



# MINUTES

## PLANNING COMMISSION MEETING

**FEBRUARY 12, 2007**

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

### PLEDGE OF ALLEGIANCE

**COMMISSIONERS PRESENT:** AMBROSE, BLACK, SOTTILE, WELLS, WOODS

**COMMISSIONERS ABSENT:** NONE

**OTHERS PRESENT:**  
RAMIREZ, Principal Planner  
FOLEY, City Attorney  
BARR, Administrative Secretary

BLACK 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 01-22-07**                      Motion by AMBROSE, second by WOODS to approve the Minutes of January 22, 2007 pro forma. Motion carries 5-0.

### ELECTION OF OFFICERS 2007 – Planning Commission

(discussion)  
PC mtg. 02-12-07

BLACK entertains nominations for Chairman and Vice Chairman of the Planning Commission. AMBROSE nominates WELLS as the new Chairperson.

No one comes forward.

Motion by AMBROSE, second by WOODS to select BILL WELLS as Chair for the Planning Commission meetings in 2007; carries 5-0.

WELLS nominates WOODS as Vice-Chair. [Chair Pro Tem].

Motion by WELLS, second by SOTTILE to select GARY WOODS as Vice Chair or Chair Pro Tem for the Planning Commission meetings in 2007; carries 5-0.

### **PRESENTATION ON PLANNING-RELATED GRAPHICS – Planning Commission**

(discussion)

PC mtg. 02-12-07

CRAIG welcomes students from El Cajon Valley High and Valhalla High and invites them to participate in the activity. He provides some background on planning-related graphics that are used by the Planning Division for the Commission meetings.

He explains that the Planning Commission, when making their land-use decisions, follows the guidelines in the Zoning Ordinance. In the Planning Division staff report, there are recommendations, and the reports include graphic exhibits.

CRAIG started with one element that is included is the site plan, that is a scaled drawing which shows what currently exists, or what is being proposed on a piece of property. The site plan depicts the property lines and the easements and structures that are existing and/or proposed for the lot. After the project is approved, the applicant is required to submit a reviewed site plan with specific notes and changes. [He refers to a site plan and explains some elements in the plan.] He notes that floor plans show the internal divisions within a building that includes rooms, hallways, closets, doors, cabinets and large appliances. Building plans are multi-page sets of detailed drawings containing technical information. The project planner checks the building plans to ensure that they conform to the approved site plan.

Another type of graphic presentation is a subdivision map. It is a scaled drawing used as an instrument for the subdivision of land, and the recordation of legal documents legitimizing the subdivision of land. The Planning Commission is often asked to recommend approval of “tentative subdivision maps,” that is a preliminary map that shows the location and configuration of proposed lots, streets and other improvements. Ultimately, a “final subdivision map” will be prepared which has been revised to include all City-required map improvements. The City Council approves all final subdivision maps. After a final map is approved, the map can be recorded at the County Recorder’s Office.

An architectural elevation, CRAIG notes, is a scaled drawing of a structure from the perspective of one who is standing outside facing the structure. Elevations are important because they depict the exterior of a proposed structure and they include architectural details. A complete set of elevations will depict each side of a structure. Each depiction of the side of a building is labeled with the cardinal direction that the depicted building side faces (ie., north, south, east and west). He notes that sometimes an applicant’s elevations are labeled “front,” “rear” and “side” which is generally discouraged.

CRAIG continues with background information pertaining to scale of a plan, map or elevation, noting that “scale” is the degree to which the drawing represents the “real world” through ratios. He states that a common scale expression would be one inch equals 20

feet. Scale is important as the Zoning Ordinance contains development standards based upon distance measurements, height limits, and area calculations. Plans need to be scaled in order to ensure that a proposed development is accurately depicted and meets the applicable development standards. He emphasizes that engineering scales utilize a base-ten system, similar to the metric system, and architectural scales are more difficult to use because the measurements in fractions based upon U.S. standard and British Imperial units. Planners use a tool for measuring scaled drawings, called a scale. It is a six-sided ruler with different scale gradations on each of the six sides. An engineer's scale has gradations ranging from one inch equals 10 inches to one inch equals 60 feet. An architect's scale has gradations ranging from 3/32" equals one foot, to 1 1/2 inches equals one foot.

He also summarizes other elements of plan symbols, cartographic conventions and bulk development standards, including north arrow, scale indicator, match line, building footprint, building setbacks, lot coverage, building height and placement of buildings. [CRAIG provided a hands-on demonstration on using various elements from his presentation.]

### **DISCUSSION ON SMOKE SHOP ORDINANCE – Planning Commission**

(discussion)

Review of Ordinance No. 4842, regarding the regulation of tobacco shops and smoke shops.

RAMIREZ provides an overview of the Smoke Shop Ordinance. She notes that this discussion agenda item is provided due to a request for an update on the ordinance. Almost three years ago, the City Council adopted an "urgency ordinance" to temporarily prohibit smoke shops and tobacco shops in the City's downtown area, due to the increasing number of establishments of this type, and the potential adverse effects on the city's ability to attract and retain businesses in the downtown area.

The ordinance was adopted and then extended for another year, during which time the city drafted an ordinance to deal with tobacco shops on a permanent basis. In March 2006, the Planning Commission recommended an approval of the proposed ordinance; it was adopted by the City Council shortly thereafter. This new ordinance regulates the location and operation of retailers whose tobacco and tobacco products are sold in quantities exceeding more than 15 percent of the floor space of their business, or more than 16 cubic feet of shelf space in display of tobacco for purposes of consumption or use. The ordinance requires a conditional use permit in order to open a new tobacco or smoke shop, or substantially enlarge or transfer ownership or control of any existing smoke shops.

When the ordinance became effective, any smoke or tobacco shops that were existing at that time, became legal non-conforming uses for a temporary period of three years. Each of these 14 existing establishments received a letter from the City Attorney explaining that this temporary status was granted. Each business would have a period of three years within which to apply for a conditional use permit. To date, only one of those 14 shops (Tobacco Outlet at 145 Jamacha Road) has been before the Planning Commission with their application.

As an incentive for these existing smoke shops to apply for a conditional use permit, they would be offered a term for their ongoing operations to legally continue for up to five years. She realizes that some businesses would strongly object to the conditional use permit process because the filing fee is pretty substantial (\$3,700).

Without a conditional use permit, a tobacco shop risks losing the non-conforming status. If a tobacco retailer wishes to continue being in business, then they may face possible abatement proceedings by the City for not meeting the ordinance requirement of applying for and obtaining the conditional use permit.

When an existing tobacco or smoke shop applies for a CUP, the City cannot deny the request solely on the basis of the subject property's inability to meet the minimum spacing and proximity requirements of the new ordinance. (See Ord. No. 4842, Section 17.88.035.) (None of the existing shops can meet the separation requirements from one or more of the following land uses: residential; church; courthouse; public playground / park / recreation area; school; another tobacco or smoke shop.)

After the three-year "grace period" for existing tobacco and smoke shops, the City would have to take formal action to abate any such establishments for which a CUP was not obtained. This process would involve formal notice to the business owner and a public hearing by the Planning Commission and / or City Council.

RAMIREZ notes that the ordinance does not do anything to regulate the sale of drug paraphernalia. Although staff and Commissioners may have observed items for sale in tobacco and smoke shops that would likely qualify as "drug paraphernalia", the City Attorney has advised that that subject will be addressed in a separate ordinance (not yet drafted).

She explains that all tobacco retailers are subject to licensing by the State of California. In addition, El Cajon tobacco retailers must obtain a City Tobacco Retailers License (\$198) and renew it on an annual basis. The licensing fee, in part, pays for staff time to monitor each establishment for compliance with tobacco laws regulating underage sales. This license program is currently managed by the Planning Division. Staff efforts for the current license year have resulted in 100% compliance from 121 tobacco retailers within the city limits.

RAMIREZ also informs the Commissioners of a survey recently conducted by Communities Against Substance Abuse ("CASA") for the purpose of determining which tobacco retailers in El Cajon are selling to minors. The survey results were presented to the City Council on December 19, 2006, indicating that one in four of the establishments visited sold tobacco to a minor. CASA has forwarded copies of the affidavits and proof of sales to the City for use in conducting administrative hearings for the businesses involved. At this time, the hearing process has not been defined in detail and there is no hearing schedule.

BLACK acknowledges that there are many students in the audience and was wondering if any have visited tobacco shops. He invites those who replied affirmatively to tell of their experience.

**Miss AMY BUDZYNSKI**, student, mentions that she participated in CASA's youth survey and attended a City Council meeting and spoke about her experience. She went to several stores, including smoke shops, liquor stores, and supermarkets to see if the establishments would sell cigarettes to a minor. None sold to her; however, some of her friends who participated in the survey were sold tobacco products.

BLACK asks FOLEY of any time projections regarding the drug paraphernalia ordinance. FOLEY replies that it will not be a "drug paraphernalia" ordinance, which is a common used term, but they will bring to Council for approval an ordinance that regulates "tobacco paraphernalia". He explains that drug paraphernalia is illegal under federal and state laws. The city is pre-empted in trying to enforce that sort of ordinance. He mentions that in the '70s and '80s, many cities were adopting drug paraphernalia laws until the federal government stepped in and made it illegal. Those ordinances have been rescinded or aren't enforced. The city is looking at a tobacco paraphernalia ordinance that would restrict the sale in certain areas.

They are following an ordinance similar to the City of Oceanside. FOLEY mentions the draft should be brought to the City Council sometime this calendar year.

### **AMENDMENT OF SPECIFIC PLAN 182 – Planning Commission**

(discussion)

RAMIREZ provides an update on the development of plans for the expansion of the City's downtown redevelopment area, which is governed by a Specific Plan (SP 182). The El Cajon City Council, acting as Redevelopment Agency, authorized the hiring of CityWorks, a professional consulting firm, in September, 2005, to assist the City with the task of planning for future redevelopment of a larger SP 182 project area. CityWorks was engaged to accomplish two tasks: (1) prepare interim development guidelines to be used for new proposals in the existing project area while the new specific plan is being prepared; and (2) develop a new plan that would accommodate an increase in intensity of land use for the large project area.

To guide CityWorks in this sizeable project, an Ad Hoc Committee was appointed. The committee membership is comprised of representative stakeholders with the geographic boundary of the specific plan, advisory groups, and the community at large. She notes that AMBROSE was appointed by the Planning Commission to the Ad Hoc Committee.

A series of public workshops were scheduled over several months. To date, the workshops have been well attended. Ad Hoc Committee members, City staff, downtown business owners, and property owners have joined together to learn what a specific plan is and what it can achieve. They have become acquainted with the five planning area "districts" and the

intended focus of each district. She notes that now that the City has districts, they're looking to a level of design to create an "activity node", or central focus point in each of the five districts that would affect the site plan for that area. CityWorks has done some open space studies and are proposing such concepts as a linear park along the existing Lexington Avenue. Such a park would have a wide landscape median and some additional width to the public right of way. Future sidewalks would emphasize this east-west access as a way for pedestrian traffic to get from the center of downtown to the transit center.

When this project gets to the Planning Commission, she notes that there will be an Environmental Impact Report and an extensive Specific Plan Amendment. RAMIREZ notes that this is a very large and exciting project for promoting redevelopment and accommodating growth in the City of El Cajon.

AMBROSE praises RAMIREZ on her presentation and adds that it is not just a "paint and fix-up" project, but entails a complete overhaul of the downtown area. He notes that the people who have attended the meetings have been very dedicated and enthusiastic. AMBROSE anticipates a successful program.

BLACK notes to the students in the audience that this project is a good long-range project and should be a positive influence in terms of jobs.

### **PRE-DRAFTED RESOLUTIONS**

There were no pre-drafted resolutions since all items were discussion items.

### **ORAL COMMUNICATIONS**

No oral communications.

### **CORRESPONDENCE**

There was none.

### **ADJOURNMENT**

Motion by AMBROSE, second by WELLS to adjourn the meeting of the El Cajon City Planning Commission at 7:58 p.m. this 12th day of February 2007 until February 26, 2007 at 7:00 p.m.; carries 5-0.

---

William D. WELLS, Chair

ATTEST:

James S. GRIFFIN, Secretary