



## **MINUTES**

### **PLANNING COMMISSION MEETING**

**August 13, 2012**

*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 J. MROZ, Chairman  
Paul CIRCO, Vice Chairman  
Star BALES  
Adel DANKHA  
Anthony SOTTILE

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Manjeet RANU, Planning Manager / Planning  
Commission Secretary  
Michael GRIFFITHS, Deputy Director – Public Works  
David HARDY, Administrative Intern  
Tony SHUTE, Senior Planner  
Michael REID, Staff Attorney  
Ron Luis VALLES, Administrative Secretary

MROZ explained the mission of the Planning Commission.

#### **CONSENT CALENDAR**

Motion was made by SOTTILE, seconded by BALES, to adopt the minutes of the Planning Commission meeting held on July 9, 2012; carried 4-0 (CIRCO abstained due to absence at meeting).

#### **PUBLIC HEARING ITEMS**

#### **AGENDA ITEM NO. 2 – ZONE RECLASSIFICATION NO. 2308 – PISCATELLI REZONE**

This was a public hearing on a request to rezone properties from the Manufacturing (M) zone to the Heavy Commercial-Light Industrial (C-M) zone. The portions of the subject properties proposed to be rezoned are located on the east side of S. Marshall Avenue

between W. Main Street and W. Palm Avenue, and are addressed 111 and 117 S. Marshall Avenue, and 125 and 129 S. Marshall Avenue. This project is exempt from the California Environmental Quality Act (CEQA).

APNs: 487-281-04 and 487-281-05  
General Plan: Light Industrial (LI)  
Zoning: Manufacturing (M)  
Applicant: Paul Piscatelli / 619.820.0002  
Project Planner: Eric Craig / 619.441.1782  
Email: ecraig@cityofelcajon.us and include "ZR 2308" in Subject Line.

RANU summarized the staff report.

MROZ asked if there were any questions from the Commissioners and there were none.

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

Jerry TURCHIN approached the podium and had questions regarding ownership of the properties.

MROZ noted that the information was not in the application and encouraged the speaker to contact the applicant or the County to obtain ownership information.

No other speakers approached the podium.

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

Motion was made by CIRCO, seconded by MROZ, to adopt the proposed Resolution No. 10699, recommending City Council approval of Zone Reclassification No. 2308, subject to conditions; carried 5-0.

This item is tentatively scheduled for the City Council meeting on September 11, 2012 at 7 p.m.

**AGENDA ITEM NO. 3 – AMENDMENT OF CONDITIONAL USE PERMIT NO. 208 – 1160 BROADWAY GROUP RESIDENTIAL**

This was a public hearing on a request for a group residential facility. The subject property is addressed as 1160 Broadway. This project is exempt from the California Environmental Quality Act (CEQA).

APNs: 484-184-10 and 484-184-11  
General Plan: General Commercial (GC)  
Zoning: Residential, Multi-family, 2,200 square foot (RM-2200)  
Applicant: Broadway Residential (Reem Kurdy) / 858.568.2821  
Project Planner: Tony Shute / 619.441.1705  
Email: tonys@cityofelcajon.us and include "AM CUP 208" in Subject Line.

SHUTE summarized the staff report.

MROZ asked if there were any questions from the Commissioners and there were none.

MROZ opened the public hearing and invited any speakers to the podium and no one came forward.

MROZ asked staff if applicant was in agreement with conditions of approval.

Reem KURDY, applicant, came forward and confirmed that she was in agreement with all conditions.

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

BALES commented that this was a great project because it provided housing for a special needs group.

Motion was made by BALES, seconded by CIRCO, to adopt the proposed Resolution No. 10701, recommending City Council approval of Amendment of Conditional Use Permit No. 208, subject to conditions; carried 5-0.

This item is tentatively scheduled for the City Council meeting on September 25, 2012 at 7 p.m.

**AGENDA ITEM NO. 4 – ADMINISTRATIVE ZONING PERMIT NO. 17 – 1334 PINE DRIVE OVER HEIGHT FENCE**

This was a public hearing on a request for a fence in excess of 42 inches within the front yard setback. The subject property is addressed as 1334 Pine Drive. This project is exempt from the California Environmental Quality Act (CEQA).

APN:	491-380-13
General Plan:	Low Low Density Residential (LLR)
Zoning:	Residential, Single-family, 14,000 square foot - Hillside
Applicant:	Dunne Family Trust (Belinda Dunne) / 619.322.4660
Project Planner:	Noah Alvey/ 619.441.1773
Email:	<a href="mailto:nalvey@cityofelcajon.us">nalvey@cityofelcajon.us</a> and include "AZP 17" in Subject Line.

MROZ added for the record that he was a friend and acquaintance of the applicant and spoke to her prior to the submittal of the application about options. He advised her to speak with the Planning Division relative to fence height and added he could be a reasonable, impartial and non-involved reviewer.

RANU summarized the staff report and added that the Community Development Director referred the application to the Planning Commission because the request involved a code

compliance complaint and that a hearing before the Planning Commission would provide for public input, whereas an administrative action would not.

MROZ asked if there were any questions from the Commissioners.

SOTTILE confirmed with RANU that the two gaps in the fence were wide enough for a human being to pass through.

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

Sharronda ALLEN, behavioral therapist, approached the podium and explained her role in working with the autistic child for the past three years. She explained the symptoms of autism and added that the Dunne boy was significantly impacted by his autism. One of the areas of concern was being able to understand simple instructions such as stop or stay.

SOTTILE understood the inherent problems, but asked how being unable to follow instructions affect whether or not a fence was in the front yard.

ALLEN responded that the Dunne child had in the past jumped across the prior fence to get something in the street. A higher fence would eliminate the visual stimuli and he would not be distracted by what is happening in the street.

CIRCO agreed that visual stimulation and the escape factor are important issues in these types of cases, however, he was curious as to why the fence does not wrap all the way around.

ALLEN responded that a portion of the fence goes near another property's area, so they were unable to extend it all the way. Also there is an area where the ground level is raised where a block wall had been constructed and the child is not able to squeeze through at this point. She added he is not cognizant of the fact that this may be an escape area.

Michele PRICE spoke next. She is a friend and caretaker for the Dunne children and went on to ask the Commissioners to consider that Mrs. Dunne is a widow and there are four children in the household. She added that on the Megan's website a sex offender lives on the same street, two live within one mile, and 14 live within two miles of the Dunne residence.

In answer to MROZ, RANU said the total height of the fence was between 5 and 5-1/2 inches. The height limit for a solid fence is 42"; however, it could go to 6' as long as 90% is open. An example would be utilizing wrought iron above the 42" height limit.

RANU went on to add that a precedent would not be set by approval by the Planning Commission in this incidence. They would only review to determine that a legitimate need had been established based upon unique circumstances of the project. Typically

administrative zoning permits are reviewed by staff, but not normally in front yards in residential areas. Mostly the requests are associated with industrial or commercial areas for security purposes.

SOTTILE mentioned the petition included in the staff report was signed by 17 neighbors opposing the fence and that one neighbor had formally filed a complaint. He asked what the complaint was about and why the signors of the petition did not want the fence to remain in place.

RANU responded that the code compliance complainant's identify could not be disclosed under California law, but the complaint was for the fence exceeding 42" in the setback area. Also, staff received one telephone call from a neighbor saying they would obtain signatures from other neighbors; however, staff had no way to verify the signatures provided by the individual opposing the fence. He added that staff did not know if this was the individual that filed the complaint.

CIRCO asked how far back the fence needed to go to retain its height without falling into the setback.

RANU responded it needed to go to the garage.

MROZ mentioned that the staff report stated that adjoining owners have the ability to authorize and come together to agree with a fence and can petition neighbors in the area.

RANU advised in this case staff did not require the signatures because the fence does not come up to the adjoining property line, therefore signatures were not required.

BALES asked if the family had reviewed any other options to install a fence to conform to existing zoning laws.

MROZ then reopened the public hearing so the applicant could respond to the question.

Belinda DUNNE, applicant, came to the podium. She said the side yard of her property was very narrow and they keep their dogs there. The backyard is also very small and the property is oddly shaped. The family exits their home from the front door and retaining the current fence height and keeping the ability for her son not to see through the fence is vital for her family. She has already seen a major change in her son since the fence was installed.

BALES asked if she had looked at other places to install the fence without being in the setback area, for example, by the garage.

ALLEN spoke next and added there is a safety issue to gather all the children and get them loaded safely in the automobile.

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

MROZ mentioned he has a few neighbors that have 6-7' high hedges versus fences and wondered if they were in compliance. RANU responded they were not.

SOTTILE added that it was mentioned that there was one opening a child could get through, but did not hear about the other opening, and asked if it was also large enough for a child to pass through.

RANU answered there were two gaps and they were large enough for a child to pass through.

BALES suggested that the Commission could give the right to keep the fence on a temporary basis as long as the autistic child resided at this location. If the family were to move she would not like to see the fence remain without a condition to come back for renewal with a specified time period.

RANU advised that the Commission did have discretion to add time limits.

CIRCO reiterated that currently the City only allows fences to be above 6' high as long as the top 30" or so are maintained with 90% visual, which could be achieved with wrought iron and is also achievable with acrylic. He confirmed with RANU that materials are not specified in the code, that the issue is more toward visibility.

MROZ reopened the public hearing.

CIRCO asked the applicant if she would be amenable to an acrylic top to the fence. He added the police are accountable to be able to see into a property and this would accommodate them with 30" of clear material at the top.

DUNNE answered that her concern is that it would be a financial burden on the family to reconfigure the fence. She has already paid for the existing fence and to tear it down and construct a new fence would be economically difficult. She was agreeable to the idea of a temporary time frame for the fence and would be happy to comply with this type of condition.

SOTTILE confirmed with DUNNE that the garage is attached to the house and there is an entrance from the house to the garage.

BALES asked the applicant what would be a workable time frame to establish this condition.

DUNNE asked to consult with ALLEN who then approached the podium to answer the question by stating that an exact date would be difficult to determine.

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

MROZ commended BALES on her idea of conditioning the fence with a time limit to review if a need still existed in the future.

BALES also mentioned that once neighbors hear the fence is on a temporary basis, it would be easier for them to accept it.

CIRCO added a time frame could also coincide with the child's skills to verify if it must continue to remain in place, or if there was a need to extend it. He liked the idea of continuous time frames which would ask the applicant to return and provide progress on her son.

SOTTILE shared personal experiences and was torn on approving the fence, but did agree that setting time limits would be a good compromise.

DANKHA agreed with the inclusion of a time frame condition.

MROZ confirmed with RANU that the Commissioners could draft a resolution at this hearing approving the fence with conditions.

REID interjected that he had concerns limiting the lifetime of the permit to specific time periods. He suggested that a review period be based upon conditions of the child and the physical conditions of the property. Generally, a permit similar to this would run with the land, so he suggested 1) set a time period, and 2) review and if condition still exists to allow approval to continue for additional review period, i.e., every two years.

MROZ asked what would happen if the house was sold in the future.

REID responded that the review period every two years would address this issue. If the house was sold, it could be considered abandoned and the condition would no longer exist. Also, a hearing could be brought before the Commission to terminate the use.

RANU suggested that review periods be delegated to staff and if they then felt it was warranted, it would be elevated to the Planning Commission.

RANU also suggested the motion language could state that a review of the administrative zoning permit be made in 18 months and be delegated to staff. Staff then would confirm that conditions still exist demonstrating the legitimate need for the fence. If not, the permit could be revoked. He added that part of the legitimate need is that the street is quite narrow and there is little notice when someone jumps into the street. The motion would then expressly delegate the chair to work with staff to finalize the resolution and conditions. He added that this is a Class 3 CEQA exemption.

Commissioners were in agreement with the proposed motion language.

Motion was made by CIRCO, seconded by BALES, to adopt the proposed Resolution No. 10698, approving Administrative Zoning Permit No. 17 with conditions; carried 5-0.

The appeal for this item ends at 5:30 p.m., Thursday, August 23, 2012.

**AGENDA ITEM NO. 5 – RESOLUTION OF INTENTION TO AMEND EL CAJON MUNICIPAL CODE TITLE 17 (ZONING) AND SPECIFIC PLAN 182 (DOWNTOWN)**

This was a City-initiated proposal to amend Title 17 (zoning) of the El Cajon Municipal Code for the purpose of a technical cleanup, making clarifications and revising standards in the text of title 17; allowing the keeping of chickens for personal food production; allowing for community gardens; establishing a process for administrative approval of minor amendments to entitlements; and amending Specific Plan 182 to provide more flexibility to accommodate signage to promote pedestrian activity downtown.

Applicant: City of El Cajon  
Project Planner: Eric Craig / 619.441.1782  
Email: ecraig@cityofelcajon.us

RANU summarized the staff report.

MROZ asked if there were any questions from the Commissioners.

CIRCO asked how reviews for minor administrative changes to entitlements that don't currently go before the Planning Commission are currently done.

RANU answered that they are being reviewed informally, or in some cases sent through the public hearing process.

SOTTILE asked if the Commissioners would have an opportunity to review any drafted changes to the zoning ordinance and specific plan.

RANU answered in the affirmative, that they would come forward to the Commission for their input.

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

Shreya SASAKI, with public affairs at Kaiser Permanente, and Victoria HADDAD-SALAH with International Rescue Committee (IRC) commended staff and spoke in favor of community gardens.

Lily SCHWORM, spoke next and also thanked staff for their efforts in consideration of allowing chickens for personal food production and noted that all other incorporated cities in East County now allow chickens.

No other speakers approached the podium.

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

Motion was made by MROZ, seconded by SOTTILE, to adopt the proposed Resolution No. 10700, recommending City Council approval to amend El Cajon Municipal Code Title 17 (zoning) and Specific Plan 182 (downtown), subject to conditions; carried 5-0.

**AGENDA ITEM NO. 6 – CONDITIONAL USE PERMIT NO. 2170 – MATTI SMOKE SHOP**

This was a public hearing on a request for a smoke shop. The subject property is addressed as 760-762 North Johnson Avenue. This project is exempt from the California Environmental Quality Act (CEQA).

APN:	482-240-31
General Plan:	Regional Commercial (RC)
Zoning:	Regional Commercial (C-R)
Applicant:	Maryann Matti / 619.212.3532
Project Planner:	David Hardy/ 619.441.1656
Email:	dhardy@cityofelcajon.us and include "CUP 2170" in Subject Line.

RANU advised the Commissioners that the staff report was a ministerial permit; not discretionary. If the permit met the criteria, it must be approved. However, if the Commissioners find that it did not meet the criteria, then they could deny or send back to staff. If approved, it can also be revoked by the Commission if a condition is not met.

RANU introduced and commended the Planning Division's new staff member, David HARDY, in his preparation of the staff report. HARDY started as a volunteer with the department and is now a part time Administrative Intern.

HARDY then summarized the staff report.

MROZ asked if there were any questions from the Commissioners.

CIRCO asked for the definition of a ministerial permit, such as, what criteria made this permit a ministerial permit, and why was it before the Planning Commission.

RANU replied that typically the Commission does not see ministerial permit applications. They are generally reviewed by staff, but on occasion some are elevated to higher approval authority. This one allowing tobacco sales and smoking in the community is covered under Section 17.240.070 of the Zoning Code, which says that if these requirements are met, the Planning Commission SHALL approve the permit and that this is mandatory language.

MROZ then opened the public hearing and confirmed with the applicant that he agreed to all the conditions of approval.

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

BALES commented that this was a great location for this type of business since it was quite removed from residential zones.

Motion was made by CIRCO, seconded by BALES, to adopt the proposed Resolution No. 10702, approving Conditional Use Permit No. 2170; subject to conditions; carried 5-0.

The appeal for this item ends at 5:30 p.m., Thursday, August 23, 2012.

## **OTHER ITEMS FOR CONSIDERATION**

### **AGENDA ITEM NO. 7 – HOUSING ELEMENT UPDATE**

This was a summary of the Housing Element Update progress, including a synopsis of two public participation meetings and public outreach at the Cajon Classic Cruise. Additionally, future presentations and programs promoting the Housing Element were outlined.

SOTILLE asked if annexations could be an option for meeting the RHNA allocation. RANU advised that annexations could be a part of the strategy to annex land to increase available inventory for housing units. However, not sure if annexation was looked at as way to meet adequate sites requirements. The City does not have sole control over that action. LAFCO has a say on annexations, as well as property owners.

MROZ asked if there was any discussion on increasing or eliminating Section 8.

RANU advised that most attendants at the meetings were housing advocates versus citizens, and they were inclined to preserving and increasing the Section 8 rules.

### **STAFF COMMUNICATIONS**

RANU informed that there were no items set for the August 27, 2012 Planning Commission hearing and the next hearing is scheduled for 7 p.m., Monday, September 10, 2012.

### **COMMISSIONER REPORTS/COMMENTS**

There were none.

### **ADJOURNMENT**

Motion was made by MROZ, seconded by CIRCO, to adjourn the meeting of the El Cajon Planning Commission at 8:51 p.m. this 13<sup>th</sup> day of August, 2012 until August 27, 2012 at 7:00 p.m.; carried 5-0.

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Darrin J. MROZ, Chairman

ATTEST:

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Manjeet RANU, AICP, Secretary