

MINUTES
PLANNING COMMISSION MEETING
OCTOBER 6, 2003

The meeting of the El Cajon City Planning Commission is called to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: TURNER, HANSON-COX, BURGERT, AMBROSE

COMMISSIONERS ABSENT: AGURS

OTHERS PRESENT: RAMIREZ, Senior Planner
GALLAGHER, Staff Attorney
DAVIES, Principal Civil Engineer
ALVEY, Associate Planner
O'BRIANT, Minutes Clerk

MINUTES OF 9/22/03: Motion by TURNER second by BURGERT to approve the Minutes of September 22, 2003, pro forma; carries 4-0, AGURS absent.

SPECIFIC PLAN 494 – Verizon Wireless

(public hearing) Resolution No. 9852

P. C. Meeting 10/06/03

The subject property is located on the north end of Raleigh Avenue between Benedict Avenue and I-8, and addressed as 474 Raleigh Avenue. APN 487-121-88; existing LUC 35, proposed LUC 35/4712B; General Plan Designation: Industrial.

Request a 50-foot-high wireless communications facility in the M (Manufacturing) zone.

AND

CONDITIONAL USE PERMIT 1969 – Verizon Wireless

(public hearing) Resolution No. 9854

P. C. Meeting 10/06/03

The subject property is located on the north end of Raleigh Avenue between Benedict Avenue and I-8, and addressed as 474 Raleigh Avenue. APN 487-121-88; existing LUC 35, proposed LUC 35/4712B; General Plan Designation: Industrial.

Request a wireless communications facility in the M (Manufacturing) zone.

RAMIREZ states these are two companion items for a request to construct a freestanding fake palm support structure that exceeds the 35-ft. maximum height limit in the M zone. Both public hearings may be opened simultaneously, with separate motions for the action on each application.

This is part of a stand-alone wireless communication facility. This request is also the subject of the companion item, Conditional Use Permit 1969. The proposal includes a stealth design that incorporates antenna panels into a 50-ft.-tall monopalm. The proposed antennas are to be located on the monopalm, which is to be on the northern side of an industrial building near Interstate 8. The increased height is necessary to obtain desirable reception and transmission due to the freeway's proximity and its elevation.

Staff has suggested that two mature palm trees, approximately 50 ft. in height, act as a complement to the height of the fake palm structure. Staff has also included a condition of approval for the companion item, Conditional Use Permit 1969.

The facility consists of a stealth antenna design and equipment installation. The electronic equipment for this facility will be housed in metal cabinets and screened from view by a chain-link fence with view-obscuring slats. The wireless ordinance requires that equipment buildings, cabinets, etc. be painted and textured to match the surroundings to minimize visual impact. In staff's opinion, the proposed location for the equipment on the subject property is well screened from any public view by its distance from Raleigh Avenue and the freeway. This stealth-type of wireless communication facility is encouraged by the City's wireless ordinance. The proposed unmanned facility is to be located on a large piece of industrial property. Its location is more than 900 ft. away from any residential area. The facility does not reduce any of the required parking on this site and it satisfies most of the standards of the Wireless Communications Ordinance.

RAMIREZ continues, saying that staff's evaluation of the proposed facility and its visual impact is guided by the Zoning Ordinance, which defines "stealth" as "a facility that is designed to blend into the surrounding environment and is visually unobtrusive". There are no palm trees of this height in the vicinity of the location of the wireless facility. This method of design, that is, that the antennas are incorporated into a single fake palm tree structure, has been approved by the Planning Commission several times in the past. The Commission has also required live palm trees of a similar height to be proposed in conjunction with the fake palm to mitigate its solitary aesthetic effect.

One aspect of this applicant's proposal runs counter to the intent of the stealth concept that is required. Staff believes that the microwave dish, seen in the east elevation, needs to be removed or relocated to a height that is within the fronds and not visible from the surrounding area. No other approved stealth design in the city of El Cajon has a microwave dish on the trunk of a fake tree.

Staff believes that, with the exception of the microwave dish, this request would be compatible with the surrounding area due to the success of its stealth design with the addition of two live palm trees and the location and size of the site.

RAMIREZ says that at the time of the writing of this report, staff had received no responses to the public hearing notice. Department comments have been attached to the staff report and incorporated as conditions of approval. Staff is recommending that the Planning Commission recommend approval of Specific Plan 494 for a 50-foot-high wireless facility, and grant Conditional Use Permit 1969 for the installation and operation of this facility.

The public hearings are now open on Specific Plan 494 and Conditional Use Permit 1969.

Ed GALA, Delta Groups Engineering, 5 Park Plaza, Suite 1400, Irvine CA 92614, represents the applicant. He has read the staff report and concurs with the recommendation for approval. He says this is what is called a "capacity site". The Planning Commission should have in their packets the map showing that the surrounding sites are "maxed" out; they can't handle any more calls. Calls are dropping in the vicinity of this facility. Even though the maps show essentially a coverage footprint there, the sites are all essentially unable to handle more calls. Consequently, that is the primary reason this location was chosen. The other reason is that it is industrial and they were able to blend their facility in with the power lines that traverse the site in the east-west direction. He agrees with staff that adding two more palm trees would help blend it better into the surrounding area, and they can do that.

He has a question about the enclosure. They are doing a chain-link fence with slats. Staff mentioned it had to be textured to match the building. Does that mean to stucco it or something other than what they are proposing?

RAMIREZ responds that in this case, staff has accepted the proposal because of its location on the property being well hidden from view on a public street.

GALA says that is fine. Regarding the microwave dish, the staff report said to either remove or relocate it. He spoke to the RF engineer today and they can move it further up into the palm fronds. It could essentially be six inches below the existing antennas. He believes that should hide it. Verizon wants to use these microwave dishes for emergency purposes. If there is a power outage or land lines go down, as happened recently on the East Coast, people will still be able to communicate wirelessly, microwave to microwave, to the different cell sites. So, the microwave dishes are there only for emergency purposes. It probably won't be added right away. It is essentially for a future date.

BURGERT asks if there is adequate room for two additional palm trees.

GALA replies there is a landscape area about 20 ft. further west. In his mind, that is where they are going to go.

BURGERT was asking because of the size of the canopy of the natural trees, which can be rather extensive. He was curious if there would be adequate room considering the current concrete that is going on with the building site.

GALA replies it is in proximity and would create that sort of visual effect, if that is okay with staff.

No one else comes forward to speak on these items.

Motion by HANSON-COX, second by BURGERT to close the public hearings on Specific Plan 494 and Conditional Use Permit 1969; carries 4-0, AGURS absent.

AMBROSE states this looks pretty straightforward.

Motion by TURNER, second by HANSON-COX to RECOMMEND APPROVAL of Specific Plan 494 in accordance with the staff report; carries 4-0, AGURS absent.

Motion by TURNER, second by BURGERT to GRANT Conditional Use Permit 1969 in accordance with the staff report; carries 4-0, AGURS absent.

AMBROSE states these items have been joint-noticed with the City Council. The City Council meeting will be held on October 28, 2003.

AMENDMENT OF CONDITIONAL USE PERMIT 732 – Planning Commission (Foursquare Church)

(public hearing) Resolution No. 9855
P. C. Meeting 10/06/03

The subject property is located on the north side of East Bradley Avenue between North First Street and North Mollison Avenue, and addressed as 1012 E. Bradley Avenue; APN: 388-201-63 & 388-203-10, -21 & -22; LUC 911A; General Plan Designation: Low Density Residential.

Request consideration of possible revocation of conditional use permit for a religious facility (church) due to noncompliance with conditions of approval, in the R-1-6 (Residential One Family 6,000 sq. ft.) zone.

ALVEY states this item is a result of the Planning Commission meeting of August 11, 2003. During that meeting, the Planning Commission granted an amendment to Conditional Use Permit 732 to add a charter school to the existing religious facilities at the subject site. The Planning Commission also received public testimony at that

meeting that the existing church was not operating in a compatible fashion with the surrounding single-family residences. Ultimately, the Planning Commission decided to adopt a resolution of intention to review the conditions of approval for the existing church facility.

During the previous public hearing, four main items were identified as causing incompatibility at the site. These items were: access to parking lots, noise, landscaping, and fencing. To address these issues, staff has proposed three site modifications. These include: the installation of a permanent barrier, which will restrict access to the front parking lot; slightly improved fencing; and landscaping in the front parking lot along the western property line.

Staff has also proposed a new set of ongoing conditions of approval that will govern activities at the site. Critical among these conditions is a modification to the times when organized outdoor activities are permitted. The hours that staff has proposed are 7 AM to 9 PM weekdays, and 8 AM to 10 PM on weekends and holidays. Staff has also included an ongoing condition of approval that requires deliveries to the site to occur during these hours and that semi-trailers be prohibited from parking overnight.

ALVEY says that staff believes these modifications will ensure that the church can be compatible with the surrounding single-family residences, and staff would again like to ask all neighboring property owners to make formal complaints to the City Manager's office if problems occur at the site. In this way, they can be logged, investigated and included in future discussions about the property. It is very important to staff.

Staff's recommendation is that the Planning Commission deny the revocation and amend the conditions of approval as recommended in the staff report.

The public hearing is now open.

AMBROSE would like to hear from the pastor of the church first.

Attorney GALLAGHER states this is an administrative hearing. Anyone wishing to speak needs to be sworn in, including staff. This can be done en masse if a lot of people will be speaking.

In reply to AMBROSE, seven potential speakers in the audience, plus the staff, stand and are sworn in by Attorney GALLAGHER.

Dennis ESTILL, 1004 E. Bradley Avenue, El Cajon, CA 92020, is the pastor of the church. He states that they were greatly distressed at the last meeting when the discussion turned to the imposition of new conditions to their existing CUP (conditional use permit) that would greatly restrict the hours of their religious services. Because of their concern, they contacted their corporate attorney for the International Church of the Foursquare Gospel, of which they, along with 33,000 other churches, are a part. In his phone conversation with their attorney, Mr. Clark, he was assured that the full weight of

their denomination and its \$500,000,000 in assets would support them in opposing any restrictions on the times of their services. Attorney Clark left no doubt that this is something they will pursue through every legal means. They have also contacted attorneys for the Pacific Justice Institute and the Beckett Fund for Religious Liberty. The following is their reply to their inquiry concerning the legality of the Planning Commission imposing a restriction on the times of their religious services and observances. Roger Ho, attorney for the Pacific Justice Institute, writes: "Generally speaking, RLUIPA¹ prohibits any government agency from enacting any land use or zoning regulation that imposes a substantial burden on the religious free exercise rights of a person or entity. Exemptions from this prohibition are usually limited to legitimate health and safety concerns. As such, unless the planning commission has a compelling interest for restricting your hours of operation and such an interest cannot be achieved in any other practical manner, its actions toward you probably cannot be legally sustained."

ESTILL continues, quoting Roman Storyzer, attorney for the Beckett Fund, who writes: "These are serious issues that definitely implicate federal rights. I firmly believe that such a restriction would be illegal. We have obtained a copy of the Religious Land Use and Institutionalized Persons Act and it is our opinion that any effort by the city planning commission to limit the free exercise of religion could violate several provisions of it. And in this case, we feel that there is no compelling government interest in restricting the hours of religious service and we further contend that restricting the hours of religious observances would be the most restrictive means that the city could impose and would be a substantial burden upon us."

ESTILL tells the Commission that the church in no way feels they are above the law. On the contrary, they have a biblical mandate to obey the laws; but neither are they willing to be denied the protection and benefits that the law provides. The original condition concerning outdoor group activities in CUP 732 was written to agree with and comply with the City's own curfew ordinance. They feel that the condition contained in the current proposal, which limits outdoor activities even more than what the previous conditions required, is unnecessary and imposes a more restrictive guideline than even their neighbors are under.

During the last year, they have made several efforts to minimize the noise and lights from their parking lot. They have planted trees, grass and shrubs. They have built fences and resurfaced and restriped the parking lots to provide for diagonal parking spaces. They are making a sincere effort to work with their neighbors in addressing their concerns about safety and noise issues when they do exist. He spoke personally with Pica-Dreher (Terry) and the Stankos (church members) spoke with Mr. Taylor and asked what the church could do to be a better neighbor. In all cases, their conversation has been civil and, he thinks, constructive. They have also cooperated with the City's suggestions concerning landscaping and had many improvements completed before this process ever began. As he stated at the previous meeting, they are in full

¹ RLUIPA: Religious Land Use and Institutionalized Persons Act of 2000

compliance with the existing conditions of their conditional use permit and, in fact, have exceeded them.

ESTILL states they [the church] not only are content with what they have done, but they intend to continue the improvements, including all of the City's recommendations that have been presented to them, and the neighbors' recommendations. They are simply asking the Planning Commission tonight to leave the existing conditions in place. They were sufficient to bring the church before the Commission tonight. He assures the Commission that the conditions do have teeth and they will be sufficient in the future. The church has shown their willingness to work with the neighbors and with the City and will continue to do so in the future. Their contributions to the community of El Cajon and to their immediate neighbors over the last 50+ years have been considerable. With God's help, they will continue to proclaim the simple message of the Gospel.

ESTILL thanks the staff and the commissioners for their hard work and conscientious effort to resolve this issue to everyone's satisfaction.

AMBROSE thanks ESTILL for making the effort to be as compatible with the neighbors as possible. He has seen some improvements out there. He thinks they are on the right course. The whole purpose of a conditional use permit is just to make the use compatible with its neighbors. That's all. He thinks the bottom line for ESTILL is that he just wants to keep the existing conditions that were approved in 1989.

ESTILL responds yes. They believe the conditions have enough teeth to accomplish all the things the City is requesting. They are certainly willing to go beyond them. Landscaping issues were addressed in the staff's recommendation. They, more than anyone, would like to see that improvement and have already begun doing those things. Although, as he stated before, they feel that the barrier at the front of the parking lot is less effective than the barrier that they have already constructed, they are willing to do that as well. In fact, one of their neighbors suggested that she would like to see that happen, and they agreed to put that barrier in place if for no other reason than peace of mind. He thinks it would be that, as well as an asset to the community.

AMBROSE thinks that is a reasonable request. He asks for comments from the other commissioners.

HANSON-COX is glad to hear that the church is willing to put the barrier up. That was one of her concerns. Regarding the hours, she has to agree with ESTILL. Curfew is at 10 PM. She thinks some of the neighbors' concerns are that people have a tendency to loiter around after the time. If they could be gotten out within 10 or 15 minutes after the event is over, she thinks that is tolerable. It is just when they hang around for another hour that the noise goes on. The neighbors have to go to work the next day, or have children that are trying to sleep. Other than that, she has no problem in keeping the hours the way they are. As long as the barrier is put up in front, she is satisfied with that.

ESTILL thanks HANSON-COX. One of the things that they have done voluntarily, for any outdoor activities that they have had during the last few months with the youth or the children, is tell them to do the outdoor activity from 7 PM to 8 PM and then bring the kids in for the Bible lessons or what have you. They really are conscious of that, maybe more than necessary. As he has said to some of their neighbors, they are the people they want to attract to the church, not the people they want to send away or have angry with them. Where that has happened in the past, they hope to make amends and are making amends.

TURNER is glad to see that the church is working with the neighbors. The last time they were here, a lot of activities were going on at the church that the pastor didn't even seem to know about. She is also very concerned about the times. She agrees that as long as it is controlled, that might help the neighborhood. However, there was a big turnout from the neighborhood the last time. The church is saying the conditional use permit has teeth. It didn't have teeth last time or we wouldn't be here.

Dale TAYLOR, 1775 Woodburn Street, El Cajon CA 92021, has to agree with the pastor that they have made an attempt since the last meeting to talk with the neighbors and gave them a 24-hour number to call when they have a problem. That hasn't been working. Since the last meeting, his wife has had to go over there twice to have things settled down. The other thing is that their conditional use permit says landscaping shall be installed and maintained along the entire westerly property line. It is not there. The neighbors still see lights through the fence and people stand and look over their fence into their back yard. The landscaping is intended to provide an evergreen screen and barrier for noise and light and provide a physical separation between the church outdoor activities and adjoining single-family dwellings. He reiterates that it is not there. There is nothing along the entire westerly portion of the subject property.

The church has been cooperative since the last meeting, but TAYLOR would still like to see the evergreen "stuff" put up there because high-profile vehicles (SUVs) pull up to the fence and look right into their living room. Something needs to be put up there. He is not trying to stop the church. He doesn't approve of the school, which he guesses "they" approved anyway after the neighbors were told it wouldn't be approved until late in September. His wife shouldn't have to go over there to stop the noise, as she has had to do twice since the last meeting. He reiterates that the church has talked to them and has given them 24-hour notice and a schedule of when people are supposed to be there. That doesn't help when people look right over into their back yards.

AMBROSE asks if things are improving.

TAYLOR says they are improving. He hopes they continue to improve. He still doesn't want 350 kids in his back yard all day long yelling and screaming.

AMBROSE says maybe some landscaping will help.

A person wishing to speak (Norman Lepker) comes forward and requests 10 minutes in which to speak.

AMBROSE replies there a number of people who want to speak. He will give him six minutes.

The person says several of the people who were going to speak are going to yield their time to him.

AMBROSE says in that case, he may have 10 minutes. He asks who is going to give up their time for him. Several people stand.

Norman LEPKER, 10865 Valley Vista, Lakeside CA 92040, is the senior member of the El Cajon Foursquare Church by way of tenure. He apologizes for having to ad-lib some of the things that he needs to say. He may not look like it, but he was blinded in an accident and this is the first time he has addressed anyone since the accident. He is a little bit nervous. He thanks staff and the commission for their work. He has talked with staff a couple of times and appreciates their help. They have been very, very courteous.

He wants to contest the revocation of their conditional use permit. He also requests that the amendment be kept and since they have also been investigated very thoroughly, he requests that their conditional use permit be extended another 20 years until 2023. Considering that is the recommendation from staff, they would like to keep that one single issue.

He is a retired Fire Department division chief. [He recites his many credentials, thereby establishing his familiarity with municipalities and ordinances.] He used to live in the city of El Cajon and believes he is pretty familiar with the processes of municipalities and special districts and commissions.

He protests the manner in which these whole hearings came about. The church came here and asked for an amendment to their existing CUP (conditional use permit). He believes that the pastor was ambushed when he was here before because members of the commission immediately began to say that they wanted to revoke their CUP, based upon testimony that they received from some neighbors. He doesn't know about the caution at that particular meeting, but they were told that they couldn't do it. He was at the last meeting on August 11 when members of the commission tried to move ahead with discussing and probably revoking their conditional use permit. The first time they started that, they were advised by staff that they could not do that. After a while, they persisted in doing that and finally the City's own attorney told them they could not do it and that it had to be noticed. Therefore, we are in this meeting tonight.

LEPKER says that is a denial of due process of law. This whole thing has started and continued without equal protection under the law. He, therefore, very strenuously objects to the entire proceedings except for the one that they came asking for [addition of a charter school]. Since it [school] was approved, the whole issue should have been

dropped. Revocation stemmed from these meetings before the Commission. He thinks that is highly improper.

AMBROSE has to limit LEPKER's testimony. He wants LEPKER to get to the point. He sees that LEPKER's memory of what happened and AMBROSE's memory of what happened are quite different. He wants him to wrap up his testimony.

LEPKER asks how much time he has.

AMBROSE replies a couple of minutes.

LEPKER says he concurs with the Pastor Estill's testimony this evening. LEPKER came to the El Cajon Foursquare Church in 1949 when he was 13 years old. He is an ordained Foursquare minister. In about 1967, they purchased the property where they are now. He was on the church board at that time. He has been there on a number of occasions when complaints about the church had a response from the El Cajon Police Dept. or Sheriff's Office. Not one single citation has ever been issued to the church or to people in the church. He processed the annexation to the City and the conditional use permit in 1977. He also processed a conditional use permit amendment in 1989. There was one person who was against the conditional use permit for building their new sanctuary and an additional parsonage there. He believes Mr. Ambrose was on the Planning Commission at that time. They agreed to the time limits that were set because they were the normal curfew times of the City that all of their neighbors agreed to. It has to do with curfew only; it does not say anything about other activities that they might do. They agreed to those limitations, and they have kept those limitations. There may have been a minor infringement here and there, but they have corrected all that.

LEPKER says from his experience in being around the church for a long time, some of the testimony the Planning Commission has received from neighbors who have contested this is simply untrue. He was there. He has been there for the whole time, and he knows that the police have never cited them or reprimanded them. He believes the El Cajon City Police Dept. responded in 1998 to a false complaint, which was a report of a fire that was out of control. The reported flames came from the church's pit barbecue. This is one example of the things the church has had to deal with.

LEPKER says that Pastor Estill was sent to their church to rebuild the congregation. He has been there a year and a half and has worked day and night along with the aide of the members. He is also supervisor of 22 other churches. In another language, he would be called an elder or presbyter or a bishop. They simply call him a supervisor. His leadership is outstanding. He has just finished a Master's degree in church leadership. Under his leadership, the church intends to be a very good citizen of the community and they want to do the right thing. They ask the Planning Commission to do the right thing by adopting a new time limit, by adopting the amendment that it has already passed, and by keeping their current conditional use permit intact.

He thanks the Commission.

AMBROSE, in response to LEPKER's comments, states that the Planning Commission did not want to revoke the church's permit. The only way the Commission could add conditions to the permit to try to make it more compatible was to have a revocation hearing. That was the only choice. The Planning Commission tried different ways to see what it could do and that was the only way it could do it. It couldn't be done with the conditional use permit for the school because that was a separate use and didn't include church operations. Most of the neighbors that came that night were complaining about, not so much the school proposal, but the existing church operations: too much noise, and the church not maintaining its landscaping. Therefore, the Commission was compelled to have this hearing this evening.

AMBROSE is a member of a church. He understands these issues as well as any of the speakers do. He knows what complaints by neighbors can do to a church, but they need to understand that we have to live together and have to try to work together. Not everybody is going to be happy with the church being there. There is no question about that. Conversely, the church has to be as compatible as possible. AMBROSE doesn't think the Commission is asking for perfection. It is just asking that everybody just try to get along. It is a big community with lots of people, and it is very diverse. The Commission is trying to encourage compatibility this evening.

He asks if Attorney GALLAGHER has anything to add about the intent of the Planning Commission trying to revoke the permit that evening. Was she here then?

GALLAGHER replies yes, she was present.

AMBROSE asks if it is her understanding that the Commission was trying to revoke the permit that night. He heard that and was very offended by that statement.

Attorney GALLAGHER responds that was not her understanding. It got a bit convoluted with the separate issues. She thinks it took everyone by surprise. AMBROSE is correct. The Commission was not able to look at anything that had not been properly noticed; the only thing that had been noticed at the last hearing was the amendment to the CUP to include the school.

LEPKER asks to answer that.

AMBROSE tells him this is not a debate.

LEPKER understands that. He thinks he has a pertinent question.

AMBROSE agrees to hear it.

LEPKER says that AMBROSE said that the neighbors that came in were not addressing the issue of the school but what the church had been doing wrong, that they had violated the CUP. He doesn't think that is pertinent testimony. He thinks that is why the

pastor was so upset about it and why the church has been so upset about it. It did not really focus on the school, but this whole can of worms was opened up. If that was going to be the problem, shouldn't that have been referred to staff to investigate instead of initiating revocation proceedings?

AMBROSE understands the question. He asks Attorney GALLAGHER to respond.

Attorney GALLAGHER states it is her understanding that that is what was done.

AMBROSE states a conditional use permit goes with the property.

Attorney GALLAGHER responds that is correct.

AMBROSE says if a person is asking for a new conditional use permit for a piece of property, it is like opening it all up again. Is that correct?

Attorney GALLAGHER says that is correct.

AMBROSE asks if it was improper procedure for the Planning Commission not to look at the church.

Attorney GALLAGHER replies, to her understanding, the only issue the last time was that the public did not get a proper notice of the amendment of the underlying CUP. That is why the Commission was unable to discuss it at that time. It had to be brought back later to give all the public proper notice.

AMBROSE tells a lady approaching the podium [later identified as Mary Martinez] that he thought she gave up her time to LEPKER.

In response to her [speaking from a distance], AMBROSE again says she gave up her time.

Raymond B. CLEGG, 994 Flynn Street, El Cajon CA 92021, says he is against the school. The gentleman who just spoke (LEPKER) said he used to be a fire marshal. CLEGG has pictures of heaps of grass, wood and debris on the far west end (of the subject property). It has been there for probably a year. As anybody knows, if that stuff just sits, it will eventually ignite. As instructed by AMBROSE, he submits the pictures to the Attorney for distribution to the Planning Commission.

CLEGG says the church was talking about cleaning up the area. He sees no change in the far west side at all. He asks everyone to speak up because his hearing aid is being repaired.

AMBROSE responds affirmatively.

That is all CLEGG has to say.

Rusti LANG, 10914 El Nopal, Lakeside CA 92040, says she represents the current generation. She is here on behalf of that generation as well as the generations directly before her and the ones coming after her. She was born May 12, 1984, and a short month later was dedicated at El Cajon Foursquare Church. [She lists the numerous church activities in which she has been involved.] She says it is through her time and experience at El Cajon Foursquare that she is the person she is today. She has overcome such illnesses as a breast lump the size of a tennis ball and such events as the Santana High School shooting and the accident of her grandfather (Mr. Lepker) sustained in August 2002. The church has supported her at these times. She has spoken at many conferences around the United States of America. Some of those conferences had religious backgrounds as well as community-based purposes. She says it is because of her work at her church, her school and her community that she was awarded the Points of Light Award from the Points of Light Foundation, which was started by President George Bush, Sr., She names many other programs in which she has participated. It is through these organizations and programs, as well as her church that she feels the youth in this community need to have a safe, healthful and caring place to come and meet together. That is why she contests the potential revocation of the El Cajon Foursquare Church's current CUP.

Rebecca LANG, 10914 El Nopal, Lakeside CA 92040, also contests the potential revocation of the existing conditional use permit of the El Cajon Foursquare Church. El Cajon Foursquare Church is a member of the International Church of the Foursquare Gospel with headquarters in Los Angeles. The denomination has had churches throughout California and the nation for 70 years. They have 33,000 churches worldwide. The largest Foursquare Church in San Diego County is in Escondido in an R-1-6 zone. Their churches in the United States are full of voters who are aware of their due process rights. Her association with the church is also life-long. She was dedicated, which is the Protestant rite of introducing a child to their religious practices, at the Highland and Lexington site as an infant. She and her husband were married in the South Chapel at their current site. Their children were all dedicated in that room. She has served the church and this community as a youth pastor, Sunday school teacher, camp counselor, worship leader and bus driver. The church has provided guidance to the youth of the area and she has been a part of that in many ways.

She too practices the motto: "The Youth Are Our Future". It is her religious practice and that of their congregation to hold a variety of meetings, services and events on the property at Bradley Avenue. The church has owned the land since 1967 or '68 and they have occupied it since they built in 1970. As they exercise their religious practices, their meetings include, but are not limited to, Sunday service, Wednesday Bible studies for adults, as well as instruction for children and youth. Their beliefs include the necessity of fellowship as mandated by the Bible. Fellowship can include outdoor activities, sports, games, singing, chanting, picnicking, camping and loud talking. This is why it was included in the wording of the 1989 CUP under section 4.c.

She contests the potential revocation of the existing CUP because she cannot give up any of these choices in her exercise of her religion, even though they may not be on their current activity services list. When looking at the standard in the existing CUP, it is not talking about ending their services; it specifically addresses organized activities in the parking lot. The assumption has never been that their services would end at a time mandated by the City or this commission. She thinks it is important that the commissioners note that so that the neighbors are not disappointed when the church has a midnight service at New Year's, which is part of their tradition. They leave the building after midnight and welcome in the New Year. It is a common practice among many churches in El Cajon. She thinks it is important that everyone understands that that stipulation is in regard to the events and activities of the youth organized and overseen by adults. It does not say anything about other activities that go on inside the buildings.

AMBROSE asks if it is LANG'S understanding that we are here tonight because the City is trying to limit the church's activities inside the building. Did someone tell her that?

LANG just listened to Commissioner HANSON-COX talking tonight about having people off the property by 10 PM.

AMBROSE states the Commission was talking about activities outdoors being limited in time.

LANG says when HANSON-COX addressed Pastor Estill earlier in the meeting tonight, she sounded as if she was speaking about everybody being off the property as soon as the service - - - she sees Hanson-Cox shaking her head yes. That is why she wanted to bring that up.

AMBROSE says that is a courtesy thing. If you are parked behind somebody's back yard and are talking loudly for an hour or so, you will probably be disturbing somebody. He thinks if LANG were on the receiving end of that, she probably wouldn't like it either.

LANG does not argue with that. Since she has worked with the youth for many years, it has been her responsibility to often make sure that the kids are not in the parking lot. When she was in charge, they had to wait indoors until their ride came, and then get in the car and leave. She has not always been in charge. The first and only time that she recalls the police being called when a youth activity was going on is when she was 15. A neighbor, who no longer lives in the neighborhood, called the police. The police came and saw that they were playing volleyball in the parking lot. It was before curfew and the officer only reminded them not to hit the ball over fence, and left. She has been very conscience from that point on of the need for the church to be good neighbors. Although activities have gone on there, they are not necessarily church activities. The neighborhood youth play kickball in the parking lot until they are asked to leave. She agrees that when the church organizes anything, they do need to be good neighbors and be conscientious of the needs of the neighbors around them.

AMBROSE states it is a two-way street. The Commission understands that.

In response to LANG, AMBROSE says her time is up. There other people who want to speak. He thanks her for her comments.

Terri PICA-DREHER, 1721 Woodburn Street, El Cajon CA 92021, says after the last meeting, ESTILL approached her outside and apologized for the church not having been a good neighbor for all those years. Since then, he has really made a good effort to try to improve things. He has put up fencing on the church's side and he has asked the refrigerated trucks that come in the parking lot and park behind the homes, with the refrigeration unit on, to no longer do that. He told her that he would have them come in after 8 AM, as a courtesy to the neighbors. As far as the Vacation Bible School, ESTILL told her that there will be no more rock concerts there, that they will have nice activities outside and bring the children in early. The neighbors appreciate that. Last year was shattering windows it was so loud. The only thing is, activity is still going on at night. There are groups getting out, hanging out, and chatting. There is no shrubbery or anything outside her fence to bounce the noise back. The very first person on Woodburn has no shrubbery at all along his whole back fence. He is retired Police and couldn't be here tonight.

PICA-DREHER states the neighbors don't want the church to go away. They think it is nice that there is a church in the neighborhood, if some of the kids choose to go there when they are older. They just want the church to stop having things going on up against their fences. Pastor Estill has moved their Operation Hunger program away from the neighbors' homes, which they appreciate. But there are still things going on. The last three-day weekend, she was in her backyard in her bathing suit with her children. There was a group of men outside the fence with buckets and a hose stretched across the parking lot, and they were rinsing out buckets and doing these things in the dirt on the other side of her fence. She worries about what they are rinsing out into the dirt by her plants. She also wonders who these gentlemen were outside her fence. The neighbors wish things like that wouldn't go on. They wish they would find other places to do that. She wouldn't clean out her buckets next to her neighbor's fence.

PICA-DREHER concludes her remarks, stating that the neighbors agree with Commissioner Hanson-Cox that if the outdoor activity could be limited to an earlier hour, that would alleviate many of the problems. Also, when they leave in the evening, if they would not hang out and chat, or if they would chat inside when it is over and then get in their cars and leave, that would be a big help to the neighbors.

Larry LANG, 10914 El Nopal, Lakeside CA 92040, would like to yield his time to Mary Martinez.

Mary MARTINEZ, 12070 Gay Rio Drive, Lakeside CA 92040, runs the Ministry of Helps there and also a FEMA program, a government commodity program, and a senior program for which the truck comes once a month at 11:30 [AM]. They help about 80 seniors in the neighborhood. They are open on Tuesdays from 9 AM to 12 PM. There

are families from within the neighborhood who come and get food from them. She has also received a certificate from Joan Shoemaker, the Points of Life from President Bush, a certification from the Salvation Army and she works with Operation Blessing, which is 700 Club. She has been running the Ministry of Helps for 18 years at El Cajon Foursquare. They have not had a truck come in since July. They unload the truck at 9 AM, it is out of there by 10 AM, and about 30 to 40 ministries come and pick up food from them. She works with 54 different ministries. They try to keep the noise down. They work Teen Challenge, Victory Outreach, Set Free Ministries, San Diego Rescue Mission, Salvation Army, Crisis House and many other ministries that they help with food.

AMBROSE is familiar with most of those. He thinks the church does great work. All the Planning Commission is trying to do this evening is try to make it compatible with the neighbors.

MARTINEZ understands.

AMBROSE thinks it is within the church's best interest to be compatible with the neighbors.

MARTINEZ is just doing what she feels like God is calling her to do and according to the Bible, it is to feed the homeless and the needy.

AMBROSE doesn't disagree with that. He is just saying that sometimes people get a little enthusiastic about the things they do and kids get a little carried away and make noise or talk in the parking lot after hours, and no thought is given about maybe disturbing someone. He is just as guilty of doing that on occasion as anyone. He thinks it is incumbent on all of us to be conscientious about our neighbors and try to keep the noise down, especially in the evening. Most of us still go to work.

MARTINEZ states when they do the trucks, they usually are out there between 4 and 5 PM. The ministries have already come through. They send their trucks to the Salvation Army. About 45,000 lbs. of food that comes in on that truck. In August, they are at the Memorial Park with Teen Challenge and they give that food out to between 2000 and 3000 people. They are doing all they can to help the people in the neighborhood. Many neighborhood people come to their pantry for food also.

AMBROSE asks Pastor Estill to return to the podium.

ESTILL returns.

AMBROSE thinks the Planning Commission is about ready to wrap this up this evening.

ESTILL would love to do that.

AMBROSE thinks the Commission has heard enough personal testimony this evening and is ready to move on. Does ESTILL have an issue with any of condition #1 of the conditions of approval that were in the staff report this evening that they can't comply with?

ESTILL replies no.

AMBROSE skips #2 and asks if ESTILL has any issue with conditions #3 or #4.

ESTILL says no problem.

AMBROSE returns to condition #2, which seems to be the heart of the problem, especially the outdoor activities and the fact that the issue of outdoor camping activities was not included.

ESTILL replies when Planner ALVEY told him of these conditions, he told him there was no problem because they don't have outdoor camping. That was something the church was involved with (Royal Rangers and a youth program) and the City had put some limitations on the camping. He thinks the church's position is that they just don't want to give up that if in the future they wanted to do that. They don't have any plans for it. Also the one hour on the outdoor activities is not a "do or die" for them but, on the other hand, it is as if they have just given up a little more and a little more. Listening to the complaints, he thinks the noise issue that Terri (a previous speaker) was referring to is probably happening at 8 or 9 PM. The church has plenty of parking and doesn't have to park on the westerly parking line. They have tried to instruct people to park somewhere in the middle. Terri has his home number and he has told her to call him at home if there is a problem. He will be happy to go out and shoo people away.

AMBROSE refers to the landscaping on the west side. The original conditions of approval request planting in there. He suggests they plant a whole hedge of oleanders. Those will grow to 12 or 15 ft. tall in no time.

ESTILL says Planner ALVEY was out to the site the other day and even Terri came by, and the immediate thing they wanted to do was build fences. They have since improved Terri's fence in the sense of just covering over the cracks. They built a fence for her neighbor because they felt that whatever shrubs they would put in would take some time to grow anyway. They are more than happy to do that, and have already committed themselves to their neighbor and to the City to fill those spaces in. There is some space by Terri's fence, and especially down at the first two houses where it is rather barren. The church is going to fill that in with something, maybe oleander. He hates that stuff but it is thick.

AMBROSE feels comfortable in continuing with the existing conditions of approval from the original permit for condition #2. He looked through those conditions and, except for the hours of operation, they are essentially the same. There are not really any changes. A few things were deleted from the original permit. He doesn't know how the rest of the

Commission feels. He thinks the church is doing a good job in making the church use more compatible with the neighbors. He hopes ESTILL doesn't get called away and somebody else comes in and doesn't know the routine.

ESTILL says he was at his last church for 14 years. He has only been here for 1 ½ years, so it should hold for a while. Hopefully he won't have to come before the Commission in 2023.

AMBROSE won't be here then.

TURNER states at the last meeting, things came up during the proposal for the school. It seems like it has kind of taken a negative turn for the church with this extra hearing. She knows that wasn't the intention of the Commission at that time. It was just that so much came up that the Commission wanted to bring it back and look at the conditional use permit to make it compatible, as AMBROSE said earlier. Looking at ESTILL's testimony last time (she knows she was trying to pin him down on a lot of different things, and it wasn't intentional), she was trying to get to the root of the problem with the neighbors. ESTILL said at that hearing that 9 PM is "completely reasonably", so staff has put that in the conditions now; and also that 10 PM was reasonable on weekends. She understands the church doesn't want to give up hours. However, there are still noise issues and the Commission is talking about reducing outdoor activities by one hour in order for them to be compatible.

ESTILL thinks when he made that statement, it was the difference between voluntarily agreeing to something and being mandated. That is the sticking point. It is not a serious point with the church. They really want to be good neighbors.

TURNER understands that the church has special events; she has them at her facility too. If the hours were left in and an additional sentence put in about special events or activities that might occur around the holidays or during the summer, would that be helpful?

ESTILL responds that the condition, as it is written, is pretty much the same condition they have been living with since 1989.

TURNER says yes, except for the hours.

ESTILL says it is one hour less. It deals with organized group activities. He says that is not going to be a problem.

TURNER says she was just trying to make it compatible. After going through all this, there still seems to be some issues. That would be the only point of contention, that an hour be adjusted since the church is already having that issue.

ESTILL would say to his neighbor with the problem with the back lot, that they have already committed to laying sod back there when the school comes in, so that lot will be

improved. He apologizes for the picture, but it is at the back of the lot and has not gotten a lot of attention.

TURNER thinks adding the school will be a good thing for the church.

ESTILL agrees.

TURNER asks if he is agreeing that the hours should be cut back to 9 PM.

ESTILL says that won't shut them down as a church. They would obviously prefer not to give up anything, but they understand it is a negotiation.

BURGERT says since the first time ESTILL came before the Commission up until now, he can see that he has made an honest effort. BURGERT has looked at the site and seen the improvements. He only lives three blocks away. He praises ESTILL and his team for what they have done. It seems like they have opened up communications with the neighbors, which is a positive thing. It sounds like a few little improvements are still needed; he drove by tonight and noticed some blank spots, but they are making positive steps. It sounds like they are opening up a good neighborly relationship. Maybe ESTILL's and the congregation's wishes to attract more people might be fulfilled. He goes to a church and understands how the festivities or young people can get noisy. It sounds like the church and the neighbors are going to make an agreement to try to respect each other, and it sounds like it will work out.

No further comments are offered.

Motion by TURNER, second by BURGERT to close the public hearing; carries 4-0, AGURS absent.

TURNER thinks the Commission should deny the revocation. The only issue she still had was the outdoor activities ending an hour earlier.

HANSON-COX states her issue is still the barrier in the front. It is not just for the people in the church, it is to keep other people out of the church in the middle of the night so ESTILL doesn't have to get up in the middle of the night and chase them off. She thinks that will help a lot.

AMBROSE says that ESTILL did agree to conditions of approval #1, which required under 1.c. to install a solid barrier.

TURNER thinks there is another requirement under condition 2.d.

BURGERT agrees. It looks like the barrier is addressed (in the conditions).

AMBROSE states it looks like there is only the one-hour issue. If the Commission can somehow not remove the issues of overnight camping and the other issues that staff took out of the original permit—can those be put back in?

RAMIREZ asks if there was anything else specifically, besides the overnight camping, that the Commission would like added as conditions of the ongoing operation.

TURNER would say any special events around the holidays that they might have. They were talking about midnight Mass on New Year's. Churches sometimes have that at Christmas too.

AMBROSE states that is not an outdoor activity. He doesn't want to get into that. He doesn't want to address anything that goes on inside. It is just what happens outside that is critical.

RAMIREZ thinks it would suffice if the motion maker would add the condition #4.b from the previous Planning Commission resolution; just request that it be added as a condition #2.m.

AMBROSE states it seems that is the only one that is different.

In reply to AMBROSE, ALVEY thinks that at the previous public hearing, there was a list of activities that were occurring at the site and the campgrounds weren't listed. It was staff's position that since that activity wasn't occurring, it wouldn't be included in the new conditions of approval. If the Commission would like to add that, it would be appropriate, in staff's opinion.

No further comments are offered.

Motion by TURNER to deny the revocation of Conditional Use Permit 732 and amend the conditional use permit in accordance with the staff report, including condition #4.b. about the overnight camp-outs from the original conditional use permit and also changing the hours of operation that were listed in the new one.

Under discussion, AMBROSE says there is only a one-hour difference in the outdoor activities.

TURNER says yes. She thinks those changes would make the church compatible with the neighborhood and also allow the church to do the good work that they do.

HANSON-COX asks that the motion be read back, if it is a motion to adopt the staff report as it is written, with the additional condition.

TURNER states to adopt the staff's report and add a condition 4.b. from the original conditions and include it as 2.m., with all other conditions to remain as stated in the new report. There was an hour difference.

BURGERT will second the motion:

Motion by TURNER, second by BURGERT to DENY REVOCATION of Amendment of Conditional Use Permit 732, and amending conditions of approval in accordance with the staff report, adding a condition #2.m. to read as follows, "Church overnight camp-outs on the subject property shall be limited to no more than four per year." [This wording comes from condition #4.b of Planning Commission Reso. No. 7850, adopted in 1989.] Motion carries 4-0, AGURS absent.

AMBROSE advises this action is final unless appealed to the City Council. The appeal period ends on October 20, 2003, at 5 PM.

AMENDMENT OF CONDITIONAL USE PERMIT 1023 – 7-Eleven, Inc.

(public hearing) Resolution No. 9856

P. C. Meeting 10/06/03

The subject property is located on the southwest corner of Broadway and North Mollison Avenue and addressed as 895 Broadway; APN 484-282-25; LUC 5412D; General Plan Designation: "General Retail Commercial".

Request renewal of an existing conditional use permit for off-sale beer and wine in conjunction with a convenience store and gasoline service station in the C-2 (General Commercial) zone.

RAMIREZ states that, technically, this conditional use permit expired on May 4, 2002, at which time no application for renewal was made. The reason this CUP (conditional use permit) has come up now is that the operator has applied for a transfer of the ABC license, which is processed through the Department of Community Development. The existing convenience store with off-sale beer and wine in conjunction with a gasoline service station would be consistent with the General Plan with the granting of a conditional use permit. The business appears to be compatible with the surrounding land uses and zoning. The self-service gas sales aspect of the business was established in 1970 with various uses added, including bringing the existing off-sale sale beer and wine into conformance with a 1992 Zoning Ordinance amendment. That action is the one that established the 10-year term, which recently expired.

The subject composition of uses has been on the subject property since 1983 with no history of complaints. No complaints have been filed with the City during the last three years and in visiting the site, staff has found the property to be well managed. Landscaping is the only feature of the site with which the staff would like to see some upgrades. In staff's opinion, simply adding ground cover and shrubs is all that would be needed.

Staff is recommending that Amendment of Conditional Use Permit 1023, for off-sale beer and wine in conjunction with a convenience store and gasoline service station, be granted for a term of 10 years.

The public hearing is now open.

No one comes forward to speak on this item.

Motion by TURNER, second by BURGERT to close the public hearing; carries 4-0, AGURS absent.

Motion by TURNER, second by BURGERT to GRANT Amendment of Conditional Use Permitti1023 in accordance with the staff report; carries 4-0, AGURS absent.

AMBROSE states this is final action unless appealed to the City Council by October 20, 2003, at 5 PM in the City Clerk's office.

AMENDMENT OF CONDITIONAL USE PERMIT 1060 – Toma

(public hearing) Resolution No. 9857

P. C. Meeting 10/06/03

The subject property is located on the northeast corner of East Main Street and North First Street, and addressed as 1110 E. Main Street; APN 489-150-27; existing LUC 5531, proposed LUC 5531/5819; General Plan Designation: General Retail Commercial.

Request to add take-out food to an existing service station with a convenience store including off-sale beer and wine, in the C-2 (General Commercial) zone.

RAMIREZ states that take-out-only food establishments are allowed by conditional use permit (CUP) in the C-2 zone, subject to the establishment not providing any dining facilities on the premises at all. Other food prepared on the property is already available for purchase in the existing convenience store and will continue to be provided if the request to add take-out pizza is granted. Other than interior modifications, no increase in floor area of the existing store is proposed and no other changes to this site are proposed as part of this request.

Earlier this year, staff noted that the on-site circulation pattern, established to accommodate increased business resulting from reduced prices, was causing a traffic problem in the public right-of-way, most notably on North First Street. At the present, there appear to be fewer problems in this regard. The properties to the east, west and south of the subject property are zoned commercial and developed the same. Properties to the north are residentially zoned and developed. In staff's opinion, the

addition of take-out pizza at this service station and convenience store on the subject property will be compatible with the surrounding area.

Regarding compliance with the Zoning Ordinance, staff notes that the convenience store is currently nonconforming due to the existing off-sale beer and wine. It may continue on the subject property but may not be expanded to include any other types of alcoholic beverage sales.

During a recent site visit to the subject property, RAMIREZ says that staff observed litter around the site and landscape areas that are in need of enhancement. These items have been addressed in staff's suggested conditions of approval. The subject property currently provides eight parking spaces on site. The original development provided 12 spaces, but that number has diminished over time due to the requirements for disabled parking and trash enclosures. Using the current development standards for parking, the requirement on the subject property is nine spaces. The Planning Commission should determine whether adequate parking is provided on the subject property.

Comments from other City departments have been attached to the staff report and incorporated as conditions of approval where appropriate. To date, staff has received no public input regarding this request. The recommendation is to permit the addition of take-out food to the existing convenience store with off-sale beer and wine in the C-2 zone. The recommended term is for five years.

The public hearing is now open.

Allen DUEBER, 6280 Cresthaven Drive, La Mesa CA 91941, is the architect for the project. He is representing the applicant, Mr. Toma. He received the report in the mail on Saturday and reviewed it with his client. They would like to discuss condition 1.h) to provide the notes asked for by the Public Works Dept. in comments dated 9/25/03, and condition 8 that the applicant shall comply with all requirements of the Dept. of Public Works dated 9/25/03. His client has no problem in accepting all the conditions that the Planning Division, Building Division, Fire Dept. and Police Dept. have in regard to his project. They are only going to be adding a pizza oven to do the pizza.

However, the Engineering Dept. is requesting that his client comply with erosion control and grading measures, dedicating 25 ft. of their property as indicated in B-1 of the Public Works comments. That would impact having to replace the existing sign that is on site – it would be in the public right-of-way. The burden of B-4 to replace the existing driveway on North First and East Main Street per RSD G-26 with the back 5' of the driveway on Main Street at 2% grade would not even work in this case, as can be seen from the document of the site plan. That driveway is to the extreme corner of the property line and it would literally be impossible to get the appropriate apron at that 2% required by the Engineering Department.

AMBROSE states there is nothing the Planning Commission can do this evening because the Planning Commission cannot change Public Works' comments. Only the City Council can do that.

DUEBER says then they ask that the Planning Commission approve (grant) Amendment of Conditional Use Permit 1060 and they can voice their comments on appeal to the City Council.

AMBROSE replies unfortunately that is the only choice this evening. He agrees with DUEBER that it seems like overkill for a pizza oven.

DUEBER says the whole project will be about \$1,000, if it will even require a building permit. They are looking at another \$20,000 and street improvements and other things. He reiterates that they would like the Planning Commission to grant their request, and they will address the City Council on appeal.

No one else comes forward to speak on this item.

Motion by HANSON-COX, second by BURGERT to close the public hearing; carries 4-0, AGURS absent.

AMBROSE states this looks straightforward except for Public Works' comments. He is not even going to ask where that came from. These guys just throw those in on everything, but for a pizza oven?

Motion by HANSON-COX, second by BURGERT to GRANT Amendment of Conditional Use Permit 1060 in accordance with the staff report.

Under discussion, AMBROSE asks if the motion was based on a recommendation that there is sufficient existing parking on site. He has been there several times and believes adequate parking exists.

HANSON-COX has been there and didn't see a problem.

Amended motion by HANSON-COX, second by BURGERT to GRANT Amendment of Conditional Use Permit 1060 in accordance with the staff report, finding there is adequate parking on site; carries 4-0, AGURS absent.

AMBROSE states this is final action unless appealed to the City Council. The appeal period ends at 5 PM on October 20, 2003.

CONDITIONAL USE PERMIT 1968 – Toro Agricultural Irrigation for The Toro Company

(public hearing) Resolution No.9858

P. C. Meeting 10/06/03

The subject property is located on the southwest corner of Bradley Avenue and North Marshall Avenue, and addressed as 1588 N. Marshall Avenue; APN 482-140-44; General Plan Designation: Industrial Park.

Request temporary outside storage in required off-street parking in the M (Manufacturing) zone.

ALVEY states this annual request by Toro represents their 13th consecutive conditional use permit request. The reason for each of these individual requests has been the use of required parking for outdoor storage. Over the past 12 years, the applicant has consistently complied with all the conditions of approval and each year has returned with a new application without any reminders from staff.

The request is consistent with all the development standards for outdoor storage in the M zone. This year, due to the long history of compliance on the subject property, staff has recommended a five-year term for this conditional use permit. Staff believes that with adherence with the conditions of approval, the subject property will remain compatible with all the surrounding properties, and therefore recommends that the Planning Commission grant Conditional Use Permit 1968 subject to the conditions in the staff report.

The public hearing is now open.

Edward HIGGINS, Toro Agricultural Irrigation, 1588 N. Marshall Avenue, El Cajon CA 92020, is here to answer any questions the Planning Commission may have.

No one else comes forward to speak on this item.

Motion by BURGERT, second by TURNER to close the public hearing; carries 4-0, AGURS absent.

Motion by BURGERT, second by TURNER to GRANT Conditional Use Permit 1968 in accordance with the staff report; carries 4-0, AGURS absent.

AMBROSE states this is final action unless appealed to the City Council. The appeal period ends at 5 PM on October 20, 2003.

VARIANCE 942 – Klucker

(public hearing) Resolution No. 9859
P. C. Meeting 10/06/03

The subject property is located on the south side of Via Elisa at the end of the cul-de-sac, and addressed as 1686 Via Elisa; APN 507-060-10; existing LUC 1111A, proposed LUC 1111I; General Plan Designation: Low Density Residential.

Request reduction in side yard setback in the R-1-6 (Residential One Family 6,000 sq. ft.) zone.

RAMIREZ states it was originally thought that this variance application was needed because the applicant's proposed room addition projected into a required side yard setback of 10 feet. One way to eliminate the need for the variance was to provide an additional paved parking space on the subject property and not located within the front yard setback. After visiting the site, staff determined that an additional paved parking space is already located on the east side of the house, which was not shown on the applicant's site plan. Staff informed the applicant of this finding and the applicant's contractor has asked to withdraw this variance request.

The public hearing is now open.

No one comes forward to speak on this item.

Motion by BURGERT, second by TURNER to close the public hearing; carries 4-0, AGURS absent.

Motion by BURGERT, second by TURNER to GRANT WITHDRAWAL of Variance 942 in accordance with the staff report; carries 4-0, AGURS absent.

AMBROSE states this is final action.

PREDRAFTED RESOLUTIONS

To reflect the actions of the Planning Commission tonight.

Motion by TURNER, second by BURGERT to adopt Resolution Nos. 9852, 9854, 9855, 9856, 9857 & 9858 pro forma; carries 4-0, AGURS absent.

ORAL COMMUNICATIONS

RAMIREZ advises that the next Planning Commission meeting will be in three weeks, on October 27, 2003. Jim Griffin will be the staff person present at that meeting.

TURNER states she will be absent from the October 27, 2003, meeting.

CORRESPONDENCE

There was none.

ADJOURNMENT

The meeting of the El Cajon City Planning Commission adjourned at 8:45 PM this 6th day of September 2003.

Anthony AMBROSE, Chair

ATTEST:

James S. GRIFFIN, Secretary