



PLANNING COMMISSION MEETING

APRIL 20, 2009

The meeting of the El Cajon City Planning Commission was called to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

ROLL CALL:

COMMISSIONERS PRESENT: Anthony SOTTILE, Chairman
Tony AMBROSE
Star BALES
Paul CIRCO
Darrin J. MROZ

COMMISSIONERS ABSENT: None

OTHERS PRESENT: Melissa AYRES, Director of Community Development
Barbara RAMIREZ, Principal Planner
Noah ALVEY, Associate Planner
Barbara LUCK, Assistant City Attorney
Dennis DAVIES, Deputy Director, Public Works /
Engineering
Ron Luis VALLES, Administrative Secretary

SOTTILE briefly explained the mission of the Planning Commission. SOTTILE welcomed comments under Public Comments. No one came forward.

CONSENT CALENDAR Motion was made by AMBROSE, seconded by CIRCO
to approve the Minutes from the Planning Commission
meeting of April 6, 2009; carried 4-0 (MROZ –
abstained due to absence at previous meeting).

ZONE RECLASSIFICATION NO. 2292

(This was jointly noticed for a City Council meeting on May 12, 2009 at 7 p.m.)

This was a continued public hearing on a request to rezone property from the Residential One Family, 6,000 sq. ft. (R-1-6) zone to the Multiple-Family (R-3) zone. The subject property is located on the southwest corner of West Renette and South Sunshine Avenues, and is currently vacant. *(This item was continued from the Planning Commission meetings of February 9, 2009 and March 9, 2009)*

APNs: 492-331-07 & -08

General Plan: Medium Density Residential (MR)
Zoning: Residential One-Family, 6,000 sq. ft. (R-1-6)
Applicant: California Investment Bankers / 619.563.1111
Project Planner: Eric Craig / 619.441.1782

AND

PLANNED UNIT DEVELOPMENT NO. 331

(This was jointly noticed for a City Council meeting on May 12, 2009 at 7 p.m.)

This was a continued public hearing on a request to develop a four-unit planned unit development in the proposed Multiple-Family (R-3) zone. The subject property is located on the southwest corner of West Renette and South Sunshine Avenues, and is currently vacant. *(This item was continued from the Planning Commission meetings of February 9, 2009 and March 9, 2009)*

APNs: 492-331-07 & -08
General Plan: Medium Density Residential (MR)
Zoning: Residential One-Family, 6,000 sq. ft. (R-1-6)
Applicant: California Investment Bankers / 619.563.1111
Project Planner: Noah Alvey / 619.441.1773

AND

TENTATIVE SUBDIVISION MAP NO. 643

(This was jointly noticed for a City Council meeting on May 12, 2009 at 7 p.m.)

This was a continued public hearing on a request to create five lots to be used for residential purposes. The subject property is located on the southwest corner of West Renette and South Sunshine Avenues, and is currently vacant. *(This item was continued from the Planning Commission meetings of February 9, 2009 and March 9, 2009.)*

APNs: 492-331-07 & -08
General Plan: Medium Density Residential (MR)
Zoning: Residential One-Family, 6,000 sq. ft. (R-1-6)
Applicant: California Investment Bankers / 619.563.1111
Project Planner: Noah Alvey / 619.441-1773

ALVEY provided additional information on PUD 331 and TSM 643 following the Chairman's description of the three-part project that started with ZR 2292. He also informed that the applicant appeared before the Planning Commission at its February 9, 2009 and March 9, 2009 public hearings and indicated that he would be willing to work with staff and would provide materials before tonight's continued hearing.

In a letter to staff, the applicant requested a continuance to April 6, 2009 that was agreed to by staff. Subsequently, the applicant advised that he could not be available on that date, and a new date of April 20, 2009 was established.

ALVEY informed that several changes were made to the site plan and the applicant would need to comply with the new additions, including the installation of a six-foot masonry wall, as recommended by the City Council.

SOTTILE stated that the public hearings are still open, and invited any speakers to the podium.

Mr. Bob STEWART, 1242 Vista del Monte Drive, El Cajon, CA 92020, is the applicant. He commended staff for working with him on this project. He agreed to the conditions including the installation of the six-foot-high masonry wall.

BALES commended the applicant and thanked him for making the changes, including items such as the pop-outs that will add a lot of character to the buildings.

Motion was made by AMBROSE, seconded by MROZ to close the public hearing; carried 5-0.

Motion was made by AMBROSE, seconded by CIRCO to adopt Resolution No. 10539, recommending the City Council approve Zone Reclassification No. 2292, subject to conditions; carried 5-0.

Motion was made by AMBROSE, seconded by CIRCO to adopt Resolution No. 10540, recommending the City Council approve Planned Unit Development No. 331, subject to conditions; carried 5-0.

Motion was made by CIRCO, seconded by AMBROSE to adopt Resolution No. 10541, recommending the City Council approve Tentative Subdivision Map No. 643, subject to conditions; carried 5-0.

These items were jointly noticed for the City Council meeting on May 12, 2009 at 7 p.m.

CONDITIONAL USE PERMIT NO. 2097

This was a public hearing on a request to legitimize an existing tobacco and smoke shop per El Cajon Municipal Code Section 17.88 in the Neighborhood Commercial (C-1) zone. The subject property is located on the west side of Jamacha Road between East Washington Avenue and Dorothy Street, and is addressed 542 Jamacha Road.

APN:	511-260-71
General Plan:	Neighborhood Commercial (NC)
Zoning:	Neighborhood Commercial (C-1)
Applicant:	Sunhale Matti / 619.441.9040
Project Planner:	Eric Craig / 619.441.1782

RAMIREZ summarized the staff report and noted that in 2006, the City Council adopted Ordinance No. 4842, creating new regulations for the establishment and operation of tobacco shops and smoke shops. Smoke shops that already existed at the time the ordinance was adopted, were given a three-year grace period to obtain a conditional use permit application.

She noted that on March 26, 2009, staff performed an inspection of the subject property, and informed that compliance and violations were observed. The municipal code prohibits smoking in any smoke shops that share a common wall with another business. During the site visit, staff observed an employee smoking and photographed two ashtrays full of cigarette butts inside the smoke shop. The applicant was informed that smoking was prohibited.

RAMIREZ noted that smoke shops must display a sign informing the public that tobacco sales are prohibited to persons under 18 years of age, and further informing that persons appearing to be less than 26 years old must provide photographic identification in order to purchase tobacco products. During the site visit, no such sign was displayed at the smoke shop.

SOTTILE opened the public hearing, and invited any speakers to the podium.

Mr. Suhale MATTI, 2696 Pine Glen Court, El Cajon, CA 92019, is the applicant. He objected to several aspects of the application, noting that the City did not inform him that he would need a conditional use permit when he started his business 10 years ago. He also objected to removal of novelty lighters, prohibition of hookahs, and the high tobacco retailer's license fee.

RAMIREZ clarified that under the conditions of approval, under 1.g., hookahs are allowed as long as they are not visible from outside the smoke shop. She also noted condition 3.c., which states that the applicant shall remove all novelty cigarette lighters from the tobacco smoke shop.

MATTI noted that he has "torch lighters" and not novelty lighters. [He returned back to his seat.]

RAMIREZ asked the Chair to call the speaker back to acknowledge the violations and agree to compliance to the conditions of approval.

MATTI returned and noted that he wants to obtain the conditional use permit, so he could sell his business and get out of the City of El Cajon. He understood the violations and the need to correct them.

Dr. Sami JIHAD, 1673 Avenida Cherylita, El Cajon, CA 92020, spoke in support of the applicant. He emphasized that kids under 18 are not allowed in the store, so if they are not allowed, they cannot purchase the novelty lighters.

No one else came forward.

Motion was made by CIRCO, seconded by AMBROSE to close the public hearing; carried 5-0.

CIRCO noted that children under 18 still obtain novelty lighters through adults. They do not need to go into a store to purchase the lighters.

Motion was made by CIRCO, seconded by MROZ to adopt Resolution No. 10548, granting Conditional Use Permit No. 2097, subject to conditions; carried 5-0.

The appeal period for this item ends at 5 p.m., Monday, May 4, 2009 at 5 p.m.

CONDITIONAL USE PERMIT NO. 2098

(This is jointly noticed for the City Council meeting on May 12, 2009 at 7 p.m.)

This was a public hearing on a request to establish motorcycle sales with no outdoor display in the Downtown Redevelopment Area. The subject property is located on the west side of North Magnolia Avenue, between West Park and Wisconsin Avenues, and is addressed 340 North Magnolia Avenue.

APN:	487-172-75
General Plan:	Regional Commercial / Special Development Area No. 9 (SDA #9)
Zoning:	General Commercial (C-1)
Applicant:	Sunhale Matti / 619.441.9040
Project Planner:	Danielle Goldman / 619.441.1782

RAMIREZ summarized the staff report and emphasized that the applicant's business will focus primarily on the retail sale of motorcycle gear that caters specifically to adventure riding. Adventure riding motorcycles are street legal yet suitable for riding on terrain. The off-road nature of adventure riding lends itself to a wide variety of gear and supplies.

SOTTILE opened the public hearing, and invited any speakers to the podium.

Mr. Bill SIMON, 340 North Magnolia Avenue, El Cajon, CA 92020, is the applicant. He thanked staff for assisting him with the application. He agreed to the conditions of approval, and sought clarification on condition 5.e., which states that no test driving is allowed on-site.

RAMIREZ clarified that the applicant must comply with any Department of Motor Vehicles regulations.

AMBROSE praised the project.

Motion was made by AMBROSE, seconded by CIRCO to close the public hearing; carried 5-0.

Motion was made by AMBROSE, seconded by BALES to adopt Resolution No. 10549, recommending the City Council grant Conditional Use Permit No. 2098, subject to conditions; carried 5-0.

This item was jointly noticed for the City Council meeting on May 12, 2009 at 7 p.m.

CONDITIONAL USE PERMIT NO. 2099

This was a public hearing for a request to legitimize an existing tobacco and smoke shop per El Cajon Municipal Code 17.88. The subject property is located on the northwest corner of East Main Street and Shady Lane, and is addressed 1246 East Main Street, Suite 113.

APN: 489-170-46
General Plan: General Commercial (GC)
Zoning: General Commercial (C-2)
Applicant: Raad Mikha / 619.444.1773
Project Planner: Noah Alvey / 619.441.1773

RAMIREZ summarized the staff report and reiterated previous smoke shop information about the three-year grace period that is allowed for an applicant to comply by obtaining a conditional use permit application.

She noted that there were three violations of the municipal code. Specifically, during a site visit, staff noted the required notice of tobacco sales was not posted. Smoke shops must display a sign informing the public that tobacco sales are prohibited to persons under 18 years of age, and further informing that persons appearing to be less than 26 years old must provide photographic identification in order to purchase tobacco products.

RAMIREZ also informed that tobacco paraphernalia may not be displayed within 20 feet of any non-tobacco paraphernalia merchandise that displays a message or image referring to a controlled substances including: marijuana, hashish, hashish oil, cocaine, methamphetamines, or any other controlled substances. She said that staff observed several testing kits that refer to controlled substances.

Finally, she noted that staff observed a variety of novelty lighters, which are in violation of California Health and Safety Code regulations.

SOTTILE opened the public hearing, and invited any speakers to the podium.

Dr. Sami JIHAD, 1673 Avenida Cherylita, El Cajon, CA 92020, spoke in support of the applicant, El Cajon Tobacco Outlet. He referred to staff's inspection of the smoke shop and emphasized compliance with the three violations, including the required posting of the sign for tobacco sales, the removal of novelty lighters and the 20-foot separation distance for paraphernalia. Additionally, he informed that the hookahs are not visible from the outside, though he did recommend that the owner display them in a display case.

He also mentioned that after a police visit, the scales were removed as recommended, and the three Fire Department concerns were corrected.

No one else approached the podium.

Motion was made by CIRCO, seconded by MROZ to close the public hearing; carried 5-0.

Motion was made by MROZ, seconded by AMBROSE to adopt Resolution No. 10550, granting Conditional Use Permit No. 2098, subject to conditions; carried 5-0.

The appeal period for this item ends at 5 p.m., Monday, May 4, 2009 at 5 p.m.

CONDITIONAL USE PERMIT NO. 2101

This was a public hearing for a request to establish a blood plasma center within an existing building addressed 1068 Broadway, which is located on the north side of Broadway between North Mollison Avenue and North Mollison Avenue and North First Street.

APN:	484-293-034
General Plan:	Office/Non-Retail
Zoning:	Office Professional (O-P)
Applicant:	Scantibodies Laboratory, Inc. / 619.258.9300
Project Planner:	Melissa Ayres / 619.441.1741

AYRES summarized the staff report and recalled that on February 24, 2009, the City Council adopted a resolution initiating an amendment to the Zoning Ordinance to consider whether blood plasma centers should be allowed in the Office Professional (O-P zone, subject to a conditional use permit, and prohibited outright in the General Commercial (C-2) zone. The Planning Commission and City Council held public hearings, an ordinance was adopted on March 24, 2009, and would become effective on April 23, 2009.

She noted that there is a bus stop in front of the office to the east of the subject property. She informed that the business will be open Monday through Saturday, not through Friday as listed in the staff report. According to the business plan, the clients would make an appointment in advance, though initially, they would expect more walk-in appointments.

A security guard would be posted. She noted that she researched two existing blood plasma centers in downtown San Diego and Mission Valley. The City Attorney determined that the Planning Commission may act on this application provided that the effective date of the resolution takes place on or after the effective date of the ordinance.

AYRES stated staff was recommending a condition that if parking becomes a problem, the business plan would be modified or a parking management plan would be established to alleviate the problem and identified potential solutions including that the applicant offer bus passes to clients, establish shared parking agreement with nearby property owner or provide valet service.

She emphasized that this project would be an asset and not a detriment to the City of El Cajon and would generate many new high-paying jobs during a time of high unemployment in the state. She acknowledged an email that was received from Mike Culley of the East

County Chamber of Commerce, noting that they had no objections pertaining to the blood plasma center.

SOTTILE opened the public hearing, and invited any speakers to the podium.

Mr. Tom CANTOR, 11149 Shining Light Way, El Cajon, CA 92020, is the founder, owner and president of Scantibodies. He emphasized that the project has three major benefits, including employment opportunities for professionals in what will be El Cajon's first biotech company; monetary payments to donors of over \$4 million a year; and the medical research benefits from the human antibodies extracted from plasma that could be used to provide potential treatment for Hepatitis C and HIV.

MROZ asked if El Cajon citizens would fill jobs, and the applicant replied affirmatively.

BALES noted that she is touched by what she's heard.

CANTOR added that they would sell plasma surplus to "fractionators," of which there are seven in the world, mostly in Europe, which have stringent regulations.

BALES asked what percentage would go to Scantibodies' research. CANTOR replied that initially 90% would be provided to other fractionators. Eventually, none would be sold. They are planning 50 more facilities throughout the United States.

Mr. Joe GARZANELLI, 1776 Naranca Avenue, El Cajon, CA 92021, noted that he owns property next to the subject property. He heard that Scantibodies was told they could park on his property.

He recalled that in the 1970s, there was a plasma center in downtown El Cajon, replete with so many problems. He is concerned that this business would bring more problems to the area.

AMBROSE remembered the blood plasma center in downtown and informed that the former center and Scantibodies are as different as night and day. He referred to the previous blood plasma site as "a wretched site of humanity on Magnolia Avenue."

AYRES informed that this building is not designed for retail. AMBROSE asked if security guards were recommended by staff; AYRES replied that the applicant offered the suggestion.

GARZANELLI was concerned that security guards would push undesirable individuals onto his property, which is a current problem. He is about to spend \$15,000 for a security gate to keep unwanted people out.

AYRES clarified that security would ensure that people don't loiter and that they get inside the building in an orderly fashion. She noted that revocation of the conditional use permit is an option, if there isn't compliance.

Mr. Ron PENNOCK, 1673 Lomacita Terrace, El Cajon, CA 92021, is opposed to the project. He is the chairman of the East County Construction Council, and is very concerned about this project, and noted that he received several calls from people asking him to speak on their behalf to voice their objections.

He stated that his office is located about half a block away, where the majority of the block on Broadway is not zoned as Office Professional (O-P). Based on the speaker's employment projection of 60 employees, he questioned whether there would be enough parking spaces for employees and clients. He cautioned the Commission to not be too quick with approving this project.

PENNOCK mentioned that there are already mentally disturbed individuals (living) in the neighborhood and that amount would increase with this blood plasma center. He suggested that the business locate on Marshall Avenue, near the trolley station, or even near the Gillespie Field area. He preferred that the current building be filled with a use that would support the business community. They are trying to create incentives to bring positive businesses into El Cajon. He noted that this is the wrong location for this business.

Mr. John GIBSON, 1000 Pioneer Way, El Cajon, CA 92020, voiced his support of the project. He noted that having an empty building next to Mr. GARZANELLI'S would be a bad thing for the neighborhood and emphasized that El Cajon needs new businesses.

He explained that he did some research on Scantibodies and informed that the firm employs 600 employees in a maquiladora in Mexico. He noted that they could have selected to have their business there, and not have to comply with all the stringent regulations. GIBSON praised the applicant for wanting to spend money in our community. He felt the City should encourage this type of business with an upscale facility.

CANTOR returned to the podium. He noted that he will invest millions in this facility. He wants this site to be a showcase for future facilities. In response to a question from the Chair, CANTOR stated that he agrees with all conditions of approval.

AMBROSE requested that the applicant outline the screening process for potential plasma donors. CANTOR replied in detail and cited Federal Register Title I regulations for screening criteria. Additionally, he noted that the building's signage will avoid using the word "plasma."

Motion was made by BALES, seconded by MROZ to close the public hearing; carried 5-0.

CIRCO noted the difference between blood plasma center and blood banks is money. He mentioned that El Cajon residents would benefit and spend the proceeds in the City.

Motion was made by BALES, seconded by CIRCO to amend and adopt Resolution No. 10551, granting Conditional Use Permit No. 2101, subject to conditions; changing language in the sixth paragraph of the recitals section from "Friday" to "Saturday;" and

adding condition 9, stating "The Planning Commission shall review this application for compliance with conditions of approval, particularly with regard to parking management and queuing. This review shall occur as a discussion item at least 12 months after the business has received final inspection"; carried 5-0.

The appeal period for this item ends at 5 p.m., Monday, May 4, 2009 at 5 p.m.

OTHER ITEMS FOR CONSIDERATION:

There were none.

STAFF COMMUNICATIONS

There were none.

COMMISSIONER REPORTS/COMMENTS

AMBROSE noted that he is disappointed with the recent increased connection fees from Helix Water District.

ADJOURNMENT

Motion was made by CIRCO, seconded by MROZ to adjourn the meeting of the El Cajon City Planning Commission at 8:44 p.m. this 20th of April, 2009 until May 4, 2009 at 7:00 p.m.; carried 5-0.

Anthony SOTTILE, Chairman

ATTEST:

Melissa AYRES, Secretary