

# MINUTES

## PLANNING COMMISSION MEETING

APRIL 25, 2005

The meeting of the El Cajon City Planning Commission is called to order at 7:03 PM.

### PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: WELLS, WOODS, AMBROSE, BLACK, TURNER-EMERSON

COMMISSIONERS ABSENT: None

OTHERS PRESENT: RAMIREZ, Principal Planner  
FOSTER, Assistant City Attorney  
ODIORNE, City Engineer  
KRULIKOWSKI, Traffic Engineer  
SHUTE, Senior Planner  
HAWLEY, Admin. Secretary

TURNER-EMERSON explains the mission of the Planning Commission and the proper procedure for speaking before the Commission and asks for proper decorum during the meeting.

MINUTES OF 4/11/05: Motion by AMBROSE, second by WOODS to approve the Minutes of April 11, 2005, pro forma. Motion carries 5-0.

### **CONDITIONAL USE PERMIT 2003 – El Cajon Community Development Corp. for Pedersen**

(continued public hearing) Resolution No. 10122  
(joint noticed for CC mtg 5-10-05)

The subject property is located on South Orange Avenue between W. Main St. and W. Douglas Avenue; APN: 488-151-21 & 488-162-17; LUC 4550 existing, 4550/7314 proposed; General Plan Designation: Special Development Area 9/General Retail Commercial.

Request a weekly farmers' market on Thursday evenings in the C-2 (General Commercial)

zone. ***Continued from the meeting of April 11, 2005.***

RAMIREZ states that the original public hearing notice for this application specified that the proposed farmers' market would be held on Saturday mornings. The applicant's staff has revised their application to request Thursday afternoon and evening markets on a year-round basis. Therefore, the item was re-advertised to specify the change in market days.

RAMIREZ clarifies that for this downtown El Cajon location, a portion of Orange Avenue will be closed early in the afternoon on market days in order for vendors to begin setting up. Approximately 40 booth spaces will be rented to craft vendors, food vendors and certified farmers. Temporary trash receptacles will be provided throughout the area. Restroom facilities inside the Women's International Kitchen will be made available on market days.

While it is expected that many market patrons will be walking to the market, staff notes that limited, on-street and off-street parking are available in close proximity to the market. The applicant's site plan highlights property available at the southeast corner of W. Douglas and Orange Avenue. This property is owned by the County of San Diego and is improved with a parking lot which serves visitors to the Assessor/Recorder/Clerk's Office. As the staff understands it, the applicant has permission from the County to use the lot after 5:30 p.m. on market days as an alternative location for residents who live in close proximity to the market on Orange Avenue.

RAMIREZ indicates the land uses in the area surrounding the property are a mix of retail commercial, office and residential uses. Because this market location is the first of several downtown El Cajon locations to be located immediately adjacent to residences, staff has recommended conditions of approval which focus on the compatibility aspect of this applicant's request. First, it is noted that the applicant did not request live entertainment in conjunction with the Thursday markets at this location, even though live entertainment had been requested and was approved by the City in conjunction with previous markets. Second, staff has examined the parking situation and supported the applicant's efforts to formally identify an alternative parking location nearby.

It is staff's opinion that the proposed farmers' market at this location will facilitate a friendly, pedestrian environment that is encouraged by the City and the applicant as well. Staff notes that the applicant has operated farmers' markets at several locations in the past, all of which have neither generated complaints, nor has had a negative impact on surrounding uses. It is therefore the staff's opinion that the proposed market location will be compatible with surrounding uses.

Because the farmers' market is a temporary use, the usual review for compliance with C-2 zoning standards was not performed. Even the normal parking requirements do not apply, as there are no permanent structures being used other than the restroom facilities, for which parking must be calculated. The market's previous location was in the public right of

way, and was approved with the parking available on the street, acknowledging that surrounding parking lots owned by the City and private property owners would also be used and available.

RAMIREZ remarks that staff received one inquiry in response to the public hearing notice, which was distributed for this item. The caller resides in the condominium development adjacent to the east of the market location. He sought clarification and expressed concern about the elimination of on-street parking on the east side of Douglas. In response to staff's question, the caller indicated that numerous residents in his development own more than two vehicles and regularly rely on public parking available on Douglas for their vehicles.

In conclusion, RAMIREZ states that since this project is located within the boundaries of Specific Plan 182, City Council concurrence will be required if the Planning Commission grants this request. The Council's public hearing date was pre-advertised for May 10<sup>th</sup>. It is recommended that the Planning Commission grant Conditional Use Permit 2003 for a weekly farmers' market on Thursday evenings in the C-2 zone, subject to conditions and reasons stated in the staff report.

The public hearing is now open.

**Lisa LIND**, representing the El Cajon Community Development Corporation, 168 E. Main Street, El Cajon, speaks in support of the Item and provides an update for the members of the Commission. [She forwards copies of documents to the City Attorney for distribution to the Commission.] She indicates the following:

- They are proceeding with the plans for the farmer's market.
- Efforts have been made to contact homeowners along Orange Avenue as well as business and property owners.
- A verbal agreement has been reached with the County of San Diego so that specific parking spaces will be designated "for residents only", in the County's parking lot prior to 5:30 p.m.

LIND requests the Commission consider allowing non-amplified music, in consideration of noise issues for the residents along Orange Avenue.

In answer to TURNER-EMERSON's question, LIND indicates they are in agreement with all the other conditions as set forth in the staff report.

TURNER-EMERSON comments she is looking forward to the farmers' market events.

AMBROSE states that farmers' markets have been a big success in the past and he is glad

to see that it is coming back.

No one else comes forward to be heard.

Motion by AMBROSE, second by WELLS to close the public hearing; carries 5-0.

In answer to questions by AMBROSE and TURNER-EMERSON, RAMIREZ states that staff was not aware of the request coming to the Commission for non-amplified music. It would be helpful to clarify what comprises “non-amplified” music, whether it would include strolling musicians or taped music. The Planning Commission may wish to revise, either/or, conditions 16c and 16d on page 6 of the staff report, in response to the applicant’s request.

Discussion ensues among the Commission and staff concerning:

- Prohibiting the use of a public address system
- Allowing non-amplified music such as a strolling guitar player
- Whether to allow individual musicians or groups
- A suggestion to locate the performances far removed from the adjacent residential properties on the east side of Douglas

After conferring with FOSTER, RAMIREZ indicates that in the past, “live entertainment” has been included in the language the City has used for the public hearing notice. In this case, with no live entertainment specifically being named on the application, that language was not included in the public hearing notice. With this Item going on to the City Council, it would be staff’s position that the Planning Commission indicate they are looking favorably upon the applicant’s request, but that the Commission will not be changing a condition in response to that, because it was not an advertised part of their request.

No further comments are offered.

Motion by AMBROSE, second by BLACK to GRANT Conditional Use Permit 2003, in accordance with the staff report; carries 5-0.

**ADDENDUM TO ENVIRONMENTAL IMPACT REPORT #74 - Home Depot USA, Inc.**

(public hearing) Resolution No. 10123  
P.C. Minutes 4/25/05

Request consideration of an addendum to a previously certified environmental impact report for a proposed retail commercial development project.

**AND**

**ZONE RECLASSIFICATION 2261 - Home Depot USA, Inc.**

(public hearing) Resolution No. 10124

P.C. Minutes 4/25/05

The subject property is located on the east side of E. Main St. between Lavala Lane and Pepper Drive; APN 400-250-07, -08, -09, and -28; General Plan Designation: Special Development Area #7 / General Retail Commercial.

Request to prezone property from the County of San Diego RS-7 zone to the City of El Cajon C-2 zone.

**AND**

**CONDITIONAL USE PERMIT 2004 - Home Depot USA, Inc.**

(public hearing) Resolution No. 10125

P.C. Minutes 4/25/05

Request outdoor storage in conjunction with a home improvement store in the (pending) C-2 zone.

TURNER-EMERSON asks for a show of hands for those in the audience attendance for items 2A, 2B and 2C. [A majority of hands are raised in the audience]. She requests that courtesy be extended to all those present for the public hearings. She informs that after the staff presentation, speakers for the applicant will come forward, followed by one speaker from the County of San Diego, and one resident who will be given extra speaking time as he will be speaking on behalf of a group. Subsequent speakers are asked to form a line no deeper than five people at a time.

In answer to TURNER-EMERSON's question, RAMIREZ indicates that staff would prefer all three hearings be held concurrently in order to avoid duplication of testimony.

BLACK announces that the City Attorney has recommended he recuse himself from participation on items 2A through 2C because of a financial interest related to the items. As required by law, he leaves the Chambers, at 7:24 p.m.

RAMIREZ indicates that staff's comments on each of the agenda items 2A, B and C, will be made in a single presentation. As has been the Planning Commission's practice, staff expects that the three public hearings on these items will be held concurrently. This means that anyone in the audience who is here to speak on any or all of these items need give

testimony only once.

Regarding agenda item 2A, RAMIREZ indicates the environmental document which staff has provided to the Planning Commission is an addendum to a previously certified environmental impact report (or EIR). The addendum was prepared pursuant to the requirements of California Environmental Quality Act (or CEQA), and CEQA guidelines. The previously certified EIR is EIR #74, which reviewed virtually the same project and was certified on July 27, 1999, by the El Cajon City Council. Although that EIR was certified, the City Council denied the rezoning and denied the conditional use permit (or CUP) applications submitted by this applicant. The Planning Commission must now review and consider the information contained in the addendum before making a decision on the project. The project consists of a change in zoning, approval of a development plan for the site, and eventual annexation of the site which is currently located in the unincorporated area of San Diego County.

RAMIREZ states that Agenda item 2B is Zone Reclassification (or ZR) 2261, which is a request to rezone four parcels from the County's RS-7 zone to the City of El Cajon C-2 (General Commercial) zone. The Local Agency Formation Commission, known as LAFCO, requires local jurisdictions to rezone and conclude all local land use decisions before an annexation application is submitted to LAFCO. The four parcels which comprise the subject property are located within the City's LAFCO adopted sphere of influence. The site is contiguous to the El Cajon City limits on three sides. Interstate 8 freeway borders the fourth side. As a matter of background, commercial uses have existed on or near the subject property for a number of years. El Cajon's General Plan has shown a commercial designation for this site since 1979.

RAMIREZ notes that a portion of the property north of the subject site was governed by a specific plan for a commercial development comprised of a motel, restaurant, banquet hall and convenience store. In 1998, the El Cajon City Council approved deletion of that specific plan in order to allow construction of a 65-unit planned residential development. Approval of the proposed rezoning to C-2 is consistent with the General Plan designation for the subject property and would create a logical extension of the existing C-2 zone adjacent to the south. If the Planning Commission agrees with staff's recommendation, the rezoning will go forward to the City Council for final action.

RAMIREZ states that agenda item 2C is Conditional Use Permit (or CUP) 2004, which is required for the outdoor storage and display aspect of the proposed home improvement center. The CUP reviews the entire development plan, even though the home improvement center is a use permitted by right in the C-2 zone, and not a conditional use. The applicant proposes to grade the site in such a way as to create a pad at the northerly end by cutting into the existing slope and then placing fill along the site's southerly property line. A large retail store of almost 108,000 sq. ft. and a 24,000-sq. ft. outdoor garden center would be placed at the northerly end of the site.

Enhanced landscaping is proposed along the Main Street frontage and on the northerly slope as a buffer to the development. The building will be 35 feet high and is placed farther from Main Street than the applicant's 1999 proposal. Cross-sections provided to the Planning Commission show that residences adjacent to the northeast will be about 35 feet above the highest point of the store's roof. Residential properties closer to Main Street will be about 15 feet below the roof's highest point. With input from City staff, the project architect has developed a plan which complies with the C-2 zone development standards and goes beyond ordinance minimums in the categories of parking, landscaping, and setbacks.

RAMIREZ says that customers and employees coming to the site will use the center and southerly driveways, shown as Drives 2 and 3 on the posted site plan. Drive 2, which aligns with Sydney Terrace, on the west side of E. Main Street, is required to be signalized if this project is approved. The northerly driveway is to be used for delivery trucks and contractors who use the will-call facility. Some customer loading will occur at the canopied area at the southwesterly corner of the building in the front.

Recommended conditions of approval for the CUP include time restrictions on trash compactor use and merchandise deliveries. There are also limitations or requirements for areas to be used for merchandise display outdoors, delivery truck engine idling, public address system speaker placement, delivery truck ingress and egress, and cut-off shields for exterior lighting.

RAMIREZ advises that the Planning Commission's action on the CUP is final. If the Commission grants Conditional Use Permit 2004 with conditions as recommended, the CUP will still go forward for concurrence by the City Council in conjunction with their considering the EIR addendum and the rezoning request.

RAMIREZ comments that the applicant's project has generated considerable public input. Copies of letters, emails and phone messages received through last Friday, were provided to each Planning Commissioner with their agenda information. Correspondence received later was reprinted and distributed tonight. Late arriving comments from public agencies or organizations include letters from Crest-Dehesa-Harbison Canyon-Granite Hills Sub-Regional Planning Group, a letter dated April 24<sup>th</sup>; a letter dated April 25<sup>th</sup> from Endangered Habitats League, and also a letter dated April 25<sup>th</sup> from Lakeside Fire Protection District.

RAMIREZ summarizes the grand total, as of 6:59 p.m. this evening: In support, staff received two phone calls, nine letters, 330 postcards and 1,122 signatures on a petition in favor. In opposition, staff received 39 phone calls and 77 letters. These numbers also include contacts with the Mayor, City Council, and the City Manager's office. The numbers also include a packet of seven letters hand-delivered prior to the start of the meeting.

RAMIREZ indicates that of those who oppose, or those who contacted staff to seek clarification, City Planning Division staff can recall only about four occasions when either the EIR was checked out on loan or the development plan was reviewed by a citizen.

Staff's presentation will conclude with further remarks on agenda item 2A, the EIR addendum. Letters in opposition consistently mentioned traffic, noise and compatibility as reasons for the Planning Commission to deny the project. A key issue is traffic and the effect this project would have on Main Street and on nearby streets and intersections. Traffic projections show that approximately 7,910 vehicle trips a day would be added to East Main Street, a primary thoroughfare which is designed for four lanes of travel, and up to 28,000 trips a day. About 70 percent of the trips coming to this property will use Pepper Drive and Main Street. About 29 percent of the trips would approach the site from the north and about one percent would come from the residential area to the west. Of the 7,910 daily trips, about five percent would occur during the traditional morning or A.M. peak hour. An estimate of approximately ten percent would occur during the afternoon or P.M. peak hour.

RAMIREZ indicates that because the applicant has identified that the peak period for a typical store occurs at a different time of day than the standard A.M. and P.M. peak periods, the traffic study concludes that the existing streets can accommodate the traffic that is projected provided that certain mitigation measures are implemented. Mitigation includes widening along Main Street with transitions to the two-lane section north of the site, providing additional turn lanes by re-striping E. Main Street, and installing a signal at the Main Street – Sydney Terrace project Drive 2 intersection.

Regarding noise from construction and operation activities, updated studies were performed to support the addendum. Mitigation identified in the previously certified EIR can adequately address the worst-case scenario noise impacts. Some of the restrictions recommended as conditions for the conditional use permit are actually mitigation measures.

Regarding compatibility of the proposed home improvement center with the surrounding area, the addendum re-states the determination made by the previously certified EIR. In staff's opinion, the applicant has responded to this issue by providing adequate buffers, setbacks, walls, slopes, landscaping and general ground elevation differences between the proposed commercial use and existing adjacent development.

RAMIREZ suggests the Commission should note that some of the agency comment letters indicate that the City of El Cajon has erred by not requiring that the applicant prepare a different type of environmental document known as a Supplemental Environmental Impact Report. Staff has brought to the Planning Commission the addendum, which is based upon a series of updated reports in the technical appendix, in the belief the document is

appropriate and is technically correct. She reminds the Commission that the information contained in the addendum must be considered before a decision is made on the proposed project. If the addendum is approved, that action does not obligate the Commission to approve the project. Staff will entertain questions at any time. The Public Works Department staff and Planning staff members will respond accordingly.

TURNER-EMERSON thanks staff for their hard work and preparation of the reports. She acknowledges the public for their letters of opposition and support. She confirms a videotape was received and reviewed by the Commission.

RAMIREZ comments that the videotape was provided to the Commission, but that staff was left without a copy for the file. She asks that the person responsible for the tape to identify themselves at some point so that a name can be attached to the record.

The public hearing is now open.

TURNER-EMERSON reiterates the order of the first speakers and the procedure for subsequent speakers.

**John ZIEBARTH**, 800 W. Ivy Street, San Diego, representing the applicant, Home Depot, discusses the following:

- The background of the previously submitted and certified EIR from 1999
- The 5 ½-year effort to locate an alternate site in the City of El Cajon or in the County of San Diego
- Extensive studies that were conducted to assess the presence of any new significant impacts due to changes of condition since the original EIR was certified
- Preparation of the Addendum, as required by CEQA, based on the conclusion from the studies that there are no new significant impacts due to changes of condition
- The appropriateness of the Addendum versus a Supplemental EIR

ZIEBARTH references a letter from LAFCO confirming the subject property's location as being "within the City's adopted sphere of influence" and is "contiguous with the City's unincorporated boundary". He comments on the availability of utilities and emergency services, and the comprehensive planning process that has been undertaken to meet the requirements for incorporation into the City.

ZIEBARTH comments on their efforts to minimize additional impacts to the area by:

- Exceeding all code requirements for the subject property
- Providing three times the required landscaping
- Plans to plant five times the number of trees required
- Increasing setbacks and creating a longer driveway to help ease traffic coming from the intersection of Main Street and Sydney Terrace

In answer to TURNER-EMERSON's question, ZIEBARTH states that issues on traffic and air quality were addressed in the EIR.

**David HULSE**, Chief of Major Projects, Department of Planning and Land Use (DPLU), County of San Diego, 5201 Ruffin Road, Suite B, San Diego, indicates they have received and reviewed the proposed addendum to the Final Environmental Impact Report prepared for the Home Depot, dated March 2005, and appreciates the opportunity to comment. Comments from the DPLU, dated April 15, 2005, have been provided to the Commission and staff as part of the official record. Since the County only received the technical appendix for the addendum early last week, comments dated April 15, 2005 do not reflect the information provided in the technical appendix.

HULSE speaks on the following areas of concern:

- Land Use and Community Character – It is the County's position that determining the community character based on the City's General Plan does not make the proposed commercial development compatible with the existing residential development already surrounding the project site.
- Air Quality – In response to comments stated in page 9 of the EIR addendum, the County recommends the technical appendices should review the current non-compliance for the air quality.
- Transportation and Circulation – A number of comments are listed in the County's letter dated April 15, 2005, including the County's request to review an updated traffic report from October 2004.
- Cumulative Impacts – In reference to a ruling by the Court of Appeal (*Communities for a Better Environment v. California Resources Agency*) and CEQA guidelines, the EIR addendum needs to adequately consider all projects that could contribute to the cumulative impacts of the proposed project.

In conclusion, HULSE states it is the position of the San Diego County DPLU that a change in the circumstances not previously addressed in the original EIR may have occurred, as documented in the technical appendix, and that a supplemental EIR may be required to adequately assess impacts associated with the proposed Home Depot project. It is the County's intention to review the technical appendix and provide comments to the El Cajon Community Development Department within the next 30 days.

RAMIREZ indicates that another DPLU staff member had ongoing conversations with Mr. Tony Shute, Senior Planner on the City of El Cajon staff. On approximately April 5, 2005, Ms. Jennifer Campos [County DPLU staff] had been offered a copy of the technical appendices, however at that time only an office copy was available for review. Staff would have reproduced sections of the appendices had a request been made. She apologizes to HULSE for not having the entire document ready when Ms. Campos made the request.



**David ZIETLOW**, 1761 Jasmine Street, El Cajon, indicates he is representing the neighborhoods of Olive Hills, Cornerstone Community, and the McDougal and Arboleda developments.

In response to the question by TURNER-EMERSON, several hands are raised to show the number of audience members being represented by ZIETLOW.

[The speaker submits the Assistant City Attorney a document representing the text of his speech, for distribution to the Commission.]

ZIETLOW thanks the Commission for the opportunity to provide input on the proposed Home Depot project; and thanks the residents of his community for allowing him to present their common concerns. He voices opposition to utilization of an EIR that is six years old and discusses changes that have taken place in the area near the subject property since the report was prepared. There are some cumulative impacts that are not addressed in the EIR. The major concerns expressed by the residents are:

- Traffic – A 54.55 percent increase in traffic; traffic Level of Service (LOS) levels below the City's standard; impacts to traffic at nearby intersections that were not addressed in the EIR
- Noise Pollution – Increased decibel levels creating a significant impact to noise in the area; noise created from outdoor speakers in the Garden shop, equipment startup and pedestrian activities within the parking lot. No mitigating remedies are given.
- Emission Pollution – An increase in carbon monoxide emissions due to projected generated traffic. The proposed business is approximately 2 ½ times the size of the nearby Albertson's grocery store leading to more traffic and pollution. Alternative sites should be explored.
- Store Hours of Operation – 16 hour business days (Monday through Saturday), which is more than typical commercial retail stores.
- Dayworkers, Loitering and Safety of Children – Concerns of 1) trespassing on private properties near the project site, 2) lack of sanitation facilities, and 3) the potential for "crimes of opportunity"
- Community Character Impacts to Daily Life for Residents – 1) dangerous traffic safety issues when weed abatement is performed along the Main Street corridor, 2) safety issues for children walking to local schools, 3) additional school commuting time for children, 4) additional work commuting time
- Zoning Change from Residential to Commercial – The proposed zoning will be in direct conflict with the County's General Plan

ZIETLOW remarks on the City's action to further make the area residential by approving 73 additional homes to be built since the 1999 proposed project. With the City moving in a direction consistent with residential, it stands to reason the vision of the subject property would coincide with both the County and the City of El Cajon by staying residential.

Additional measures will be needed to handle stormwater run-off. With regard to fire protection, under automatic aid, the closest engine comes first anyway – Station 8 in El Cajon currently responds.

RAMIREZ addresses the question by the speaker concerning how the Commission can approve a project that has a noise study that is six years old. The study was updated, likewise for the traffic impact report and several other items that are briefly referenced in the addendum, and fully reported upon in the technical appendix.

In response to the issue of safety to children and those walking in areas with no sidewalks, RAMIREZ believes many of those areas that lead to nearby elementary schools on Pepper Drive, are in the County of San Diego's jurisdiction where the City of El Cajon has no authority to require sidewalks. Relative to the size of the proposed Home Depot compared to the Albertson's grocery store at Broadway and Main, she suggests that looking at traffic generated by a project like that is going to be about 2 ½ times more than what is generated by the proposed Home Depot, simply based on the SANDAG trip generation rates for that kind of commercial development.

RAMIREZ references the five alternative sites listed in the addendum (top of page 23) and mentions the speaker failed to recognize the paragraph that followed, and reads in part "Three of the five alternative sites have been developed." At this point it is not reasonable to assume that the five sites identified in the previously certified EIR are all still available, or that any of them can meet the objective of the applicant.

In response to the speaker's comment about the additional numbers of residential units being built in the area being the City's commitment to residential for this area, RAMIREZ reads an excerpt from a letter that was written by the City Clerk, Marilyn Linn, to the then-developer of the 65-unit planned residential development (PRD) adjacent to the north. The letter, May 27, 1998, is addressed to Daryl Priest. The letter is a summary of the action taken by the City Council to approve Mr. Priest's project. In closing, the City Clerk remarked "It is emphasized at the Public Hearing that it is important for you to assure that full disclosure is made to the people that will be purchasing homes in your project, that the adjacent property is planned for commercial development, and that there is every anticipation that development may occur in the near future." Apparently, this was advice given; it was not a requirement or a condition of approval of that project.

Discussion ensues among Commissioners and staff concerning:

- The necessity for a traffic signal at the intersection of Main and Sydney Terrace
- Peak hour traffic for commuters versus peak business hours for the proposed Home Depot
- Stormwater run-off and the requirements for a retention/detention management program, water treatment or on-site infiltration systems

- Time limits for noise-generating, operational activities
- Crime rates at other Home Depot sites
- Standard conditions of approval for commercial developments, as noted in the conditional use permit

ZIETLOW responds to comments made by staff pursuant to alternative sites, the increase in noise, and traffic at Sydney and Main Street.

In response to TURNER-EMERSON's question, RAMIREZ indicates that ZIEBARTH is prepared to answer most of the questions that are directed to the applicant and their team. She thanks ZIETLOW for his very well-prepared presentation.

ZIEBARTH addresses traffic issues and indicates that with the mitigation measures, the LOS [level of service] will be at acceptable levels, which is generally level "D". He discusses plans to install dual left turn lanes going southbound onto Greenfield, which will improve the "green time" at the intersection and a right turn pocket will be added from Main Street going on to Sydney Terrace. All the items mentioned are addressed in the addendum to the EIR.

ZEIBARTH comments on Home Depot's policy to deter day laborers and to work closely with the Police Department. He indicates the issue of dayworkers has been reduced at the El Cajon store. Generally, there will be a greater abundance of day laborers where mass transit is easily accessed.

**Gordon SHACKELFORD**, 9716 Red Pony Lane, El Cajon, representing the Lakeside Planning Group, speaks in opposition to the project citing the following issues:

- Exposure to diesel exhaust
- Noise generated by the project
- The appropriateness of, and need for, a residential project, rather than commercial development at the subject site
- Changes in case law concerning "cumulative impacts"
- The lack of availability of the technical appendices for review by adjacent jurisdictions
- Peak stormwater run-off volume

In answer to AMBROSE's question, SHACKELFORD states he first saw the addendum in a fairly timely way.

**Janet CARLSON**, 1500 Delight Street, El Cajon, indicates she has been a resident since 1958 and is opposed to the project. She voiced concerns about unsolved crimes in the area, existing traffic problems and a need to protect the environment.

**Gordon GARDNER**, 1739 Jasmine Street, El Cajon, speaks in opposition to the project, indicating concerns about traffic, safety of the children, encroachment of businesses onto non-compatible surroundings, and preserving the residential area. He suggests an alternative site of the former Marshall Scotty's Play Land off of Lake Jennings Road, which has freeway access, a frontage road and is only two miles from the residential site currently being proposed.

**Debra OPFER**, 1914 Cornerstone Court, El Cajon, indicates she is speaking on behalf of five other residents. She submits to the Assistant City Attorney, a set of photographs taken this morning, showing dayworkers loitering near the Home Depot on Arnele, and a statement from an employee of a neighboring business at Home Depot, indicating dissatisfaction with having them as a neighbor due to the loiterers. She voices concerns about:

- Safety of children
- Groups of loiterers
- Traffic associated with Home Depot
- The close proximity of the proposed project to their homes
- The lack of public restroom facilities
- Drug use among loiterers
- Rudeness and aggressive behavior of loiterers

**Laura PRECODA**, 697 Mountain View Road, El Cajon, indicates she is a resident of Crest, is a fire victim, and is a teacher. She expresses concerns for other fire victims who are not present to voice their opposition to the proposed project. A high-impact, commercial establishment will cause traffic, pollution, congestion, loss of property value, crime and stress. She asks that consideration for the children be at the forefront when the Commission makes their decision.

**Cliff ALBERT**, 1597 Villacrest Drive, El Cajon, speaks in opposition to the project and reports that after doing some research, the proposed project would be an extremely unusual situation for a Home Depot to be surrounded on all but one side, by basically residential communities. Meeting minimum standards is not right, and this is not the right project for this area of El Cajon.

**Corrine HORSTMANN**, 1882 Jasmine Street, El Cajon, speaks in opposition, and expresses concerns over existing traffic, congestion, poor condition of the roads and the noise that will be generated from the project.

**George K. FRENCH**, 1626 Pepper Drive, El Cajon, speaks in opposition to the project and discusses an accident in which a little girl was killed on Pepper Drive. He notes that if the Home Depot project is approved, traffic will be greatly increased and he will put his property up for sale.



**Tony ILKATIB**, 1811 McDougal Terrace, El Cajon, speaks in opposition, indicating he purchased one of the Priest Development homes adjacent to the subject property. At the time of the purchase, he was told the Home Depot project was denied. He feels approval of the project will bring noise from equipment and loud speakers. Quality of life will be affected. The project would be an improper use of land.

**Richard TIGHE**, 1611 Lomacita Terrace, El Cajon, speaks in opposition, and suggests a store the size of Home Depot does not belong in their neighborhood, as it should be strictly residential. Property values will plummet if the project is approved. Focus should be for the good of the residents rather than projected revenue to the City.

AMBROSE states he is offended by the remarks from TIGHE, indicating the applicant has every right to apply for a project whenever they want, just as anyone would. They are getting a fair hearing, testimony is being heard from the proponents and the opponents, and a decision will be rendered. The Commission cannot consider economic issues. The decision this evening relates purely to land use. Speakers are asked to stick to land use issues.

TIGHE comments on dayworkers and increased traffic that will result from a new Home Depot.

**Kelly HAWES**, 1635 Lomacita Terrace, El Cajon, speaks in opposition and points out other options for purchasing homebuilding supplies and materials located fairly near the subject property: Alpine Rock and Block, Armstrong's Nursery, Dixieline Lumber Store and Harbor Freight and Tool.

**Gary BURROWS**, 1725 Lomacita Terrace, El Cajon, speaks in opposition and comments on the increase in volume of traffic in the area over the last six years. The current conditions of the roads will not support the number of cars and heavy commercial trucks that are expected with the new Home Depot. The mitigation measures presented do not address traffic coming from the north.

**Edward HURST**, 1670 Whitestone Road, speaks in support of the project, and indicates he is a 13-year employee of Home Depot. He discusses the charitable efforts of Home Depot to "give back to the community" through organizations such as the Boys and Girls Clubs, Hands On San Diego, Habitat for Humanity, Rebuilding Together, and the City of Hope. More than \$90,000 has been given to San Diego City non-profit organizations. Military families are helped through Project Homefront. Home Depot employees have also helped to build playgrounds throughout the City of San Diego.

**Bill WALKER**, 10725 Stoneycreek Court, Santee, speaks in support of the project, and indicates he is a 14-year employee of Home Depot, and the current store manager at 965 Arnele. He shares a plaque received from the California State Assembly, a resolution commending Home Depot for its efforts to help the residents of Crest, Harbison Canyon and other fire relief areas of San Diego County.

**Pat ULM**, 1110 Old Mountain View Road, Crest, states she is an elected member of the Crest/Dehesa/Harbison Canyon/Granite Hills Planning Group. She discusses a letter sent by her group to Jim Griffin, Director of Community Development, which listed the projects (totaling 366 additional homes in the County) that have come into the pipeline since the Home Depot project was originally submitted. The total does not include the single-family homes that are permitted by right on the vacant parcels in the sub-region. The planning group opposes greater density than is already in their planning group area, and the County of San Diego largely supports this view. They do their best to not create bad impacts to the City of El Cajon.

ULM indicates that she and her husband will continue to visit the existing Home Depot stores on Arnele and in Santee.

**Tim TICHY**, 1899 Jasmine Street, El Cajon, speaks in opposition, discussing the net earnings of Home Depot last year.

TURNER-EMERSON reiterates that this forum is to discuss land use and not economic issues.

TICHEY discusses the lack of mitigation measures and the negative impacts of the proposed project.

**Sharon MCFALLS**, 1732 Lomacita Terrace, El Cajon, speaks in opposition and discusses photographs she submitted which are currently on display, that were taken on April 12, 2005, at four area Home Depot stores (Fairmount Avenue, San Diego, Santee, Lemon Grove and El Cajon). She points out that businesses, and not residences, surround the stores. The photos also show dayworkers loitering in and around the parking lots, which will cause traffic problems and safety hazards for neighborhood children. Photos were also submitted of the proposed site, which show the surrounding residential neighborhood. She feels the project did not fit six years ago and it does not fit now.

**Marcie BAILEY**, 1606 Lomacita Terrace, El Cajon, speaks in opposition and discusses her understanding that the subject site was stated as being “residential property” and not commercial. She expresses concerns about safety, noise, crime, and the need to preserve wildlife in the area. She presents a letter to the Assistant City Attorney concerning her

issues for incorporation of the record.

**Rod ARCHER**, 1831 McDougal Terrace, El Cajon, speaks in opposition and voices concerns about noise that will not allow people who work night hours to sleep during the day, black soot from the trucks, loiterers and safety issues that will be created as a result of a new Home Depot.

**Andrea SCOTT**, 1916 Cornerstone Ct, El Cajon, speaks in opposition and indicates that her home, which is adjacent to the subject property, was purchased through the City's equity-sharing, homebuyer program. She expresses concern about noise, lighting and traffic problems, with the 10,000 plus cars a day that are projected to drive through her residential neighborhood, and the limited access from the freeway, should the project be approved.

**Mark BOWERS**, 13077 Aurora Drive, El Cajon, speaks in opposition and addresses traffic problems stemming from cars exiting at Los Coches Road, cutting through Aurora and going back to Highway 8 to head west. Children are not safe as cars and trucks currently travel too fast down the hill. Many accidents are bound to happen.

AMBROSE requests to hear testimony that has not been repeated to this point. The Commission has a pretty good idea of where most people are. Many letters have been received and read by the Commission; much testimony has been heard, and new information is being welcomed. If subsequent speakers do not have new information, he requests the speakers state their agreement with the previous speakers.

**Michelle KEEYES**, 1695 Arnheim Court, El Cajon, speaks in opposition and expresses concern about the safety of the children who live in the neighborhood directly across from the proposed project. More cars will be using nearby, purely residential streets as "shortcuts" to get to the Home Depot.

TURNER-EMERSON reiterates the need for new information, apart from testimony heard concerning traffic, noise, safety issues for children, dayworkers and loitering, preservation of residential neighborhoods and the cumulative impacts related to the project.

**Alex PILON**, 1805 Jasmine, El Cajon, speaks in opposition to the project, indicating he agrees with testimony provided by his neighbors. He disagrees with the figures provided by staff concerning the number of cars that will use Jasmine Street to access the Home Depot and feels the number will be much greater than projected. The grassy knoll depicted in the rendering of the new Home Depot store does not exist, as there is currently a steep hill in the space depicted on the display board.

TURNER-EMERSON advises that Commissioners routinely drive out to project sites and

take a look at the surrounding neighborhoods.

PILON comments on the emotional nature of the testimony from his neighbors and their intent to provide open, honest and passionate testimony. He says that Home Depot did not mail flyers or questionnaires to residents in his neighborhood.

**Karen BECK**, 11645 Via Bolsa, El Cajon, speaks in opposition, indicating that her daughter purchased a home near the project site last year (1857 Jasmine Street), and was not told anything about development of the vacant property at the project site. She agrees with the testimony previously heard in opposition to the project and advocates keeping the site residential and part of the County of San Diego. The mitigation measures previously stated do not address the major concerns of the neighbors. She comments on the economic nature of the testimony heard earlier, from those in support of the project.

**Dennis NOTTINGHAM**, 1883 Jasmine Street, El Cajon, speaks in opposition, and comments on the City's General Plan and the changes that have occurred since 1991. He questions the availability of staff to enforce the hours of delivery for trucks delivering to the Home Depot store and feels the project does not fit in this particular area.

**Phil EISENHART**, 1713 Manford Court, El Cajon, speaks in opposition to the project and indicates his agreement with testimony already presented. He is an independent truck driver and notes that delivery hours are not always adhered to by truck drivers. He does not feel there is adequate space for the trucks to park while waiting to do their deliveries. Noise and pollution will be created from air conditioning or heating units running on delivery trucks.

**Pete SARIDAKIS**, 1252 Tres Lomas Drive, El Cajon, owner of the Greek Sombrero restaurant in Jamul, speaks in opposition. His business raised over \$41,000 for the fire victims. He advises that his application to add outdoor dining to his patio was denied, as there was one resident who opposed the project. He points out the fact that there are many people present at the meeting tonight who oppose the project. He comments on traffic problems that currently exist, which will be compounded if the Home Depot project is approved.

*Recess is called at 9:40 p.m.  
Meeting called back to order at 9:50 p.m.*

TURNER-EMERSON comments on the testimony heard at tonight's meeting, the phone calls and letters received, and materials reviewed over the weekend concerning the project. She acknowledges that Commission members are citizens of El Cajon, who live and work

in the area, as well as having children or grandchildren who also live in the area. She appreciates the participation of the public during these proceedings. Issues raised during the testimony this evening include traffic, noise, crime, loitering, zoning, wildlife preservation, and the cumulative impacts on the neighborhoods.

Motion by WOODS, second by WELLS to close the public hearings; carries 4-0 (BLACK – Disqualified).

Under discussion, AMBROSE says he has concerns about the environmental documentation for this project. Had a subsequent EIR been done, a Notice of Intent would have been sent out to the adjacent jurisdictions, and the parties would have had an opportunity to have input into this process early on. He does not think the current addendum addresses the cumulative issues that need to be addressed. While it may have followed the letter of the law, he does not feel it followed the spirit of the law. He asks for comments from staff.

RAMIREZ comments that the addendum before the Commission does not require public review or circulation. The City staff did advise the public that such a document was prepared and would be relied upon for the Commission's decision.

FOSTER addresses the question on the adequacy of the addendum, indicating that from a legal standpoint, she is comfortable that the addendum was the appropriate environmental document in this case. She explains that a subsequent EIR, which is an entirely new environment report, would have been required if there had been substantial changes in the proposed project, which there were not. This is essentially the same project, although there has been a passage of time, as was proposed in 1999. It would also have been required if there had been substantial changes in the circumstances of the project. While there has been some information as set forth in the addendum, and as referred to in some of the staff reports and the testimony, of some changed circumstances, she does not believe they rise to the legal standard that is referred to in the CEQA guidelines, which is that there has to be substantial changes which would require major revisions to the previous EIR. She does not believe that standard is met here. The circumstances that are being discussed and the types of impacts were covered in the original EIR, and, to the extent that there was additional information, it has been reviewed in the addendum. For the most part, mitigation measures that had been identified previously, have been identified as still being appropriate. Again, the standard of substantial changes requiring major revisions in the EIR has not been met here.

FOSTER comments that another reason there might need to be a subsequent EIR would be if there was new information of substantial importance, showing something such as that there would be significant effect not discussed at all in the previous EIR, or significant effect previously examined which would be substantially more severe. She emphasizes the terms "substantial" and "major". Again, there have been changes but under these

standards, the addendum was appropriate. An addendum is appropriate when there are some changes that need to be made, but they don't rise to those levels of severity. The addendum was appropriate, and taken together with the original EIR, is an adequate environmental review.

AMBROSE comments that while the addendum met the legal test, he is not sure it met the spirit of what the Commission was trying to accomplish, because of the level of interest in this particular project. More analysis should have been performed. He expresses concern about the cumulative traffic issues brought up by the County, which may not have been adequately addressed in the City's environmental documentation. He is not satisfied with the environmental document at this time.

WOODS concurs with staff concerning the appropriateness of the addendum to the EIR.

Discussion ensues among Commissioners and staff concerning:

- Safety of children
- Increased number of trips per day on adjacent roads
- Areas outside of the city limits of El Cajon, that do not have sidewalks
- Peak traffic times for schools versus peak traffic for businesses
- Efforts to make the entrances to the site safer by providing a traffic signal at Sydney and providing some turn lanes and restrictions
- The need for traffic and accident data from other Home Depot stores that have residential areas bordering the business

TURNER-EMERSON asks questions about annexation, sphere of influence, zoning, and the ability to provide services to the area.

RAMIREZ responds that the City of El Cajon, and every other incorporated city in the County has an imaginary line drawn around it that is recognized as the area within which property may be annexed. The adopted sphere of influence line is a result of study by the Local Agency Formation Commission (LAFCO). When applicants approach a city, as in this case Home Depot did to El Cajon, to discuss the possibility of annexing, the staff first refers to the sphere of influence line to determine whether the property that is proposed for annexation, falls within that line. In this case, the subject property is within the City of El Cajon's LAFCO adopted sphere of influence. That is the first of several steps to determine whether the property should or could be rezoned and subsequently annexed.

RAMIREZ refers to testimony provided by ZIEBARTH, regarding four different areas of concern which LAFCO considers, during the evaluation of annexation: 1) sphere of influence; 2) contiguous condition with the jurisdiction that it will annex to; 3) whether public services and utilities can be provided by the jurisdiction that would be receiving the property; and 4) whether the property has been subject to a comprehensive, or long-range

planning activity by the jurisdiction that would receive the property. In the case of the property that is the subject of this discussion, all four of the questions are answered with a "Yes", and those issues are discussed, if and when the proposal gets in front of LAFCO for their recommendation to the Board of Supervisors on the annexation itself.

RAMIREZ addresses the questions on zoning by stating that the property immediately adjacent to the south of the subject property is zoned “commercial”. It is also referenced on the General Plan as “commercial”, and although some people may have chosen to call that their permanent place of residence, it is actually classified as a recreational type use. The conditional use permit approval never included permanent residency. It is an RV travel park and not a place where a person should be giving that street address as their home address.

WELLS asks AMBROSE his suggestion for a remedy with respect to the way the EIR has been handled.

AMBROSE says he would like to see another EIR done, focusing on today’s issues and looking at the cumulative traffic impacts from the County as well as from the City; looking at what happens not only today, but what happens to those intersections and freeway off and on-ramps in the future, in the year 2020 for example. Because of the interest in the project, the City should have gone further with respect to the EIR.

TURNER-EMERSON asks if the Commission would like to re-open the public hearing and request a new EIR.

AMBROSE states he is not ready to approve the environment documentation as presented. If the addendum is denied, the applicant would have to go back and do a whole new documentation.

RAMIREZ says the applicant could chose to go back and do additional work, or they could chose to appeal the decision.

TURNER-EMERSON comments that she lives near the area of the proposed project, has seen some of the traffic problems, but at the same time has noticed traffic that is not so bad during the hours of 10:00 a.m. and 2:00 p.m.

Motion by WOODS to APPROVE the Addendum to the previously certified EIR #74, motion dies due to lack of a second.

Motion by AMBROSE, second by WELLS to DENY the Addendum to EIR #74, finding that the addendum was not adequate, particularly with regard to the cumulative traffic issues raised by the County of San Diego; carries 3-0 (BLACK – Disqualified, WOODS – Abstained).

Motion by AMBROSE, second by WELLS to DENY Zone Reclassification 2261; carries 3-0 (BLACK – Disqualified, WOODS – Abstained).

Motion by AMBROSE, second by WELLS, to DENY Conditional Use Permit 2004; carries 3-0 (BLACK – Disqualified, WOODS – Abstained).

TURNER-EMERSON states that the Planning Commission has denied the project based on the EIR. The applicant has the right to appeal the decision by May 9, 2005. She thanks those in attendance for their participation in the hearings and for their concerns about the City of El Cajon.

BLACK returns to the Council Chambers at 10:12 p.m.

## **PREDRAFTED RESOLUTIONS**

To reflect the actions of the Planning Commission on tonight's agenda items.

Motion by BLACK, second by AMBROSE to adopt Resolution Nos. 10122 through 10125 pro forma; carries 5-0.

## **ORAL COMMUNICATIONS**

WOODS advised that on Saturday, April 23<sup>rd</sup>, while visiting the Council Chambers, he found a person sleeping outside the Chambers both in the morning and late afternoon. He asks that the Police Department be notified.

TURNER-EMERSON thanks staff for the information provided on all of the projects and thanks the Commissioners for their continued support.

## **CORRESPONDENCE**

There was none.

## **ADJOURNMENT**

Motion by AMBROSE, second by WELLS to adjourn the meeting of the El Cajon City Planning Commission at 10:17 PM this 25th day of April 2005; carries 5-0.

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Debra TURNER-EMERSON, Chair

ATTEST:

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James S. GRIFFIN, Secretary