



## MINUTES

### PLANNING COMMISSION MEETING

**AUGUST 23, 2010**

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

#### PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

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

**COMMISSIONERS ABSENT:** None

**OTHERS PRESENT:** Barbara RAMIREZ, Principal Planner  
Michael REID, Staff Attorney  
Michael GRIFFITHS, Deputy Director, Public Works  
Ron Luis VALLES, Administrative Secretary

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

**CONSENT CALENDAR:** Motion was made by AMBROSE, seconded by MROZ,  
to adopt the minutes of the Planning Commission  
meeting of August 9, 2010; carried 5-0.

SOTTILE announced that the applicant of the next continued public hearing item is a client of his firm and recused himself from the public hearing. He left Council Chambers at 7:05 p.m. Chair Pro Tem MROZ announced the next agenda item.

## **CONDITIONAL USE PERMIT NO. 2115**

This is a continued public hearing on a request for on-sale alcoholic beverage sales, live entertainment, a reduction in required parking, and ancillary banquet use in conjunction with a proposed restaurant. The subject property is located on the south side of East Main Street, between South Magnolia and Claydelle Avenues, and is addressed 143 East Main Street. *(This was continued from the Planning Commission meeting of August 9, 2010.)*

APN: 488-191-05  
General Plan: General Commercial (GC) / Special Development Area No. 9 (SDA #9)  
Zoning: C-G (General Commercial)  
Applicant: David Malikyar / 619.249.1022  
Project Planner: Noah Alvey / 619.441.1773

RAMIREZ explained that, due to an error in the wording for the public hearing notice, this item was continued from the Planning Commission meeting of August 9, 2010. She summarized the staff report and said that staff believes that the Commission can make the required findings to recommend that the City Council approve the proposed uses and a reduction in required parking. Staff is not concerned that there is an over-concentration of alcohol licenses in the area because the restaurant will be operated as a bona fide eating establishment in accordance with Department of Alcoholic Beverage Control requirements.

RAMIREZ added that approval of the proposed restaurant and ancillary uses is in the best interest of public necessity and convenience. She stated staff believes that the proposal will enhance the pedestrian-oriented atmosphere in the downtown area and contribute to the vibrancy of downtown by attracting more people to the area.

MROZ opened the public hearing and invited any speakers to address the Commission.

No one approached the podium.

AMBROSE noted that this is an unusual request as there is no name, type of food at the restaurant or live entertainment details with this application.

RAMIREZ noted that there is a bit more information in the staff report, and indicated that the applicant might be in the audience. She replied that staff was able to conduct its analysis without the details mentioned by AMBROSE. She explained that if the request is approved, the approval of the CUP goes with the land and does not dictate that a certain type of food be served. She noted that the use permit would be considered a valid entitlement as long as the conditions of approval are satisfied.

AMBROSE asked about the type of entertainment that would be featured. Would it be country western, big band, heavy metal rock? He noted that the type of entertainment is relevant in the downtown area as 300 individuals in a "rock" environment would be different than big band music attendees.

[Two individuals approached the podium.] **Mr. David MALIKYAR**, 1233 Pillsbury Lane, El Cajon 92020, is the applicant, and **Mr. Samir MONA**, 199 Taft Avenue, El Cajon CA 92020, is the owner of the restaurant.

MALIKYAR informed that the proposed restaurant name is “Mona Lisa”; however, they are waiting for a fictitious business name approval. The restaurant will feature Mediterranean food and have three different types of chefs for banquet events. He noted that the entertainment would primarily be family-oriented, folk and dance music, and not loud concerts.

MONA, in a reply to AMBROSE and MROZ, noted that he has extensive experience in the restaurant industry since 1982. He was employed as a chef at the Hotel Inter-Continental, Mollison Club, and the Crystal Ballroom.

No other speakers approached the podium.

Motion was made by CIRCO, seconded by BALES, to close the public hearing; carried 4-0 (SOTTILE- abstained).

Motion was made by AMBROSE, seconded by CIRCO, to adopt the proposed Resolution No. 10627, recommending City Council approval of Conditional Use Permit No. 2115, subject to conditions; carried 4-0 (SOTTILE – abstained).

This item is tentatively scheduled for a City Council public hearing on September 14, 2010 at 7:00 p.m.

SOTTILE returned to Council Chambers at 7:25 p.m.

### **AMENDMENT OF CONDITIONAL USE PERMIT NO. 182**

This was a public hearing on a request for off-sale beer and wine at an existing automotive fueling station and convenience store. The subject property is located on the northwest corner of North Second Street and East Madison Avenue, and is addressed 500 North Second Street.

APN:	489-310-16
General Plan:	Neighborhood Commercial (NC)
Zoning:	C-N (Neighborhood Commercial)
Applicant:	Rominder S. Pujji / 858.205.9515
Project Planner:	Tony Shute / 619.441.1705

RAMIREZ summarized the staff report. She noted that staff provided a revised resolution to the Planning Commission before the meeting that corrected clerical errors. The resolution does not need to be amended when the motion is made for resolution adoption.

She added that the City of El Cajon is included in the state's Alcoholic and Beverage Control (ABC) moratorium for the issuance of off-sale beer and wine licenses (Type 20) in cities and counties where the ratio of licenses exceeds one for each 2,500 inhabitants.

RAMIREZ noted that staff believes that the Commission can make some, but not all of the required findings to approve the proposed sale of beer and wine (Type 20) at 500 North Second Street based on the project analysis. Specifically, she said staff could not make the CUP findings D and E listed in the staff report.

The subject property is located within the City of El Cajon's Police Department's District #717. The Police Department provided a memo stating that the current crime figure in that district is 286 crimes reported, with the city average being 149 crimes report, representing a 192% increase. The crime statistics and census tract concentration level do not favor an additional alcohol license level in this area. The Police Department recommended that the request for off-sale beer and wine not be approved.

[RAMIREZ referenced the crime rate map posted at the meeting and included in the Planning Commissioners' binders.] She informed that the police memo noted this area experiences homeless and chronic inebriates, and that alcohol is available for sale at several businesses near and around subject site.

SOTTILE asked when the moratorium was initiated. RAMIREZ replied that the moratorium was initiated by the state's Alcoholic and Beverage Control (ABC) in 2005 [sic; 1998] and limits one license per every 2,500 inhabitants.

SOTTILE sought clarification that the moratorium could be removed either through an increase in population or decrease in the crime rate. RAMIREZ [replied affirmatively and] noted that another factor would be the reduction in the number of licenses. However, she emphasized that if any one of those conditions would change, staff's recommendation to the Planning Commission would not be altered.

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

**Mr. Rominder S. PUJJI**, 16460 Road to Bali, San Diego, CA 92127, is the applicant. He mentioned he purchased the blighted property about a year ago. He emphasized that he is primarily a real estate developer and not a business owner. He noted that since the Planning Commission granted his CUP application for the convenience store and gas station about 10 months ago, he has improved the property substantially. He hoped those improvements would turn a profit; however, the losses have been ongoing and heavy.

When he found out that the City Council approved off-site consumption of beer and wine [Zoning Ordinance Amendment which became effective July 22, 1010; refer to Section 17.210.060.A.2.] he submitted an application to amend his CUP. Staff informed him about the moratorium; however, PUJJI noted that the state has a provision to transfer in licenses from other parts of the county, so the total number of licenses does not increase. Staff had a different position on that point. He said he was blindsided by absolute turndown by staff.

PUJJI emphasized the importance of beer and wine sales are important to the business' success. He noted that competitors nearby have beer and wine sales. Though he is not advocating alcohol sales, he noted that they add to the gross sales level. He hired a consultant, Sherry OLSON, and turned over the business to Victor DANIEL.

**Ms. Sherry OLSON**, 9340 West Yale Street, Ontario, CA, 91762, is the applicant's consultant. She clarified that the moratorium is set by the city and not the State's ABC. She noted that the goal of the business is to get it "branded" so that it could eventually operate as a franchise such as a Circle K.

She recommended that the Planning Commission add conditions to mitigate concerns, such as providing a security guard on Friday nights; the business owner would support those conditions. Another option is that ABC will allow an existing license to be retired and another license to be transferred into this property. She emphasized that they want to be given a chance to be a good business operator and stay in business.

RAMIREZ advised that the agenda report includes an attachment [no. 2] which informs that the State Business and Professions Code was amended to establish the moratorium; it was not established by the City.

In response to SOTTILE, OLSEN noted that an existing hard liquor license could be downgraded to a beer and wine license.

AMBROSE thanked the speaker for the explanation.

In reply to MROZ, OLSEN mentioned that they will not sell single-sale alcoholic items. She added that the applicant would be willing to add high-tech cameras on premises that will allow the Police Department to monitor inside the store.

**Mr. Victor DANIEL**, 2001 Lacava Place, El Cajon CA 92019, is the current operator of the convenience store and gas station. He emphasized that he has an outstanding record in working with ABC and the El Cajon Police Department, and has managed 13 separate ABC licenses at one time. He noted that the business has been challenge to maintain a profit margin. If the alcohol license request is not approved by the Planning Commission, he plans to return the business to the applicant.

In reply to SOTTILE, DANIEL said that the crime rate does not concern him. He was surprised that the previous CUP [No. 2115] application for Malikyar was approved.

DANIEL replied to CIRCO that he anticipates adding two more jobs plus a security guard.

MROZ asked staff if any approval has been granted on a temporary basis, and RAMIREZ replied negatively. She noted that the CUP will go with the land; business owners and operators can change and the CUP will still be valid.

AMBROSE noted that the speakers provided compelling arguments; however, the Planning Commission cannot address economic issues and recommended that this be brought to the City Council.

PUJJI emphasized OLSEN'S offer to transfer one Type 20 license, acquire a second license to retire, for a net reduction of one license in the area.

MROZ recommended that the applicant address these issues before the City Council. He asked the applicant how much time before he closes the business and PUJJI replied a few months.

OLSEN added that other cities do an initial "plan approval" of the license applications, and then conduct a six-month review of the operation.

No other speakers approached the podium.

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

SOTTILE praised staff for its wise judgment with this application.

CIRCO said that he lives two blocks from the subject property. He acknowledged the limitations of the moratorium and said that the Planning Commission's hands are tied. He would like to see this go to the City Council.

Motion was made by AMBROSE, seconded by SOTTILE, to adopt the proposed Resolution No. 10630 denying the Amendment of Conditional Use Permit No. 182; carried 4-1 (CIRCO – no).

The appeal period for this item ends at 5 p.m., Thursday, September 2, 2010. [A letter advising the applicant of the commission's action to deny the application and noting the correct appeal date was mailed to the applicant, as it was incorrectly mentioned as Tuesday, September 7, 2010 at 5 p.m. at the Planning Commission meeting and in the meeting agenda.]

### **AMENDMENT OF CONDITIONAL USE PERMIT NO. 1383**

This was a public hearing on a request for the addition of a 4,066-square foot automotive service building to an existing automotive dealership. The subject property is located on the east side of North Johnson, between West Madison Avenue and Interstate 8, and is addressed 541 North Johnson Avenue.

APN:	482-260-17
General Plan:	Light Industrial (LI) / Special Development Area No. 10 (SDA #10)
Zoning:	C-M (Heavy Commercial / Light Industrial)
Applicant:	Whitfield and Associates for Bob Baker Subaru El Cajon / 949.234.1950

Project Planner: Eric Craig / 619.441.1782

RAMIREZ summarized the staff report and provided some history on the subject property's development. She stated that staff believes the Commission can make the required findings to approve the proposed service building, noting that conditions of approval have been included in the proposed resolution to prohibit paint and body work, and to restrict the use of a public address system.

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

**Mr. Gary WHITFIELD**, Whitfield and Associates, 24691 Del Prado, #201, Dana Point, CA 92629, is the applicant's representative. He noted that the car dealership owner, Michael BAKER and a general consultant with his firm Rudy De La O, are also present in the audience for additional questions. In reply to a question from SOTTILE, WHITFIELD replied affirmatively that he read and agreed with the conditions of approval in the proposed resolution.

No other speakers approached the podium.

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

Motion was made by CIRCO, seconded by BALES, to adopt the Resolution No. 10631, approving the Amendment of Conditional Use Permit No. 1383, subject to conditions; carried 5-0.

This item was tentatively scheduled as a consent item for the City Council meeting on August 24, 2010 at 3:00 p.m. Draft excerpts of minutes for Planning Commission's action on this item will be transmitted to City Clerk's office for distribution to Mayor, Council and staff.

#### **OTHER ITEMS FOR CONSIDERATION:**

There were none.

#### **STAFF COMMUNICATIONS**

RAMIREZ informed that Planning Commissioners and Planning staff are invited to attend the City Council meeting of September 28, 2010, where the Mayor and City Council will present a proclamation designating the month of October as "Community Planning Month" in the City of El Cajon.

Additionally, she informed that the annual conference of the American Planning Association will take place November 1 – 4, 2010 in Carlsbad.

## **COMMISSIONER REPORTS/COMMENTS**

BALES invited Commissioners and staff to attend the American Chaldean Festival that will take place on September 4 and 5, 2010 in El Cajon. There will be an art show and reception from 2 to 5 p.m., Saturday, September 4 at the Ronald Reagan Community Center and will feature a variety of artists.

## **ADJOURNMENT**

Motion was made by CIRCO, seconded by MROZ, to adjourn the meeting of the El Cajon City Planning Commission at 8:17 p.m. this 23rd day of August, 2010 until September 13, 2010 at 7:00 p.m.; carried 5-0.

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Anthony SOTTILE, Chairman

ATTEST:

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Barbara K. RAMIREZ, Secretary