant address the City Council to be relieved of the masonry wall requirement.

AMBROSE mentions that the site plan was less than inspirational. He commended the staff for recommending on flipping the house so the applicant would not need to widen the driveway by 20 feet to comply with fire regulations.

AMBROSE asks the applicant if the project has interior fencing and the applicant replies affirmatively, noting that each fence is going to be separate and will be of vinyl material. WELLS mentions if the applicant is comfortable with staff's recommendation of having several colors, and the applicant replies affirmatively.

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

RAMIREZ recommends that the condition of private yard interior vinyl fencing be included as a condition of approval.

Motion by AMBROSE, second by SOTTILE to RECOMMEND APPROVAL of Planned Unit Development 326 in accordance with the staff report, and modifying condition #2.e. 7), adding: "Indicate vinyl fencing for private yards."; carries 5-0.

Motion by AMBROSE, second by SOTTILE to RECOMMEND APPROVAL of Tentative Parcel Map 633 in accordance with the staff report, carries 5-0.

These items are joint-noticed for a City Council hearing on November 14, 2006.

**PUBLIC HEARING ON  
AMENDMENT OF ZONING ORDINANCE – RE: PROHIBITION OF OFFSITE MOTOR  
VEHICLE SALES – Planning Commission**

(joint-noticed CC mtg. 11-14-06)

(public hearing) Resolution No. 10382

PC mtg. 10-09-06

Request to consider prohibiting off site motor vehicle sales.

RAMIREZ mentions that this amendment to prohibit offsite motor vehicle sales was referred to the Planning Commission by the City Council. The term "offsite" refers to sales that do not occur at the regular premises of the business. The City's Commercial Zones all permit 72-hour or three-day "outdoor sales event" or parking lot sales. Any business is permitted to conduct up to two parking lot sales each calendar year "by right" and three or more parking lot sales by Conditional Use Permit. The ordinance does not require the parking lot sale to be on the site of the business.

In May of this year, the City Council denied the appeal of a Conditional Use Permit for multiple (three or more) used car sales' events at Parking Plaza. Historically, some car dealers have been favor of and have conducted car sales events, some have been opposed and some have been opposed or in favor depending upon the circumstances, including whether they are proposing a parking lot sale or someone else is. The City Attorney has advised the City Council that the City could not prohibit out-of-town car dealers from conducting parking lot car sales and still allow in-town dealers to conduct them. They had to be available to everyone or prohibited to all.

Staff notified all of the recent participants in the motor vehicle parking lot sales event of this public hearing and received both objections and support for prohibitions. Staff advised the opposition to reserve their opponents for the City Council public hearing that has been set for November 14, 2006. Since the unanimous vote of the City Council (Councilmember McClellan was absent) supports a prohibition on offsite motor vehicle sales events, the staff recommends that the Planning Commission approve the Zoning Ordinance amendment to prohibit offsite motor vehicle sales in accordance with Exhibit "A".

BLACK announces the public hearing is now open.



**Mr. Rick URBAN**, owner of Budget Car Sales, 400 N. Johnson Avenue, El Cajon, CA, does not believe that offsite car sales should be as frequent as they have occurred at Parkway Plaza. He understands that the City Attorney states that you cannot prohibit out-of-town dealers from in-town dealers. The proposed amendment will hurt his business. In response to a question from Commissioner AMBROSE, URBAN notes that they have had two events in the City of El Cajon. He suggests that El Cajon consider the City of Palmdale's method of establishing a year-long schedule every December. Dealers are allowed to select a month to participate, not a particular date.

**Mr. Lauren CAMPBELL**, vice president of Bob Baker Chevrolet, 900 Arnele Avenue, El Cajon, CA, mentions that car sales are very competitive, but he believes that this is basically a land use issue. He mentions that his firm has made a substantial investment by having a dealership in the city. When they opened business in 1988, there were no Parkway Plaza car sales. They also have plans for \$14 million in improvement of their facilities. He notes that they are two blocks away from Parkway Plaza and when car sales events are held at the mall, their used car dealership suffers dramatically, affecting the firm and their employees. CAMPBELL says that it is an unfair advantage, because they can set up a pup tent and sell cars, whereas his firm is required to spend millions of dollars in their facilities and hundreds of dollars in storm water prevention plans. The weekend sales also have advantages under the sign ordinance.

AMBROSE agrees with the speaker, that from a planning point of view, this is a land use issue and not economic. He agrees that opening up Parkway Plaza for offsite sales events is the wrong thing to do.

**Mr. Greg KAMINSKY**, Toyota of El Cajon, 300 El Cajon Blvd., El Cajon, CA, opposes tent sales and mentions that his firm has not held or planned to have any offsite sales events.

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

SOTTILE, WELLS and WOOD, & BLACK all concur with AMBROSE that this is a land use issue.

Motion by SOTTILE, second by WOODS to RECOMMEND APPROVAL of Amendment of Zoning Ordinance – Re: Prohibition of Offsite Motor Vehicle Sales, in accordance with the staff report and attached Exhibit "A", carries 5-0.

This item was joint-noticed for a City Council hearing on November 14, 2006.

**PUBLIC HEARING ON  
AMENDMENT OF CONDITIONAL USE PERMIT 1829 – Champion Collision and Paint,  
Inc. for Gallagher**

(public hearing) Resolution No. 10383  
PC mtg. 10-09-06

The subject property is located on the east side of N. Marshall Ave. between East Main St. I-8 freeway, and addressed as 187 N. Marshall Ave.; APN: 487-121-49 & -78. General Plan Designation: Light Industrial.

Request to renew a conditional use permit for an existing paint and body shop and heavy auto repair in conjunction with an existing towing and impound facility in the C-M (Heavy Commercial / Light Industrial) zone.

CRAIG provides an overview of the request to renew a CUP for auto body work and heavy automotive repair at an existing business in the C-M zone, and provided some clarification to information contained in the staff report. During a visit to the site, staff observed employees working on vehicles in the parking area behind the existing building. Small tent-like structures had been erected and work was occurring on the vehicles parked under the tents. The applicant has indicated to staff that the work conducted under the tents is pre-inspection “tear-down” and damage assessment. Staff also noted work occurring under tarps that had been attached to the back of the building. Staff informed the applicant of the prohibition against outside work and of the conditions being recommended to the Planning Commission. The applicant has indicated that he wishes to request relief from this condition at the public hearing. Staff does not support the use of temporary outdoor structures and recommends that the applicant remove them. As an alternative, staff recommends that the applicant obtain permits to build a simple, covered, three-sided structure in the area of the parking lot where the tents are currently located.

BLACK announces the public hearing is now open.

**Mr. Oscar MARIN**, is the owner of Champion Collision and Paint, 187 N. Marshall Ave., El Cajon, CA. Seven years ago, when he relocated his business to El Cajon, he complied with the City’s landscape and other requirements. The temporary structures are for an area to wash the cars, and for the wrecked cars that need an inspection. The tarps are for the protection of the workers from the extreme summer heat. He has passed several inspections and received commendations from Fire Dept., Environmental Protection Agency, and Health Department.

CRAIG informs that the Fire Marshall / Building Official mentioned that the structures could meet fire code, with the addition of fire extinguishers. These were preliminary discussions but he would like to receive an official letter from the department.

SOTTILE asks if they could continue the item to a future meeting? The applicant also asks for an extension of the CUP for a 25-year term to reflect his lease. MARIN noted that the recommendation is for 10 years. CRAIG mentions that it would be up to the Planning Commission. Initial CUPs are for generally five years and subsequent ones for 10 years.

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

In a response to a question from WELLS, CRAIG replies that the landscaping has been well maintained in the past five years. He also mentioned that the parking area was well organized.

Motion by SOTTILE, second by AMBROSE to CONTINUE Amendment of Conditional Use Permit 1829 to the Planning Commission meeting of November 6, 2006; carries 5-0.

**PUBLIC HEARING ON**

**CONDITIONAL USE PERMIT 2036 – Golden State Supply, dba Carquest of El Cajon for Martin**

(public hearing)  
PC mtg. 10-09-06

RAMIREZ states this is a request by Golden State Supply (doing business as Carquest of El Cajon) to open and operate an auto parts store with accessory machine shop services in an existing building. The applicant's business has operated from a downtown El Cajon location for decades. The property was recently acquired by the City's Redevelopment Agency in order to begin assembling properties for the construction site of the future Public Safety Center. In a phone conversation on October 4, staff learned from Mr. Tim Pfieler, field director for new Carquest stores, that the lease negotiations for the Arnele site have not been finalized and that additional time is needed in order to accomplish that. Staff has no objection to a continuance and agreed with Mr. Pfieler that October 23, 2006 would be sufficient time.

BLACK announces the public hearing is now open.

No one came forward to speak.

Motion by WOODS, second by WELLS to continue Conditional Use Permit 2036 to October 23, 2006; carries 5-0.

**DISCUSSION ON**

**AMENDMENT OF CONDITIONAL USE PERMIT 824 – East County Auto Center**

(discussion)  
PC mtg. 10-09-06

RAMIREZ informs that this amendment of Conditional Use Permit 824 was granted by the Planning Commission on July 10, 2006. The applicant's representative, John Wing of Air Management Systems, has submitted a progress report for the Commission. While work continues on the property for the opening, it is premature to make a determination regarding compliance. Staff is recommending that this continue to the Planning Commission meeting of July 9, 2007, so as to have a basis upon which to determine compliance.

Motion by AMBROSE, second by SOTTILE to accept the staff report and review the CUP again at the July 9, 2007, Planning Commission meeting; carries 5-0.

**DISCUSSION ON  
AMENDMENT OF CONDITIONAL USE PERMIT 2028 – Planning Commission for Eric Kersten**

(discussion)

PC mtg. 10-09-06

CRAIG informs that this discussion item is a three-month review of the CUP 2028 that was granted in July of 2006. He notes that the business has been in compliance with all the SP conditions except one, prohibiting the outdoor display of motorcycles on El Cajon Blvd. Staff has observed and documented motorcycles for rent in front of the business. The applicant has established a pattern of non-compliance regarding this condition. Furthermore, the Fire Marshal has informed staff that motorcycles cannot obstruct the doorway per the requirement of the California Fire Code. Staff is recommending that the Planning Commission accept the staff report and revisit this item in 90 days on January 9, 2007, during which time staff will monitor the business for compliance with the conditions of approval.

**Mr. Eric KERSTEN**, 1458 Mountain View Road, El Cajon, CA 92021, notes that other businesses in El Cajon are displaying their motorcycles on the public sidewalk. He mentions that he never received a letter from the code compliance officer; however, he did speak with him and clarified that display of motorcycles on the public right of way is prohibited. The speaker submits four color photographs to the Staff Attorney and mentions that the bike displayed in doorway is not beyond the property line. He notes that the motorcycle does not obstruct the six-foot doorway, and the bike takes about 18 inches. The display in the doorway brings him customers. He recommends that the Planning Commission deny the report and accept the motorcycle in the doorway.

CRAIG states that the applicant was aware of the requirement for no display of motorcycles in the front. He explains that the front property line for some businesses is not in the same location (as the subject property). Also other businesses have customers who park their motorcycles in the public right of way. and it is the city's policy not to allow display of motorcycles in the public right-of-way.

BLACK asks if the motorcycle in the doorway is under the purview of the Commission? CRAIG replies that ultimately it is the decision of the Fire Marshal and DEL VALLE concurs, adding that input from the Building Official / Fire Marshal is needed for ADA compliance or fire access.

SOTTILE asks if the motorcycles would create a hazard if it falls during an emergency exiting. KERSTEN replies that the motorcycle leans towards the door it would fall in that direction and not obstruct the door.

WELLS states that by accepting the staff report it assures that City will have safety and DEL VALLE maintains that they need Building and Fire code clearance. WELLS states he would like a brief from the City Attorney to address potential liability even if cleared by Building Official and Fire Marshal. DEL VALLE is also concerned that it is not only a fire code issue, but also building code, (for ADA compliance), in addition to any municipal code violations.

Motion by WELLS, second by SOTTILE to accept staff report and revisit in 90 days at the January 9, 2007 Planning Commission meeting, for further review and instructing the applicant to comply with all applicable codes and conditions; carries 5-0.

**PREDRAFTED RESOLUTIONS**

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

Motion by WELLS, second by SOTTILE to adopt Resolution Nos. 10377 through 10382, pro forma; carries 5-0.

**ORAL COMMUNICATIONS**

AMBROSE informs the Commission about a Public Safety Facilities workshop that is being held from 11 a.m. to 1 p.m., Tuesday, October 10, 2006 at the Fifth Floor Conference Room of City Hall.

**CORRESPONDENCE**

There was none.

**ADJOURNMENT**

Motion by SOTTILE, second by WOODS to adjourn the meeting of the El Cajon City Planning Commission at 9:17p.m., this 9th day of October 2006; carries 5-0.

\_\_\_\_\_  
Thomas BLACK, Chair

ATTEST:

\_\_\_\_\_  
James S. GRIFFIN, Secretary