



City of El Cajon

Planning Commission Agenda

Tuesday, October 6, 2020 Meeting

7:00 PM

PAUL CIRCO, Chair
ANTHONY SOTTILE, Vice Chair
HUMBERT CABRERA
DARRIN MROZ
REBECCA POLLACK-RUDE

Meeting Location: City Council Chambers, 200 Civic Center Way, El Cajon, CA

www.cityofelcajon.us/your-government/departments/community-development/planning-division

Please note that, pursuant to the Governor of the State of California Governor's Executive Order N-29-20, and in the interest of the public health and safety, members of the Planning Commission and Staff may attend the meeting telephonically. Further, Orders from the San Diego County Health Officer prevent persons other than City officials and essential employees to be physically present.

In accordance with the Executive Order, and in compliance with the County Health Officer's Orders, the public may view the meeting and participate via the online meeting platform, Zoom Webinar. You may access the virtual meeting via the link below or log in to Zoom.us and use the meeting ID number below. You can also use the phone number listed below to call in and listen to the meeting. You do not need a computer to access the meeting via phone.

Meeting Link	https://zoom.us/j/95945092254?pwd=a2RJSzVQOVlvcURBbkN2emwySGs1dz09
Webinar ID	959 4509 2254
Passcode:	999838
Phone Audio Option:	669 900 6833

If you need assistance connecting via Zoom to the meeting, please refer to the instructions provided at zoom.us. Video tutorials on how to connect to Zoom are provided at the following link: <https://support.zoom.us/hc/en-us>.

To submit comments on an item on this agenda, or a Public Comment, please e-mail the comments with Planning Commission in the subject line to planning@cityofelcajon.us before 5 p.m. on Tuesday, October 6, 2020, or you may submit written comments during your participation in the Zoom meeting. Comments will be accepted up to the conclusion of the public hearing of each item. Comments will be limited to 300 words and will be entered into the official Commission Meeting Record.

The Planning Commission will endeavor to include all comments prior to taking actions. Should technical difficulties arise, they will be resolved as soon as possible.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHAIRPERSON'S WELCOME

Decisions and Appeals - A decision of the Planning Commission is not final until the appeal period expires 10 days from the date of transmittal of the Commission's resolution to the City Clerk. The appeal period for the items on this Agenda will end on Monday, October 19, 2020 at 5:00 p.m., except that Agenda items which are forwarded to City Council for final action need not be appealed.

PUBLIC COMMENT

This is the opportunity for the public to address the Commission on any item of business within the jurisdiction of the Commission that is not on the agenda. Under state law no action can be taken on items brought forward under Public Comment except to refer the item to staff for administrative action or to place it on a future agenda. Non-agenda public comments must be submitted before the end of public comment during the meeting.

CONSENT

Agenda Item:	1
	Planning Commission minutes of August 18, 2020

PUBLIC HEARINGS

Agenda Item:	2
Project Name:	Opa! Greek Town Restaurant
Request:	On-sale Spirits and Liquor
CEQA Recommendation:	EXEMPT
STAFF RECOMMENDATION:	APPROVE
Project Number(s):	Conditional Use Permit (CUP) No. 2020-0005 amending CUP No. 1980
Location:	345 West Main Street
Applicant:	Ammu Ablahad; 619-886-8108
Project Planner:	Melissa Devine; 619-441-1742; mdevine@cityofelcajon.us
City Council Hearing Required?	No
Recommended Actions:	1. Conduct the public hearing; and 2. MOVE to adopt the next resolutions in order APPROVING the CEQA exemption and CUP Amendment No. 2020-0005, subject to conditions.

4. OTHER ITEMS FOR CONSIDERATION

5. STAFF COMMUNICATIONS

Project Updates

Housing—Environmental Justice—Safety

6. COMMISSIONER REPORTS/COMMENTS

7. ADJOURNMENT

This Planning Commission meeting is adjourned to October 20, 2020 at 7 p.m.

Decisions and Appeals - A decision of the Planning Commission is not final until the appeal period expires 10 days from the date of transmittal of the Commission's resolution to the City Clerk. The appeal period for the items on this Agenda will end on Monday, October 19, 2020 at 5:00 p.m., except that Agenda items which are forwarded to City Council for final action need not be appealed.



**MINUTES
PLANNING COMMISSION MEETING
AUGUST 18, 2020**

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

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE.

COMMISSIONERS PRESENT: Paul CIRCO (Chair) / *(via virtual platform)*
Humbert CABRERA *(via virtual platform)*
Darrin MROZ *(via virtual platform)*
Rebecca POLLACK-RUDE *(via virtual platform)*
Anthony SOTTILE (Vice Chair) *(via virtual platform)*

COMMISSIONERS ABSENT: None

STAFF PRESENT: Melissa DEVINE, Planning Manager / *(via virtual platform)*
Barbara LUCK, City Attorney / *(via virtual platform)*
Spencer HAYES, Assistant Planner / *(via virtual platform)*
Ron Luis Valles, Administrative Secretary / *(via virtual platform)*

Chairman CIRCO explained the procedures of the virtual meeting, which is in compliance with the State of California Governor’s Executive Order, and the County of San Diego’s Health Officer’s Orders.

PUBLIC COMMENT:

No comments.

CONSENT CALENDAR:

Agenda Item:	1
	Planning Commission minutes of July 21, 2020

Motion was made by SOTTILE, seconded by POLLACK-RUDE, to approve the July 21, 2020 minutes; carried 5-0.

PUBLIC HEARING ITEMS:

Agenda Item:	2	
Project Name:	East Main Personal Storage Facility – The Storage District	
Request:	Allow a new personal storage facility	
CEQA Recommendation:	EXEMPT	
STAFF RECOMMENDATION:	RECOMMEND CITY COUNCIL APPROVAL	
Project Number(s):	Specific Plan (SP) No. 2020-0001	
Location:	1338 East Main Street	
Applicant:	Nancy Bane, SORSIRS, Inc.; 760-877-2009	
Project Planner:	Spencer Hayes; shayes@cityofelcajon.us ; 619-441-1656	
City Council Hearing Required?	Yes	September 8, 2020
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolutions in order recommending approval of the CEQA exemption and Specific Plan No. 2020-0001, subject to conditions. 	

HAYES summarized the staff report through a PowerPoint presentation. Staff recommended that the Planning Commission adopt the resolutions recommending City Council approval.

The public hearing was opened.

Four emails were received from Bill SELIK, Jonathan KATTOULA, Sulaik YOUSIF, and Robert HONN urging Planning Commission and City Council approval of the project. They were read into the record.

Two Zoom comments recommending approval were read into the record.

Nancy BANE, the applicant, and two architects spoke in support. They presented a video featuring 3-D elevations about the project. In response to a query, BANE noted that they will install trees in the front to add to the landscape plan.

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

Commissions praised the project and noted the great overall design, new investment in the area, and a unique elevated storm water treatment feature. CABRERA requested the applicant improve the front façade by creating an offset in the planes. The applicant agreed to make the modification.

Motion was made by CABRERA, seconded by POLLACK-RUDE, to adopt the resolutions recommending City Council approval of the CEQA Exemption, Specific Plan Amendment No. 2020-0001, carried 5-0.

This item was joint-noticed for a City Council public hearing at 3 p.m., Tuesday, September 8, 2020.

OTHER ITEMS FOR CONSIDERATION:

DEVINE informed that there are two Zoom meetings scheduled for 10 a.m., Monday, August 24 and 6 p.m., Tuesday, August 25 to obtain community input for housing, environmental justice and safety in El Cajon.

ADJOURNMENT:

Motion was made by CIRCO, seconded by MROZ, to adjourn the meeting of the El Cajon Planning Commission at 7:46 p.m. this 18th day of August 2020 until 7:00 p.m., Tuesday, September 1, 2020; carried 5-0.

Paul CIRCO, Chair

ATTEST:

Melissa DEVINE, Secretary



City of El Cajon

Community Development Department
PLANNING COMMISSION AGENDA REPORT

Agenda Item:	2
Project Name:	Opa! Greek Town Restaurant
Request:	On-sale Spirits and Liquor
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	APPROVE
Project Number:	Conditional Use Permit (CUP) No. 2020-0005 amending CUP No. 1980
Location:	345 West Main Street
Applicant:	Ammu Ablahad; 619-886-8108
Project Planner:	Melissa Devine; 619-441-1742; mdevine@cityofelcajon.us
City Council Hearing Required?	No
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolutions in order APPROVING the proposed CEQA exemption and CUP Amendment No. 2020-0005, subject to conditions

PROJECT DESCRIPTION

This project proposes to establish on-sale spirits and liquor at the existing Opa! Greek Town restaurant. The approximately 2,000 square-foot restaurant with outdoor patio and live entertainment is located on the south side of West Main between Sunshine and Van Houten Avenues, and addressed as 345 West Main Street. The existing restaurant has an approved CUP for on-sale beer and wine and an existing Department of Alcoholic Beverage Control (ABC) Type 41 license for on-sale beer and wine at a restaurant. The applicant will be upgrading to a Type 47 license for the sale of beer, wine and distilled spirits. If approved, the amendment of the CUP would allow the restaurant to offer distilled spirits in addition to beer and wine for on-site consumption during their hours of operation.

BACKGROUND

General Plan:	General Commercial (GC)
Specific Plans:	Specific Plan (SP) No. 182
Zone:	General Commercial (C-G)
Other City Plan:	N/A
Regional and State Plan:	N/A

Notable State Law:	Alcoholic Beverage Control Act
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Project Site & Constraints

The subject project site is a tenant space within a multi-tenant commercial center with restaurants.

Surrounding Context

The site is located in a predominantly commercial area. Surrounding properties are developed and zoned as follows:

Direction	Zones	Land Uses
North	C-G	Credit Union
South	C-G	Strip Commercial
East (across Sunshine)	C-G	Drive Through Restaurant
West	C-G	Bar

General Plan

The property is designated General Commercial (GC) on the General Plan Land Use Map. As described in the General Plan, GC designated areas are intended to include general retail uses such as restaurants. The request for the addition of distilled spirits to on-sale alcohol service for on-site consumption at a restaurant is consistent with the intent of the GC General Plan land use designation.

Specific Plan

The site is governed by the Downtown Master Plan (Specific Plan No. 182) which is intended to facilitate the development of the area as the cultural and entertainment center of El Cajon.

Municipal Code

El Cajon Municipal Code (ECMC) Chapter 17.210 Alcohol Sales and Deemed Approved Alcohol Sales Regulations (Deemed Approved Ordinance), regulates the conduct of alcohol sales, and requires approval of a CUP for the sale of alcoholic beverages for on-site consumption at a restaurant. Distance restrictions are not applicable to restaurants as long as the eating area has a greater square footage than an ancillary bar, if one is proposed. The CUP ensures compliance with applicable development standards, use restrictions, and compatibility with surrounding properties and land uses. Furthermore, ECMC sections 17.210.150 and 17.210.160 list specific operational standards and required findings when deciding a request for alcohol sales. A detailed discussion of applicable Municipal Code requirements is included below in the section of this report titled "Discussion."

Alcohol Beverage Control Act

The sale of alcohol is regulated by a board established by the Alcoholic Beverage Control Act (the "ABC") (Cal. Business and Professions Code sections 23000-25762). Accordingly, the ABC was established to oversee the licensing process. ABC has specific criteria to issue and revoke licenses, which allows for local participation that can impose regulations pursuant to both its valid police powers and land use authority.

DISCUSSION

The existing restaurant received a CUP for on-sale beer and wine in 2004 and the CUP was further amended in 2011 to allow for live entertainment. There are no known issues past or current related to on-sale service at this location. No changes are proposed to the building or operations. The applicant has stated that current hours of operation are from 9:00 am to 1:00 am daily. The request to expand on-sale service to distilled spirits requires an amendment of the CUP in accordance with ECMC section 17.210.130 and modified on-sale establishments must manage such premises in accordance with the requirements of the permit and operational standards listed in ECMC section 17.210.150. These standards are summarized as follows:

- That the establishment does not result in adverse effects to health, peace or safety in the surrounding area;
- That the establishment does not jeopardize or endanger the public health or safety in the surrounding area;
- That the establishment does not result in repeated nuisance activities;
- That it complies with all local, state or federal laws, regulations or orders; and,
- That it does not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

There are additional considerations such as overconcentration of licenses in a census tract and the crime rate. Alcoholic Beverage Control License capacity is based on the census tract population. The subject site is located in census tract 158.02. This census tract currently has (7) active on-sale licenses and ABC's authorized number of on-sale licenses for this census tract is (6), thus the census tract is currently above capacity for on-sale services. However, there will be no increase in the number of licenses due to this action.

The crime rate in this Police Reporting District is "High"; however, the Police Department has not raised any concerns regarding the expanded on-sale service. No alcohol-related Calls for Service were received over the last year. Finally, even if the CUP is approved, the applicant must obtain the approval of the Type 47 license and comply with the ABC standards prior to being able to spirits on the premises. All of these considerations are to ensure there are no adverse effects or the potential to endanger the residing or work community.

The current CUP also allows for live entertainment consisting of belly dancing indoors and live music played indoors and outdoors. There is also a provision for outdoor cooking on a grill located on the patio. The CUP specifies that limitations on the hours of live entertainment. The applicant has stated an interest in having live unamplified music. A Special Operation License is required for live entertainment. No changes are proposed to the hours of operation for the live entertainment.

FINDINGS

In addition to the CUP findings listed in ECMC section 17.50.060, the Planning Commission shall approve issuance of the permit to allow new on-sale alcoholic beverage sales activity upon making the findings listed in ECMC section 17.210.160. If the Planning Commission can make all of the findings, it must approve the issuance of the CUP. The recommended findings for CUP approval are as follows:

- A. *The proposed project is consistent with applicable goals, policies, and programs of the General Plan.*

The subject site is designated General Commercial (GC) in the General Plan, which is intended for a variety of general retail and commercial uses. Restaurants with on-sale service are typical commercial uses, which are consistent and compatible with the General Plan land use designation.

- B. *The proposed project is consistent with all applicable use and development standards.*

Operational standards for on-sale alcoholic beverage establishments are part of the permit conditions of approval. The existing site and building design are consistent with all applicable use and development standards.

- C. *The proposed project will be operated in a manner that is compatible with existing and planned land uses in the vicinity of the proposed use.*

The vicinity of the subject property is developed with commercial and residential uses. A restaurant is considered an appropriate and compatible land use in a commercial center, and the sale of beer, wine and distilled spirits at the restaurant would be a compatible accessory to the overall dining experience if: all activities are conducted within the thresholds of the Performance Standards listed in ECMC sections 17.115.130 and 17.210.150; the applicant adheres to operating characteristics required by local, state and federal laws, including but not limited to those of Alcoholic Beverage Control and other applicable sections of the Cal. Business and Professions Code; the hours of alcohol sales are in conjunction with food service; no alcohol is sold for off-site consumption; and the owners and employees serving alcoholic beverages are certified in responsible beverage service training.

- D. The proposed project will not be detrimental to the public health, safety, and general welfare, including but not limited to matters of noise, smoke, dust, fumes, vibration, odors, and hazards or excessive concentrations of traffic.*

Impacts are not anticipated with the normal conduct of a restaurant in a commercial zone. However, if the establishment does become a nuisance, the City has performance standards for those impacts which are addressed through code compliance actions if complaints are received. Furthermore, there are no identified existing problems in the project vicinity that may be exacerbated by on-sale alcohol service such as loitering, public drunkenness, noise, and littering. Moreover, alcohol related operational standards will be in place as conditions of approval to prevent any increase in the crime rate of the surrounding area.

- E. The proposed use is in the best interest of public convenience and necessity.*

A diversity in dining and beverage options is an enhancement to the Downtown area, which serves residents in the vicinity and the broader community.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed project is exempt from the California Environmental Quality Act (CEQA) subject to section 15301 of the CEQA Guidelines. Section 15301 provides an exemption for existing facilities where there is negligible expansion of an existing use and physical improvements are limited to minor interior or exterior modifications. In this instance, the project involves the addition of distilled spirits for on-sale service as an accessory use to a restaurant. No new environmental impacts would result. None of the exemption exceptions listed under CEQA Guidelines section 15300.2 exist.

PUBLIC NOTICE & INPUT

A notice of this public hearing for the project was mailed on September 17, 2020, to all property owners within 300 feet of the project site and to anyone who requested such notice in writing, in compliance with Government Code sections 65090, 65091, and 65092, as applicable. Additionally, as a public service, the notice was posted in the kiosk at City Hall and on the City's website. No public comments have been received.

RECOMMENDATION

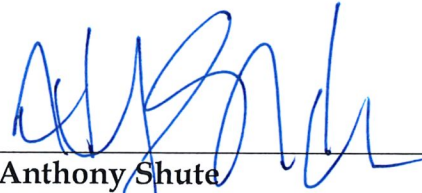
Staff recommends approval of CUP-2020-0005. The proposed on-sale service of distilled spirits in addition to beer and wine sales is accessory to the existing restaurant, which is a permitted use within the commercial zone. Furthermore, it offers additional neighborhood options for food and beverage service.

PREPARED BY:



Melissa Devine
PLANNING MANAGER

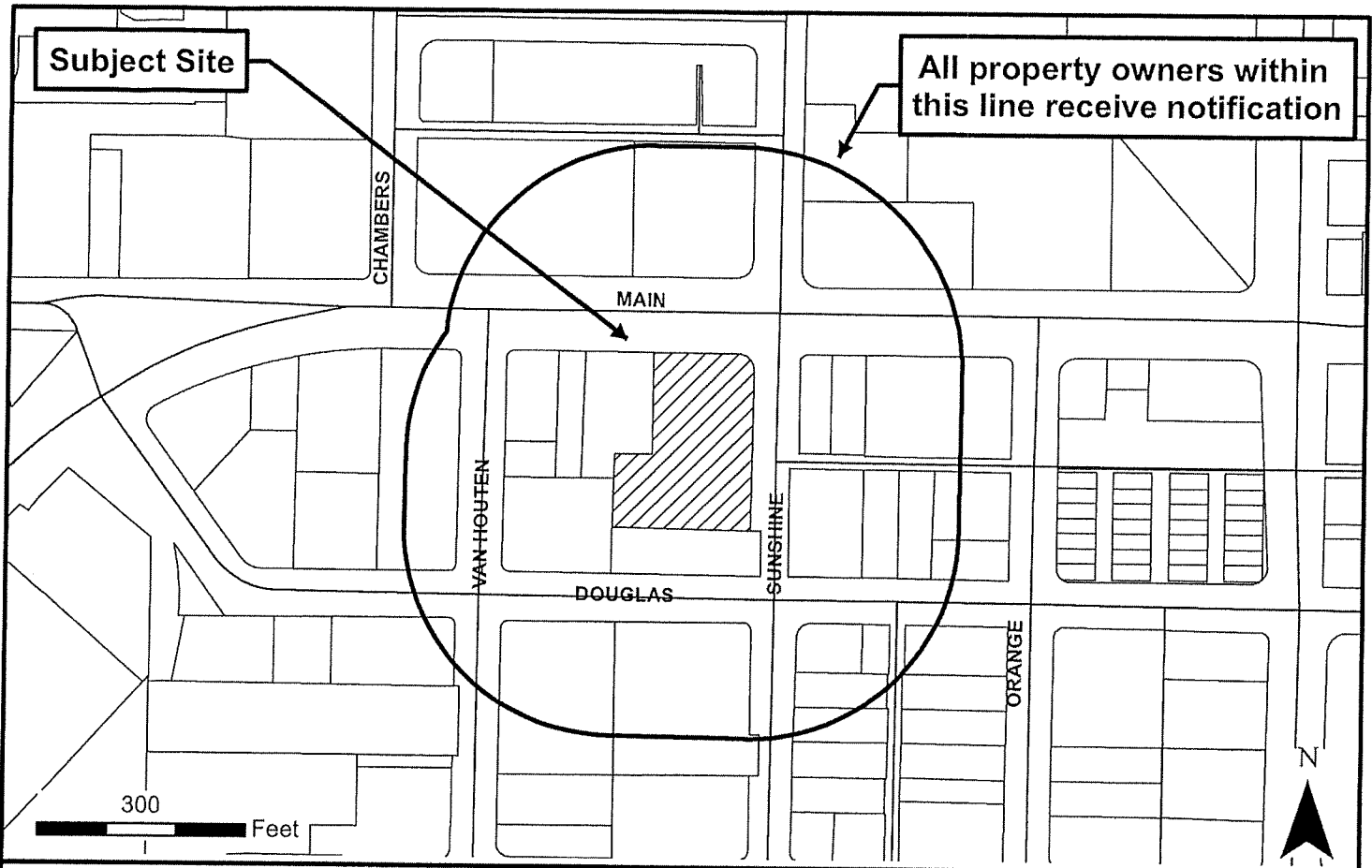
APPROVED BY:



Anthony Shute
**DIRECTOR OF COMMUNITY
DEVELOPMENT**

ATTACHMENTS

1. Public Hearing Notice/Location Map
2. Proposed Resolution of APPROVAL for the CEQA Exemption
3. Proposed Resolution of APPROVAL for CUP-2020-0005
4. ECMC sections 17.210.130 through 17.210.160
5. Aerial Photograph of Subject Site
6. Application & Disclosure Statement
7. Approved Site Plan
8. Applicant's Exhibit for Illustrative Purposes
9. Floor Plan
10. CUP No. 1980 Resolutions



**NOTICE OF PROPOSED
AMENDMENT TO CONDITIONAL USE PERMIT
FOR ON-SALE ALCOHOL AT AN EXISTING RESTAURANT**

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, October 6, 2020**, in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider:

CONDITIONAL USE PERMIT NO 2020-0005, as submitted by Ammu Ablahad of OPAI Greek Town Restaurant, requesting to amend Conditional Use Permit No. 1980 to expand the on-sale service to include liquor and spirits at an existing restaurant. The subject property is located on the south side of West Main Street between Van Houten Avenue and South Sunshine Avenue and is addressed as 345 West Main Street. This project is exempt from the California Environmental Quality Act (CEQA).

The public is invited to attend and participate in this public hearing. The agenda report for this project will be available 72 hours prior to the Planning Commission meeting at <http://www.cityofelcajon.us/your-government/calendar-meetings-list>. Please contact Planning at 619-441-1742 if a paper copy of the agenda is needed.

Due to the highly contagious nature of the Covid-19 virus, the Planning Commission may attend the meeting telephonically. The City has provided alternative means to observe the meeting through participation in the online meeting. Meeting details will be available in the meeting agenda 72 hours in advance of the meeting.

Members of the public who wish to send comments on this item, or a Public Comment, are asked to follow the directions in the agenda to provide comments. Comments will be received up to the vote or conclusion of each item. The Planning Commission will endeavor to include all comments prior to taking action and will announce when the comment period for an item will conclude, prior to taking any action or concluding the discussion on the item.

If you challenge the matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Commission, or prior to, the public hearing. The City of El Cajon encourages the participation of disabled individuals in the services, activities, and programs provided by the City. Individuals with disabilities who require reasonable accommodation in order to participate in the public hearing should contact Planning at 619-441-1742. More information about planning and zoning in El Cajon is available at <http://www.cityofelcajon.us/your-government/departments/community-development/planning-division>.

If you have any questions, or wish any additional information, please contact **Melissa Devine** at 619-441-1742 or via email at mdevine@cityofelcajon.us and reference "CUP-2020-0005" in the subject line.

PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION APPROVING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION 15301 (EXISTING FACILITIES) FOR CONDITIONAL USE PERMIT NO. 2020-005 AMENDING CONDITIONAL USE PERMIT NO. 1980 TO CONDUCT ON-SALE DISTILLED SPIRITS AT A RESTAURANT ADDRESSED AS 345 WEST MAIN STREET LOCATED ON THE SOUTH SIDE OF WEST MAIN STREET BETWEEN VAN HOUTEN AND SUNSHINE AVENUES IN THE GENERAL COMMERCIAL (C-G) ZONE, APN: 487-341-05, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (GC).

WHEREAS, the El Cajon Planning Commission held a duly advertised public hearing on October 6, 2020, to consider Conditional Use Permit (CUP) No. 2020-0005, as submitted by Ammu Ablahad of OPA! Greek Town Restaurant, requesting an amendment of CUP No. 1980 to expand on-sale service from beer and wine to include distilled spirits at a restaurant in the General Commercial (C-G) zone, on the south side of West Main Street between Van Houten and Sunshine Avenues, and addressed as 345 West Main Street; and

WHEREAS, in accordance with CEQA Guidelines section 15061(b)(2), the Planning Commission reviewed and considered the information contained in the project staff report; and

WHEREAS, it is proposed that the project is exempt from CEQA under section 15301 (Existing facilities) of CEQA Guidelines, which provides an exemption for new small facilities or structures and the conversion of existing structures where only minor modifications are made to the exterior; and

WHEREAS, CUP No. 2020-0005 involves the addition of distilled spirits to on-site beer and wine sales accessory to the restaurant use; and

WHEREAS, section 15301 is an appropriate exemption for the proposed project and the record of proceedings contains evidence to support the determination that the Class 1 Categorical Exemption applies; and

WHEREAS, no evidence was presented in proceedings that any of the conditions exist to provide exceptions to categorical exemptions as described in CEQA Guidelines section 15300.2, exist; and

NOW, THEREFORE, BE IT RESOLVED by the El Cajon Planning Commission as follows:

Section 1. That the foregoing recitals are true and correct, and are findings of

Proposed Planning Commission Resolution

fact of the El Cajon Planning Commission in regard to the proposed exemption for the on-sale alcohol sales accessory to the restaurant.

Section 2. That based upon said findings of fact, the El Cajon Planning Commission hereby APPROVES the proposed CEQA exemption for on-sale alcohol sales at the OPA! Greek Town Restaurant.

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Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held October 6, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:

Paul CIRCO, Chair

ATTEST:

Melissa DEVINE, Secretary

PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION APPROVING CONDITIONAL USE PERMIT NO. 2020-0005 AMENDNING CUP NO. 1980 TO ADD DISTILLED SPIRITS TO THE ON-SALE SERVICE AT A RESTAURANT ADDRESSED AS 345 WEST MAIN STREET LOCATED ON THE SOUTH SIDE OF WEST MAIN STREET BETWEEN VAN HOUTEN AND SUNSHINE AVENUES IN THE GENERAL COMMERCIAL (C-G) ZONE, APN: 487-341-05, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (GC).

WHEREAS, the El Cajon Planning Commission held a duly advertised public hearing on October 6, 2020, to consider Conditional Use Permit (CUP) No. 2020-0005, as submitted by Ammu Ablahad of OPA! Greek Town Restaurant, requesting an amendment of CUP No. 1980 to expand on-sale service from beer and wine to include distilled spirits at a restaurant in the General Commercial (C-G) zone, on the south side of West Main Street between Van Houten and Sunshine Avenues, and addressed as 345 West Main Street; and

WHEREAS, the Planning Commission adopted the next resolution in order finding the proposed use is categorically exempt from environmental review in accordance with section 15301, Class 1 (Existing Facilities) of the CEQA Guidelines; and

WHEREAS, the evidence presented to the Planning Commission at the public hearing includes the following:

- A. The subject site is designated General Commercial (GC) in the General Plan, which is intended for a variety of general retail and commercial uses. Restaurants with on-sale service are typical commercial uses, which are consistent and compatible with the General Plan land use designation.
- B. Operational standards for on-sale alcoholic beverage establishments are part of the permit conditions of approval. The existing site and building design are consistent with all applicable use and development standards.
- C. The vicinity of the subject property is developed with commercial and residential uses. A restaurant is considered an appropriate and compatible land use in a commercial center, and the sale of beer, wine and distilled spirits at the restaurant would be a compatible accessory to the overall dining experience if: all activities are conducted within the thresholds of the Performance Standards listed in ECMC sections 17.115.130 and 17.210.150; the applicant adheres to operating characteristics required by local, state and federal laws, including but not limited to those of Alcoholic Beverage Control and other applicable sections of the Cal. Business and Professions Code; the hours of alcohol sales are in conjunction with

Proposed Planning Commission Resolution

food service; no alcohol is sold for off-site consumption; and the owners and employees serving alcoholic beverages are certified in responsible beverage service training.

- D. Impacts are not anticipated with the normal conduct of a restaurant in a commercial zone. However, if the establishment does become a nuisance, the City has performance standards for those impacts which are addressed through code compliance actions if complaints are received. Furthermore, there are no identified existing problems in the project vicinity that may be exacerbated by on-sale alcohol service such as loitering, public drunkenness, noise, and littering. Moreover, alcohol related operational standards will be in place as conditions of approval to prevent any increase in the crime rate of the surrounding area.
- E. A diversity in dining and beverage options is an enhancement to the Downtown area, which serves residents in the vicinity and the broader community.

NOW, THEREFORE, BE IT RESOLVED that based on said findings of fact, the El Cajon Planning Commission hereby APPROVES CUP No. 2020-0005 for on-sale distilled spirits at a restaurant within the C-G zone, subject to the following conditions:

1. The use shall continue to comply with City Council Resolutions No. 80-04 and 105-11 governing on-sale service, live entertainment and outdoor cooking except where modified by this resolution.
2. Alcohol shall be sold in conjunction with food service.
3. No alcohol shall be sold before 9 a.m. or after 1:00 a.m.
4. The establishment shall have signage indicating off-site alcohol sales are prohibited.
5. No alcohol shall be sold for off-site consumption.
6. On-sale service shall not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
7. On-sale service shall not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
8. On-sale service shall not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public

Proposed Planning Commission Resolution

- urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
9. The restaurant with on-sale service shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the Alcoholic Beverage Control Act, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
 10. The restaurant with on-sale service shall maintain upkeep and ensure operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
 11. The owners and all employees serving alcoholic beverages shall be required to be certified in Responsible Beverage Service training. Proof of this training shall be submitted to Planning prior to Alcoholic Beverage Control's issuance of the Type 47 license.
 12. The use shall be operated in a manner that is compatible at all times with surrounding properties and uses.
 13. Any change in use or expansion of the facility may require prior City approval, including an amendment to this conditional use permit.
 14. The Planning Commission may at any time during the life of this use permit, after holding a new public hearing and considering testimony as to the operation of the approved use, add additional conditions as it deems necessary, to ensure that the approved use continues to be compatible with surrounding properties and continues to be operated in a manner that is in the best interest of public convenience and necessity and will not be contrary to the public health, safety or welfare.
 15. The existence of this CUP shall be recorded with the County Recorder.
 16. The proposed use shall be operated substantially as presented in the Planning Commission staff report titled CUP No. 2020-0005, dated October 6, 2020, except as modified by this resolution. Operation of the use in violation of the conditions of approval is grounds for revocation.

Proposed Planning Commission Resolution

17. If all conditions of approval have not been satisfied or if the uses approved by this CUP have not been commenced, and if no request for an extension of time has been received, within one (1) year of the approval Planning Commission or by October 6, 2021, and subsequently approved, this CUP shall be considered null and void pursuant to El Cajon Zoning Ordinance section 17.35.010.

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Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon City Planning Commission at a regular meeting held October 6, 2020, by the following vote:

AYES:
NOES:
ABSENT:

Paul CIRCO, Chair

ATTEST:

Melissa DEVINE, Secretary

- a. Posting at the entry of the establishment providing the telephone number for the watch commander of the police department to any requesting individual.
 - b. Coordinating efforts with the police department to monitor community complaints about the establishment activities.
 - c. Having a representative of the establishment meet with neighbors or the applicable neighborhood association on a regular basis and at their request attempt to resolve any neighborhood complaints regarding the establishment.
2. Hours of Operation: In an off-sale alcohol establishment, the sale of alcoholic beverages may be restricted to certain hours of each day of the week unless limited further by the State of California Department of Alcoholic Beverage Control.
 3. Security Cameras: At least two high definition 24-hour time lapse security cameras may be required to be installed and properly maintained on the exterior of the building at locations recommended by the police department capable of color recording and storing a minimum of 30 days of continuous video. All criminal and suspicious activities recorded on this surveillance equipment must be reported to local law enforcement. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the police department.
 4. Security Guards: An establishment may be required to retain a specified number of security guards. The number of security guards shall vary based upon the specific facts and circumstances of each establishment site and operation. All security guards shall have all required state and city permits and licenses. (Ord. 4994 § 3, 2013)

17.210.130 New and modified on-sale alcohol establishment standards.

Except as otherwise provided in this chapter, no person shall establish a new on-sale alcoholic beverage establishment or modify an existing on-sale alcoholic beverage establishment in violation of section 17.120.030 of this title or an applicable conditional use permit without first obtaining a conditional use permit or minor use permit (C-R zone) in the manner provided by this chapter. Furthermore, the standards contained in sections 17.210.140 through 17.210.160 require on-sale alcoholic beverage establishments to secure a conditional use permit or minor use permit in the manner provided in this chapter in order to lawfully engage in the sale of alcoholic beverages from premises located in the city of El Cajon; and require such establishments to manage such premises in accordance with the requirements of such permit, including operational standards and any conditions of approval incorporated as conditions of the permit. (Ord. 5081 § 29, 2019.)

17.210.140 Distance requirements—applicable to new on-sale alcoholic beverage establishments.

- A. No new on-sale alcoholic beverage establishment shall be located within one thousand (1,000) feet of an existing on-sale alcoholic beverage establishment (except in the C-R zone) and/or within six hundred (600) feet of residentially zoned property, public or private schools, health care facilities, religious facilities, parks or playgrounds, and off-sale alcoholic beverage establishments, except:
 1. A restaurant with an ancillary bar with less total square footage than the restaurant eating area; or
 2. On-sale alcoholic beverage establishment with alcohol sales secondary and incidental to an approved, complementary, principal use within the boundaries of Specific Plan No. 182; or
 3. An alcoholic beverage manufacturer such as a craft brewery with an ancillary tasting room or craft brewery with a full service restaurant.
- B. For purposes of this section, distances shall be measured between the closest property lines of the affected locations.
- C. For the purposes of this section, “secondary and incidental,” shall mean that the sales of alcoholic beverage shall be limited to not more than twenty-five percent (25%) of the gross annual retail receipts generated by the use on the site, which shall be calculated on a quarterly basis, for the prior twelve (12) month period ending on the last day of the then concluding quarter of year, and shall further mean that sales of alcoholic beverages are not promoted or advertised in any signs, or the name of the business establishment.

D. For the purposes of this section, “principal use,” may include, but is not limited to, live entertainment, participatory sporting activities, museums, theaters, performing arts center owned by a public agency, hotels, or other, similar uses approved by the city council, so long as the location of the sales of alcoholic beverages occurs on the same premises as the principal use, and the owner of the principal use is the owner of the liquor license. (Ord. 5081 § 31, 2019.)

17.210.150 Operational standards—applicable to new on-sale alcoholic beverage sales activities.

- A. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
- B. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
- C. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
- D. That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code §§ 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
- E. That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. (Ord. 4994 § 3, 2013)

17.210.160 Required findings—new on-sale alcoholic beverage sales activities.

In addition to the findings listed in section 17.50.060, the issuance of a conditional use permit or minor use permit to allow a new on-sale alcoholic beverage sales activity shall meet the following findings:

- A. The proposed alcoholic beverage sales activity will not exacerbate existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, sale of alcoholic beverages to minors, noise and littering.
- B. The proposed alcoholic beverage sales establishment will not detrimentally affect nearby neighborhoods considering the distance of the alcohol establishment to residential buildings, schools, parks, playgrounds or recreational areas, nonprofit youth facilities, places of worship, hospitals, alcohol or other drug abuse recovery or treatment facilities, county social service offices, or other alcoholic beverages sales activity establishments.
- C. The proposed alcoholic beverage sales establishment is not located in what has been determined to be a high-crime area or where a disproportionate number of police service calls occur. In the alternative, if the proposed alcoholic beverage sales establishment is proposed to be located in a high-crime area or where a disproportionate number of police service calls occur, the establishment has or will adopt appropriate safeguards, to be set forth in conditions of approval, reasonably intended to prevent any increase in criminal activities and calls for service. (Ord. 5081 § 33, 2019.)

17.210.170 Grounds for conditional use permit suspension, revocation or termination.

- A. In addition to the grounds for revocation or modification of a conditional use permit contained in Section 17.35.030 of this title, an alcoholic beverage sales establishment’s conditional use permit may be suspended for up to one year, modified or revoked by the planning commission after holding a public hearing in the manner prescribed in Chapter 17.25, for failure to comply with operational standards, training requirements or conditions of approval imposed through their conditional use permit. Notice of such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment’s conditional use permit shall be in

Aerial Image
345 West Main





Project Assistance Center
PLANNING PERMIT APPLICATION

Type of Planning Permit(s) Requested:

<input type="checkbox"/> AZP Administrative Zoning Permit	<input checked="" type="checkbox"/> CUP Conditional Use Permit	<input type="checkbox"/> LLA Lot Line Adjustment	<input type="checkbox"/> MA Minor Amendment
<input type="checkbox"/> MUP Minor Use Permit	<input type="checkbox"/> PRD Planned Residential Development	<input type="checkbox"/> PUD Planned Unit Development	<input type="checkbox"/> SDP Site Development Plan Permit
<input type="checkbox"/> SP Specific Plan	<input type="checkbox"/> SCR Substantial Conformance Review	<input type="checkbox"/> TPM Tentative Parcel Map	<input type="checkbox"/> TSM Tentative Subdivision Map
<input type="checkbox"/> VAR Variance	<input type="checkbox"/> ZR Zone Reclassification	<input checked="" type="checkbox"/> Other: Amend existing CUP allowing ABC 41 beer & wine on-sale to a full ABC 47 liquor license	

Project Location

Parcel Number (APN): 487-341-05-00

Address: 345 W. Main St.

Nearest Intersection: Sunshine

Project Description (or attach separate narrative)

Amend the current ABC 41 beer & wine on-sale license to a ABC 47
full liquor on-sale license, including patio

Project Screening Questions

- Existing use? No Yes
- Modification of use? No Yes
- New development or addition? No Yes
- Existing Structures? No Yes

If yes, please describe:

Age of the structures: _____

Demolition or substantial modification proposed to site improvements or structures? No Yes _____

Tenant improvements proposed? No Yes _____

Existing vegetation or trees on site proposed for removal? No Yes _____

Proposed grading? No Yes _____ Proposed quantities of cut and/or fill.

Applicant Information (the individual or entity proposing to carry out the project; not for consultants)

Company Name: Opa! Greek Town Restaurant

Contact Name: Ammu Ablahhad

Mailing Address: 345 W. Main St, El Cajon 92020

Phone: 619-8865-8108 Email: _____

Interest in Property: Own Lease Option

Project Representative Information (if different than applicant; consultant information here)

Company Name: Law Office

Contact Name: David S. Cutler License: SBN 076174

Mailing Address: 3111 Camino del Rio N., Ste. 400, San Diego CA 92108

Phone: 619-218-3663 Email: davidcutler53@gmail.com

Property Owner Information (if different than applicant)

Company Name: MERAM FAMILY TRUST

Contact Name: Thomas Meram

Mailing Address: 1430 CHASE TERR, EL CAJON CA 92020

Phone: 619-840-8902 Email: tmeram@cox.net

Hazardous Waste and Substances Statement

Section 65962.5(f) of the State of California Government Code requires that before the City of El Cajon accepts as complete an application for any discretionary project, the applicant submit a signed statement indicating whether or not the project site is identified on the State of California Hazardous Waste and Substances Sites List. This list identifies known sites that have been subject to releases of hazardous

chemicals, and is available at <http://www.calepa.ca.gov/sitecleanup/corteselist/>. Check the appropriate box and if applicable, provide the necessary information:

The development project and any alternatives proposed in this application:

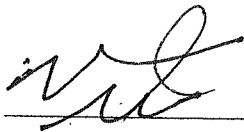
is/are NOT contained on the lists compiled pursuant to Government Code Section 65962.5.

is/are contained on the lists compiled pursuant to Government Code Section 65962.5.

If yes, provide Regulatory Identification Number: _____ Date of List: _____

Authorization

Applicant Signature¹:



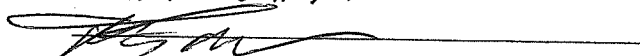
Date:

4-29-20

Property Owner

Signature²:

Meredith Family Trust.



Date:

4/23/2020

1. **Applicant's Signature:** I certify that I have read this application and state that the above information is correct, and that I am the property owner, authorized agent of the property owner, or other person having a legal right, interest, or entitlement to the use of the property that is the subject of this application. I understand that the applicant is responsible for knowing and complying with the governing policies and regulations applicable to the proposed development or permit. The City is not liable for any damages or loss resulting from the actual or alleged failure to inform the applicant of any applicable laws or regulations, including before or during final inspections. City approval of a permit application, including all related plans and documents, is not a grant of approval to violate any applicable policy or regulation, nor does it constitute a waiver by the City to pursue any remedy, which may be available to enforce and correct violations of the applicable policies and regulations. I authorize representatives of the City to enter the subject property for inspection purposes.
2. **Property Owner's Signature:** If not the same as the applicant, property owner must also sign. A signed, expressed letter of consent to this application may be provided separately instead of signing this application form. By signing, property owner acknowledges and consents to all authorizations, requirements, conditions and notices described in this application. Notice of Restriction: property owner further acknowledges and consents to a Notice of Restriction being recorded on the title to their property related to approval of the requested permit. A Notice of Restriction runs with the land and binds any successors in interest.

Pre-application Conference

The purpose of a pre-application conference is to provide you an opportunity to review your project with City staff in a preliminary form to finalize submittal requirements and receive a cursory identification of potential issues. **A pre-application is required unless waived by staff.**

Conference date: _____

Application Submittal

To submit your application, **it must be done by appointment** scheduled in advance for all Level 3, 4, & 5 project reviews, unless waived by staff. It is recommended for projects that will subsequently meet the criteria for a Level 1-C review through Level 2.

Appointment date: _____



Disclosure Statement

This statement is intended to identify and avoid potential conflicts of interest that may exist between the project proponents and the decision makers; including City staff, Planning Commissioners, and City Council members.

The following information must be disclosed:

- 1. List the names and addresses of all persons having a financial interest in the application.

AMMU Y. ABLAHHAD

List the names and address of all persons having any ownership interest in the property involved.

MERAM FAMILY TRUST

- 2. If any person identified pursuant to (1) above is a corporation or partnership, list the names and addresses of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

NA

- 3. If any person identified pursuant to (1) above is a trust, list the name and address of any person serving as trustee or beneficiary or trustor of the trust.

THOMAS MERAM, TRUSTEE

1430 CHASE TERR. EL CAJON 92020

4. Have you or your agents transacted more than \$500.00 worth of business with any member of City staff, Boards, Commissions, Committees and Council within the past 12 months or \$1,000.00 with the spouse of any such person? Yes _____ No _____

If yes, please indicate person(s), dates, and amounts of such transactions or gifts.

"Person" is defined as "Any individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert." Gov't Code §82047.



7-15-20

Signature of applicant / date

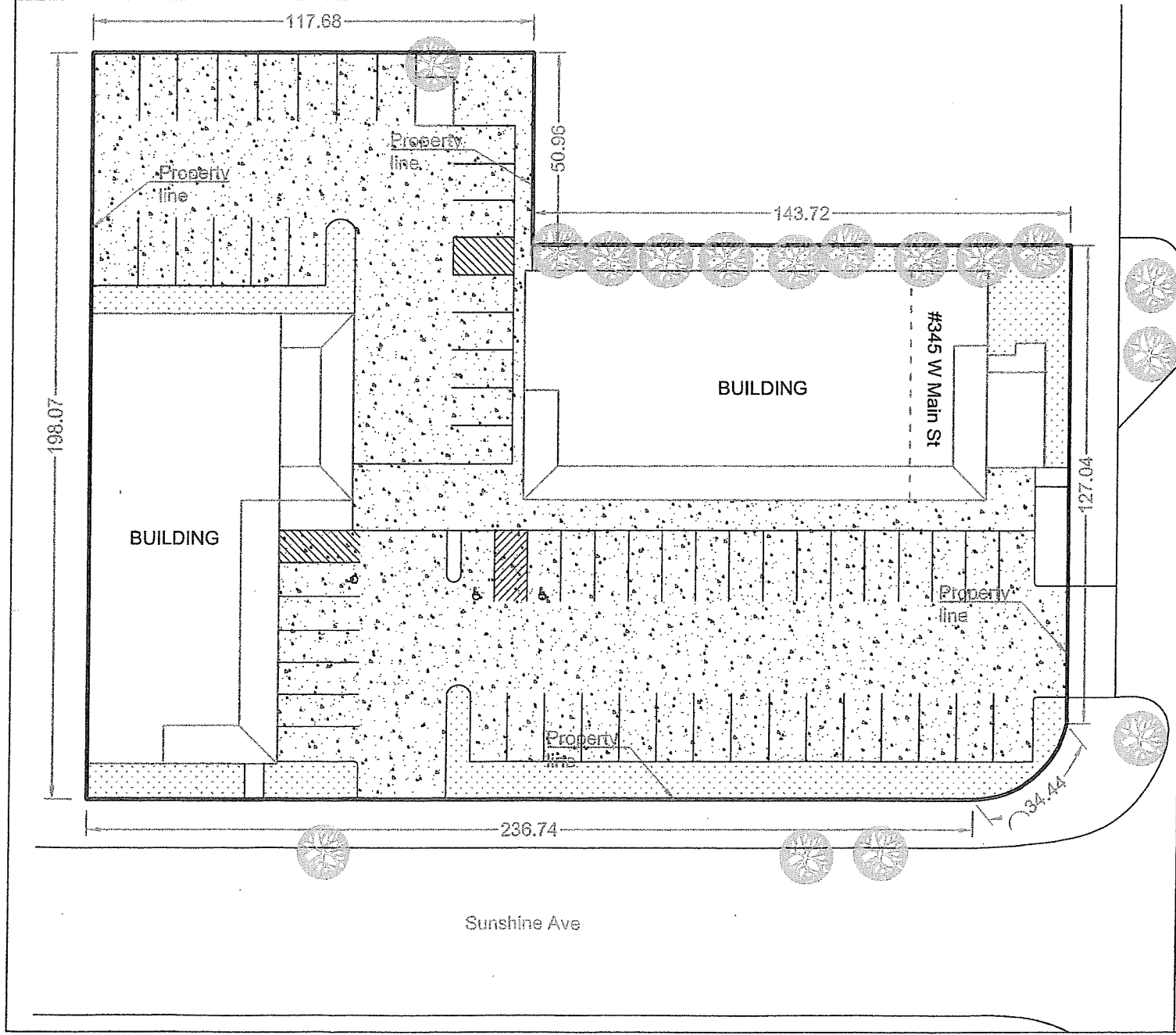
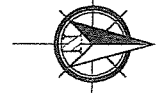
AMMU ABLAHHAD Y.

Print or type name of applicant

NOTE: Attach appropriate names on additional pages as necessary.

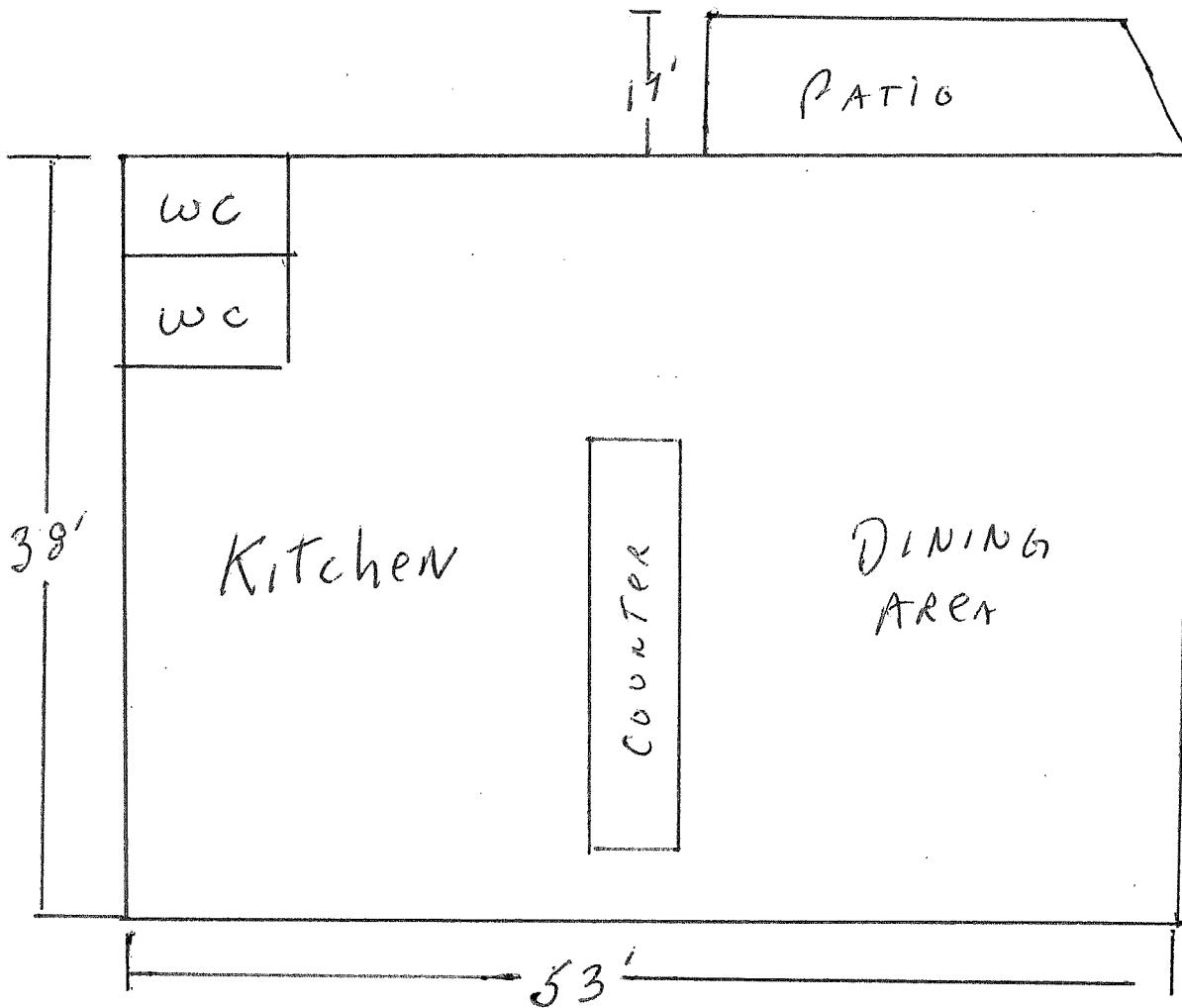


BUILDING



<p>GRAPHIC SCALE</p> <p>0 6ft 30ft 60ft</p>		<p>Address: 345 W Main St El Cajon, CA 92020 Scale 1"=30'</p>
<p>CITY OF EL CAJON</p>		
<p>PERMIT NO _____</p>		
<p>APPLICANT: <u>AMMU ABLAHAD</u></p>		
<p>ASSESSOR PARCEL NO(S): <u>487-341-05-00</u></p>		
<p>REQUEST: _____</p>		
<p>PC RESOLUTION No. _____ APPROVED BY: _____</p>		
<p>CC RESOLUTION No. _____</p>		
<p>CUP-2020-0005</p>		<p>Opa! Greek Rest.</p>

345 W Main St – Expand on-sale liquor & spirits



FLOOR PLAN
345 W. MAIN ST.
ELCASON, CA

Applicant: AMMU ABLAHHA
Request: ZONING AFFIDAVIT

RESOLUTION NO. 105-11

A RESOLUTION APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT NO. 1980 FOR ARCHITECTURAL CHANGES, OUTDOOR FOOD PREPARATION AND LIVE ENTERTAINMENT AT 345 WEST MAIN STREET IN THE C-G (GENERAL COMMERCIAL) ZONE, APN: 487-341-05, GENERAL PLAN DESIGNATION: SPECIAL DEVELOPMENT AREA NO. 9 (SDA NO. 9) / GENERAL COMMERCIAL (GC)

WHEREAS, the El Cajon City Council held a duly advertised public hearing on October 11, 2011, to consider Amendment to Conditional Use Permit Application No. 1980, as submitted by Hana Oshana, requesting to enhance the exterior elevations of an existing restaurant and outdoor dining area, add outdoor cooking equipment for food preparation, and live entertainment in the form of belly dancing and music playing indoors and outdoors in the C-G zone on property located on the south side of West Main Street between Van Houten and South Sunshine Avenues, and addressed as 345 West Main Street; and

WHEREAS, the property is also located in the area governed by Specific Plan No. 182, which provides that all conditional use permit applications are subject to review and approval by the City Council, upon recommendation by the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing on this item on September 12, 2011, and then adopted Resolution No. 10673 recommending City Council approval of an Amendment to Conditional Use Permit No. 1980, subject to conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

A. The City Council finds that:

1. The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) according to Section 15301, Class 1 (Existing Facilities) of the CEQA Guidelines. As it pertains to the applicant's proposal, Class 1 provides an exemption for a negligible expansion of existing facilities. The addition of architectural elements, live entertainment and outdoor food preparation within the existing restaurant lease area is considered a negligible expansion of use and involves no new building square footage;

(Continued on Page 2)

2. The proposed indoor live entertainment, outdoor food preparation and outdoor live music playing, are consistent with applicable goals, policies, and programs of the General Plan, and with SP No. 182, by promoting good urban design, a pedestrian friendly atmosphere, and strong community interaction, if the outdoor live entertainment does not include dancing because the outdoor dining area is open to public view, is in close proximity to West Main Street and to the intersection of West Main Street and South Sunshine Avenue, and that form of live entertainment may be a distraction, and therefore safety hazard to motorists.
3. The proposed site plan, building design and architectural elements are consistent with the applicable use and development standards if the "foam" framing element is replaced with a suitable material and the plan is amended to reflect accurate information as required by the Public Works Department and the Planning Division and because SP No. 182 permits zero exterior setbacks for one-story buildings and outdoor dining areas may observe the same zero setback;
4. The proposed uses, in part, will be operated in a manner that is compatible with existing and planned land uses in the vicinity, if the noise and odor performance standards listed in Section 17.115.130 of the Zoning Code are satisfied, if the outdoor food preparation is conducted according to the standards required by the San Diego County Health Department and the performance standards in Section 17.115.130 of the Zoning Code, and a Special Operation License is obtained for the live entertainment in accordance with Chapters 5.16 and 5.24 of the ECMC and entertainment in the form of dancing is limited to indoors;
5. The proposed architectural additions and proposed uses, except outdoor dancing, will not be detrimental to the public health, safety, and general welfare, including but not limited to matters of noise, smoke, dust, fumes, vibration, odors, and hazards or excessive concentrations of traffic, if the façade changes, proposed trellis and outdoor food preparation equipment are installed and operated according to California Building and Fire Codes, San Diego County Health Department Regulations, and if live entertainment is only permitted indoors with the exception that live music playing be allowed outdoors and operated according to the noise performance standards in Section 17.115.130 of the Zoning Code and the conditions of approval in this resolution, including limitations to hours for indoor and outdoor entertainment. If the governing regulations and conditions are adhered to, the use of the property is not expected to generate noise, smoke, dust, fumes, vibration, odors, and hazards or excessive concentrations of traffic; and

(Continued on Page 3)

6. The proposed architectural additions and proposed uses, except entertainment in the form of outdoor dancing, are in the best interest of public convenience and necessity because they will aesthetically improve the public street frontage while maintaining a transparent storefront and bring activity closer to the pedestrian corridor, without creating a traffic hazard.
- B. The City Council hereby APPROVES the proposed Amendment to Conditional Use Permit No. 1980 for architectural enhancements of an existing restaurant and outdoor dining area, the addition of outdoor cooking equipment for food preparation, and live entertainment in the form of indoor belly dancing and music playing and only outdoor music playing on the above described property, subject to the following conditions:
1. Prior to submitting construction drawings for building permits, the applicant shall submit and obtain approval of a revised, one-page, 24" by 36" mylar site plan that reflects the following specific notes and changes:
 - a. Locate vicinity map to lower left corner.
 - b. Label "Main Street" as "West Main Street".
 - c. Show existing building data.
 - d. Show any proposed new lighting elements.
 - e. Use discernable line weights for the property lines, right-of-ways, parking spaces, etc.
 - f. Under the heading "Public Works Department Notes," add the items listed in condition A-1 of the Public Works Department comments labeled "Exhibit B" of Planning Commission Resolution No. 10673 and dated 08-16-11.
 - g. Adjust the street right-of-way dimensions according to the Public Works Departments comments labeled "Exhibit B" of Planning Commission Resolution No. 10673 and dated 08-16-11.
 - h. Update the site plan to show the number of parking spaces at the site.
 - i. Update the site plan in accordance with all the conditions of the Public Works Dept. comments labeled "Exhibit B" of Planning Commission Resolution No. 10673 and dated 8-16-11.
 - j. Under the heading "Planning Division Notes" add the ongoing conditions of approval listed in condition 3.
 - k. The "foam" framing element shall be replaced with a suitable material consistent with existing building and Specific Plan No. 182 design guidelines, as determined by the Community Development Director.
 2. In addition to complying with the notes and site configuration of the approved AM CUP No. 1980 site plan, the following conditions shall be satisfied prior to final inspection or as otherwise determined by the Community Development Director and / or Public Works Director, as applicable:

(Continued on Page 4)

- a. The applicant shall comply with all the conditions listed in the "Standard Conditions of Approval" adopted by the Planning Commission by Planning Commission Resolution No. 10649, as applicable, and attached as "Exhibit A" of Planning Commission Resolution No. 10673.
 - b. The applicant shall comply with the requirements of the Public Works Dept. as noted in the attached letter labeled "Exhibit B" of Planning Commission Resolution No. 10673 and dated 8-16-11.
 - c. The applicant shall comply with the building comments from the Building & Fire Safety Division as noted in the attached memo labeled "Exhibit D" of Planning Commission Resolution No. 10673 and dated 07-22-11.
 - d. The applicant shall comply with the fire comments of the Building & Fire Safety Division as noted in the attached memo labeled "Exhibit E" of Planning Commission Resolution No. 10673 and dated 07-22-11.
 - e. The applicant shall comply with the requirements of the Helix Water District as noted in the attached letter labeled "Exhibit F" of Planning Commission Resolution No. 10673 and dated 06-13-11.
3. The following are ongoing conditions of approval for this conditional use permit and shall be noted on the CUP site plan:
- a. The use shall be operated in a manner that is compatible at all times with surrounding properties and uses.
 - b. Any change in use or expansion of the outdoor food preparation and live entertainment may require prior City approval, including an amendment to this conditional use permit.
 - c. Live entertainment shall be limited as follows: indoor music playing on Monday through Thursday from 6:00 PM to 9:00 PM and on Friday, Saturday and Sunday from 6:00 PM to Midnight; indoor dancing on Friday and Saturday from 7:00 PM to 9:00 PM; outdoor music playing in the dining area on Monday through Thursday 6:00 PM until 9:00 PM and on Friday, Saturday and Sunday until 10:00 PM. Each component of live entertainment shall conform to the noise performance standards applicable to the property.
 - d. No live entertainment authorized under this conditional use permit shall occur at the subject site, until the business owner first obtains a valid Special Operation's License pursuant to Chapter 5.16 of the El Cajon Municipal Code.
4. The outdoor food preparation shall be operated in a manner that complies with the standards of the San Diego County Health Department and the odor performance standards in Section 17.115.130.

(Continued on Page 5)

5. The uses shall be operated in a manner that complies at all times with the performance standards listed in Section 17.115.130 of the Zoning Code.
6. The existence of this conditional use permit shall be recorded with the County Recorder.
7. The Planning Commission and City Council may at any time during the life of this use permit, after holding a properly noticed public hearing, at which time the applicant may appear and object under applicable law to any potential revocation or modification of the conditions of approval, and after considering testimony as to the operation of the approved use, revoke the permit, or modify the permit with any additional conditions as it deems necessary, to ensure that the approved use continues to be compatible with surrounding properties and continues to be operated in a manner that is in the best interest of public convenience and necessity and will not be contrary to the public health, safety or welfare.
8. The proposed uses shall be operated substantially as presented in the Planning Commission staff report titled Amendment of Conditional Use Permit No. 1980, dated September 12, 2011, except as modified by this resolution. Operation of the uses in violation of the conditions of approval is grounds for revocation.
9. If this permit is not legally exercised within two years of project approval, and a written request for an extension of time has been received by the Planning Secretary within the same time period, and subsequently approved, this conditional use permit shall be considered null and void per El Cajon Zoning Code Section 17.35.010.

PASSED AND ADOPTED by the City Council of the City of El Cajon, California at an Adjourned Regular Joint City Council/Redevelopment Agency Meeting held this 11th day of October, 2011, by the following vote to wit:

AYES	:	Lewis, Hanson-Cox, Kendrick, McClellan, Wells
NOES	:	None
ABSENT	:	None
DISQUALIFY:		None

MARK LEWIS
Mayor of the City of El Cajon


ATTEST:

KATHIE RUTLEDGE, CMC
City Clerk

(Continued on Page 6)

Page 6 of 6, Resolution No. 105-11

I hereby certify that the above and foregoing is a full and true copy of Resolution No. 105-11 of the Resolutions of the City of El Cajon, California, as adopted by the City Council at the Adjourned Regular Joint Meeting of the City Council/Redevelopment Agency on the 11th day of October, 2011.



Kathie Rutledge, CMC, City Clerk

10/11/11 (Item 102)

RESOLUTION NO. 80-04

RESOLUTION APPROVING CONDITIONAL USE PERMIT 1980 FOR OUTDOOR EATING AND DRINKING AND FOR ON-PREMISES BEER AND WINE SALES IN CONJUNCTION WITH AN EXISTING RESTAURANT IN THE C-2 (GENERAL COMMERCIAL) ZONE ON PROPERTY LOCATED ON THE SOUTHWEST CORNER OF WEST MAIN STREET AND SOUTH SUNSHINE AVENUE, AND ADDRESSED AS 345 WEST MAIN STREET. (Greek Town Restaurant Buffet, Inc.).

WHEREAS, the City Council of the City of El Cajon held a duly advertised public hearing on April 13, 2004, to consider the approval by Planning Commission Resolution No. 9932 of Conditional Use Permit 1980, submitted by Greek Town Restaurant Buffet, Inc., requesting on-premises beer and wine sales and outdoor dining in conjunction with an existing restaurant in the C-2 (General Commercial) Zone on property located on the southwest corner of West Main Street and South Sunshine Avenue, and addressed as 345 West Main Street, in the City of El Cajon; and

WHEREAS, after considering all the evidence presented, the City Council reached a decision regarding renewal of said Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

1. The City Council concurs with the Planning Commission in granting Conditional Use Permit 1980, subject to compliance with conditions of approval as set forth in Planning Commission Resolution No. 9932.
2. The City Clerk is directed to forward a copy of this resolution to the applicant and to any other party requesting notice of the action.

PASSED AND ADOPTED by the City Council of the City of El Cajon, California at a Regular Joint City Council/Redevelopment Agency Meeting held this 13th day of April, 2004, by the following vote to wit:

AYES : Lewis, McClellan, Ramos, Kendrick, Santos
 NOES : None
 ABSENT : None
 DISQUALIFY : None

MARK LEWIS
 Mayor of the City of El Cajon

ATTEST:

MARILYNN LINN, CMC
 City Clerk

I hereby certify that the above and foregoing is a full and true copy of Resolution No. 80-04 of the Resolutions of the City of El Cajon, California, as adopted by the City Council at the Regular Joint Meeting of the City Council/Redevelopment Agency on the 13th day of April, 2004.



 Marilyn Linn, CMC, City Clerk

RESOLUTION NO. 9932

A RESOLUTION GRANTING CONDITIONAL USE PERMIT 1980 FOR OUTDOOR EATING AND DRINKING AND FOR ON-PREMISES BEER AND WINE SALES IN CONJUNCTION WITH AN EXISTING RESTAURANT IN THE C-2 (GENERAL COMMERCIAL) ZONE; APN: 487-341-05; LUC 5811D; GENERAL PLAN DESIGNATION: GENERAL RETAIL COMMERCIAL / SPECIAL DEVELOPMENT AREA #9.

WHEREAS, the El Cajon City Planning Commission duly advertised and held a public hearing on March 22, 2004 to consider Conditional Use Permit 1980, as submitted by Greek Town Restaurant Buffet, Inc., requesting on-premises beer and wine sales and outdoor dining in conjunction with an existing restaurant in the C-2 (General Commercial) zone on property located on the southwest corner of West Main Street and South Sunshine Avenues, and addressed as 345 W. Main Street; and

WHEREAS, the following findings of fact have been made in regard to said conditional use permit:

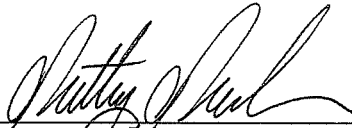
1. No one appeared to speak on this item; and
2. The proposed project is exempt from environmental review in accordance with Section 15301 of CEQA Guidelines; and
3. The Planning Commission determined that said conditional use permit should be granted subject to certain conditions and for the following reasons:
 - A. The proposed outdoor dining area is consistent with the General Plan designation for the subject property, which is Special Development Area #9 / General Retail Commercial, and is also in conformance with the downtown master design plan.
 - B. Compliance with the recommended ongoing conditions of approval will ensure that the proposed use is compatible with the surrounding land uses.
 - C. The proposed outdoor eating and drinking area will not conflict with pedestrian or vehicle movement.
 - D. There is sufficient on-street parking for the proposed restaurant with on-premises beer and wine sales.

NOW, THEREFORE, BE IT RESOLVED that based upon said findings of fact, the El Cajon City Planning Commission hereby GRANTS Conditional Use Permit 1980 for outdoor eating and drinking and for on-premises beer and wine sales in conjunction with an existing restaurant in the C-2 (General Commercial) zone on the above-described property, subject to the following conditions:

1. The City Council shall consider the Planning Commission recommendation and concur with the Planning Commission's decision to grant Conditional Use Permit 1980 in order for it to be valid.
2. Within 30 days of Planning Commission action, the applicant shall submit a revised one-sheet site plan in a reproducible format (mylar or vellum) to the Planning Division, which shows the subject site and site data as it pertains to the request and any changes or conditions as a result of the Planning Commission meeting. Include the following changes:
 - a. Remove all site plan notes that do not address this specific request.
 - b. Locate the vicinity map to the lower left hand corner and the CUP title block to the lower right hand corner.
 - c. Show the proposed awning.
 - d. Show full right of way dimensions on each street.
 - e. Note that the landscaping shall be routinely maintained, weeded and trimmed in a neat and orderly manner, watered and fertilized to achieve a healthy appearance; kept free of dead and/or dying plant materials, replacing plant materials as needed; and the irrigation system shall be properly maintained and operated to provide appropriate watering, and to avoid inadequate and excessive watering.
3. The City will not release its protest of the applicant's Alcoholic Beverage Control (ABC) license until all conditions of approval are satisfied.
4. Prior to the issuance of building permits for the awning, obtain approval from the ECCDC and the Planning Division regarding the design of the awning.
5. Comply with the Building Division requirements dated 02.02.04.
6. Comply with Public Works Department requirements dated 03.10.04.
7. Comply with Fire Department requirements dated 01.29.04.


8. Comply with Police Department requirements dated 02.24.04.
9. Upgrade the condition of the trash enclosure, specifically replacing the view obscuring slats in the gate.
10. Submit a complete sign program showing all existing and proposed signs.
11. The existence of this conditional use permit shall be recorded with the County Recorder.
12. This conditional use permit shall have a life of twenty years and shall expire on March 22, 2024.
13. This permit may be revoked or modified at any time pursuant to El Cajon Municipal Code, Section 17.78.010.
14. If all appropriate conditions of approval have not been satisfied or if the uses approved by this conditional use permit have not been commenced, and if no request for an extension of time has been received within one year of this approval, or by March 22, 2005, this conditional use permit shall be considered null and void per El Cajon Zoning Ordinance Section 17.78.020.
15. The following conditions are ongoing for the term of this conditional use permit:
 - a. This use shall be operated in a manner that is compatible at all times with surrounding properties and uses.
 - b. No signs shall be placed on the awning or patio area unless approval is granted by the ECCDC and the Community Development Department.
 - c. Any change in use or expansion of use, including the expansion of the outdoor dining area, must first be approved by the City as an amendment to this conditional use permit.

PASSED AND ADOPTED by the El Cajon City Planning Commission at a regular meeting held March 22, 2004, by the following vote:



Anthony AMBROSE, Chair

ATTEST:



James S. GRIFFIN, Secretary