



MINUTES

PLANNING COMMISSION MEETING

JANUARY 8, 2007

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, Staff Attorney
PHILLIPS, Associate Civil Engineer, Public Works
VALLES, Administrative Secretary

MINUTES OF 1-8-07 Motion by WOODS, second by AMBROSE to approve the Minutes of January 8, 2007 pro forma. Motion 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, January 22, 2007 at 5:00 p.m.

ZONE RECLASSIFICATION 2286 -- Flores

(public hearing) Resolution No. 10399

PC mtg. 01-08-07

(joint noticed CC mtg 02-13-07)

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

The subject property is located on the east side of S. Mollison Ave. between E. Lexington and E. Washington Avenues, and addressed as 521 S. Mollison Ave; APN: 488-262-53; General Plan Designation: Medium Density Residential.

RAMIREZ informs that this is a request to rezone residential property on the east side of S. Mollison Ave. from the R-1-6 (single family, 6,000 sq. ft. minimum) zone to the R-3 (Multiple-Family, 20 dwelling units per acre) zone. If this zone reclassification is approved, the applicant has indicated to staff that he wishes to convert a portion of the existing home to a second dwelling unit.

In June of 2006, the Building Division issued a permit for a substantial size addition consisting of three new bedrooms, two new bathrooms, a large common room, and a laundry room. Although the addition was unusual because of its size, it met all the R-1-6 development standards for a single-family home. Staff noted that the addition was accessible from inside of the existing house via an interior hallway.

RAMIREZ reports that a building inspector noted conditions in the field that deviated from the approved building plans. Specifically, a second forced air unit (FAU) was installed. Although the installation of dual FAUs in a single-family home is not unprecedented, it is unusual. Through conversations with the City's building inspector staff learned that the contractor for the building addition indicated that the applicant intended to convert the approved room addition into a duplex. Under the current zoning, a duplex is not allowed. Staff advised the applicant that the property is not zoned for a second dwelling unit and that the City would not issue permits authorizing the installation of a second kitchen, or additional utility meters. Shortly thereafter, the applicant filed this request for zone reclassification including floor plans that depict a duplex on the property. Two units are allowed under the requested R-2 zone.

Although the General Plan designation for the subject property and the character of the neighborhood surrounding it would support approval of the R-2 zone, the applicant's history to date has given staff cause for some concern.

RAMIREZ illustrates that in its report to the Commission, staff has pointed out that the subject property falls short of the minimum 65-foot lot width needed for reclassification in the R-2 zone. There is a Zoning Ordinance provision which would allow the rezoning of the subject property to go forward with less than 65 feet. The subject property is of sufficient size and the existing layout would provide for sufficient room for a second unit to be added. Regarding the setbacks, the minimum side yard requirement for the R-2 zone is six feet. However, the recent large addition to the existing home is located only five feet from the southern property line. In a letter to the applicant dated November 16, 2006, staff indicated it would not recommend approval of the rezoning request because the lot and the structures do not meet the minimum lot width and building setbacks for the R-2 zone.

Although staff supports the substandard lot width, pursuant to the Zoning Ordinance provision, the non-compliant side-yard setback of the existing structures still remains an issue. In summary, the applicant only submitted a zone reclassification request after staff observed the unauthorized changes to his approved room addition. If the applicant is unsuccessful in obtaining R-2, the existing structure with its completed expansion could

easily be modified after final inspection, to create a separate second dwelling unit. Such action, if discovered by the City, would be cause for legal action against the property owner. Since there is no way to make the recently enlarged structure conform to the setback requirement to R-2 without significant alteration to the room addition in progress, and since the applicant has not, to date, offered to make such alterations, staff recommends that the Planning Commission deny this rezoning request.

RAMIREZ declares that on the merits of the property alone, staff could support a recommendation for R-2, the particular circumstances associated with this case, however, cause staff to take a very conservative position. As an alternative, the Planning Commission could allow withdrawal or continue this application to some future date. Staff would not support a continuance of less than 30 days and would expect the applicant to meet with staff during the continuance. At such a meeting, staff would expect to hear what the applicant intends to do about the existing five-foot yard setback that would be non-conforming under R-2. Also, the applicant would have to pay a fee for the continuance.

This item has been jointly-noticed for the City Council's public hearing of February 13, 2007. If the Commission denies this item, it would not go to Council unless the applicant files an appeal and pays a fee by the deadline.

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.

Discussion ensues by the Commission, and SOTTILE mentions that the staff's recommendation should be followed. AMBROSE concurs with SOTTILE and is disappointed that the applicant did not attend the hearing. WELLS feels that the Commission should deny this request; the applicant could file an appeal to go to City Council. WOODS supports staff's position.

Motion by WELLS, second by AMBROSE to DENY WITHOUT PREJUDICE Zone Reclassification 2286, carries 5-0.

The appeal period for the item ends at 5:00 p.m., Monday, January 22, 2007.

ZONE RECLASSIFICATION 2287 -- Waleed Yousif

(public hearing) Resolution No. 10403

PC mtg. 01-08-07

(joint noticed CC mtg 02-13-07)

The subject property is located on the west side of Avocado Ave., between Camden and E. Washington Avenues, and addressed as 524 Avocado Ave.; APN: 488-331-15-00; General Plan Designation: Low Medium Residential.

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

RAMIREZ explains that under the "Pertinent Cases" staff notes three actions in rezoning properties in this vicinity, which involve similar requests. Although there is no ordinance or written policy, the City Council established a position in 1997 to not approve the maximum allowable density for properties in accordance with their General Plan land use category, in support of the Council's desire to minimize the development of additional apartment units within the City. As long as the City approves a zone that is consistent with the General Plan, it can approve a zone that would permit less density than the maximum.

The California Government Code requires that a city's zoning be consistent with its adopted General Plan. The General Plan designation of the subject property is "Low Medium Density Residential" (10 to 18 dwelling units per net acre). The requested R-2 zone (approximately 10 units / acre) is consistent with that General Plan designation; and approval of the R-2 zone would be in keeping with the City Council's policy.

RAMIREZ notes that the subject property is 70 feet wide and contains a net lot area of about 10,500 square feet. Both of these features exceed the respective minimums of the R-2 zone being requested. This item will go on to the City Council for final action on February 13, 2007. Staff is recommending that the Commission recommend approval of the R-2 zone without conditions and for reasons stated in the staff report.

BLACK announces the public hearing is now open.

No one comes forward to be heard.

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

WOODS questions staff if this approval would warrant apartments. RAMIREZ replies that the potential for this property would be a total of two units. Staff does not know the intentions of the applicant, but recommends the maximum allowable under the zone.

Motion by WOODS, second by AMBROSE to RECOMMEND APPROVAL OF Zone Reclassification 2287, carries 5-0.

This item will go to the City Council for a public hearing on February 13, 2007.

ZONE RECLASSIFICATION 2288 -- Planning Commission

(public hearing) Resolution No. 10404

PC mtg. 01-08-07

(joint noticed CC mtg 02-13-07)

The subject property is located on the east side of Claydelle Ave., between E. Lexington and E. Camden Aves., and addressed as 327 & 329 Claydelle Ave.; APN: 488-241-30; General Plan Designation: Office/Non-Retail.

Request to rezone property from the R-P (Residential Professional) zone to the R-2 (Two-Family) zone.

RAMIREZ notes that this item is a zone reclassification initiated by the Planning Commission to rezone 327 and 329 Claydelle Avenue, currently zoned as R-P, to a zone consistent with the General Plan. One of the implementation mandates in the General Plan text and one of the directives from the comprehensive review of the City's commercial zones in 1996 was the consideration of the deletion of the R-P (Residential Professional) zone.

The R-P zone is unusual because it permits by right either multiple family development up to 20 units per acre or offices, when neither use may be consistent with the General Plan designation of the particular property. The Zoning Consistency Chart in the General Plan text shows the R-P zone can be found consistent with the General Plan designations of both "Office/Non-Retail" and "Medium Density Residential". City records indicate that this property has been developed with at least two units prior to the application of the R-P zone in 1963. Staff is proposing the R-2 zone for this property.

RAMIREZ confirms that according to the Zoning Consistency Chart, R-2 is not listed as compatible under the Office / Non Retail designation; however, the Commission should note that there is no such thing as immediate and full conformance of Zoning with the General Plan and that the General Plan is intended to mature over many years.

In staff's opinion, the subject property is not ready for what the General Plan calls for at this time, the O-P zone. It is a small lot with residential units and a lesser intensity zone can be recommended for approval for this property. The proposed rezone would not preclude the continuance of the existing multiple-family residential use.

This item has been jointly-noticed for the City Council's public hearing on February 13, 2007. RAMIREZ notes that the property owner was given written notice of this item and recently contacted the staff to obtain additional details on this rezoning and its future effect.

BLACK announces the public hearing is now open.

ERICA SARSON, 329 Claydelle Avenue, El Cajon, CA 92020, is the property owner of the subject property. She seeks clarification on the zone changing as she is a new home owner. She mentions that a previous tenant at 327 Claydelle Ave. property owned a construction business and would meet with employees before they went on job sites. She wonders if there are there any negative ramifications to her if the property changes to the R-2 zone.

RAMIREZ replies that there would be minimal or no consequences by changing the zone to R-2 for the property. The two dwelling units on the property can remain. RAMIREZ explains if there is a calamity that causes most or all of those units to be destroyed, there is a provision under state law that supercedes local law to allow the units to be rebuilt to their

previous state. In terms of future commercial type use or professional use of the property, that would have to comply with whatever the home occupation business license code would allow. At this time, contract construction offices are not allowed as a home occupation and are not permitted in the existing R-P zone. As staff sees it, there is no loss of opportunity there because it is not allowed now and it wouldn't be allowed in the R-2 zone.

SARSON understands and asks if the six-foot setbacks would be the same in the current zone and the proposed zone. RAMIREZ replies affirmatively.

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

AMBROSE mentions that this item is straight-forward and he thought the R-P zone elimination was completed and is surprised there was another property. He explains that there is no down-sizing and this should be the direction the speaker would want to proceed.

Motion by AMBROSE, second by WOODS to RECOMMEND APPROVAL OF Zone Reclassification 2288, carries 5-0.

This item will go to the City Council for a public hearing on February 13, 2007.

AMBROSE announces he must abstain from the following agenda items PUD 328 and TSM 640 due to a conflict of interest. He leaves the Council Chambers at 7:27 p.m.

PLANNED UNIT DEVELOPMENT 328 – CondoConversions.com for S&H Builders and Development

(public hearing) Resolution No. 10405

PC mtg. 01-08-07

(joint noticed CC mtg 02-13-07)

The subject property is located on the southeast corner of Chamberlain Ave. and S. Johnson Ave., and addressed as 653 - 681 Chamberlain Avenue; APN: 487-544-63-00; General Plan Designation: Medium Density Residential.

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

AND

PUBLIC HEARING ON TENTATIVE SUBDIVISION MAP 640 – CondoConversions.com for S&H Builders and Development

(public hearing) Resolution No. 10406

PC mtg. 01-08-07

(joint noticed CC mtg 02-13-07)

The subject property is located on the southeast corner of Chamberlain Ave. and S. Johnson Ave., and addressed as 653 - 681 Chamberlain Avenue; APN: 487-544-63-00; General Plan Designation: Medium Density Residential.

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

RAMIREZ informs that this property has two apartment buildings on it that are approximately 29 and 22 years old, respectively. The staff originally received a request to convert the units on this site in July of 2003. That proposal did not come forward to the Planning Commission because it was deemed incomplete due to an inadequate physical elements report, as well as some other aspects that were deficient.

In September of last year, staff received the current request from a new applicant. Additional work on the submittal was needed in order for staff to support the conversion proposal, which included reworking the enhanced building elevations. In this development, two buildings are on a rectangular lot that is relatively flat. The common recreation area consists of passive landscaping. The applicant is proposing to enhance these areas by adding a barbeque / picnic area. [RAMIREZ illustrates to Commissioners that it is the colored drawing in their packet of elevations.] Staff is proposing that these specific items be installed include a gas barbecue and concrete picnic table, that are also included as recommendations in the proposed conditions of approval.

Project fencing and walls consists of block walls and wood fencing. Staff is recommending that the wood fence along the southerly property line be replaced with a six-foot high masonry wall that continues along the entire length of the southerly property line. It should be painted to match the proposed color scheme of the project. The applicant's site plan indicates that there is an existing masonry wall on the easterly property line, but located approximately three feet onto the adjacent property. Staff recommends that the applicant construct a six-foot-high masonry wall on the easterly property line. These recommendations are made in response to the City Council's requirements for apartment conversions and in an effort to provide permanent improvements at the site and reduce the short term maintenance costs associated with wood fencing.

The existing landscape areas on this property are in fair condition and primarily consists of grass. Staff has included a condition that will require the applicant to submit and obtain approval of a landscape and irrigation plan to further enhance the property's appearance. A physical elements report for the property was prepared by Land America and it identifies the condition of the property and the structures. All of the interiors of the nine units were inspected for purposes of this report. The proposed report is required to identify specific items that are in need of repair or replacement, immediately or in the near future. Staff recommends that all of the repairs, upgrades or replacements included in the physical elements report be required as conditions of approval. In addition, the applicant's list of proposed upgrades (which primarily consists of interior enhancements) has been included in the conditions of approval that also covers the exterior upgrades that are reflected in the

enhanced elevations in the Commissioner's packets.

RAMIREZ points out that the proposed exterior upgrades include new decorative trim, new windows, entry doors, garage doors, exterior lighting and a new paint scheme. The applicant's elevations also indicate that the wood siding at 681 Chamberlain would be replaced with stucco. In staff opinion, this would provide a unified design concept for the structures.

The PUD and its companion one-lot subdivision map (TSM 640) have been jointly noticed for the City Council's public hearing on February 13, 2007. Staff recommends approval of both items, subject to the conditions and for reasons contained in the staff reports.

BLACK announces the public hearings are now open.

CHRIS CHRISTENSEN, 4817 Palm Avenue, La Mesa CA 91941, is the applicant's representative. He asks the Planning Commission to approve the project and also inquires about items in the Public Works letter of December 22, 2006. He notes that with their previous project approvals, certain Public Works requirements have been waived, namely the undergrounding of utilities.

In this particular project, CHRISTENSEN requests some direction from the staff, specifically, the Public Works requirements outlined in Item #1 which asks that they construct certain street improvements, and items #13 and 14, where they are to underground all new and existing utility distribution facilities. The applicant's representative would like to request that those conditions be waived.

RAMIREZ asks the speaker to explain what he is seeking on comments #1 in the Public Works letter. CHRISTENSEN replies that he refers to the street widening, in respect to the curb return and the ramp at the curb intersection of Chamberlain and South Johnson. He understands that the street is currently built to the appropriate width.

CHRISTENSEN state that he would like to note for the record that they oppose the condition which requires the construction of the six-foot masonry wall [6.a (13)]. They request to have that discussion at the City Council public hearing as they have come up with a variety of alternatives including vinyl fencing other than wood fencing, that they think would be appropriate. A six-foot masonry wall will give this property a fortress wall and also become a target for graffiti and other vandalism.

In response to RAMIREZ's request for clarification, PHILLIPS refers to Item #1 that Johnson Avenue is not at full width. They have a proposed right-of-way width of 66 feet. It is currently at 60 feet. Curb and gutters existing at 40 and proposed is 46 feet. There is another three feet required of public right-of-way required. The curb return radius is a standard that the City Council adopted several years ago. It is required when the existing radius is substandard. With the construction of a new curb return, if there are adjacent improvements – storm drain inlets, or ped ramps – they would also need to be

reconstructed.

CHRISTENSEN notes that in previous projects he has seen a condition that states certain areas will be dedicated for future development. He requests to the Commission to allow the applicant to dedicate three feet of space for future widening when the entire street would be improved as opposed to just constructing it on the applicant's section of the street. PHILLIPS replies that they have seen it done both ways and the applicant could propose to dedicate and guarantee the future improvements. He recommends CHRISTENSEN work with the Public Works Department.

RAMIREZ notes that the speaker also asked that the Planning Commission modify Item # 1 in the Public Works letter; she would like to suggest that the Planning Commission accept the speaker's concern or objection over this condition and do nothing to modify the language of this condition, but let it be deliberated at the City Council level.

CHRISTENSEN notes that it would be acceptable, but stipulates that their comments be reflected on the record. From a cost analysis of a project that size, the required public improvements may be economically infeasible. Depending on what the City Council's determination will be, they will have to decide whether to move forward with the project or not.

In addressing Item #14 pertaining to undergrounding of all new and existing utility distribution facilities, PHILLIPS notes that, according to photographs in their files, there are at least three poles along Chamberlain that would be underground. The policy has been to require undergrounding if the number of existing poles is reduced by at least two poles. The option is usually included when there is only one pole that would be removed and it isn't sufficient.

CHRISTENSEN reiterates his request for a waiver of the public improvement requirements be reflected in the minutes.

RAMIREZ requested clarification on the speaker's comment regarding fencing and the masonry wall (Item #6 a. 13 on page 11 of the staff report). It reads "Install a six-foot high masonry wall along the southerly property line and easterly property line, but not encroaching into the 10-foot exterior setback." CHRISTENSEN replies affirmatively; they will ask the City Council to accept an alternative.

MARK HANNA, 681 Chamberlain, Apartment A, El Cajon CA 92020, is a tenant at the apartment complex and he supports the condo conversion project as it would upgrade and add value to the neighborhood. He is interested in purchasing a condominium if it is approved.

Motion by WOODS, second by WELLS to close the public hearings, carries 4-0 (AMBROSE – abstain).

WELLS wonders why questions staff regarding Item #6 b. 7, that reads “Replace roof at 681 Chamberlain”. He asks why that requirement was not required for both addresses. RAMIREZ replies that the age of the structures is different and the Physical Elements Report mentions that one has already been replaced. WELLS mentions that in reviewing the photographs, he would prefer that both roofs have uniformity and be replaced. RAMIREZ, citing the Physical Elements Report, mentions that the building address at 653 Chamberlain is reported to have a roof that is only three years old; is comprised of composition shingles and does not need to be replaced.

Motion by WOODS, second by SOTTILE to RECOMMEND APPROVAL of Planned Unit Development 328, carries 4-0 (AMBROSE – abstain).

Motion by WOODS, second by SOTTILE to RECOMMEND APPROVAL of Tentative Subdivision Map 640, carries 4-0 (AMBROSE – abstain).

These items will go to the City Council for public hearings on February 13, 2007.

AMBROSE returns to the Council Chambers at 7:50 p.m.

CONDITIONAL USE PERMIT 2028 – Planning Commission for Kersten

(discussion)

PC mtg. 01-08-07

The subject property is located on the southeast side of El Cajon Blvd. between Chamberlain St. and Palm Ave., and addressed as 461 El Cajon Boulevard; APN: 487-532-09; General Plan Designation: Special Development Area No. 10/General Retail Commercial.

Second review of motorcycle sales and rentals in the C-2 (General Commercial) zone.

RAMIREZ reminds the Commissioners that is a continued review of CUP 2028 for conformance with conditions of approval. On July 10, 2006, the Commission granted permission for the applicant to have motorcycle sales and rentals at the existing commercial building. On October 9, 2006, the Commission conducted a six month review for conformance with conditions of approval. At that meeting the commission decided to ask for another review and this staff report is in response to that continuance.

The motorcycle sales and rental business occupies a building which has frontage on the street and alley access through the rear. The conditions of approval for CUP 2028 specifically prohibit the display of motorcycles in the public right-of-way along the El Cajon Blvd. frontage. Soon after approval, motorcycles were observed by staff to be parked on El Cajon Blvd with signs indicating that they were available for rent. Staff contacted the applicant and informed him that this was a violation of a CUP condition of approval. Staff then made unscheduled visits of the property, but did not observe any motorcycles for rent in front of the business.

RAMIREZ notes that just prior to the scheduled six-month review for compliance, staff observed a motorcycle displayed in the front doorway of the business. In staff's opinion, the display of motorcycles in the front doorway of the business violated the intent, if not the actual wording, of the conditions of approval of CUP 2028.

In subsequent discussions with the Building Official and Fire Marshall, it was determined that the storage of motorcycles in the doorway of a commercial structure was a violation of the Building and Fire Safety Code.

RAMIREZ informs that since October 9, staff has made random site visits. On each visit the business was found to be in conformance with the conditions of approval. Therefore, staff recommends that the Commission find accept the staff report finding that the business is in conformance with all conditions of approval and that the Commission take no further action regarding this item.

BLACK invites comments on this discussion item.

AMBROSE mentions that the owner of the business got the message and AMBROSE has driven by there several times and has not seen a motorcycle signs. SOTTILE recalls that the doorway was wide, and with the motorcycle by the doorway, there was a concern that it would fall on someone while entering or exiting the building.

Motion by SOTTILE, second by AMBROSE to accept the staff report for Conditional Use Permit 2028 and take no further action; carries 5-0.

PREDRAFTED RESOLUTIONS

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

Motion by AMBROSE, second by WELLS to ADOPT Resolution Nos. 10399 and 10403 through 10406, pro forma; carries 5-0.

ORAL COMMUNICATIONS

RAMIREZ invites the Commissioners to submit any suggestions on subjects they would like to discuss for Commission meetings in February. AMBROSE, BLACK and SOTTILE mention that they will submit their suggestions.

CORRESPONDENCE

There was none.

ADJOURNMENT

Motion by WELLS, second by SOTTILE to adjourn the meeting of the El Cajon City Planning Commission at 7:55 PM this 8th day of January 2007 to the meeting on January 22, 2007 at 7:00 p.m.; carries 5-0.

Thomas BLACK, Chair

ATTEST:

James S. GRIFFIN, Secretary