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# MINUTES

## PLANNING COMMISSION MEETING

### APRIL 21, 2008

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

#### PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

#### ROLL CALL:

**COMMISSIONERS PRESENT:** Gary WOODS, Chairman  
Tom BLACK  
Anthony SOTTILE  
William "Bill" WELLS

**COMMISSIONERS ABSENT:** Tony AMBROSE

**OTHERS PRESENT:** Melissa AYRES, Director of Community Development  
Barbara RAMIREZ, Principal Planner  
Morgan FOLEY, City Attorney  
Dennis DAVIES, Deputy Director, Engineering - Public Works Department  
Eric CRAIG, Assistant Planner  
Patricia HAMILTON, Secretary

WOODS explained the mission of the Planning Commission and the proper procedure for speaking before the Commission and asked for proper decorum during the meeting.

**MINUTES OF 03-24-08**      Motion was made by WELLS, seconded by BLACK to approve the Minutes of the Planning Commission meeting of March 24, 2008; carried 3-1 (WOODS – abstained due to absence at meeting; AMBROSE - absent).

[Note: Due to staff's request, the items appearing on the agenda after the consent calendar, were taken out of order. There were no objections from the Commissioners.]

**CONDITIONAL USE PERMIT NO. 2068**

*(public hearing)* Resolution No. 10490  
P.C. Mtg. 04-21-08

This is a public hearing on a request to construct a 14,408-square-foot retail building with a drive-through pharmacy at 915 and 935 North Second Street, which is located on the northeast corner of Broadway and North Second Street.

APN: 484-232-17, -18, -19, -20 & -21  
General Plan: General Commercial  
Zoning: General Commercial (C-2)  
Applicant: Lori Darling for CA Broadway & 2<sup>nd</sup>, LLC / (970) 282-1048  
Project Planner: Tony Shute / (619) 441-1705

RAMIREZ provided a summary of the staff report.

WOODS opened the public hearing.

**Mr. Dylan TIDWELL**, Hunt-Douglas, 3500 JFK Parkway, Suite 203, Fort Collins, CO 80525, is the applicant's representative. He noted that Walgreens will make significant improvements to the property and the area, by demolishing the buildings, enhancing vehicular access, removing four curbcuts, and constructing other off-site improvements. Initially, store hours will be from 8 a.m. to 10 p.m. Eventually, they envision a 24-hour schedule.

WELLS asked if the drive-through pharmacy received complaints at other Walgreens locations, and the speaker remarked negatively. TIDWELL added that to protect customer confidentiality, the speaker volume at the drive-through pharmacy will be set relatively low.

**Mr. Sabri SHAMOUN**, 1411 Fuerte Heights Lane, El Cajon, CA, favors the project. He said that the drug store would be a welcome addition to the neighborhood, especially with the facelift of the property and surrounding area.

No one else came forward to be heard.

Motion was made by BLACK, seconded by SOTTILE to close the public hearing; carried 4-0 (AMBROSE – absent).

WELLS mentioned that it's a great project and it is in his neighborhood. Other commissioners concur.

Motion was made by SOTTILE, seconded by BLACK to ADOPT Resolution No. 10490 granting Conditional Use Permit No. 2068, subject to conditions; carried 4-0 (AMBROSE – absent).

RAMIREZ stated that the appeal period for this item ends at 5 p.m. on May 5, 2008.

**AMENDMENT OF CONDITIONAL USE PERMIT NO. 1748**

*(discussion)*

*(Continued from Planning Commission meeting of March 24, 2008)*

P.C. Mtg. 04-21-08

This is a request for a six-month review of Amendment of Conditional Use Permit No. 1748 for used car sales with minor auto repair and detailing on a site addressed as 624 El Cajon Boulevard, which is located on the west side of El Cajon Boulevard between Millar and Richfield Avenues.

APN: 487-500-29  
General Plan: Special Development Area #10/General Commercial  
Zoning: General Commercial (C-2)  
Applicant: City Initiated for Victor Aguilar / (619) 335-3330  
Project Planner: Noah Alvey / (619) 441-1773

RAMIREZ provided a summary of the staff report. She advised that the new owner, Mr. Victor AGUILAR is in compliance with conditions of approval.

WOODS invited any speakers to the podium.

No one came forward to be heard.

Motion was made by WELLS, seconded by BLACK to accept and file the staff report for the six-month review of Amendment of Conditional Use Permit No. 1748; carried 4-0 (AMBROSE – absent).

**SITE DEVELOPMENT PLAN NO. 1462**

*(discussion)* Resolution No. 10491

(CC mtg 05-13-2008)

P.C. Mtg. 04-21-08

This is a request to construct a 1,080-square foot addition to an existing dental office building at 226 Avocado Avenue, which is located on the west side of Avocado Avenue, between East Lexington Avenue and East Main Street.

APN: 488-231-25  
General Plan: Special Development Area #9/Office Non-Retail  
Zoning: Office Professional (O-P)  
Applicant: David Frank / (619) 640-2400  
Project Planner: Noah Alvey / (619) 441-1773

RAMIREZ provided a summary of the staff report. She noted that if this project is approved by the Planning Commission, it would then go to the City Council since the property is located within the downtown redevelopment area.

WOODS invited any speakers to the podium.

**Dr. Laurel MORELLO**, 23491 Japatul Valley Road, Alpine, CA 91901, is the business owner/operator. She thanked the staff for their due diligence with this project. She agreed with the El Cajon Community Development Corporation's recommendations. Additionally, she agreed with the conditions of approval as recommended in the resolution.

No one else came forward to be heard.

Motion was made by BLACK, seconded by SOTTILE to close the hearing; carried 4-0 (AMBROSE – absent).

Motion was made by BLACK, seconded by WELLS to ADOPT Resolution No. 10491 recommending approval of Site Development Plan No. 1462; carried 4-0 (AMBROSE – absent).

This item will be heard at a City Council meeting on May 13, 2008 at 3:00 p.m.

RAMIREZ recommended a recess so that Commissioners could review some material that was presented tonight for the next item.

Recess from 7:35 to 7:45 p.m.

**CONDITIONAL USE PERMIT NO. 2066**

*(public hearing)* Resolution No. 10489

*P.C. Mtg. 04-21-08*

This is a public hearing on a request for a wireless communications facility at 2053 Wedgemere Road, which is located on the south side of Wedgemere Road west of Croydon Lane.

APN:	486-150-07
General Plan:	Low-Density Residential
Zoning:	R-1-6 (Residential One-Family 6,000 sq. ft.)
Applicant:	T-Mobile by Parsons Corp. / (619) 993-1057
Project Planner:	Eric Craig / (619) 441-1656

CRAIG provided a summary of the staff report. He emphasized that in reviewing the proposal, staff only considered how the proposed facility would meet the city's wireless ordinance requirements and whether the facility would be compatible with the surrounding properties. The staff did not consider the effect of electromagnetic radiation on humans in

the project area. He noted that the Telecommunications Act 1996 is a federal law that prohibits local jurisdictions, such as the City of El Cajon, from denying wireless projects based upon the environmental effects of radio frequency emissions. CRAIG emphasized that it is the responsibility of the Federal Communications Commission to establish safe exposure levels for wireless facilities.

CRAIG advised that staff received comments before and after the staff report was distributed, and informed that all documents were in opposition to the project.

The following items were made part of the public record:

- Email and letter in opposition from Joyce SPROCK, dated 04-21-08;
- Community Perspective letter in opposition (bound document which includes a letter of opposition from Jeanne S. Dixon dated 04-20-08, and a petition in opposition with 76 signatures) from Lynne DALLAS; and a
- Letter in opposition from Judy CROOKSHANKS dated 04-21-08.

WELLS asked if the project is unique in El Cajon and CRAIG replied that the City has approved other wireless communications facilities in residential zones; however, they have not approved a wireless project in a single-family residential home.

WOODS opened the public hearing.

**Mr. Jim KENNEDY**, Parsons Corporation, 110 West A Street, Suite 1050, San Diego, CA 92101, is the applicant's representative for T-Mobile. [He requested additional time; WOODS granted 10 minutes.] He acknowledged the heightened level of interest in the community with the application. He provided history on the project on how the site chosen, the project design, community character and to make sure T-Mobile complied with the El Cajon Municipal Code.

He noted that T-Mobile identified service gaps in this residential area and determined that the cul-de-sac area near the subject property provided superior field of view coverage. Solicitations were then sent to area homeowners and after a study of responses, they settled on the Dudas site because it afforded a clear, unobstructed view over the project area. Instead of a faux tree, they determined that a faux chimney design would be less obtrusive. KENNEDY noted that they worked hard to develop a project that respected this single-family dwelling and the surrounding neighborhood. This site will enhance public health, safety and welfare as it would allow instant 911 access and also allow other 911 calls from other wireless facilities. He emphasized that there were 1,328 T-Mobile, e-911 calls over the last 45 days within the City of El Cajon. He noted that a T-Mobile senior radio frequency (RF) engineer and leasing agent are available to answer questions.

BLACK asked how many service calls would be required at the wireless facility. KENNEDY replied that it would be one time per month with the service duration being 30 minutes to three hours.

WELLS asked about a fire hazard possibility. KENNEDY replied that it would not be an issue. WELLS asked about noise levels, and KENNEDY replied that there is a radio gear that has small air-conditioning compressors within the cabinets on a concrete pad, surrounded by a masonry wall. WELLS asked how the compressor compares with a standard air conditioning for a house. KENNEDY replied that it would be about one-fourth the noise. WELLS asked if the radio waves would interfere with other technology. KENNEDY replied that though it is a possibility, but usually does not. He informed that the FCC regulates the air waves from such appliances as baby monitors and cordless phones. He noted that any radio frequency interference is required by law to be resolved and T-Mobile does comply.

SOTTILE asked that if a fire did occur, how accessible is the property to the Fire Department? KENNEDY noted that access would not be affected by this proposal.

WOODS emphasized and read a statement from T-Mobile: "We will put on the record that should the proposed facility generate any noise complaints, we will probably move to remedy any said complaint, even if the facility already meets city noise standards to the satisfaction of the Community Development Department." KENNEDY concurred with that statement.

WOODS asked if any wireless facilities would create any dust, smoke, hazards, odors, fumes, and vibrations. The speaker replied negatively.

**Ms. Lynne DALLAS**, 6380 Cresthaven Drive, La Mesa, CA 91942, is a law professor at the University of San Diego. [She requested additional time as she was representing the community at Cresthaven Drive; additional time was granted. Additionally, she presented a PowerPoint presentation.], She objected to T-Mobile's claims that the facility will close a significant gap in services, and provide 911 capability and would otherwise have minimal, if not impact on the community. She referred to photo simulations of the faux chimney and equipment compound in the back. She believed that this facility will create a fire risk. [She referred to View 2-6 in packets for equipment compound from the perspective of Cresthaven Drive in La Mesa and Falmouth Drive in El Cajon.] She noted that the compound is 20 feet long, 10 feet deep and six feet high. It has a 16-inch wrought iron fence facing the hill and is open at the top.

DALLAS mentioned that the T-Mobile application does not provide details about the compound, and cautioned that the compound would contain high voltage electrical equipment, batteries that may explode or leak, and possibly a generator that would be fueled by propane or gas. The signs on these kinds of facilities warn of danger due to high voltage and say "no smoking" because of lead batteries. Even with safety features on this equipment, there is a possibility of equipment malfunction, which was mentioned as a danger in the Planning Department report and human error. DALLAS mentioned that the enclosure compound be constructed of fire-retardant materials and landscaping, both of which will require an amended application. [She referred to Views 8-10 in her PowerPoint presentation.] She noted that there is no access from the bottom of the hill in case of a fire and limited access from above of Wedgemere Drive. The equipment compound is a long distance from the closest fire hydrant on Wedgemere and there is little maneuverability.

Upon receiving the notification of the hearing, DALLAS went to the Planning Department to find pertinent wireless facilities. She was given the files of five facilities, which were all in public places with equipment compounds readily accessible. She noted that this project is a substantial departure from past city practices.

She referred to a photo illustrating the T-Mobile facility that was granted by the Commission which was not well-maintained, breaching their promise.

In addition to the fire hazard, DALLAS emphasized that there is a community concern about EMF emissions. The antennas are 30 feet from the adjoining neighbors bedroom, and cautioned that the close proximity is inadvisable, especially since the El Cajon Zoning Regulations do not provide governmental monitoring of EMF emissions. They would have to rely on an annual statement from T-Mobile about any adverse health effects.

DALLAS mentioned that the community is also concerned about a decrease in property values. She emphasized that there is evidence that residents experience a decline in property values due to the potential buyers fear of ill health effects, fire hazard, noise and privacy security concerns. She noted that it does not matter whether the fears are valid, they exist and will affect a large pool of potential home buyers.

DALLAS continued, stating that T-Mobile failed to provide alternative sites for this facility which is required by the zoning ordinance. She said that alternative sites would permit the city to select the least obtrusive site. She noted the conflict of interest with Michael Dudas, the owner of the property. If the City is inclined to grant the CUP, it should hire independent experts to assess fire hazards and alternative sites.

Of the other five other wireless facilities that were approved, DALLAS noted that there was no opposition to four of the sites, and one site had two people who opposed that project. DALLAS mentioned that with this application, there were numerous people who signed the petition opposing this facility.

She encouraged the Commission to review the materials that they put together.

WOODS commended her presentation and especially her Powerpoint presentation.

BLACK requested clarification on the other four sites that would be alternative sites. DALLAS replied that the other four sites already have communications facilities on them. She noted that unfortunately the staff on El Cajon does not have the wireless expertise. BLACK asked how the decrease in home values was determined. The Chairperson interjected that the Planning Commission cannot talk about fiscal impact or property values. The City Attorney mentioned that that the Chairperson is correct in assessing only the land use impacts with the project. FOLEY emphasized that the impact or perceived impact on property values would not be appropriate for the Commission to consider. DALLAS started to note that in their research they found a case; however, the Chairperson reiterated the City Attorney's position and also mentioned that additional time should be allowed to other speakers.

WELLS referred to the memorandum for the Telecommunications Act and information from the FCC. He noted that this is a jurisdictional issue with the FCC, and the courts have ruled that local jurisdictions can't make decisions based upon these kinds of facilities, health concerns and environmental concerns. WELLS asked since DALLAS is a law professor, what suggestions would she recommend for the Commission's consideration? The City Attorney interjected before the speaker could reply that the Planning Commission has been instructed in the past that the Commission cannot consider any perceived or alleged electromagnetic field impacts on health in its decisions. He noted that Professor DALLAS may have a different interpretation, and giving her that opportunity to give that information, would taint the minds of the Commission or the record. If the application were to be denied, the applicant would have sound grounds to have a court order to overturn the decision.

FOLEY instructed the Commission not to go into the perceived EMF or health care risks issues. DALLAS started to mention that the ill effects in excess of the FCC. FOLEY interjected that DALLAS needs to address the Commission and needs to only respond to questions at this time.

DALLAS requested that she be allowed to ask a question; the Chairperson replied that it is not permitted.

WELLS asked if the speaker could address the possibility of explosion and fires and batteries leaking, he asked if in her research did she find that it was an issue. DALLAS replied negatively and mentioned that they only had a week to look for situations and the details were not present in the application. There is not enough detail for public comment. WOODS added that other speakers have to address the Commission.

**Mr. David LUTZ**, 6375 Cresthaven Drive, La Mesa, CA 91942, voiced his opposition to the project. He mentioned that even though his property was not in the 300-foot radius notification area, this project could adversely impact his property and others in the neighborhood. He emphasized that he is a retired electronics engineer with the Space Naval Warfare Center in San Diego and mentioned that there is no indication of the rating of the power antenna or the frequencies that are going to be radiated. He asked how the possibility of radio frequency interference will be taken care of. He questioned noise limit levels and if there would be any emergency power associated with this site or if fuel would be stored at the site and how long will it be stored? LUTZ asked if there is a plan for spill mitigation due to the steep slope in the neighborhood. He is especially concerned that the approval of this use permit would open the door for other wireless providers to erect towers in the neighborhood.

**Mr. John KNEFLER**, 951 Sycamore Lane, El Cajon, CA 92019, is opposed to the project. He referred to FCC's Article 47 CFR 1.310 that states that it's the sole responsibility of licensee to ensure there is no overexposure to RF. He illustrated if a roofer comes up on the roof, what guarantee would there be that the individual would not be exposed to

emissions? The Chairperson stopped the speaker and mentioned that the electromagnetic emissions is out of the pervue of the Commission. KNEFLER noted that it is a safety issue and noted that the City would be liable if there is any exposure.

**Mr. Richard HAACK**, 6375 Cresthaven Drive, La Mesa, CA 91942, is opposed to the project. He mentioned that there exists a “double jeopardy” scenario as there are high-voltage cables overhead of the existing home, that create magnetic fields and create a significant hum. He emphasized that the Commission consider the cumulative effect of all elements: the high voltage lines, hum from equipment and the microwaves coming from the antenna on the roof. He also noted the fire hazard of the backup batteries and the lack of accessibility.

WOODS read an excerpt from the Telecommunications Act: “No state, or local government or instrumentality thereof, may regulate the placement, construction, modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s (the FCC) regulations concerning such emissions.” WOODS reiterated that the Planning Commission cannot override the federal government.

**Mr. James WEISER**, 2171 Falmouth Drive, El Cajon, CA 92020. He realized that he can’t talk about health, loss of money or property values, so mentioned that as long as it’s pretty, the residents must be ok with it.

WELLS noted that if this project is approved, the speaker could take it to the City Council on some of the other issues such as property values, but not the emissions. WOODS added that there will be an appeal process.

**Mrs. Mary CUMMINGS**, 2186 Charles Way, El Cajon, CA 92020, is opposed to the project. She is a mother, grandmother and teacher. She illustrated that with regards to the noise, if a child is in the realm of the emissions, by the time they are five years old, they would have been exposed to 47,800 hours of exposure to “hum”. She urged the commissioners to “err on the side of caution” because they are endangering children, neighbors and pets.

Chairman WOODS asked future speakers for testimony on new issues that have not been addressed.

**Mr. Cesar HERRERA**, 2047 Wedgemore Road, El Cajon, CA 92020, is the next door neighbor of the applicant and represented several neighbors. [He asked for extra time; five minutes was granted by the Chairman.] He asked if the new installation is subject to environmental impact statement under the California Environmental Quality Act. The City Attorney noted that after the speaker could make his comments and staff could reply to his his points at the end of his presentation. HERRERA noted that there exists a conflict of interest as the property owner Michael DUDAS is a city employee with the Planning department [sic; DUDAS works in the Public Works Department]. He mentioned there is little information on the application regarding the SDG&E transmission line that exists on

the property. He recommended that T-Mobile should negotiate for an 80% solution in selecting a site, where there is little opposition, rather than a 100%. Additionally, he mentioned that the subject property is hillside and difficult terrain and not easily accessible. He asked that the Commission consider the public safety issue's cumulative effects of power lines.

WOODS reiterated the need for new information.

**Mr. Gary WILLIAMS**, 2143 Falmouth Drive, El Cajon, CA 92020. [He presented material for Planning Commission to the City Attorney, who distributed to Commissioners.] He asked that the Commission refer to attached maps A and B. He questioned the accuracy of the T-Mobile information, as one of the residents is a T-Mobile subscriber and she has excellent reception. He noted that a bad precedent will be set if this application is approved as other other providers will want to set a wireless facility in a residential area. He also referred to Maps C & D, and emphasized that there is no safe access to the power supply location as the grade is extremely steep. He noted that he witnessed two trucks trying to get out and nearly rolled over.

**Mr. Roger HANSEN**, 2066 Wedgemore Road, El Cajon, CA 92020. [He submitted letters from Clifton Quinn and Krista Lee Quinn pertaining to health risks to City Attorney.] He believed that there would be a better site than the subject property. He asked the Commissioners if they would want it this in their back yard.

**Mr. Bob TABAKOVIC**, 6345 Cresthaven Drive, La Mesa, CA 91942, is opposed to the project. He noted that the Commission should not set a precedent by approving this site at a single-family home.

**Ms. Ruth STERLING**, 9480 Gregory Street, La Mesa, CA 91942, is opposed to the project. She noted that the equipment that will be enclosed in the back yard will have no roof on top and it will be noisy. She noted that the assumption is being made that the operator will comply in compliance with FCC regulations. STERLING cautioned that the assumption should not be made, as there might be fluctuations in the EMF. She also wondered about possible breakdowns in the middle of the night. She emphasized that a precedent will be set and pleaded that the Commission deny this conditional use permit application.

**Ms. Joyce SPROCK**, 6375 Henderson Drive, La Mesa, CA 91942, is opposed to the project. She submitted a letter and email and she is concerned about the aesthetics and noted that it would be ugly and detrimental to the community.

**Mr. John PALMER**, 2081 Wedgemore Road, El Cajon, CA 92020, is opposed to the project. He resides two houses down from the subject property, and emphasized that AT&T is his cell phone provider and service is always good. He believed that this is a competition issue and not a service issue.

**Ms. Patty HERRERA**, 2047 Wedgemore Road, El Cajon, CA 92020, is opposed to the project. She lives next door to the subject property. She obtained a copy of the standard lease online from T-Mobile that allowed for the subletting or assignment of a lease. She questioned if T-Mobile is lacking service, why would they want to sublet to another company. She believes this is a competition issue and not a customer service issue.

**Mr. Charles HURST**, 1989 Wedgemore Road, El Cajon, CA 92020, is opposed to the project. He wanted to address the seismic hazard of a facility being located on such a steep slope.

The Chairman called for responses from the Commission, staff or applicant. CRAIG responded to several questions from various speakers. He noted that the staff found that this project is exempt from CEQA and in this case, it would be Section 15303 in the CEQA guidelines, referred to as a Class 3 exemption. It permits the installation of small equipment and new small facilities. WOODS asked what is considered "small equipment"; CRAIG did not have the information available.

With regards to the SDG&E easement, he mentioned that they were routed a notice of this hearing and were asked for comments. SDG&E replied that they had "no comments."

CRAIG also replied to a concern of late-night maintenance activities. The only time maintenance is allowed on a wireless facilities outside the hours of 8 a.m. and 5 p.m. on weekdays, would be in case of an emergency, such as a power outage or equipment failure. T-Mobile could go out and service the equipment. He mentioned that scheduled upgrades could only occur once per year and require a 72-hour notice to the city and surrounding property owners.

City Attorney FOLEY referred to the conflict of interest issue that might have occurred with the property owner being a city employee. He emphasized that the property owner is not assigned in the Planning Department, but is employed with the Public Works Department. DUDAS has kept a complete hands-off approach to this project. He was not allowed to work on any facet of this project as he has a financial interest presumably in any lease arrangements. He has not created a conflict of interest under the Political Reform Act. FOLEY's office researched this at the request of the Planning and Public Works Department, and they are confident that DUDAS did not participate in this decision or the decisions leading to the application being considered by the Planning Commission.

CRAIG replied to the Chairman's previous question, that utility equipment is included in the CEQA Class 3 exemption.

SOTTILE asked if staff considered accessibility to the equipment, and the steep slope on the property. CRAIG replied that it was considered. [CRAIG points to areas in map]. He acknowledged that it is a steep slope, noting that a four-wheel drive vehicle would be preferred in accessing the property.

WOODS requested that KENNEDY return to the podium to address additional questions.

KENNEDY noted that there is a steep access, but that is not a factor, except during the construction phase. He noted that the “constructability” would be a number 8 on a scale of 10. He noted that a technician could access by walking down with light equipment. He also noted that with regards to the fire issue concerns, the sites do not explode, they do not have generators or fuel. He noted that fire trucks typically have a 250-horse power Maximum and that this site is not out of scope from that range. He reiterated that there is no fire, constructability or access issue.

SOTTILE asked if a roof would be considered for the enclosure. KENNEDY replied that they have a proposal for an open-top enclosure with decorative masonry block. This allows for air circulation and the sound would propagate upward. The enclosure meets the telecommunications setback requirements and complies with the additional conditions regarding noise.

City Attorney FOLEY noted that a comment was made by KNEFLER that the city would be liable for any exposure to RF or EMF. He wanted to assure the Commission that it would not be the case.

KENNEDY responded to other concerns, including alternative sites. He noted that a wireless company has scarce resources and they research carefully where they will issue a search ring. He acknowledged that a commercial site would have a much quicker processing time than a residential site.

WOODS asked for an explanation about adding the tower to this property. KENNEDY replied that the technical motivation is that this site has excellent line of sight coverage and since it is near the crest of the hill, it has line of sight on the west and eastern sides of the hill.

With regards to noise, KENNEDY mentioned that they would comply with the city’s standards.

On the precedence issue that was a concern by some of the speakers, KENNEDY emphasized that the city has the ability to review any application on a case-by-case basis, and there would be no precedent set.

No one else came forward to be heard.

Motion was made by BLACK, seconded by SOTTILE to close the public hearing; carried 4-0 (AMBROSE – absent).

BLACK mentioned that he has safety concerns about the equipment shed. He noted the high level of opposition to this project and added that the Commission has approved previous sites with little opposition. He believed that he would be opposed to the project at this time.

WOODS asked staff if there are any other buildings other than residential buildings in the area. CRAIG replied negatively.

WELLS thanked the audience for being polite and professional. He mentioned that he does not agree with BLACK and supported the project. He illustrated that his main responsibility on the Planning Commission is to protect property rights of residents. It is important if a proposal conforms with the City's guidelines, they don't have a right to prevent it. He acknowledged that the residents could bring their concerns about property values to the City Council if the item is appealed.

SOTTILE concurred with WELLS and commended the public about their gracefulness towards the Commission. He reiterated WELLS statement that the Commission cannot consider the FCC regulations and health issues. He noted that the decision could be appealed to the City Council.

WOODS noted that his daughter is a leukemia survivor, and she participated in a study on emissions. Personally, he struggled with the health risk decision, but emphasized that it is not a consideration for the Planning Commission. The commission must focus on the findings. He emphasized that the applicant has agreed to conditions as recommended by staff. Staff concerns were added as conditions that the applicant has agreed to regarding height, noise, maintenance and maintenance times, and notification to area residents.

Motion was made by WELLS, seconded by SOTTILE to ADOPT Resolution No. 10489 granting Conditional Use Permit No. 2066; carried 3-1 (BLACK – No; AMBROSE – absent).

WOODS stated that the appeal period for this item ends at 5 p.m. on May 5, 2008.

Recess called at 9:25 p.m.

The meeting reconvened at 9:35 p.m.

### **STAFF COMMUNICATIONS**

RAMIREZ requested comments on the new format for the agenda and staff reports. WELLS noted that they like it. He believes it is more professional and felt they are moving in the right direction. SOTTILE favored the combination of the resolution within the staff report. CRAIG recommended that the future motions should reflect the approval of the conditions of the attached resolution and not the staff report.

### **COMMISSIONER REPORTS/COMMENTS:**

BLACK reported that even though "Wings Over Gillespie" was cancelled, the planes are currently on display for viewing by the public at Gillespie Field. It is a free airshow. Additionally, several veterans will be present at the event.

WOODS commended the Planning Division staff on their professionalism.

**ADJOURNMENT**

Motion was made by WELLS, seconded by BLACK to adjourn the meeting of the El Cajon City Planning Commission at 9:38 p.m. this 21st day of April until May 5, 2008 at 7:00 p.m.; carried 4-0 (AMBROSE – absent).

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Gary WOODS, Chairman

ATTEST:

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Melissa AYRES, Secretary