

City of El Cajon

Planning Commission Agenda

Tuesday, May 5, 2015, Meeting

7:00 PM. Council Chambers

DARRIN MROZ, Chairman
 PAUL CIRCO, Vice Chairman
 LUIS HERNANDEZ
 ANTHONY SOTTILE
 JERRY TURCHIN

Meeting Location: City Council Chambers, 200 Civic Center Way, El Cajon, CA
<http://www.ci.el-cajon.ca.us/dept/comm/planning.html>

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHAIRPERSON'S WELCOME

PUBLIC COMMENT

This is the opportunity 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.

CONSENT

Agenda Item:	1
	Planning Commission minutes of April 21, 2015

PUBLIC HEARINGS

Agenda Item:	2
Project Name:	Fountain Liquor
Request:	Expand Liquor Store
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	Approve Amendment of Conditional Use Permit No. 256
Project Number(s):	Conditional Use Permit No. 256
Location:	581 North Mollison Avenue
Applicant:	Fountain Liquor
Project Planner:	Melissa Devine; 619.441.1773; medvine@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 resolution in order approving proposed Amendment of Conditional Use Permit No. 256, subject to conditions

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 Friday, May 15, 2015 at 5:00 p.m., except that Agenda items which are forwarded to City Council for final action need not be appealed.

3. OTHER ITEMS FOR CONSIDERATION

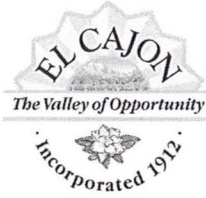
4. STAFF COMMUNICATIONS

5. COMMISSIONER REPORTS/COMMENTS

6. ADJOURNMENT

This Planning Commission meeting is adjourned to May 19, 2015 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 Friday, May 15, 2015 at 5:00 p.m., except that Agenda items which are forwarded to City Council for final action need not be appealed.



AGENDA ITEM NO. 1

MINUTES

PLANNING COMMISSION MEETING

April 21, 2015

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: Darrin MROZ, Chairman
 Paul CIRCO, Vice Chairman
 Luis HERNANDEZ
 Anthony SOTTILE
 Jerry TURCHIN

COMMISSIONERS ABSENT: None

STAFF PRESENT: Anthony SHUTE, Planning Manager / Planning Commission Secretary
 Barbara LUCK, Assistant City Attorney
 Melissa DEVINE, Senior Planner
 Patricia HAMILTON, Secretary

Mroz explained the mission of the Planning Commission.

CONSENT CALENDAR

Planning Commission Minutes

Motion was made by MROZ, seconded by CIRCO, to adopt the minutes of the Planning Commission meeting of March 17, 2015; carried 5-0.

PUBLIC HEARING ITEMS

Agenda Item:	2
Project Name:	Main Street Residences
Request:	Mixed-Use Development Project with Reduced Parking, Setbacks, and increased Building Height
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	WITHDRAW
Project Number(s):	Conditional Use Permit No. 2216
Location:	925-939 West Main Street
Applicant:	Affirmed Housing Group (Jimmy Silverwood); 858.386.5178; JAMES@AFFIRMEDHOUSING.COM
Project Planner:	Lorena Cordova; 619.441.1539; lcordova@cityofelcajon.us
City Council Hearing Required?	No

	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. Receive public testimony; and 3. MOVE to approve request for withdrawal of Conditional Use Permit No. 2216.
--	---

SHUTE explained this item was continued from the Planning Commission of March 17, 2015, and that the applicant has since requested to withdraw the proposed project.

MROZ opened the public hearing and invited any speakers to the podium. No one spoke on this item.

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

Motion was made by CIRCO, seconded by HERNANDEZ, to approve the withdrawal of Conditional Use Permit No. 2216; carried 5-0.

Agenda Item:	3
Project Name:	Broadway Adult Day Care
Request:	Adult Day Care facility
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	APPROVE
Project Number(s):	Conditional Use Permit No. 2218
Location:	1340 Broadway
Applicant:	CA Reliable Medical Systems, Inc. (Gregory Braverman); 323.333.5383
Project Planner:	Melissa Devine; 619.441.1773; medvine@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 resolution in order approving proposed Conditional Use Permit No. 2218, subject to conditions

DEVINE summarized the agenda report in a PowerPoint presentation.

TURCHIN asked if all conditions previously required on a previous CUP were completed.

DEVINE answered they had not. Conditions associated with this current CUP are proposed.

SOTTILE confirmed with DEVINE that the proposed use would only be during daytime hours.

HERNANDEZ asked which conditions are required.

DEVINE explained.

SHUTE added that the first CUP, which was for a building expansion, was for an entirely different use, and the applicant has not yet exercised his right to trigger the condition. This CUP proposed by a different applicant is for a different use which includes only minor tenant improvements; however some of the conditions from the first CUP are being carried forward.

HERNANDEZ asked for clarification.

DEVINE explained the two different uses will on be operating at the same time.

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

Namir MATTIA, owner of the property, approached the podium. He stated he was in protest of the landscaping condition because it would eliminate a lot of parking spaces used by their business.

DEVINE clarified that the more comprehensive landscaping condition is connected to the prior CUP for Royal Palace.

Gregory BRAVERMAN, applicant for CA Reliable Medical Systems, spoke next. He advised that all meals to be served during the day will be brought in from outside. They would not be using the kitchen for food preparation.

Bill KACHI, representing Royal Palace, also spoke about the proposed project and the differences between the two uses on the property.

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

HERNANDEZ stated that the two projects at the same location do not seem to work together. He suggested a continuance.

LUCK advised that the parking lot landscaping is a condition of the first CUP and is not under consideration with the application before them tonight.

HERNANDEZ recommended the two CUPs be reconciled into a unified project.

DEVINE added the applicant is in agreement with the minor conditions associated with the CUP before the Commission.

SHUTE also added that if and when Royal Palace chooses to pull a building permit for the building addition, then at that time it would trigger the extensive improvements conditioned by Public Works.

MROZ reopened the public hearing for additional clarification.

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

Motion was made by CIRCO, seconded by MROZ, to adopt the next resolution in order approving proposed Conditional Use Permit No. 2218, with conditions; carried 5-0.

The appeal period for this item ends on Friday, April 21, 2015 at 5:00 p.m.

4. STAFF COMMUNICATIONS

Housing element Implementation – A PowerPoint of upcoming General Plan Amendments, rezonings, and Specific Plan Amendments was presented to the Commissioners.

ADJOURNMENT

Motion was made by MROZ, seconded by HERNANDEZ, to adjourn the meeting of the El Cajon Planning Commission at p.m. this 21st day of April until May 5, 2015, at 8:10 p.m.; carried 5-0.

Darrin J MROZ, Chairman

ATTEST:

Anthony SHUTE, AICP, Secretary



Agenda Item:	2
Project Name:	Fountain Liquor
Request:	Expand liquor store
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	Approve Amendment of Conditional Use Permit No. 256
Project Number(s):	Conditional Use Permit No. 256
Location:	581 North Mollison
Applicant:	Amir Habib
Project Planner:	Melissa Devine, 619.441.1773, 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 resolution in order approving Amendment of Conditional Use Permit No. 256, subject to conditions

PROJECT DESCRIPTION

This request seeks to reconfigure the uses in an existing commercial building to enlarge a liquor store and reduce the number of motel rooms through an amendment to Conditional Use Permit (CUP) No. 256. The proposed liquor store would be expanded from 1,000 square feet to a total of 1,942 square feet including a 1,000 square feet of alcohol display and sales area, 760 square feet of storage area, and 182 square feet of office space. The number of motel rooms would be reduced from 22 to 18 rooms.

BACKGROUND

General Plan:	General Commercial
Specific Plan(s):	SP No. 68
Zone:	C-G (General Commercial)
Other City Plan(s):	N/A
Regional and State Plan(s):	N/A
Notable State Law(s):	Alcohol Beverage Control Act

Project Site & Constraints

The .58-acre site is located on the east side of North Mollison Avenue south of Interstate 8 and north of East Madison Avenue. The site was developed with a two-story commercial building and a surface parking lot with 26 parking stalls under CUP No. 256 and Specific Plan No. 68 approved in 1968. The approved entitlements permitted a

22 room motel, a 1,000 square foot liquor store, and a fueling station on the adjacent property.

Surrounding Context

Surrounding properties are developed and zoned as follows:

Direction	Zones	Land Uses
North	C-G	Automotive Fueling Station
South	RM-2200	Multi-Family Residential
East	RS-6	Single-Family Residential
West (across North Mollison)	RM-2200 & C-G	Automotive Fueling Station with age restricted dwelling units & Single-Family Residential

General Plan

The project site is designated GC (General Commercial) on the General Plan Land Use Map. As described in the General Plan, GC designated areas are intended for general shopping or service needs and for uses not typically found in shopping centers. General Plan Objective 5-9 directs the City to improve public safety for all residents.

Alcohol Beverage Control Act

The sale of alcohol is regulated by the Alcoholic Beverage Control Act (Business & Professions Code §§ 23000-25762). Accordingly, the Department of Alcoholic Beverage Control (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.

Municipal Code

The subject site is zoned General Commercial (C-G). Off-sale alcohol sales and motels are conditionally permitted uses in the C-G zone. The CUP is intended to ensure compliance with applicable development standards, use restrictions, and also to ensure compatibility with surrounding properties and land uses.

On September 10, 2013, the El Cajon City Council adopted a new alcohol sales ordinance to address community concerns associated with unlawful alcohol sales and related nuisances. The ordinance stipulated that all authorized off-sale alcohol establishments that were not required to obtain a conditional use permit, and all permitted or conditionally permitted stores, and all legal nonconforming stores, were automatically deemed approved as of November 1, 2013, and are no longer considered exempted, permitted, conditionally permitted or legal nonconforming. These establishments are subject to all "deemed approved" regulations and performance standards which are designed to reduce nuisances and criminal activity in the

surrounding areas. Furthermore, the ordinance instituted new location and operation standards applicable to new, modified or redeveloped alcohol sales outlets.

In summary, the El Cajon Municipal Code and Conditional Use Permit No. 256 regulates the land use of the above referenced premises for the sale of alcohol. The provisions of the alcohol sales ordinance complement the state of California alcohol-related laws. They do not replace, usurp or conflict with any powers vested in the ABC.

DISCUSSION

Code Enforcement

The Police Department requested a code compliance inspection at the subject site as a result of the conditions observed during a police action in 2014. On October 2, 2014, city staff inspected the site and identified an unpermitted expansion of the liquor store into the adjoining motel rooms beyond the 1,000 square feet allowed by the approved entitlements as shown on CUP No. 256, attached to this report. In addition, the parking lot had been restriped, thereby reducing the number of parking spaces, and the required trash enclosure had not been constructed.

A notice of violation was sent to the property owner on November 4, 2014 directing the property owner to remedy the violations by reducing the size of the liquor store, restoring the motel rooms, restriping the parking lot, and constructing the trash enclosure or be subject to fines and civil penalties. A secondary option was provided to apply for an amendment of the conditional use permit and specific plan to legally authorize an expansion of the liquor store.

The application for the amendment of the conditional use permit and specific plan was received on December 13, 2014. The project was subsequently deemed incomplete due to a deficient site plan. A letter detailing the deficiencies and providing cursory review comments was sent to the applicant with direction to resubmit within 30 days of the letter. A second notice of violation was sent to the applicant after the 30 day period had elapsed with no action. The applicant resubmitted a revised application on February 2, 2015, and the application was deemed complete and scheduled for hearing on February 25, 2015.

Code Enforcement Chronology	
October 2, 2014	Site Inspection
November 4, 2014	Notice of Violation Sent
December 13, 2014	Application Received
December 12, 2014	Application Deemed Incomplete & Letter Sent
January 26, 2015	Second Notice of Violation Sent
February 2, 2015	Second Submittal
February 25, 2015	Application Deemed Complete and Scheduled for Hearing

Liquor Store Expansion

The proposed liquor store expansion is an expansion of a deemed approved alcohol sales outlet operating under Conditional Use Permit No. 256. ECMC Sections 17.250.070 and 17.250.100 specify that a modification or expansion of an off-sale alcohol sales outlet requires compliance with the operational standards set forth in the section as provided in the draft resolution. These conditions will help to reduce potential alcohol related nuisance activities that may result from the expansion of the liquor store. The subject site is located within a high crime area which equates to a crime rate of 120-200% of the average crime index for the reporting districts, and the site is adjacent to several very high crime areas. The subject site is also within an over-concentrated census tract for liquor sales, which has four off-sale licenses. According to County of San Diego off-sale average ratio, the census tract should have two off-sale alcohol sales outlets and is over-concentrated by two licenses. In addition, the adjacent census tracts to the north, south, and east are over- concentrated with off-sale licenses. For that reason, the limitation of the alcohol display area to 1,000 square feet is required in order to mitigate the potential for alcohol-related nuisance activities.

Minor Amendment of Specific Plan No. 68

Staff has determined that the amendment of Specific Plan No. 68 can be approved through the minor amendment process. Subsequent to Planning Commission action on the conditional use permit, the minor amendment will be acted on accordingly. The applicant had originally applied for a full amendment to the specific plan. A refund of difference of the fees will be returned to the applicant.

FINDINGS

Conditional Use Permit No. 256

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

The proposed reconfiguration of uses within the existing commercial building would be in conformance with the General Commercial land use designation in the General Plan, which is intended to provide for a broad range of retail commercial and office uses. Furthermore, General Plan Policy 5-9.1 directs the City to improve public safety for all residents. The application of operational standards is necessary to ensure public safety, prevent alcohol related nuisance activities, and consistency with General Plan goals, policies, and programs.

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

The existing site and building design are not consistent with all applicable use and development standards. Conditions of approval, including the rehabilitation of all landscape areas, re-striping the parking lot and constructing a trash enclosure will make the alcohol establishment 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 expansion of the liquor store is subject to compliance with the operating standards for off-sale alcohol outlets. The display area of the liquor store is limited to a maximum of 1,000 square feet consistent with the existing approved conditional use permit. The limitation on the alcohol display area is intended to reduce alcohol-related nuisance activities and prevent crime in a high crime area. With the application of the operating standards for off-sale alcohol sales outlets, the use will be compatible with the existing neighborhood which consists of a mix of commercial and residential uses.

- 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.*

The proposed operating standards and conditions will assist in improved public health, safety, and general welfare. They are designed to reduce and not compound existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, and alcoholic beverage sales to minors, noise and littering.

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

The amendment of the conditional use permit and proposed expansion of the liquor store would result in the application of the operating conditions for off-sale alcohol outlets to this liquor store. These operating conditions would ensure that the existing liquor store is now operating within the parameters of off-sale alcohol outlets as determined to be in the best interest of the public. The expansion of the liquor store with the application of the operational standards is in the best interest of public convenience and necessity.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed project is exempt from the California Environmental Quality Act (CEQA) subject to a 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. None of the exemption exceptions listed under CEQA Guidelines Section 15300.2 exists.

PUBLIC NOTICE & INPUT

Notice of this public hearing was mailed on April 24, 2015 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 under "Public Hearings/Public Notices." The notice was also mailed to the two public libraries in the City of El Cajon, located at 201 East Douglas Avenue and 576 Garfield Avenue.

ATTACHMENTS

1. Proposed Resolution Approving Amendment to Conditional Use Permit No. 256
 - Exhibit A: Standard Conditions of Development
 - Exhibit B: Public Works Department, engineering comments December 22, 2014
 - Exhibit C: Building & Fire Safety, building and fire comments dated December 10, 2014
2. Aerial Photograph of Subject Site
3. Public Hearing Notice
4. Application & Disclosure statement
5. Applicant Letter
6. Reduced Site Plan
7. Crime Map
8. Planning Commission Resolution No. 2273
9. Conditional Use Permit No. 256 Exhibit
10. Full-size Site Plan & Floor Plan (in Commissioner's binders)

[This page intentionally left blank.]

PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION APPROVING AMENDMENT TO CONDITIONAL USE PERMIT NO. 256 IN THE C-G (GENERAL COMMERCIAL) ZONE, APN: 483-80-35-00 AND 483-380-32-00, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (C-G).

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on May 5, 2015, to consider Amendment to Conditional Use Permit (CUP) No. 256, as submitted by Amir Habib, requesting to reconfigure the uses within an existing commercial building to expand an existing liquor store to 1,942 square feet with a limitation of 1,000 square feet of alcohol display area and reduce the number of motel rooms from 22 to 18 rooms in the C-G zone, on property located on the east side of Mollison Avenue south of Interstate 8 and north of East Madison Avenue, and addressed as 581 North Mollison; and

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

- A. The proposed project is exempt from environmental review in accordance with Section 15301 (existing facilities) 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. No new environmental impacts would result. None of the exemption exceptions listed under CEQA Guidelines Section 15300.2 exist;
- B. The proposed reconfiguration of uses within the existing commercial building would be in conformance with the General Commercial land use designation in the General Plan, which is intended to provide for a broad range of retail commercial and office uses. Furthermore, General Plan Policy 5-9.1 directs the City to improve public safety for all residents. The application of operational standards is necessary to ensure public safety, prevent alcohol related nuisance activities, and consistency with General Plan goals, policies, and programs;
- C. The existing site and building design are not consistent with all applicable use and development standards. Conditions of approval, including the rehabilitation of all landscape areas, re-striping the parking lot and constructing a trash enclosure will make the alcohol establishment consistent with all applicable use and development standards;

Proposed Planning Commission Resolution

- D. The expansion of the liquor store is subject to compliance with the operating standards for off-sale alcohol outlets. The display area of the liquor store is limited to a maximum of 1,000 square feet consistent with the existing approved conditional use permit. The limitation on the alcohol display area is intended to reduce alcohol-related nuisance activities and prevent crime in a high crime area. With the application of the operating standards for off-sale alcohol sales outlets, the use will be compatible with the existing neighborhood which consists of a mix of commercial and residential uses;
- E. The proposed operating standards and conditions will assist in improved public health, safety, and general welfare. They are designed to reduce and avoid compounding existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, and alcoholic beverage sales to minors, noise and littering; and
- F. The amendment of the conditional use permit and proposed expansion of the liquor store would result in the application of the operating conditions for off-sale alcohol outlets. These operating conditions would ensure that the existing liquor store is now operating within the parameters as set forth in El Cajon Municipal Code Chapter 17.210.100 for off-sale alcohol outlets as determined to be in the best interest of the public. The expansion of the liquor store with the application of the operational standards is in the best interest of public convenience and necessity.

NOW, THEREFORE, BE IT RESOLVED that based upon said findings of fact, the El Cajon Planning Commission hereby APPROVES Amendment to Conditional Use Permit No. 256 for a reconfiguration of uses within the existing commercial building for an expansion of the liquor store and reduction in the number of motel rooms, in the General Commercial (C-G) zone, on the above described property subject to the following conditions:

1. Within 30 days of approval, the applicant shall submit a revised, one-page mylar site plan to the Planning Division that includes the following:
 - a. The title block on the lower right hand corner and a vicinity map on the lower left hand corner.
 - b. The following site notes on the site plan:
 - i. Gross Lot Area
 - ii. Lot Coverage
 - iii. Abbreviations & Symbols
2. Within 60 days of approval, the applicant shall submit for a building permit for the following:

Proposed Planning Commission Resolution

- a. Interior modifications as shown on the submitted and approved floor plan needed for compliance with this permit;
 - b. Construction of the trash enclosure;
 - c. Restriping of the parking lot; and
 - d. Installation of exterior lighting in conformance with the recommendations of the submitted lighting study dated April 15, 2015.
3. Within 30 days of approval, the applicant shall rehabilitate the existing landscaped areas in accordance with the Water Efficient Landscaping Ordinance, El Cajon Municipal Code Chapter 17.195.
5. All exterior and interior modifications required to implement the approved site and floor plan shall be completed within one year of approval.
6. The applicant shall comply with all the conditions listed in the "Standard Conditions of Development" adopted by the Planning Commission by Planning Commission Resolution No. 10649 and labeled "Exhibit A" as applicable.
7. The applicant shall comply with the requirements of the Public Works Department as noted in the attached memo labeled "Exhibit B" and dated 12-22-14.
8. The applicant shall comply with the comments from the Building and Fire Safety Division attached to this resolution as "Exhibit C" and dated 12-10-14.
9. The alcohol display area shall be limited to 1,000 square feet as shown on the site plan.
10. The off-sale alcohol establishment shall implement the following operational standards and conditions:
 - 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

Proposed Planning Commission Resolution

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 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.
- 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.
- f. That it complies with the following alcohol sale limitations within 30 days:
 - i. No wine shall be displayed, sold or given away in containers of less than 750 milliliters, except multipack containers of wine, and multipack wine coolers containing no more than six percent alcohol by volume.
 - ii. No wine shall be displayed, sold or given away with an alcoholic content greater than 15 percent by volume unless in corked bottles and aged at least two years.
 - iii. No distilled spirits shall be displayed, sold or given away in containers less than 375 milliliters, except pre-mixed cocktails.
 - iv. The display, sale or distribution of 50 milliliter "airline bottles" and 375 milliliters "hip flask" containers is prohibited.
 - v. No beer, ale or malt liquor shall be offered for sale in a container with a volume greater than 32 ounces. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two or more gallons, which are clearly designed to dispense multiple servings.
 - vi. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.
 - vii. No display, sale or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel or similar container.
 - viii. All display of alcoholic beverages shall be no closer than five feet from the store entrance.
- g. That it complies with the following public nuisance prevention measures within 30 days:
 - i. Exterior areas of the premises and adjacent parking lots shall be

Proposed Planning Commission Resolution

provided with sufficient lighting in a manner that provides adequate illumination for alcohol establishment patrons while not spilling onto surrounding residential and commercial properties.

- ii. Adequate litter receptacles shall be provided on site and in the building. The premises shall be kept free of the accumulation of litter and shall be removed no less frequently than once each day the business is open.
 - iii. No fixtures or furnishings that encourage loitering and nuisance behavior are permitted on the premises. This includes, but is not limited to chairs, seats, stools, benches, tables, crates, etc.
 - iv. The establishment's operators or employees shall be required to discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so. The operator shall provide the El Cajon Police with a "no-trespass" letter to implement this condition.
 - v. No video or other electronic games shall be located in an off-sale alcoholic beverage establishment.
 - vi. No pay phones are permitted outside of the off-sale establishment.
 - vii. The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.
 - viii. There shall be no exterior advertising of alcoholic products, or tobacco and paraphernalia or similarly controlled products as defined in Section 8.33.010 of this Municipal Code.
- h. The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish, Arabic and the predominant language of the patrons:
- i. "California State Law prohibits the sale of alcoholic beverages to persons younger than 21 years of age."
 - ii. "No Loitering or Public Drinking."
 - iii. "It is illegal to possess an open container of alcohol in the vicinity of this establishment."

The signs shall include references to the appropriate state and local laws used to enforce the prohibitions.

- i. A copy of the conditions of approval and the California Department of Alcoholic

Proposed Planning Commission Resolution

Beverage Control license shall be required to be kept on the premises and presented to any enforcement officer or authorized state or county official upon request.

- j. The establishment shall be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including but not limited to sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.
 - k. The establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with California Health and Safety Code section 11000.
 - l. Exterior vegetation shall not be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.
 - m. To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than 15% of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc.
 - n. Each employee and owner involved in the sale of alcohol shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Community Development Department.
 - o. A copy of these operational standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to employees and patrons of the establishment.
11. Failure to complete all operational standards and conditions within times specified shall constitute grounds for revocation of this conditional use permit.

Proposed Planning Commission Resolution

12. The existence of this conditional use permit shall be recorded with the County Recorder.
13. The Planning Commission 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.
14. The proposed use shall be operated in substantial conformance with conditions presented in the Planning Commission staff report titled Conditional Use Permit No. 256, dated May 5, 2015, except as modified by this resolution. Operation of the use in violation of the conditions of approval is grounds for revocation.
15. If this permit is not legally exercised within 60 days of project approval, and a written request for an extension of time has not been received by the Planning Secretary within the same time period, and subsequently approved, this conditional use permit shall be considered null and void pursuant to El Cajon Zoning Code Section 17.35.010.

{The remainder of this page intentionally left blank}

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held May 5, 2015, by the following vote:

- AYES:
- NOES:
- ABSENT:

Darrin MROZ, Chairman

ATTEST:

Anthony SHUTE, AICP, Secretary

STANDARD CONDITIONS OF DEVELOPMENT

(Planning Commission Resolution No. 10649)

All projects approved by the Planning Commission shall comply with the following standard conditions, unless specifically exempted by the Commission or Council.

A. GENERAL

1. The applicant shall comply with the school impact fee requirements of the Grossmont Union High School Districts, Cajon Valley, and La Mesa-Spring Valley School Districts when applicable.
2. For projects that require a grading permit and excavate more than three feet into native soils, and prior to the issuance of a Building Permit, the applicant shall submit a letter to the Director of Community Development agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Community Development.

B. PROJECT SITE

1. The applicant shall comply with all regulations and code requirements of the Building and Fire Safety Division, Public Works Department, the Police Department and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final building and site plans.
2. All landscape areas that adjoin parking spaces, driveways, vehicular circulation areas, or the public right-of-way shall be protected from encroachment by vehicles in a manner that also complies with state storm water regulations, which require storm water to be discharged to landscaped areas in order to reduce or eliminate the discharge of pollutants. The method of protection shall be determined by the Director of public works or the director's designee. The approved method may include six-inch high curb segments, wheel stops, decorative rock bands, or other methods determined to be acceptable by the Director of public works.
3. Environmental and engineering studies, as directed by the Director of Community Development, must be complete and on file prior to commencement to plan checking. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.
4. Developer shall underground existing and required on and off-site utilities as specified in Chapter 15 of the Municipal Code, or as deemed necessary by the City Engineer.

5. All development projects shall comply with Title 12 (Streets and Sidewalks), and Title 13 (Water, Sewers, Grading, Erosion and Stormwater) of the El Cajon Municipal Code as determined by the City Engineer.
6. All retaining walls visible from public right-of-ways shall include decorative elements, subject to approval by the Planning Division.
7. The design of any masonry soundwall shall be approved by the Planning Division. Such walls shall match or be architecturally compatible with existing soundwalls of neighboring projects along that street. All masonry walls shall have a trim cap.

C. ARCHITECTURE

1. All exterior materials and colors used in this project shall be in conformance with the materials and color samples approved as a part of this application.
2. All mechanical, and/or roof mounted equipment shall be architecturally screened from public view.
3. All trash/recycling enclosures shall be constructed of masonry material with view-obscuring doors. The enclosure shall include materials and colors consistent with the primary building and meet appropriate Stormwater Division requirements. Required roofs shall match elements of the primary building and shall include a fascia trim.
4. All vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted or finished to match the color of the adjacent surface, unless otherwise directed by the Planning Commission.
5. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a manner that is architecturally compatible with the exterior of the building.
6. Finish quality of approved exterior design elements shall be subject to approval of the Planning Division prior to issuance of Certificate of Occupancy.
7. Any decorative elements around the base of a building (stone veneer or tile, etc.) shall be finished with a decorative cap or trim piece.

D. LANDSCAPING

1. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Planning Division prior to the issuance of a Certificate of Occupancy.
2. All existing trees to remain shall be shown on the grading plan.

3. The area under the drip line of all existing trees that are to remain shall be protected during construction by a fence or other acceptable means. Grading shall be restricted under the trees to prevent soil compaction and to prevent root damage.
4. All sloped banks greater than three (3) feet in vertical height and 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: deep-rooting grasses, ground cover and shrubs. Shrubbery shall be a minimum one-gallon size and shall have a minimum separation of one (1) times the mature width and on slopes of 10 feet or more in vertical height shall include, a minimum of one (1) tree for every 600 square feet of the total slope area. Trees shall be a minimum five-gallon size and shall be spaced a minimum of 30 feet apart. Trees and shrubs shall be planted in staggered clusters to soften and vary the slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the developer prior to occupancy.
5. All landscaping shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, dead or dying plants shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to ensure continued regular watering of landscape areas, and health and vitality of landscape materials.

E. MISCELLANEOUS

1. Final occupancy shall not be granted until all construction and landscaping is complete in accordance with all approved plans. Under certain circumstances, a temporary occupancy may be granted prior to final inspection.
2. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
3. All signs shall be submitted to the Planning Division for review and approval per Section 17.190.060 of the El Cajon Municipal Code. Signs within the Downtown Specific Plan area shall receive design review approval from the El Cajon Community Development Corporation.
4. The site shall be maintained in a neat and clean manner free of trash and debris.
5. Certain outdoor equipment, such as satellite dishes and back-flow prevention devices shall be visually screened or painted to match surroundings upon installation subject to the approval of the Planning Division. Screening devices shall be shown on construction and/or landscape plans.

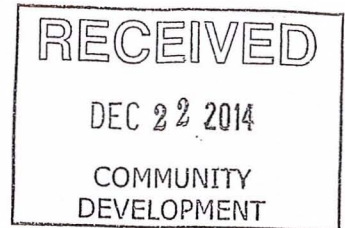
6. All exterior light fixtures shall be shown on a lighting plan and made part of construction drawings subject to staff review and approval. All lights attached to buildings shall provide a soft "wash" of light against the wall. All building, parking, and yard lights shall conform to the City General Development Standards 17.130.150 and Performance Standards 17.115.130 (G) and shall complement the site and building architecture.
7. The removal of trees shall not take place during the bird-nesting (breeding) season (February 1 through August 15), unless written authorization from a qualified biologist to proceed with tree removal is submitted to the Planning Division. If clearing is proposed to take place during the breeding season, a survey shall be conducted by the qualified biologist to determine if nests are present, or nest building or other breeding/nesting behavior is occurring. If nesting is not occurring (which includes nest building or other breeding/nesting behavior) within this area, clearing shall be allowed to proceed. If nesting is occurring (or breeding/nesting behavior is occurring), tree removal shall be postponed until a qualified biologist determines that all nesting (or breeding/nesting behavior) has ceased or until after August 15.
8. The placement of bollards within parking areas and driveways shall only be permitted when no other alternative design (curbs or landscaping) is feasible and accepted by the Building Official.



Incorporated 1912
City of El Cajon

Community Development Department
Engineering
MEMO

To: Planning
From: Engineering
Date: December 22, 2014
Re: AMCUP 256, 581 North Mollison Avenue



PUBLIC WORKS CONDITIONS TO COMPLY WITH AMENDMENT OF CONDITIONAL USE PERMIT 256:

A. PUBLIC WORKS REQUIREMENTS AND COMMENTS :

A-1. SANITARY SEWER AND PRIVATE LATERAL REQUIREMENTS:

Conduct a DVD video inspection of the existing sewer laterals per El Cajon Municipal Code Chapter 13.37.040, and submit the inspection reports to the City for review. Use the existing sewer laterals.

The plumbing contractor MUST submit the DVD and 3-page inspection report available on-line at:

<http://www.ci.el-cajon.ca.us/dept/works/PrivateBuildingSewerInspections.html>

or through the Public Works Department, Sewer Lateral Coordinator at 619-441-1792

Copies of the pertinent chapters of the Municipal Code, a summary of the 2009 Private Building Sewer Regulations, a list of pre-qualified plumbing contractors and a copy of the Double Cleanout Detail are available through the Public Works Department.

- A-2. Construct a commercial driveway per San Diego Area Regional Standard Drawings (SDRSD) G- 26, with 2:1 sidewalk transitions per SDRSD G-14A. Include 2-foot transitions on both sides of the driveway for 8" to 6" curb transitions. Edge of driveway shall be a minimum of 3-feet from the property line and all obstructions. Repair all damaged concrete curb and gutter and sidewalk. Relocate any existing facilities away from the transition areas as needed.

Prior to issuance of a Building Permit and an Encroachment Permit (Encroachment Permit is a separate permit that must be obtained for any required improvements in the right-of-way), the applicant or contractor shall prepare an Engineer's scaled detailed drawing with dimensions of the required driveway and sidewalk installations showing

the location of the public street right-of-way, property lines, face of curb, all physical obstructions, including but not limited to, all block walls, utility poles, telephone and cable TV equipment, fencing, etc. along with any required offsets in accordance with SDRSD G-15 and G-16.

These details may be shown on the CUP Site Plan, but MUST be shown on a separate Driveway Detail Plan rather than with the Building Permit Site Plan. An Engineer's scale shall be used for all drawings submitted to the Public Works department for review.

REQUIREMENTS FOR THE ENCROACHMENT PERMIT:

Submittal of a detailed drawing described above, a traffic control plan, an insurance certificate and (non-blanket) endorsement per policy D-3, and the review fees. Contact the Public Works Department for additional information.

B. GENERAL

B-1. An Encroachment Permit is required for any work within the public right-of-way.



DENNIS DAVIES
Deputy Director of Public Works

12/22/14

Date

CITY OF EL CAJON



RECEIVED

DEC 10 2014

COMMUNITY
DEVELOPMENT

MEMORANDUM

Wednesday, December 10, 2014

To: Planning Division
From: Building and Fire Safety Div., Dan Pavao
Subject: Building Comments for CUP 256
581 N. Mollison Ave.

Building Comments for this planning application are as follows:

1. Comply with Currently adopted edition of the CBC, CMC, CPC, CEC, and Green Building Standard Code.
2. A Building permit is required for this project.
3. Project must comply with Title 24 disabled access regulations.
4. Title 24 energy efficiency compliance and documentation is required.
5. Alterations to the existing fire sprinkler system will require a permit.

A handwritten signature in black ink, appearing to read 'Dan Pavao'.

Dan Pavao

CITY OF EL CAJON



MEMORANDUM

Wednesday, December 10, 2014

To: Planning Division
From: Building and Fire Safety Div., Dan Pavao
Subject: Fire Comments for CUP 256
581 N. Mollison Ave.

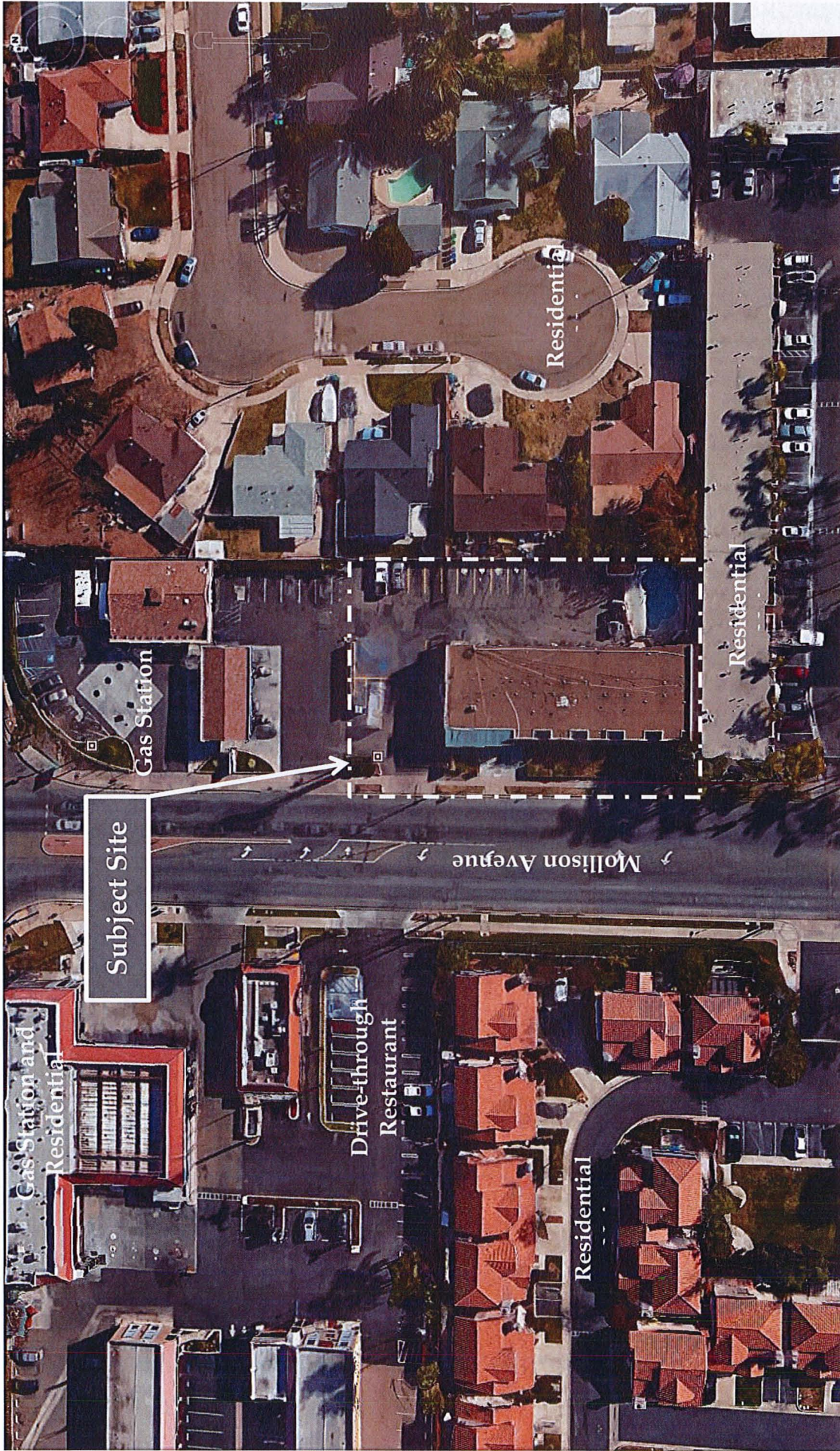
Fire Comments for this planning application are as follows:

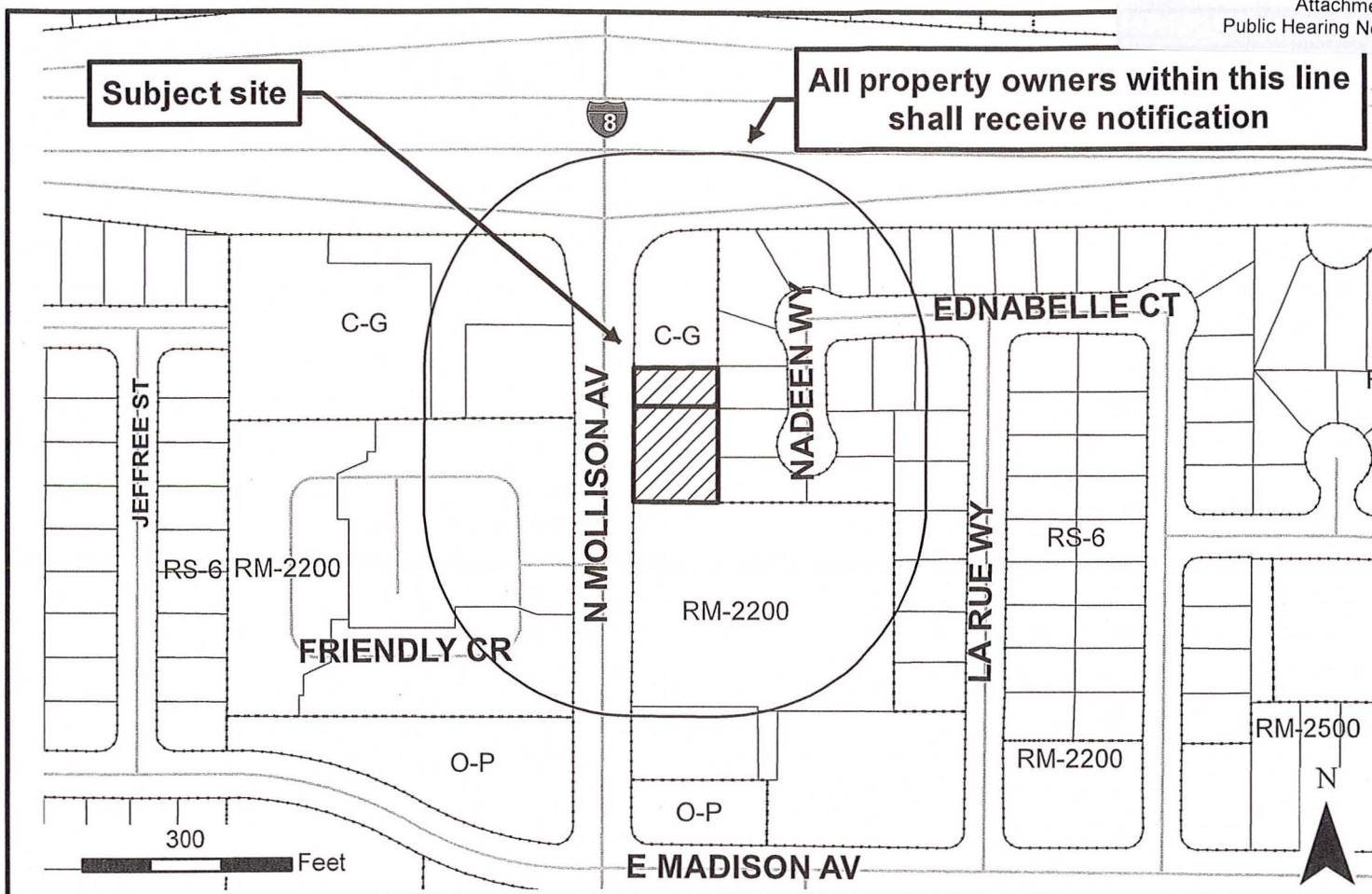
1. This project must comply with currently adopted edition of the CFC.
2. Fire extinguisher is required. One for every 3000 s.f with max. 75 ft. travel distance. Minimum size 2A10BC with signage.
3. Alterations to the existing fire sprinkler system will require a permit.

A handwritten signature in black ink, appearing to read 'Dan Pavao'.

Dan Pavao

AM CUP No. 256 Aerial





**NOTICE OF PROPOSED
AMENDMENT OF CONDITIONAL USE PERMIT
FOUNTAIN LIQUOR**

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, May 5, 2015**, in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider: **FOUNTAIN LIQUOR – AMENDMENT OF CONDITIONAL USE PERMIT NO. 256** as submitted by Fountain Liquor (Amir Habib), requesting to increase the size of an existing liquor and reduce the number of motel rooms in an existing commercial building. This project is exempt from the California Environmental Quality Act (CEQA). The subject property is addressed as 581 North Mollison Avenue.

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 meeting at www.ci.el-cajon.ca.us/dept/cpmm/planning_agendas.aspx. To download a copy, click the *current agenda* link, then the agenda item. In an effort to reduce the City's carbon footprint, paper copies will not be at the public hearing, but will be available at the Project Assistance Center counter upon request.

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 at, 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 the Planning Division at 619.441.1742. More information about planning and zoning in El Cajon is available at www.ci.el-cajon.ca.us/dept/comm/planning.html.

If you have any questions, or wish any additional information, please contact **MELISSA DEVINE** at 619.441.1773 or via email at mdevine@cityofelcajon.us and reference "Fountain Liquor" in the subject line.



Community Development Department
Planning Division
PLANNING PERMIT APPLICATION

Type of Planning Permit(s) Requested

- AZP CUP #215 ~~215~~ *215* LLA PRD PUD
- Specific Plan TPM TSM VAR ZR

Other: Minor AND AMMENDMENT OF SPECIFIC PLAN #68 *acub No.2*

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

Company Name: FOUNTAIN LIQUOR

Contact Name: AMIR HABIB

Address: 581 N. MOLLISON, EL CAJON, CA 92021

Phone: (619) 442-9557 Email: _____

Interest in Property: Own Lease Option

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

Company Name: _____

Contact Name: DIANE ZOUPA License: _____

Address: 3937 LA CRESTA WAY, BONITA, CA 91902

Phone: (619) 987-2752 Email: _____

Property Owner Information (if different than applicant)

Company Name: APPLICANT IS OWNER

Contact Name: _____

Address: _____

Phone: _____ Email: _____

Project Location

Parcel Number (APN): _____

Address: 581 N. MOLLISON, EL CAJON, CA 92021

Nearest Intersection: HIGHWAY 8

Project Description (or attach separate narrative)

EXPANSION OF FLOOR AREA TO LIQUOR STORE (EXISTING)
STORE WAS EXPANDED BY PREVIOUS OWNER WITHOUT A PERMIT.
CURRENT OWNER WILL KEEP EXPANSION & RETRIEVE PERMIT FOR
THE ADDITION.

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.

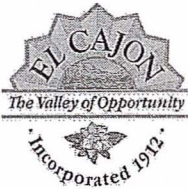
If yes, provide Regulatory Identification Number: _____ Date of List: _____

Authorization

Applicant Signature¹: [Signature] Date: 11/3/14

Property Owner Signature²: [Signature] Date: 11/3/14

- 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.
- 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.



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.

AMIR HABIB - 3015 CALLE MEQUITE, JAMUL, CA 91935

ISAM HABIB - 14777 UR LANE, JAMUL, CA 91935

JIM HABIB - 14780 UR LANE, JAMUL, CA 91935

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

APPLICANTS ARE OWNERS

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.

EACH OWNER OWNS 33.333% OF THE SHARES

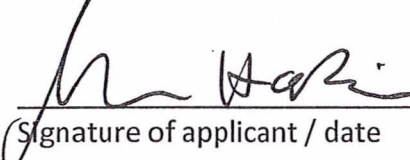
3. If any person identified pursuant to (1) above is a trust, list the name and address of any person serving as trustee or beneficiary or trustor of the trust.

N/A

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 X

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.



Signature of applicant / date

Amir Habib

Print or type name of applicant

NOTE: Attach appropriate names on additional pages as necessary.

To Whom it May Concern:

Hello, my name is Amir Habib. I am the owner of Fountain Liquor, located at 581 N Mollison Ave, El Cajon, CA. I initially leased the liquor store at this location in 1990. At that time, the lease agreement stated quite clearly that there were 1,800 square feet that belonged to the store. I then purchased the store in 1991. At that time, I completed all of the necessary paperwork for the store. This includes the city license, health license, and the liquor license. When I applied for the liquor license from the State of California Department of Alcoholic Beverage Control, they required plans for the store including the size, which was 1,800 square feet, and the layout. There have been no changes to the size of the store since that time. Alcohol Beverage Control always sends letters to the city and the police department for approval and no objections were raised at that time. Now, more than 20 years later, I received a letter from the city stating that the store size back in 1969 was listed as 1,000 square feet and that you have no records of any plans for expansion. In this letter, the city also claimed that I am required to have a filed Amendment of Conditional Use Permit No. 256 as well as an Amendment of Specific Plan No. 6B in order to stay at 1,800 square feet. I am trying to do anything I can in order to cooperate with the city, including submitting the necessary plans. The city did not require plans for the store when I got the license

back in 1991. The only entity requiring plans was the State Alcoholic Beverage Control Department, which were filed. The city is trying to state that I did an illegal expansion, when in reality, I have concrete proof that any expansion was done prior to the store being purchased by me. I am respectfully asking for your help in order to stay open for business as I have been doing these many years past. I am unable to do business with only 1,000 square feet and have not seen a liquor store that can. I would appreciate it if you could please help me with this situation.

Thank you.

LEASE AGREEMENT
FOR
FOUNTAIN LIQUOR STORE
581 North Mollison
El Cajon, California

21st MARCH CA

THIS LEASE AGREEMENT is entered effective this 21st day of MARCH, 1990, by among the following parties and concerning the premises described below and the terms as set forth hereinbelow.

LANDLORD: Soowon Rhee

TENANT: Amal HARRIS & Amir HARRIS

PREMISES: The entire ground floor of 581 North Mollison, El Cajon, California, consisting of approximately 1,800 square feet, designated as the cross-hatched area set forth on Exhibit "A," attached hereto and incorporated herein by reference. This Agreement shall be subject to the provisions of Exhibit "B," Rules and Regulations.

COMMENCEMENT DATE: The commencement date for this Lease shall be on the date that this Lease is executed by both Landlord and Tenant. (Section 2).

TERM: The term of this Lease shall be for five (5) years. (Section 2). There shall be two five (5) year options to renew as set forth in Exhibit "C", Option to Renew, attached hereto and incorporated herein by reference.

MINIMUM MONTHLY RENT: The minimum monthly rent shall be Two Thousand Five Hundred Fifty and no/100 Dollars (\$2,550.00), per month, subject to cost of living adjustments. (Section 3).

RENT COMMENCEMENT DATE: Tenant shall pay rent commencing the sooner of 90 days after the lease commencement date, or upon occupancy of the premises by Tenant.

SECURITY DEPOSIT AND LAST MONTH'S RENT: The security deposit and last month's rent shall be paid by Tenant to Landlord at the commencement of the first option term, and in an amount equal to two times the monthly rent then due under the terms of this lease. Such amount shall be paid together with the first rent payment of the first option term. Provided, however, that should Tenant sell the Business, as a condition of Landlord's consent, if any, to assignment of this lease the new Tenant shall pay to the Landlord an amount equal to two times the monthly rent due under the terms of this lease upon the close of escrow.

DIRECT EXPENSES: Tenant shall pay Tenant's share of the Landlord's direct expenses as set forth in Section 5 of this Lease.

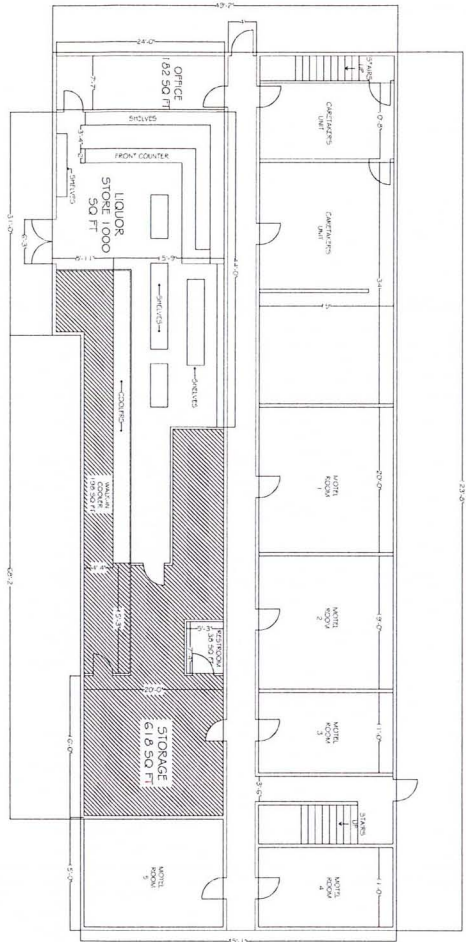
SIGNAGE: Tenant shall not change, alter, or add to existing signage.

USE: The permitted use for the premises shall be for a liquor and convenience store. (Section 6).

and Delimitation

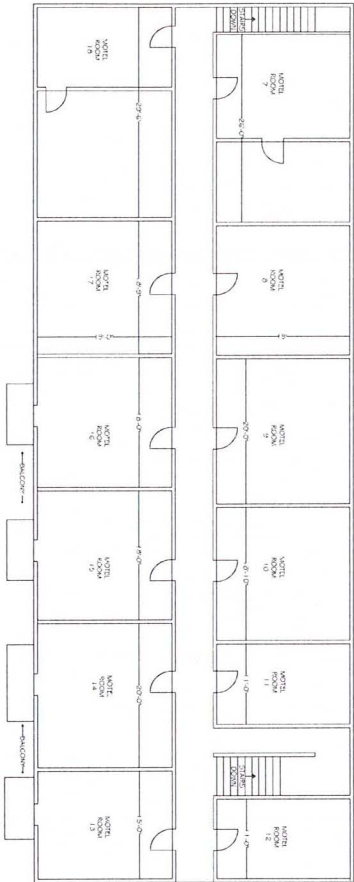
LANDLORD LEASEHOLD IMPROVEMENTS: The Landlord shall not provide any leasehold improvements other than those existing on the premises as of the Commencement Date.

PARKING: Tenant may use, on a nonexclusive basis, the parking spaces on site, immediately adjacent to the north and west sides of the premises. Tenant shall keep the parking areas clean and free of trash and debris.



FLOOR PLAN - FIRST FLOOR

SCALE: 1/8" = 1'-0"



FLOOR PLAN - SECOND FLOOR

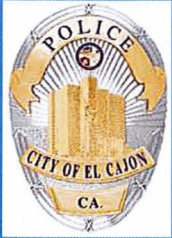
SCALE: 1/8" = 1'-0"



585 N MOLLISON AVE.
 EL CAJON, CA 92019
 CONDITIONAL USE PERMIT FOR ROOMS
 10-19-19 IN EL CAJON
 AMENDMENT OF SPECIFIC PLAN NO. 63R

SCOPE OF PROJECT:
 EXISTING LIQUOR STORE IN EL CAJON, CA WAS
 EXPANDED BY PREVIOUS OWNER WITHOUT A
 PERMIT. THE CURRENT OWNER WILL CONVERT
 THE STORE TO A RESTAURANT. THE EXISTING
 STORAGE IS NOT OPEN TO THE PUBLIC AND
 WILL NOT BE USED FOR SALES.
 A NEW RESTAURANT IS PROPOSED TO
 OCCUPY THE EXISTING LIQUOR STORE AND
 HELP IMPROVE THE FLOW OF TRAFFIC ON SITE.

FLOOR PLAN	Date: 1/22/15	AMIR HABIB	NO.	REVISIONS	DATE	
	Scale: 1/8" = 1'-0"					
	Drawn By: Diane Zoura					



EL CAJON POLICE DEPARTMENT

Chief James Redman

2013 ABC REPORT

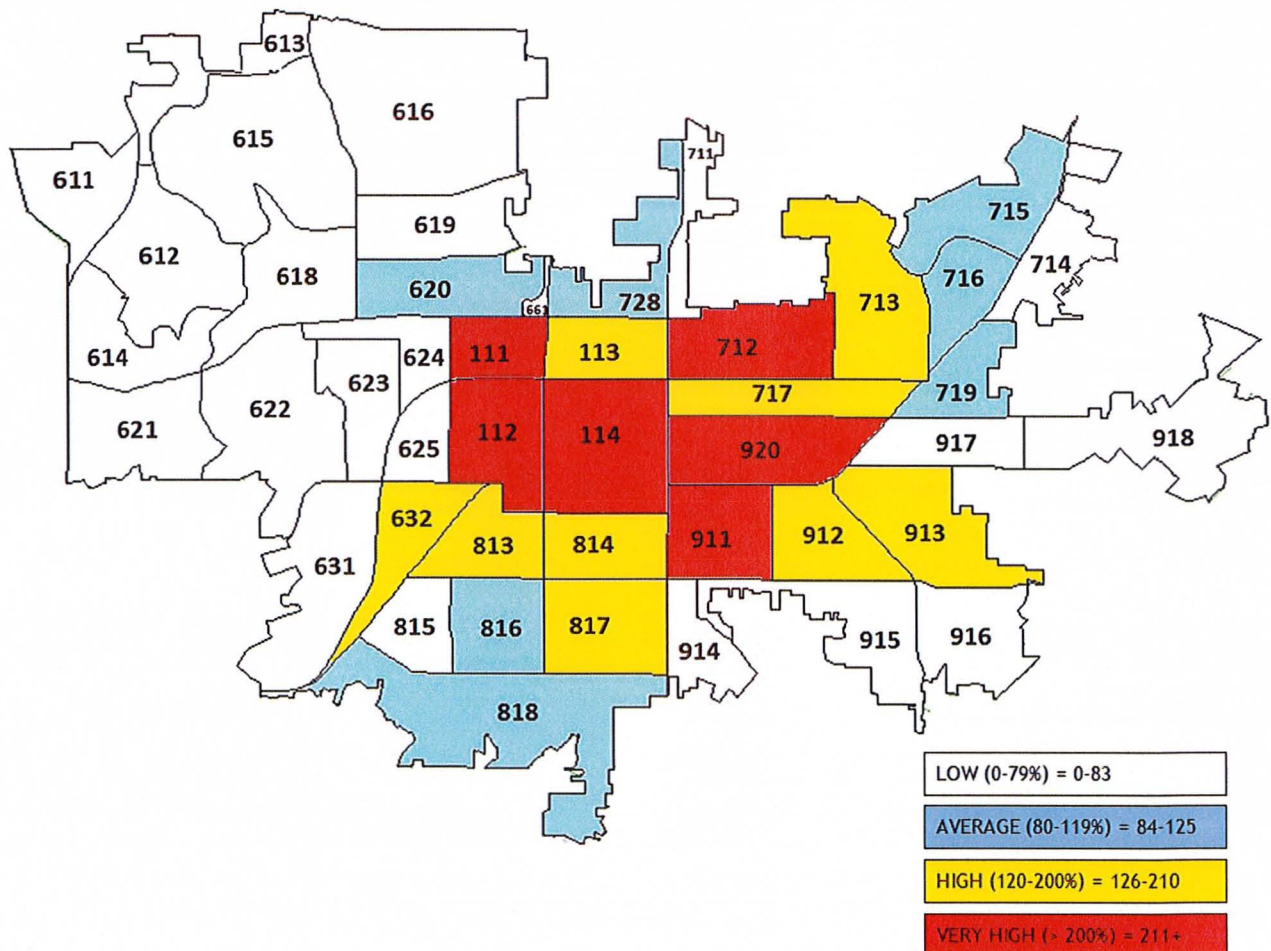
(Levels of Criminal Activity by Police District)

A comparison of major crime (Part 1) and minor arrests (Part 2) occurring in a Police District is considered a viable indicator of the level of criminal activity within the area. This type of criminal activity index is often used by Alcoholic Beverage Control (ABC) to assist in determinations regarding the issuance of liquor licenses.

During the year 2013 the average index total for the 45 Police Districts in El Cajon was 105. In general a "very high" crime area is considered to be greater than 200% over the average index, (greater than 210). A "high" crime area is 120-200% (126-210), an "average" crime area is considered to be 80-119% (84-125) and a "low" crime area is less than 80% (83 or less) of the average crime index.

The statistical information used for this was taken from a report generated by the Automated Regional Justice Information System (ARJIS) on March 3, 2014. It does not include those incidents that could not be placed in a geographical district at the time the report was generated, or those incidents that were not yet reported or entered into the system.

Note: Larger version of map below on last page of this report.



District	Index				
111	373				
112	269				
113	199				
114	422				
611	56				
612	9				
613	7				
614	70				
615	33				
616	3				
618	22				
619	33				
620	87				
621	34				
622	67				
623	44				
624	73				
625	17				
631	56				
632	183				
661	4				
711	7				
712	235				
713	189				
714	3				
715	90				
716	84				
717	183				
719	89				
728	100				
813	132				
814	135				
815	57				
816	102				
817	180				
818	112				
911	240				
912	148				
913	146				
914	32				
915	47				
916	67				
917	23				
918	12				
920	252				
	4,726				

INDEX Average = 105

LOW (0-79%) = 0-83

AVERAGE (80-119%) = 84-125

HIGH (120-200%) = 126-210

VERY HIGH (Greater than 200%) = Greater than 210

DISTRICT 600(s)

Part I Crime	611	612	613	614	615	616	618	619	620	621	622	623	624	625	631	632	661
Crim. Homicide	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Forc. Rape	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	1	0
Robbery	3	0	0	1	0	0	0	0	1	0	1	1	6	0	2	6	0
Agg. Assault	2	0	0	0	1	0	2	1	3	1	0	0	3	1	4	9	0
Burglary	9	2	2	9	6	1	4	6	15	3	6	6	6	9	9	2	1
Larceny	23	4	3	5	14	2	7	8	46	11	7	14	39	1	23	22	3
Motor Veh. Theft	3	0	2	0	1	0	6	6	9	4	5	4	12	4	10	17	0
Total Part I Crime	40	6	7	15	23	3	20	21	74	19	19	25	66	15	48	57	4
Part II Arrest																	
Simple Assault	3	0	0	6	1	0	1	0	0	0	1	0	0	0	0	2	0
Other Part II	6	1	0	27	6	0	1	9	11	11	23	13	3	2	5	79	0
Child & Family	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	3	0
Deadly Weapons	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	3	0
Embezzlement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fraud	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gambling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Malicious Mischief	0	0	0	0	0	0	0	2	0	0	3	1	0	0	0	0	0
Narcotics	5	0	0	12	0	0	0	1	1	2	9	1	1	0	2	20	0
Sex Crimes	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0
Forgery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Non-Criminal	2	1	0	7	2	0	0	0	1	2	12	4	3	0	1	18	0
Total Part II Arrest	16	3	0	55	10	0	2	12	13	15	48	19	7	2	8	126	0
DISTRICT TOTAL	56	9	7	70	33	3	22	33	87	34	67	44	73	17	56	183	4

DISTRICT 700(s)

Part I Crime	711	712	713	714	715	716	717	719	728
Crim. Homicide	0	0	0	0	0	0	1	0	0
Forc. Rape	0	2	0	0	0	1	0	0	0
Robbery	0	8	0	0	0	0	1	3	10
Agg. Assault	0	9	7	0	3	4	13	9	3
Burglary	1	27	18	0	13	8	15	10	6
Larceny	4	51	45	1	26	22	30	16	45
Motor Veh. Theft	1	12	14	0	6	6	15	5	7
Total Part I Crime	6	109	84	1	48	41	75	43	71
Part II Arrest									
Simple Assault	0	3	3	0	1	0	7	2	2
Other Part II	1	78	58	2	24	25	54	19	16
Child & Family	0	1	4	0	0	0	1	1	0
Deadly Weapons	0	4	2	0	0	0	2	2	0
Embezzlement	0	0	0	0	0	0	0	0	0
Fraud	0	2	0	0	0	0	0	0	1
Gambling	0	0	0	0	0	0	0	0	0
Malicious Mischief	0	0	0	0	0	1	1	0	1
Narcotics	0	17	16	0	7	5	25	12	1
Sex Crimes	0	0	1	0	1	0	1	1	0
Forgery	0	0	0	0	0	1	3	0	0
Other Non-Criminal	0	21	21	0	9	11	14	9	8
Total Part II Arrest	1	126	105	2	42	43	108	46	29
DISTRICT TOTAL	7	235	189	3	90	84	183	89	100

DISTRICT 800(s)

Part I Crime	813	814	815	816	817	818
Crim. Homicide	0	0	1	0	0	0
Forc. Rape	0	0	0	1	0	0
Robbery	5	4	1	1	7	4
Agg. Assault	13	9	3	12	21	0
Burglary	16	7	8	12	22	12
Larceny	21	18	7	22	42	45
Motor Veh. Theft	15	9	6	16	23	3
Total Part I Crime	70	47	26	64	115	64
Part II Arrest						
Simple Assault	2	0	1	4	2	0
Other Part II	44	68	13	24	41	35
Child & Family	2	0	1	2	2	0
Deadly Weapons	1	0	1	0	0	0
Embezzlement	0	0	0	0	0	0
Fraud	0	0	0	0	0	0
Gambling	0	0	0	0	0	0
Malicious Mischief	1	0	1	0	0	0
Narcotics	10	10	9	6	9	2
Sex Crimes	0	0	0	0	0	0
Forgery	0	0	0	0	0	0
Other Non-Criminal	2	10	5	2	11	11
Total Part II Arrest	62	88	31	38	65	48
DISTRICT TOTAL	132	135	57	102	180	112

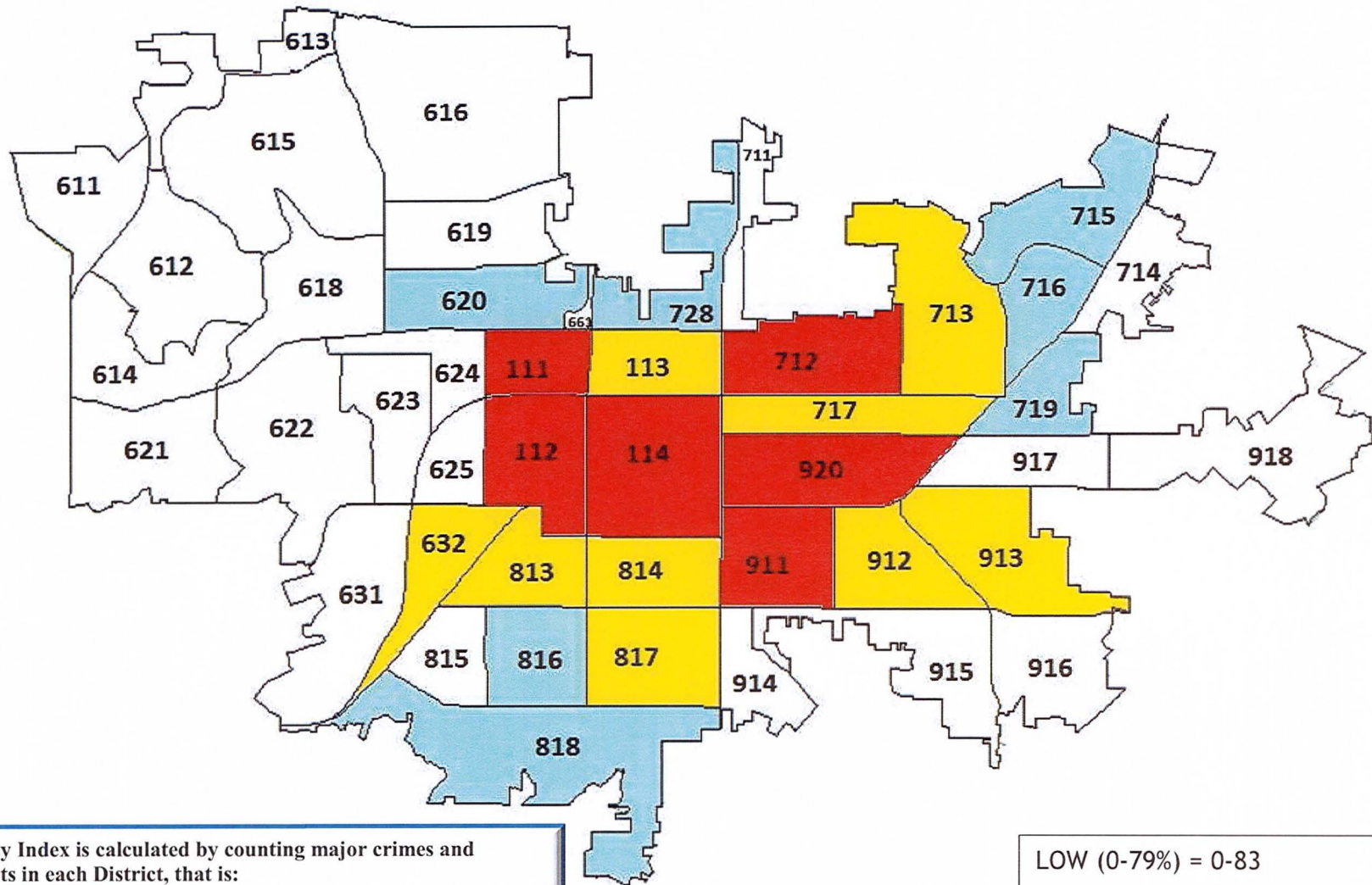
DISTRICT 900(s)

Part I Crime	911	912	913	914	915	916	917	918	920
Crim. Homicide	0	0	0	0	0	0	0	0	0
Forc. Rape	2	0	0	1	0	0	1	0	3
Robbery	6	2	5	0	0	1	1	0	6
Agg. Assault	12	4	9	0	4	3	0	2	32
Burglary	17	13	13	5	13	9	6	1	15
Larceny	55	25	34	10	20	20	11	3	53
Motor Veh. Theft	24	9	10	7	8	5	4	3	18
Total Part I Crime	116	53	71	23	45	38	23	9	127
Part II Arrest									
Simple Assault	8	1	4	2	0	1	0	0	1
Other Part II	77	74	47	4	2	21	0	3	56
Child & Family	6	0	2	0	0	0	0	0	0
Deadly Weapons	0	1	1	0	0	0	0	0	1
Embezzlement	0	0	0	0	0	0	0	0	0
Fraud	1	0	0	0	0	0	0	0	0
Gambling	0	0	0	0	0	0	0	0	0
Malicious Mischief	1	0	0	0	0	0	0	0	2
Narcotics	12	9	12	2	0	3	0	0	16
Sex Crimes	2	0	0	0	0	0	0	0	3
Forgery	0	0	0	0	0	0	0	0	1
Other Non-Criminal	17	10	9	1	0	4	0	0	45
Total Part II Arrest	124	95	75	9	2	29	0	3	125
DISTRICT TOTAL	240	148	146	32	47	67	23	12	252

DISTRICT 100(s)

Part I Crime	111	112	113	114
Crim. Homicide	0	0	0	1
Forc. Rape	0	3	0	2
Robbery	15	2	3	8
Agg. Assault	6	14	10	16
Burglary	4	14	13	29
Larceny	310	76	43	70
Motor Veh. Theft	19	20	13	23
Total Part I Crime	354	129	82	149
Part II Arrest				
Simple Assault	0	4	0	6
Other Part II	13	69	77	159
Child & Family	0	5	1	2
Deadly Weapons	0	2	0	3
Embezzlement	0	0	0	0
Fraud	0	0	2	0
Gambling	0	0	0	0
Malicious Mischief	0	1	0	2
Narcotics	0	32	3	33
Sex Crimes	0	1	0	5
Forgery	0	0	0	1
Other Non-Criminal	6	26	34	62
Total Part II Arrest	19	140	117	273
DISTRICT TOTAL	373	269	199	422

EL CAJON LEVELS OF CRIMINAL ACTIVITY (ABC REPORT) – 2013



Criminal Activity Index is calculated by counting major crimes and non-major arrests in each District, that is:

Part 1 Crimes + Part 2 Arrests = Criminal Activity Index

Mean average of the Criminal Activity Index is 105 incidents per District, with 45 Districts

(Does not include incidents not entered into ARJIS as of March 3, 2014 or not able to be geo coded)

- LOW (0-79%) = 0-83
- AVERAGE (80-119%) = 84-125
- HIGH (120-200%) = 126-210
- VERY HIGH (> 200%) = 211+

RESOLUTION NO. 2273

A RESOLUTION GRANTING CONDITIONAL USE PERMIT NO. 256, TO CONSTRUCT AND OPERATE AN AUTOMOBILE SERVICE STATION WITH 3 SERVICE BAYS AND 2 PUMP ISLANDS, AND AN OFF-SALE LIQUOR STORE ON THE GROUND FLOOR OF A PROPOSED MOTEL BUILDING, ON PORTIONS OF LOTS 20 AND 22, SUBDIVISION NO. 1 OF CHASE RANCHO, AS SHOWN ON AMENDMENT OF PRECISE PLAN NO. 68

WHEREAS, the El Cajon City Planning Commission duly advertised and held a public hearing on the 18th day of July, 1967, to consider application for Conditional Use Permit No. 256, as submitted by Paul W. Hebert and Edwin W. Schlehner, to construct and operate an automobile service station with three service bays and two pump islands on the northerly portion of the property shown on amendment of Precise Plan No. 68, and an off-sale liquor store on the ground floor of a proposed motel building on the southerly portion of the property shown on amendment of Precise Plan No. 68; and

WHEREAS, the following facts and reasons have been determined in regard to said conditional use permit:

1. Representatives of the oil company proposing to operate the automobile service station on subject property appeared at said public hearing to ask and answer questions, as recorded in the Planning Commission minutes.
2. Subject property is located at the southeast corner of the interchange of Interstate Route 8 Freeway and Mollison Avenue, and is vacant at the present time.
3. The applicants have submitted an amendment of Precise Plan No. 68, which indicates the uses described above, together with off-street parking and landscaping. These uses are shown as part of a plan for the development of the property for the uses permitted in the C-T (Commercial-Tourist) zone. This plan has been submitted as an amendment of Precise Plan No. 68, to fulfill the requirements of Zone Reclassification No. 670. This is a reclassification to the C-T zone on which the City Council held a public hearing on April 10, 1967, and referred the matter to the City Attorney for preparation of an ordinance in accordance with Planning Commission Resolution No. 2197.

On July 18, 1967, the Planning Commission held a public hearing on this proposed Amendment of Precise Plan No. 68, and on August 1, 1967, the Planning Commission adopted Resolution No. 2272, recommending to City Council approval of said amendment of Precise Plan No. 68, subject to certain conditions.

4. The applicants also have submitted an additional plot plan showing details of the automobile service station. A 6-foot block wall screens the service station site from residential zoning and development to the east. The service station would be of ranch-type design.
5. The proposed off-sale liquor store would have an area of approximately 1,000 square feet and would be located on the ground floor at the northwest corner of a proposed two-story motel building, facing Mollison Avenue. The liquor store would be screened from residential zoning to the east by the remainder of the motel building, and a continuation of the 6-foot concrete block wall along the easterly property line.
6. The Planning Commission determined that Conditional Use Permit No. 256 should be approved, subject to certain conditions.

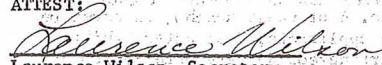
NOW, THEREFORE, BE IT RESOLVED that based upon said facts and reasons, the El Cajon City Planning Commission hereby GRANTS Conditional Use Permit No. 256, to construct and operate an automobile service station and an off-sale liquor store on portion of Lots 20 and 22, Subdivision No. 1 of Chase Rancho, as shown on amendment of Precise Plan No. 68 submitted by the applicants, designated Exhibit "E", on file in the Planning Office and made a part hereof by reference hereto, subject to the following conditions:

1. Adoption by the City Council of an amendment of Precise Plan No. 68 as shown on said Exhibit "E".

2. Completion of Zone Reclassification No. 670, reclassifying all of subject property to the C-T zone.
3. Compliance with all requirements of the C-T zone, as stated in Article 10.5 of the Zoning Ordinance of the City of El Cajon, and all applicable Building and Fire regulations.
4. The hours of operation of the proposed service station and liquor store shall not be limited to start (other than as limited by State law or other applicable laws and ordinances), but may be subject to later review by the Planning Commission.
5. Business activities shall be limited to those customarily performed by automobile service stations and package liquor stores; for the automobile service station these activities would consist of the sale of gasoline, lubricants, tires, batteries, accessories, etc., and the servicing of automobiles.
6. Signs shall meet the requirements of the C-T zone as set forth in Section 1052 of the Zoning Ordinance and the requirements of Chapter 3 of the El Cajon City Ordinance Code regulating signs within 660 feet of the right-of-way line of the freeway. All signs shall be permanently mounted and no temporary signs, advertising flags or banners shall be displayed. All signs shall be located behind the required setback lines, except as specifically provided in Section 1052 of the Zoning Ordinance.
7. No merchandise shall be stacked, stored or displayed outside the service station or liquor store, except oil on pump islands and tires on a display rack adjacent to the main service station building.
8. Adequate lighting shall be installed and shall be so directed as not to interfere with the residential neighborhood to the east or the traffic on the freeway or Mollison Avenue. Lighting in the setback area along Mollison Avenue shall be combined on the same structure as permitted signs. There shall be no separate, free-standing lighting poles within the front setback.
9. Curb cuts and driveway locations comply with the Curb Cut Ordinance of the City of El Cajon.
10. Landscaping shall be permanently maintained and a permanent watering system shall be installed. If plants fail, they shall be replaced.
11. Trees planted or moved along the Mollison Avenue frontage shall conform to the City tree-planting program for Mollison Avenue.
12. Height of plants in the planting areas abutting the sidewalk and within 10 feet of the driveway entrances shall be maintained at no higher than 24 inches, except for trees having a clear trunk height of not less than 8 feet at maturity.
13. The trash area or areas for both service station and liquor store shall be enclosed by solid fence or wall having a height of not less than 6 feet, with a gate of similar height. No trash or other articles shall be stacked higher than the enclosing fence, nor permitted to protrude above the fence.

PASSED AND ADOPTED by the El Cajon City Planning Commission at a regular meeting held the 12th day of September, 1967, by the following vote, to-wit:

AYES: Layton, Miller, Caylor, Bigger.
 NOES: None
 ABSTAIN: Wilson (Conflict of interests)

ATTEST:

 Laurence Wilson, Secretary


 W. Richard Bigger, Chairman

APPROVED AS
 PRESENTED

SEP 12 '67

