



# MINUTES

## PLANNING COMMISSION MEETING

### DECEMBER 10, 2007

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

#### PLEDGE OF ALLEGIANCE

**COMMISSIONERS PRESENT:** William D. WELLS, Chairman  
Tony AMBROSE  
Tom BLACK  
Anthony SOTTILE  
Gary WOODS

**COMMISSIONERS ABSENT:** None

**OTHERS PRESENT:** Barbara RAMIREZ, Principal Planner  
Eric CRAIG, Assistant Planner  
Lisa FOSTER, Staff Attorney  
Michael GRIFFINS, Deputy Director, Private  
Development, Public Works  
Ron Luis VALLES, Administrative Secretary

WELLS 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 11/19/07** Motion by SOTTILE, second by BLACK to approve the Minutes of November 19, 2007, pro forma; Motion carries 4-0 (AMBROSE – abstain due to absence at November 19, 2007 meeting).

**Resolution Not Previously Adopted:** Motion by WELLS, second by AMBROSE to approve Resolution #10467 commending James S. Griffin for his 35 years of service to the City of El Cajon and the Planning Commission; carries 5-0.

AMBROSE presents the resolution to GRIFFIN. GRIFFIN thanks AMBROSE, who has served the longest time on the Planning Commission, for lending his expertise and guidance to the Commission. He also commends staff members, including RAMIREZ, Tony SHUTE, Noah ALVEY, CRAIG and VALLES for their work. GRIFFIN recalls some early days of the Planning Commission. He also emphasizes the strong teamwork of the Planning staff working well with GRIFFITHS and the Public Works Department, and FOSTER and the City Attorney's office.

**PUBLIC HEARING ON**

**PLANNED UNIT DEVELOPMENT 333 – James M. Snyder & Kimberly S. Snyder for Snyder Family Trust**

(public hearing) Resolution No. 10468  
(joint noticed C.C. mtg. 01-08-08)  
P. C. mtg. 12-10-07

The subject property is located on the east side of South Mollison Avenue between East Chase Avenue and Ladysmith Drive, and addressed as 1101 "B" South Mollison Avenue; APN: 493-310-65; General Plan Designation: Low Density Residential.

Request a six-unit planned unit interest development in the pending R-S-9 (Residential Suburban 9,000 sq. ft.) zone.

**AND**

**TENTATIVE SUBDIVISION MAP 646 – James M. Snyder & Kimberly S. Snyder for Snyder Family Trust**

(public hearing) Resolution No. 10469  
(joint noticed C.C. mtg. 01-08-08)  
P.C. mtg. 12-10-07

Request seven-lot subdivision (six residential lots and one open space lot) in the pending R-S-9 (Residential Suburban 9,000 sq. ft.) zone.

RAMIREZ notes that this project involves two applications that are being processed concurrently for the subdivision and development of a property that is currently located in the unincorporated area of San Diego County.

The property and an adjacent parcel were pre-zoned R-S-9 by action of the City Council earlier this year. At that time, the City indicated that the subsequent annexation of the subject property would not be supported primarily due to the City Manager's position that the cost to provide services to residential development is more than the revenue received from the City's one-time development fees and ongoing property taxes.

The project proponent is now seeking City approval of his plan to create a common-interest subdivision with six detached single family homes, each on their own lot, with a private street for access. Once again, with the submittal of these applications, the applicant has been reminded of staff's position regarding annexation, which remains unchanged.

The proposed development is depicted on the applicant's site plan and elevations provided to the Commission. The equivalent density is less than five dwelling units per acre. Two-story dwellings each have a two-car garage and are provided with private yard space. Supplemental parking is also provided. A non-buildable lot at the street frontage is labeled as a detention basin. It is staff's opinion that this facility would be better placed on a more private portion of the subject property.

Staff is recommending that the proposed wooden perimeter fence be constructed as a masonry wall instead, in keeping with the City Council's recent action to require masonry for its durability and low maintenance.

Staff has noted that a considerable amount of fill would be imported to the site in order to create the subdivision as it has been proposed. The resulting building pad elevations will be significantly higher than adjacent properties on the south side of the subdivision. In some cases, this difference is as much as 13 feet. This grading concept results in a large part of the rear yards in slope that must be maintained. Although staff may agree with the proposed development, subject to conditions, staff believes that the proposed grading for this project is inappropriate. It is staff's opinion that pad elevations could be reduced by cutting soil from the northerly portion of the site and filling at the southerly side.

RAMIREZ emphasizes that recommended conditions of approval is condition #3 on the tentative map which calls for a reduction in the amount of import and a lower profile for the finished grades. Also, staff is calling for a redesign of the lot lines in order to provide a common lot and landscape maintenance area, rather than having an unclear delineation of responsibility as reflected with the proposed lot lines ending in the center of the private street.

Once the design issues are addressed, staff will still have an issue with the next step the applicant must follow in order to build out the proposed project within the City limits. Staff must again reiterate its position that the City is not supporting annexations at this time due to the cost of providing services. The fiscal impact of the annexation is not a consideration of the Planning Commission at this time. Fiscal impacts will be addressed at the next review level, if and when the applicant discusses his proposal with the San Diego Local Agency Formation Commission, which is the regional agency that oversees annexations.

Staff is recommending conditional approval of both the PUD and TSM. These items will be considered by the City Council at a public hearing on January 8, 2008.

WELLS announces the public hearing is now open.

**Mr. Alan AUSTIN**, 1622 Pioneer Way, El Cajon, CA 92020, is the architect for the project. He agrees with all of the PUD conditions. He notes that the applicant could respond to questions pertaining to the annexation and LAFCO.

**Mr. James SNYDER**, 1003 Rachele Way, El Cajon, CA 92019, is the applicant. He wonders about the city's reluctance regarding annexing this property. He purchased the property as it is -- 87% surrounded by the City of El Cajon and located within the city's "sphere of influence." Planning staff has expressed several times that they are not doing annexations and he doesn't understand why that policy exists. He has been told that the city would lose money with the annexation. Since this area is already serviced by the City of El Cajon's police and fire departments, rather than the County of San Diego's Sheriff's Department or San Miguel Fire Department, he requests an explanation on how building these six homes, would cause the city to lose money.

RAMIREZ replies that there are no definite numbers on the costs of services to properties outside of the city. Since the Planning Commission's jurisdiction doesn't include economic feasibility or the financial aspect of proposals, she doesn't think it is appropriate to discuss this consideration further. She adds that the city provides services on a continuing basis to the properties within the City limits. Even though the property is within the sphere of influence, the city is not obligated to willingly accept annexations.

WELLS asks if the City Council would be the proper place for the applicant to discuss this issue, and RAMIREZ replies affirmatively.

AMBROSE believes that from a planning perspective this project makes sense and has no objections. He believes that the issues are coming from the City Manager's office regarding the policy of annexation. If the applicant can prove that the project is basically, fiscally impact neutral, he doesn't believe that he will have a problem with the city supporting what the applicant wants to do.

SNYDER emphasizes that Daryl Priest builds hundreds of homes in El Cajon, while the speaker is only requesting to build six homes. He still doesn't understand how the city will lose money on this small project. He relates that the Valle de Oro Planning Group also approved this project.

AMBROSE recommends that the applicant bring this issue to the City Council.

No one else comes forward to be heard.

Motion by SOTTILE, second by AMBROSE to close the public hearings; carries 5-0.

AMBROSE reaffirms that this is a good project and commends staff on its work and also working with the applicant.

Motion by AMBROSE, second by SOTTILE to RECOMMEND APPROVAL of Planned Unit Development 333, subject to the conditions listed in the staff report; carries 5-0.

Motion by AMBROSE, second by SOTTILE to RECOMMEND APPROVAL of Tentative Subdivision Map 646, subject to the conditions listed in the staff report; carries 5-0.

These items are jointly noticed for a City Council meeting on January 8, 2008.

**PUBLIC HEARING ON  
AMENDMENT OF CONDITIONAL USE PERMIT 1852 – Daniel’s Investment LLC**

(public hearing) Resolution No. 10470

P.C. mtg. 12-10-07

The subject property is located on the west side of North Second Street between Sumner and Persimmon Avenues, and addressed as 1150 North Second Street; APN: 484-202-20 & 21; General Plan Designation: General Retail Commercial.

Request to renew a conditional use permit for used car sales in the C-2 (General Commercial) zone.

CRAIG notes that this is a request from a new applicant to renew a conditional use permit for auto sales at an existing commercial development. The subject property is currently occupied by a check cashing business and the existing auto sales business. The auto sales office is located in the same building as the check cashing business, and a second building on the lot is used exclusively as a vehicle showroom for the auto sales business. The original CUP 1852 conditions of approval prohibited the outdoor display of vehicles and required that 23 parking spaces be maintained at all times for customers and employees.

However, the current applicant is requesting to display vehicles outside of the existing showroom within a fenced area that was previously designated as required parking. Staff supports this requested outdoor vehicle display since it is not likely to have negative impacts on surrounding properties. Also, the area of outdoor vehicle display would still be available as off-street parking in the event that the auto sales business closed and the structures were occupied by another retail or commercial office use.

CRAIG emphasizes that staff’s field investigation revealed that the requested outdoor display area has already been established at the site. Furthermore, an aerial photograph of the site indicates that the outdoor display area has been used to store boats and RVs in the recent past. Therefore, staff has included a condition limiting this CUP approval to the sale of automobiles and passenger vehicles. The sale of boats, trailers, motorcycles and RVs is specifically prohibited.

In conclusion, staff recommends that the Planning Commission grant renewal of CUP 1852 for auto sales, to include outdoor vehicle display, for the reasons and subject to the conditions listed in the staff report.

WELLS announces the public hearing is now open.

**Mr. Victor DANIEL**, 1150 North Second Street, El Cajon, CA 92021, is the applicant and agrees to the conditions of approval.

No one else comes forward to be heard.

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

Motion by AMBROSE, second by WOODS to GRANT Amendment of Conditional Use Permit 1852; carries 5-0.

The appeal period for this item ends at 5 p.m. on Wednesday, December 26, 2007.

**PUBLIC HEARING ON  
CONDITIONAL USE PERMIT 2058 – DeVito for DeRusseau**

(public hearing) Resolution No. 10471  
P.C. mtg. 12-10-07

The subject property is located on the southeast side of El Cajon Boulevard between South Johnson Avenue and Chamberlain Street, and addressed as 533 El Cajon Boulevard; APN: 487-532-08-00; General Plan Designation: SDA-10 (El Cajon Boulevard/Johnson Avenue)/General Retail Commercial.

Request a take-out restaurant in the C-2 (General Commercial) zone.

RAMIREZ informs that this is a request to establish a take-out only restaurant in an existing building in the C-2 zone. The applicant's floor plan, included in staff's report to the Commission, shows a dining area with eight seats and a counter in the front of the building, and a kitchen, storage area, and restroom to be built out in the remaining portion of the suite.

Section 17.60.440 of the Zoning Ordinance allows a take-out restaurant by conditional use permit, where the restaurant can meet the standard parking requirement of the commercial zone (one space for every 250 sq. ft. of building floor area). The usual parking requirement of one space per 100 sq ft of building floor area would then not apply.

By definition, a take-out restaurant cannot have dining facilities, however, up to eight seats are allowed for the convenience of customers who are waiting. Therefore, the applicant must revise his plan to show a waiting area that is sized appropriately. The counter near customer seating will have to be removed from the plan.

A review of the current site conditions revealed that the trash enclosure at the rear of the site is missing the required gates to screen the dumpster. Also, an excess amount of debris was noted in a pile next to the trash enclosure. These observations are not serious enough to warrant a negative recommendation from staff; however, the items of concern must be addressed by the applicant and before the restaurant opens so that the Commission can grant the applicant's request.

Staff's recommended conditions of approval include ongoing conditions for the five-year term of the CUP. If the Commission concurs with staff to grant this request, the decision can be appealed until 5 p.m. on Wednesday, December 26, 2007, by filing an appeal form with the City Clerk's office.

WELLS announces the public hearing is now open.

**Mr. Tom DeRUSSEAU**, 2235 Cliff Street, San Diego, CA 92116, is the property owner. He is concerned about the limitation of the front waiting area being only six feet and requests that it be extended to 14 feet. He also requests a longer term for the conditional use permit of 10 years.

WELLS asks staff to address the speaker's concerns and RAMIREZ replies that staff would not object to allowing more than six feet to the waiting area. She emphasizes that staff does not want it to be converted to a dining area.

AMBROSE asks what type of Italian food would be served? The property owner defers and invites the applicant to answer the question.

**Mr. Michael DeVITO**, 4641 Home Avenue, #4, San Diego, CA 92105, is the applicant. He replies that the cuisine would be East-coast style Italian food. He notes that his family has been in the business for over 27 years, and emphasizes they expect a high-turnover in patrons. They will focus on a delivery service, instead of walk-in clientele.

SOTTILE notes that six feet limitation in the waiting area appears to be claustrophobic and asks if an eight-foot extension would be acceptable. DeVITO replies that a 10-foot extension is preferable. AMBROSE agrees and also recommends the 10-foot extension.

No one else comes forward to be heard.

Motion by BLACK, second by SOTTILE to close the public hearing; carries 5-0.

BLACK does not oppose a 10-year extension; however, requests if this could return to the Planning Commission for a one-year review. RAMIREZ suggests that staff WILL monitor the project and if there are any negative results, they could bring it back to the Commission for a formal review.

Motion by BLACK, second by SOTTILE to GRANT Conditional Use Permit 2058, changing condition 1c., increasing the space from six to 10 feet; and changing condition 7, increasing the term of the CUP from five to 10 years; carries 5-0.

The appeal period for this item ends at 5 p.m. on Wednesday, December 26, 2007.

**PUBLIC HEARING ON  
CONDITIONAL USE PERMIT 2059 – Gonzalez for CVS Corporation**

(public hearing) Resolution No. 10473

P.C. mtg. 12-10-07

The subject property is located on the southwest corner of Broadway and North Second Street, and addressed as 1229 Broadway; APN: 484-251-77; General Plan Designation: General Retail Commercial.

Request addition of an electronic message display sign to an existing pole sign in the C-2 (General Commercial) zone.

RAMIREZ informs that this is a request to install an electronic message display sign on the existing pole sign for CVS pharmacy. This is the fourth request for this type of sign since the City Council amended the Zoning Ordinance in 2002 to permit electronic message display signs by conditional use permit.

She reminds the Commission that recently approved applications had concerns including the frequency of a changing message and intensity of sign lighting. This applicant has agreed to comply with the City's requirement, which is stated in the ongoing conditions of approval under condition number 3. Those conditions include a statement that the intensity of the message shall not be a nuisance to adjacent properties.

RAMIREZ adds because an electronic message sign is considered an on-premise sign, the messages that it displays must pertain only to products, services or events which are available or occur on the subject property. The proposed added electronic sign area together with the existing sign face is limited to 100 sq. ft. of sign area.

In conjunction with the processing of building permits, staff is recommending that the applicant take care of two on-site issues. First, the applicant must remove the ocean-going container from the property, which staff believes is unauthorized. Second, the landscaping around the base of the existing pole sign is in need of attention and should be rehabilitated to a more attractive and healthy condition.

RAMIREZ concludes that if the Commission concurs with staff's recommendation to grant this request, the decision can be appealed until 5 p.m. on Wednesday, December 26, 2007 by filing an appeal form with the City Clerk's office.

WELLS announces the public hearing is now open.

**Mr. Ernesto ANAYA**, an agent for PS Services, 2820 East Greta Lane, Anaheim, CA 92806, is the applicant's representative. He agrees to the conditions of approval. When asked by WELLS about the ocean-going container [City Attorney shows the speaker a photograph of the container as pictured in staff report], he replies that he was not aware of the presence of the container on the subject property, but emphasizes that he will speak with CVS representatives and request that they remove the container.

No one else comes forward to be heard.

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

Motion by WOODS, second by BLACK to GRANT Conditional Use Permit 2059; carries 5-0.

The appeal period for this item ends at 5 p.m. Wednesday, December 26, 2007.

### **PRE-DRAFTED RESOLUTIONS**

Motion by AMBROSE, second by BLACK to adopt Resolution Numbers 10468 through 10472, pro forma; carries 5-0.

### **ORAL COMMUNICATIONS**

RAMIREZ wishes Happy Holidays to all. She notes that the next Planning Commission meeting will be held on January 14, 2008 and also informs that the new Director of Community Development might be named at the beginning of the year.

AMBROSE requests that he would like to have an informative discussion item added to a Planning Commission meeting at the beginning of the year. It would cover legalities pertaining to the Planning Commission, including the General Plan, California Environmental Quality Act (CEQA), and other planning issues. RAMIREZ responds that the two meetings in January have several public hearing items, and recommends that the discussion item be placed on a February agenda.

### **CORRESPONDENCE**

There is no correspondence.

### **ADJOURNMENT**

Motion by WOODS, second by BLACK to adjourn the meeting of the El Cajon City Planning Commission at 7:59 p.m. this 10th day of December 2007 until January 14, 2008 at 7:00 p.m.; carries 5-0.

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William D. WELLS, Chair

ATTEST:

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Barbara K. RAMIREZ, Acting Secretary