



## MINUTES

### PLANNING COMMISSION MEETING

**June 27, 2011**

*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  
Anthony AMBROSE  
Star BALES  
Paul CIRCO  
Anthony SOTTILE

**COMMISSIONERS ABSENT:** None

**OTHERS PRESENT:** Melissa AYRES, Director of Community Development  
Manjeet RANU, Planning Manager  
Noah ALVEY, Associate Planner  
Eric CRAIG, Assistant Planner  
Michael REID, Staff Attorney  
Mario SANCHEZ, Traffic Engineer  
Ron Luis VALLES, Administrative Secretary

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

**CONSENT CALENDAR:** Motion was made by CIRCO, seconded by AMBROSE,  
to adopt the minutes of the Planning Commission  
meeting of June 13, 2011; carried 5-0.

#### **AGENDA ITEM NO. 2. RE-CONSIDERATION OF AMENDMENT OF EL CAJON MUNICIPAL CODE TITLE 17 (ZONING ORDINANCE AMENDMENT NO. 416)**

RE-CONSIDERATION OF Resolution No. 10644

Pursuant to El Cajon Municipal Code Section 17.20.090, the City Council referred this item back to the Planning Commission for re-consideration of proposed amendments to Chapter 17.120 Nonconforming Uses and Structures. A public hearing was not required. This project is exempt from CEQA, pursuant to CEQA Guidelines, Section 15061 (b) (3) (General Rule).

Applicant: City of El Cajon  
Project Planner: Melissa Ayres / 619.441.1700  
Email: [mayres@cityofelcajon.us](mailto:mayres@cityofelcajon.us)

AYRES summarized the staff report and referred to copies of the proposed and existing text for Chapter 17.120. She also noted that staff compiled a table comparing nonconforming provisions in El Cajon with other cities of La Mesa, Santee, Escondido and Poway, and emphasized El Cajon's nonconforming regulations were generally less restrictive than the communities surveyed. She explained the purpose of the amendment was to do minor cleanups to the language and remove an inadvertent change to Section 17.120.060 made in 2010.

MROZ invited any speakers to the podium.

**Mr. John GIBSON** noted that businesses are concerned about the proposed General Plan Amendment [Downtown Specific Plan]. He recommended that the Commission remove the legal nonconforming issues from the proposed ordinance and address those when the Downtown Specific Plan is adopted. He also shared concerns about the proposed 2020 seismic retrofit law which will impact businesses in El Cajon. He recommended that a special provision be added to allow legal nonconforming structures, to be given an opportunity to rebuild or restore buildings that might otherwise be required to be removed, including those that are demolished due to the 2020 un-reinforced masonry seismic retrofit state law.

In reply to SOTTILE, GIBSON noted that there were many public hearings regarding the Downtown Specific Plan in the last few years; however, they did not include the builders, developers or brokers. He noted that many businesses don't know what is coming up.

AMBROSE asked if he believed the Commissioners should leave nonconforming regulations alone until the Downtown Specific Plan is updated. GIBSON replied affirmatively.

**Mr. Jerry TURCHIN** shared concerns about a meeting held two to three years ago about the proposed Downtown Specific Plan where six story buildings were being advocated. He objected to those proposed changes in the draft Downtown Specific Plan.

In reply to SOTTILE, TURCHIN said that the proposed Downtown Specific Plan will affect his business. He objected to six-story buildings across the trolley stop.

CIRCO clarified that the speaker is opposed to the Draft Downtown Specific Plan; however, noted that the Commission is only clarifying language regarding nonconforming uses as part of the city-wide Zoning Code at tonight's meeting.

No other speakers approached the podium.

At the request of AYRES, Commissioners acknowledged receipt of letter from HechtSolberg attorneys noting that they did not oppose the proposed ordinance regarding non-conforming uses and structures, pertaining to the Mossy Nissan site. They asked to be included in the public hearings regarding the Downtown Specific Plan.

Discussion ensued over the 2020 seismic retrofitting and nonconforming uses and structures.

AMBROSE asked if there was an urgency to approve this tonight's amendment to the zoning ordinance. AYRES replied that some letters in use tables [in other Chapters of the Zoning Code] were inadvertently transposed not allowing auto repair vehicles, where they should be. This will correct those instances.

AYRES emphasized there will be an opportunity for the commission to add additional nonconforming rules to the Downtown Specific Plan at a later date and to address state seismic regulations up to the 2020 seismic retrofit deadline.

Discussion ensued regarding the existing and proposed changes to Section 17.120.060.

CIRCO asked if the Commission could add language allowing legal nonconforming structures damaged more than 60% of replacement value to rebuild, subject to approval of a conditional use permit and allow nonconforming buildings intentionally demolished by an owner to comply with State seismic 2020 retrofit laws to rebuild, subject to approval of a conditional use permit. AYRES replied affirmatively and recommended that in the motion, the Planning Commission could still recommend approval of the proposed amendments to Chapter 17.120 with any exceptions recommended by the Commission.

Motion was made by CIRCO, seconded by BALES, to recommend City Council approval of Chapter 17.120 (Nonconforming Uses and Structures) of the zoning ordinance as presented in Attachment 2 of the Planning Commission staff report, with the exception that it be modified to: 1) allow buildings damaged in excess of 60% of the structure's replacement value to be reconstructed, subject to approval of a conditional use permit, and 2) allow buildings that are intentionally demolished to comply with the State's unreinforced masonry building regulations by 2020 to be reconstructed, subject to approval of a conditional use permit; carried 5-0.

This item is also scheduled for the City Council meeting on June 28, 2011, at 3 p.m. [Draft excerpts of the minutes of tonight's Planning Commission meeting will be transmitted to the City Council.]

### **AGENDA ITEM NO. 3. GENERAL PLAN AMENDMENT NO. 2010-03**

This was a City-initiated proposal to update the City's Bicycle Master Plan (Plan) by amending the Circulation Element of the General Plan. The Plan is an update to the 1981 Bicycle Master Plan and the General Plan. The Plan is the official policy document addressing the development of facilities and programs to enhance the role of bicycling as a

viable mode of transportation in the City of El Cajon. This project includes a Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program.

Location: Citywide  
Applicant: City of El Cajon  
Project Planner: Noah Alvey / 619.441.1773  
Email: [nalvey@ci.el-cajon.ca.us](mailto:nalvey@ci.el-cajon.ca.us) and include "GPA 2010-03" in Subject Line

In a PowerPoint presentation, SANCHEZ and ALVEY summarized the staff report.

MROZ asked if a public notice was sent out on this item. ALVEY responded in the affirmative.

AMROSE noted that Staff did a great job of packaging the Plan; however, he did not have sufficient time to go through the information. He requested more time to read and digest the information.

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

No speakers approached the podium.

Motion was made by MROZ, seconded by BALES, to continue the public hearing to the Planning Commission meeting on July 25 at 7 p.m.; carried 5-0.

#### **AGENDA ITEM NO. 4. CONDITIONAL USE PERMIT NO. 2138 (MINOR)**

This was a public hearing on a request for a Type 20 off-sale beer and wine license for an existing convenience store. The subject property is located on the north side of East Madison Avenue between North Magnolia and Graves Avenues and addressed as 112 East Madison Avenue. This project is exempt from the California Environmental Quality Act (CEQA). *This item was previously noticed for the January 24, 2011, March 28, 2011 and May 9, 2011 Planning Commission meetings.*

APN: 483-330-32  
General Plan: General Commercial (GC) / Special Development Area No. 9 (SDA #9)  
Zoning: C-G (General Commercial)  
Applicant: Magnolia Family Market, Inc. / 619.447.7033  
Project Planner: Noah Alvey / 619.441.1773

In a PowerPoint presentation, ALVEY summarized the staff report.

SOTILLE asked if the State moratorium for new licenses was still in place.

ALVEY responded the City is still in a moratorium status which means any new license cannot be issued within El Cajon, but one can transfer an existing license into El Cajon.

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

**Arkan SOMO**, owner and operator of Magnolia Family Market spoke. He advised the reason for the continuances was because he was waiting for the report from the Alliance for Better Community (ABC Group). He received the report this afternoon from Councilwoman Hanson-Cox and subsequently made copies for each Commissioner and one for staff.

SOMO highlighted points in the ABC report specifically related to his conditional use permit. The main complaint listed was over concentration and the task force felt adding another license would double the amount of licenses allowed on Second Street. This was the major issue; not high crime. The number one complaint from the business community and the community at large was public drunkenness.

SOMO provided an update on the progress of the task force. 74 small businesses and 18 large chains were invited. None of the large chains attended. 56% of the 74 small businesses invited attended. Also, those in attendance were asked to voluntarily pledge to uphold all State Alcoholic Beverage Control Department (State ABC) and City laws which included an additional promise to include attention to graffiti, noise and the environment. 41% signed the pledges which go to the State ABC and Councilwoman Hanson-Cox informed others were coming.

SOMO noted that a survey was performed in 2009 where 67% complained about all these issues. After the work performed in the last six months another survey in May showed a reduction to 23% and an additional survey in June showed the complaints reduced to 12%. Great progress has been made by this one-of-a-kind great community effort. He also noted that Jennifer Hill, District Administrator for State ABC, had been all around the state and reported that she has never seen such comprehensive and community efforts before. He added no recommendation from the ABC Group would be made at the City Council meeting on June 28 to ban any single container drink, fortified wine, etc.

SOMO discussed the second point relative to the high crime rate finding in the staff report. He made the case that the high crime rate in the area is not all related to alcohol sales. The crime rate average of 371% is higher than the City overall; however, alcohol related arrests are only 21% higher. He asked, if alcohol is a major component in the high crime rate, then why only 21% higher. In reviewing the 2009 alcohol arrest analysis; out of 74 incidents, 44 were public intoxication and the main complaint from the Second Street community was about public intoxication. This is not an exclusive problem to Second Street, but is a City issue. This is why the Alliance for a Better Community was created.

SOMO stated that 33.3% of arrests were for driving under the influence (DUI), which is the main focus of Mothers Against Drunk Drivers (MADD). MADD argues that most DUI arrestees do not purchase their drinks and drive from on-sales establishments, but mostly from bars, restaurants and private celebrations. Therefore, the 33.3% figure has nothing to do with alcohol sales in the area. The Planning Commission can make the finding that

approving the conditional use permit would not be detrimental to the public health and safety of the community.

SOMO then addressed the last finding that the proposed use would not be in the best interest of public convenience and necessity. He stated Staff used the same argument for both findings and this is not what the statute calls for. Convenience and necessity is only referring to over concentration. There are only three licenses issued in this census tract; therefore, one more license could be issued. They have collected 300 signatures and have already applied and received a license. They performed a posting to a 500' radius which resulted in no opposition to the license from the neighborhood. In closing, he requested the Commission approve the project.

MROZ asked if the applicant was aware that the Commissioners only had a resolution to deny the project.

SOMO responded affirmative.

BALES asked Staff when the last high crime report was completed.

ALVEY responded the report is current with 2010 data.

MROZ asked the applicant when he started obtaining information with the State ABC.

SOMO replied they have been obtaining information since the first of the year and have included review of the whole City. They plan to continue to do so and will recommend going back to City Council in one year and report their findings.

AMBROSE thanked the applicant for the time spent on this issue since it is very important to the City. He noted various letters in the report that SOMO is highly respected in the community and appreciates all his efforts.

SOTILLE asked Staff if there has been any improvement between 2009 and 2010.

ALVEY advised the crime rates did go up. The 2009 letter from the Police Department reflects both data for comparison. The 2009 data for District 114 was still a very high crime area. At that time it had a crime index of 488 crimes and the City wide average was 149 crimes. 22% of the arrests were alcohol related. This resulted in a slight increase from 22% to 23.6% of all crimes in the district being alcohol related and an overall increase in number of alcohol related crimes as well.

SOMO asked permission from Chairman to speak again and thanked him for being gracious to allow him more time to speak. He believes there is conflicting information. Based on the report he received from the State ABC the crime rate went down. The report shows the average crime rate of 183 and the last reporting down to 162. He said in comparing both reports it shows the average for the entire City down, therefore the percentage of the crime rate went from 321-330 to 371. He said he could provide copies to the Commission.

MROZ asked if Staff received their information from the State ABC also.

ALVEY clarified the data in the Police Department memo related to the district, so not directly correlating to the census tract data.

No other speakers approached the podium.

MROZ stated SOMO worked hard on this project; however the commission only had a resolution recommending denial.

RANU interjected that the decision needs to be made based on the findings and Staff was not able to make positive findings on two issues which come down to the crime rate. If the Planning Commission can find the need for this use is acceptable, and the crime rate is not the primary consideration, then they can find for other criteria regarding public convenience and necessity. If the Commission desires to consider recommendation of approval, Staff would seek their comments on these findings and provide support and come back at a subsequent meeting. A word of caution that a conditional use permit runs with the land and it becomes complicated to come back to pull a conditional use permit if something goes wrong.

ALVEY wanted noted for the record that two letters were received late in the day. One from Communities Against Substance Abuse (CASA) and one from a neighbor.

VALLES read the letter from Laurel Day in support of Magnolia Market.

CIRCO stated in reviewing the statistics and rethinking the number of Type 20 licenses approved that in three years there have been no new licenses. The Commission might have approved maybe three for restaurants to include alcohol and yet the crime rate is still going up; especially in conjunction with alcohol. He is not sure if the moratorium is having a positive impact on the crime rate. Information showed 300+ signatures of people showing support for alcohol sales, but in the same tract there were 336 arrests. He was not seeing a direct correlation of DUI's in the results.

RANU mentioned the points presented by CIRCO could be included in a resolution with conditional support if that was the direction the Commission wished to take. If we find the crime rate is not that significant to outweigh finding for the conditional use permit, it could be granted and the Planning Commission could make the finding for public convenience and necessity.

MROZ suggested bringing back a draft resolution before the Commission with conditions to continue with research and looking at maps noted there was no place close by for people to grab some beer or wine.

SOTILLE mentioned that SOMO did a tremendous amount of positive work to get the business community together and make these pledges. It is a great beginning and should

continue, however, wants to see if items implemented really do improve the area. He wants to see results first before allowing additional license.

AMBROSE asked Staff if the permit runs with the land and not the owner, and if they add a condition if ownership changes, can it be brought back to commission for full review.

RANU noted he needed to explore and take time to properly craft a resolution.

AMBROSE agreed with Chairman to give more time and believes if applicant is successful it would be a positive step for all small markets in the City. Also, in future maybe the Commission should review restaurants too under a conditional use permit and not separate off-sale from restaurants.

SOMO stated he always relies on true data which is why he included his other site data results for a similar project near SDSU.

BALES noted SOMO seems a responsible person and many letters from others agreed, however her concern was the high crime area which to her means irresponsible people live in that area.

SOMO reiterated he presented the facts only and did not do an abstraction. He believes the City is depriving business owners from their livelihood and from expanding their businesses. He also stated the moratorium has nothing to do with the crime rate since it is not relevant to alcohol sales based upon the facts presented.

REID clarified that the Planning Commission should base their decision on the required findings. They must find the proposed use is not detrimental to public health, safety and general welfare and is the best use for public convenience and necessity. Also, all other issues outlined in the staff report should be considered. He gave an additional reminder that conditional use permits do run with the land and are particular to location and not property owner.

MROZ asked who is responsible for revocation of a conditional use permit.

REID stated they are a vested right that run with the land, however, could be revoked if conditions are violated and the party would be entitled to a hearing.

ALVEY added the Planning Commission can revoke a CUP with a resolution of intention to initiate revocation.

RANU wanted to make clear that any Planning Commission recommendation of approval would be forwarded to the City Council for final action; however staff's recommendation of denial to the Planning Commission would not change.

SOTILLE stated the commission has reviewed similar cases in the past and in most cases have gone with staff's recommendation.

AMBROSE asked SOMO if he wanted a Planning Commission decision tonight, so he could go before the City Council sooner and avoid a continuation by the Planning Commission.

SOMO said he could wait another month if necessary; because his preference is for a favorable recommendation from the Planning Commission.

BALES stated it is too long to wait for the next Police Department report. She believes SOMO will take great care in handling the items sold from his store and there is no store close by for the convenience of responsible people.

Motion was made by MROZ, seconded by AMBROSE, to continue the public hearing to the Planning Commission meeting on July 25, 2011; carried 5-0.

**Agenda Item No. 5. AMENDMENT OF CONDITIONAL USE PERMIT NO. 2006 (MINOR)**

This was a public hearing on a request to add 12 panel antennas and related equipment to an existing 55' faux pine tree with a new prefabricated equipment shelter. The subject property is located on the north side of East Washington Avenue between Jamacha Road and Dorothy Street, and addressed as 1400 East Washington Avenue. This proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures). *This item was continued from Planning Commission meeting of June 13, 2011. The applicant requested an additional continuance.*

APN: 511-260-72  
General Plan: Medium Density Residential (MR)  
Zoning: RM-2200 (Residential, Multi-family, 2,200 square foot)  
Applicant: Verizon Wireless for El Cajon Elks Lodge 1812 / 714.925.6487  
Project Planner: Tony Shute / 619.441.1705  
Email: [TONYS@cityofelcajon.us](mailto:TONYS@cityofelcajon.us) and include "AM CUP 2006" in Subject Line.

RANU summarized the staff report and advised the applicant requested more time to review the conditions, therefore staff recommended continuing to July 25, 2011.

MROZ reopened the continued public hearing and invited any speakers to the podium.

No speakers approached the podium.

Motion was made by AMBROSE, seconded by SOTILLE, to continue the public hearing to the Planning Commission meeting on July 25, 2011; carried 5-0.

## **Agenda Item No. 6. VARIANCE NO. 955**

This was a public hearing on a request to reduce the rear-yard setback and the number of required parking spaces. The subject property is located on the south side of Broadway between North First Street and North Mollison Avenue, and is addressed 1039 Broadway. This project is exempt from the California Environmental Quality Act (CEQA).

APN: 484-294-23  
General Plan: General Commercial (GC)  
Zoning: C-G (General Commercial)  
Applicant: Linda Haido / 619.444.5443  
Project Planner: Eric Craig / 619.441.1782  
Email: [ecraig@cityofelcajon.us](mailto:ecraig@cityofelcajon.us) and include "VAR 955" in Subject Line.

MROZ disclosed for the record that previously he walked through and lunched at this location.

In a PowerPoint presentation CRAIG summarized the staff report.

MROZ asked if the variance was granted would the City be open for liability because of possible encroachments over the property line.

RANU interjected that if there are indeed encroachments, it cannot be approved based on current configuration of the lot line since it is in violation of the building code, zoning code and subdivision map act.

REID mentioned that the variance only addresses the building to be within the setbacks.

RANU said findings were based on what was provided to staff; that the buildings are apparently over the lot line.

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

**Bill KACHI**, engineer for the project, approached the podium. He said in 2007 he pulled the permit for the market and subsequently pulled a second permit with a conditional use permit for food-to-go, the kitchen and a variance for parking. He mentioned this is the same submittal as in 2007 and these issues were not raised at that time. The owners did not intend to build and hide a building in the setback. The building was located in the setback and approved by City under Conditional Use Permit 2052.

He noted business started to pick up so they built incidental structures. They did not add any additional businesses to trigger the need for additional parking. The fence was also never an issue. The apartment tenants requested a higher fence because of the homeless sleeping in the back. The water runoff can be controlled with some type of berm. The three coolers in rear do not comply; however, with business picking up owners do need to retain them. He requested that Commission look into some way to find an exemption for the business owners.

BALES mentioned that staff does hard work to ensure all are following the rules in accordance with the zoning code.

MROZ asked what was located to the east of the property in the open area.

KACHI stated that his understanding is there are zero setbacks to the east and this is the delivery area where the produce arrives at 4:00 a.m. There is a compacter for boxes and a cover has been added to stop the homeless from entering.

CRAIG confirmed that there is no setback on the east side but there is a SDG&E easement and a structure which should be shown on the plans.

KACHI said there is no structure only one small trash compacter which can be moved.

CRAIG advised he personally visited the site and disagreed with KACHI.

MROZ asked if all the conditions were met for the variance issued in 2007.

CRAIG advised no variance was issued. A conditional use permit was issued in 2007 for a take-out only restaurant for the purpose of providing parking which was a requirement at that time. The conditional use permit is no longer needed for take-out restaurants since parking is not required under the current code for take-out restaurants. The conditional use permit did not approve anything on the east side other than a trash enclosure which was never built and nothing behind the building. After approval the City discovered the cooler on the roof without building permits which also had associated equipment in the rear in the setback area. At that time, the Director determined that mechanical equipment was not an addition, but appurtenant equipment similar to an air conditioner. When enclosed and sound-proofed the building permit would be approved. Nothing else was approved behind or on the east side of the building.

KACHI asked if there is was an easement on the east side why was approval given in 2007 for a trash enclosure.

CRAIG advised SDG&E didn't respond with comments that the easement was in the area. Since that time, Staff verified with Public Works that the easement is there.

KACHI also stated the reason the coolers were installed in the rear is because business had increased and there were already other structures there.

MROZ confirmed with staff that the cooler installation was not permitted.

KACHI advised the Health Department visited the site and hopefully after Commission approval he can submit plans to obtain proper permits to them and to the City for required electrical permits. He advised the coolers were not currently in use.

MROZ asked in case of a fire in front of the building if there was an exit in the rear through the razor-wired fence.

KACHI suggested he might take the razor wire down and if the Commission desired could put up a gate, however, the tenants did not want it.

CRAIG interjected it was not clear who the fence belongs to. The fence was in place before 2007 so he doesn't believe the market installed the fence.

RANU added that Staff received a late e-mail and photos from an adjacent property owner which have been included in the commissioners' packets.

**Linda HAIDO**, owner of the market spoke next. She said they keep the produce safe in the coolers in the rear. There is a lot of competition in the area and she needs the coolers for her business. The only complaint received was from the manager of the apartments in the rear which had to do with the water drainage onto their property. The problem has been taken care of and she advised the apartment manager to contact her direct if any other issues come up in the future.

BALES thanked HAIDO for keeping up a good communication network with those around her business.

MROZ felt the variance would be tough to grant and could set a precedent. He was glad the applicant's business was booming and asked if there were any vacancies around her where she could possibly expand.

HAIDO said all the buildings surrounding her are occupied.

BALES confirmed with HAIDO that all the other businesses in the center are sharing the parking with her.

CRAIG offered that HAIDO occupied ½ of the building and parking is based on the size of the building not the number of occupants.

**Amer KARMO**, owner of the property, spoke next. He has owned the property since 1988 and has had lots of issues with 10-15 homeless sleeping behind the building. His market has been a very good tenant and he has not had to call the police once in the last four years since their occupancy began. The fence helps to keep the homeless out. The cooler, which is only 60-70 square feet, doesn't take up much space. No other store owners have access to this area. Also, the market sells their produce 50% cheaper than major supermarkets, which is of great benefit to the people of El Cajon. It is necessary for the market to have a little storage to keep the food fresh and the market owners are clean and take good care of the property.

MROZ asked if the cooler could go anywhere else, specifically to the east side of the building.

CRAIG stated they could go inside and if SDG& E would allow an encroachment over their easement on the east side it is possible.

KARMO stated the cooler would not fit on the east side. It wouldn't provide enough room to move trash in and out. Also, there is no room inside the building; otherwise, the coolers would not have been placed on the outside to begin with.

**Dan DEL LA RIPPA** is the manager of Broadway Shopping Center to the east of subject property. He agreed that the market's business is booming, however, is hurting the other businesses. The major impact is lack of parking with only twenty spaces. Because it is built out along the east side, two parking spaces are located in the driveway. Their delivery truck can't back up along the building so it parks in the drive way. Therefore overflow parking is in the Broadway Center. Shopping carts are also left in the parking spaces after the customers shop and return to their cars to unload. His tenants complain constantly and he has personally returned carts to the market area on multiple occasions. The market managers have been cooperative and do come over and return their customer carts, but can't monitor the situation all day. Carts are also left on the sidewalk and street. He has installed signs on the shopping center side saying "no market customer parking" and has personally pointed out to folks when they pull in to park. They respond by saying they won't be there that long. This parking situation is tremendously hurting the center's business.

DEL LA RIPPA further commented that when the applicant built out the east and west side it eliminated any driveway options on either side as well. He also submitted pictures showing the parking problems and mentioned upkeep is also a problem. With hundreds of people arriving every day, the asphalt has cracks, weeds in front and their delivery truck is painted with graffiti. He recommended removing the items on the east side and in the rear of the property and to put the coolers inside. The trucks would be able to then can deliver where they should. He strongly recommended reducing their square footage, not increase the square footage. They need more space.

KACHI suggested installing a fence between the two properties to separate customers from one parking lot to another. He also mentioned that 70% of the market customers walk to the store and this is the first time he has heard that parking is an issue.

No other speakers approached the podium.

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

MROZ stated it was nice to hear their business is booming, but there are a lot of code violations that cannot be allowed. He suggested the applicant work with the owner and City Planning to try to come to a solution.

AMBROSE commented that based on what he heard and observed driving by the market, he cannot make findings. He suggested to applicant it might be in the best interest of the business to relocate to a larger facility.

Motion was made by AMBROSE, seconded by SOTILLE, to deny Variance 955; carried 5-0.

The appeal period for this item ends at 5 p.m., Thursday, July 7, 2011.

### **STAFF COMMUNICATIONS**

Ranu reported that the carport appeal which was denied on June 13<sup>th</sup> was appealed to the City Council and is on their calendar for 7-26-11. Also a reminder that two commissioners need to complete the State required ethics training before June 30, 2011.

### **COMMISSIONER REPORTS/COMMENTS**

None

### **ADJOURNMENT**

Motion was made by CIRCO, seconded by MROZ, to adjourn the meeting of the El Cajon Planning Commission at 9:46 p.m. this 27th day of June, 2011 until July 11, 2011 at 7:00 p.m.; carried 5-0.

---

Darrin J. MROZ, Chairman

ATTEST:

---

Manjeet RANU, AICP, Secretary