



MINUTES

PLANNING COMMISSION MEETING

OCTOBER 11, 2010

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

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

COMMISSIONERS PRESENT: Anthony SOTTILE, Chairman
Star BALES
Paul CIRCO
Darrin J. MROZ

COMMISSIONERS ABSENT: Anthony AMBROSE

OTHERS PRESENT: Barbara RAMIREZ, Principal Planner
Michael REID, Staff Attorney
Dennis DAVIES, Deputy Director, Public Works
Ron Luis VALLES, Administrative Secretary

SOTTILE explained the mission of the Planning Commission. He welcomed comments under Public Comments. No one came forward.

CONSENT CALENDAR: Motion was made by CIRCO, seconded by MROZ, to adopt the minutes of the Planning Commission meeting of September 27, 2010; carried 4-0 (AMBROSE – absent).

ZONE RECLASSIFICATION NO. 2303

This was a public hearing on a request, initiated by the City Council, to rezone two properties from the C-N (Neighborhood Commercial) zone to a residential zone that is consistent with the General Plan. The subject properties are located on the north side of West Washington Avenue, between South Magnolia and South Orange Avenues, and are addressed 136 and 146 West Washington Avenue.

APNs: 488-282-08 and 488-282-07
General Plan: Low Medium Density Residential (LMR)
Zoning: C-N (Neighborhood Commercial)

Applicant: Initiated by El Cajon City Council / 619.441.1741
Project Planner: Tony Shute / 619.441.1773

RAMIREZ summarized the staff report. She noted the consideration to reclassify the two parcels was initiated by City Council to bring zoning into consistency with the General Plan.

Both parcels are currently zoned C-N (Neighborhood Commercial), which is not consistent with the General Plan land use designation of "Low Medium Residential" (or LMR). The Zoning Consistency Chart shows that the PRD, RM-4300, and RM-2500 zones can be found consistent with LMR. Alternatively, the RS-6 and RM-6000 zones may be found consistent with LMR if the property owner makes such a request and there is no public purpose in requiring a more intense use.

RAMIREZ added the Zoning Ordinance permits a reclassification despite the substandard lot requirements provided that the width or area is sufficient for proper development. In this case, each parcel is occupied by one dwelling unit and no new construction is proposed. She called Commissioners' attention to the findings listed in the staff report. Staff believes that the Commission can make all the required findings in order to recommend the subject properties be rezoned to RS-6. The RS-6 zone would be a logical extension of the existing zoning of parcels adjacent to the north of the subject properties, and would be in the best interest of public necessity and convenience because it will bring the zoning into consistency with the General Plan and remove the legal nonconforming status on the existing use of the properties. The proposed Resolution No. 10635 recommends City Council approval of RS-6 with no conditions.

Additionally, RAMIREZ informed a letter of opposition was received from Robert HAMMAN. Also a petition was signed by approximately 179 people in this general area indicating they want HAMMAN'S property and the subject properties' zoning to remain neighborhood commercial. [Copies were provided to staff and Planning Commissioners.]

SOTTILE opened the public hearing and invited any speakers to the podium.

Mr. Robert HAMMAN, 15353 Maturin Drive, #121, San Diego, CA 92127, is the property owner of 130 and 132 West Washington Avenue, El Cajon, CA 92020. He reiterated points in his letter that was submitted to the Planning Commission. He emphasized: the property does not meet the required standards; preferred the C-N (Neighborhood Commercial) zone as the best use for the property; noted high traffic volume of over 23,700 vehicles a day, and stated that the property could diminish property values.

[The Chair granted additional time.]

HAMMAN reminded the Planning Commission that he and others opposed these properties in 1991.

Mrs. Michele CORKERY, 1253 Pfeifer Lane, El Cajon, CA 92020, owns the property at 146 West Washington Avenue, El Cajon, CA 92020, where her parents reside. She sought

clarification regarding whether the property's nonconforming status would prevent it from being rebuilt if it was damaged by fire. She objected to the commercial zone as she would not like a nefarious business to be placed there.

Mrs. William CORKERY, 1253 Pfeifer Lane, El Cajon, CA 92020, inquired if the lot could be split in half. He also acknowledged the high amount of accidents in the area.

No other speakers approached the podium.

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

SOTTILE sought clarification on the non-conforming status if the dwellings should burn down. RAMIREZ replied the City Attorney representative is reviewing the Zoning Ordinance to address the non-conforming question. She added that in the materials supplied by HAMMAN there is an appraisal from Irish Appraisal Service, but it did not state the property address. She also noted the term "highest and best use" is an appraisal term and not part of the Zoning Ordinance.

[A recess took place from 7:28 p.m. to 7:35 p.m. in order for Commissioners to review the letter and petition submitted by HAMMAN.]

SOTTILE stated his inclination is to support the staff's recommendation and make the zoning consistent with the General Plan. He noted any other concerns could be addressed at the City Council public hearing.

CIRCO added that both properties are being used as residential and tonight's action would bring the two properties to conformance with the General Plan.

In reply to MROZ, REID noted staff doesn't have enough information to make a determination if the property could be rebuilt if damaged by fire.

BALES stated she strongly believes each citizen has a right to make changes to their property as long as they comply with the requirements. She preferred a commercial zone for both properties because Washington Avenue is a busy street.

Motion was made by SOTTILE, seconded by MROZ, to adopt the proposed Resolution No. 10635 recommending City Council approval of Zone Reclassification No. 2303 for rezoning from C-N to RS-6; carried 4-0 (AMBROSE – absent).

This item is tentatively scheduled for a City Council public hearing on October 26, 2010 at 7 p.m.

AMENDMENT OF ZONING ORDINANCE NO. 417 & SITE DEVELOPMENT PLAN NO. 1482

This was a public hearing on a request to amend Section 17.190 of the Zoning Ordinance regulating the placement of billboards and to construct a 12 ft. by 24 ft. billboard on the west side of Interstate 8 between Blackthorne Avenue and Hillside Way.

APNs: 492-650-01 & 487-780-16
General Plan: Open Space (OS)
Zoning: O-S-H (Open Space, Hillside Overlay zone)
Applicant: Grossmont Terrace Associates, L.P. / 858.623.9000 x700
Project Planner: Melissa Ayres / 619.441.1700

RAMIREZ summarized the staff report. She noted that the two applications were combined into one staff report. The first application is a public hearing on a request for two changes to the City's sign ordinance regarding the placement of billboards. The first proposed change would designate a sixth corridor to which the sign overlay zone would be allowed, thereby enabling the placement of certain off-premise signs. The corridor would be located on the west side of Interstate 8 between Blackthorne Avenue and Hillside Way. The second proposed change would add an exception to Section 17.190.270.C.3.a, which currently prohibits any new outdoor advertising structure to be located so as to be viewed primarily by persons traveling on the main-traveled way of a freeway as defined in the Streets and Highways Code. The exception would be the area located on the west side of Interstate 8 between Blackthorne and Hillside.

The second application is a discussion item for a site development plan which proposes to construct a billboard sign for off-premise advertising on vacant property located within the proposed sixth corridor. City Council approval of the proposed site development plan would result in an illuminated billboard containing approximately 288 sq. ft. being constructed on the lower portion of the property a distance of about 80 feet from Interstate 8 right of way. The billboard would be supported by a single metal pole and would have a maximum height of 35 feet. The applicant has indicated that the proposed billboard would be used to advertise an existing auto dealership located elsewhere within the city.

RAMIREZ noted the sign overlay zone was added to the Zoning Ordinance in 1985 in order to permit off-premise signs along certain specific corridors, and to prohibit those signs from being placed where they could be viewed from the freeway. The five existing corridors occur along primary thoroughfares, and include portions of El Cajon Boulevard, Main Street, Broadway, Second Street, and Johnson Avenue.

When the City Council adopted a new Zoning Ordinance in July this year, sign regulations remained virtually unchanged as recommended by the City Attorney because the City's sign ordinance is the subject of ongoing litigation by at least one billboard company challenging the ordinance on First Amendment grounds. It is still the City Attorney's recommendation that no amendments be made to Chapter 17.190 regarding billboards until this litigation has been resolved. Once a final decision is reached by the courts, any

proposed amendments such as the ones requested by this applicant can be more definitively analyzed in light of any changes or modifications made necessary by the decision. Staff is, therefore, recommending denial of both applications.

Because the City Council may still consider these applications on appeal, staff is requesting the Planning Commission deliberate the merits of the zoning ordinance amendment and billboard request so that the Council may have the benefit of such deliberation reflected in the Commission minutes before taking action on any such appeal.

The proposal to amend the Zoning Ordinance was reviewed with the following findings in mind:

- Is the proposed amendment compatible with the objectives, policies, general land uses, and programs specific in the general plan?
- Is the proposed amendment consistent with any applicable specific plan which governs development of the subject property?
- Is it in the public necessity and convenience and / or general welfare that the zoning regulations be changed?

To answer the first question, staff's analysis contained in its report to the Commission looks at several sections of General Plan text. The property on the west side of Interstate 8 between Blackthorne Avenue and Hillside Way is designated as "Open Space" (or OS) on the General Plan land use map. The OS designation is described as, "Hillside areas of very limited development potential which can be retained as public or private open space or areas of very low density and clustered residential development." Staff believes that the Commission can find that the proposed billboard would be considered "limited development" because it would leave most of the property in an undeveloped state.

The second question, regarding a specific plan which governs the property, is not a consideration for this particular request, as there are no specific plans on record for the property which is the subject of the Zoning Ordinance Amendment.

The third question deals with public necessity and convenience. It is staff's position that the public interest is best served by not amending the Zoning Ordinance because of pending litigation previously mentioned. Another reason to leave the ordinance unchanged would be to maintain the current policy of prohibiting commercial billboards from being viewed primarily from the freeway, thereby maximizing uncluttered views of the community.

The site development plan has been referred to the Planning Commission pursuant to Section 17.65.050 of the Municipal Code, since it is directly related to the proposal to amend the Zoning Ordinance which the Commission is considering.

If the proposed Zoning Ordinance amendments are denied, then the site development plan application for a billboard should also be denied because it is not consistent with existing sign regulations. Although staff's report to the Commission addresses both agenda items, separate motions will be needed when the Planning Commission is ready to take action.

SOTILLE opened the public hearing and invited any speakers to address the Commission.

Ms. Janice MOTISI, 667 Murray Drive, El Cajon, CA 92020, is opposed to the applications. She has lived there 10 years and enjoys the view without uncontrolled signs or billboards. She applauded the beautification projects approved by the El Cajon Planning Commission and City Council. She said there are few billboards in La Jolla and Del Mar, and emphasized that its officials and citizens have fought to preserve and protect their communities' quality of life. [The Chairman granted additional time.] She added concerns over safety and potential traffic distractions from the billboard. She recommended the Commissioners deny these applications.

Mrs. Glenda and husband **Tom PARKER**, 747 Murray Drive, El Cajon, CA 92020, voiced their opposition. They have been residents since 1970. She referenced the mural behind the Planning Commissioners, and noted that it is similar to the view from their property. Mrs. PARKER noted residents and nearby neighbors purchased their homes in this neighborhood for the view. They noted property values would be affected by the billboard.

Mr. Jon D. (and wife) **Connie PETERSON**, 735 Murray Drive, El Cajon, CA 92020, were opposed to the project. They have lived in El Cajon for over 30 years, and love the beauty of the valley. He mentioned the City of San Luis Obispo recently voted against having billboards along the freeway. He asked the Commissioners not to desecrate the beauty of the El Cajon Valley by approving this billboard request.

Mrs. Margherita STUTZ, 1386 Hillside Way, El Cajon, CA 92020, is opposed to this application. She noted that they purchased their property because of the view of the valley. She mentioned that the subject property already attracts transients, and a billboard would be a magnet for graffiti taggers to the property.

Mr. David WICK, 5440 Morehouse Drive, San Diego, CA 92121, is the applicant's representative for Grossmont Terrace (De La Fuente family). [He presented an aerial view photograph of the subject property and surrounding area to the Commissioners. The exhibit did not become part of the public record.] He acknowledged the neighbors' concerns. He also clarified they would only build one billboard sign, and not two billboards as alluded to in the staff report. He emphasized that the one billboard will be solely used to promote the De La Fuente car dealership, and would help keep the business open, keep people employed, and continue the sales tax revenue.

WICK informed that on July 13, 2010, he sought direction from the City Council on how to get the sign approved. On August 16, he met with the City Manager, City Attorney and Planning Director [sic - Director of Community Development] and received applications and was told to "go and get it approved like this." He paid about \$5,500 in fees to the city and also paid an engineer \$10,000 to work on this project. He was shocked at staff's recommendation to the Commission to deny these applications.

He informed that the open space is disturbed habitat and doesn't have connectivity [that would be required to make it valuable as habitat]. He respected the neighboring property owners' comments; and emphasized that the sign will not block neighbors' views as it will be below grade.

MROZ asked what is the grade difference between houses on Murray and the billboard. [RAMIREZ approached the site plan posted on the wall.] RAMIREZ replied that the top of the sign will be well below the view of the Murray Drive residents [approximately 40 feet difference in elevation from top of billboard to building pad to west on Murray].

MROZ was concerned that this would set a precedent for another sign. WICK recommended the Planning Commission could require a condition mandating a future review of subsequent proposals. WICK noted that the staff report gives the impression that there will be two signs on the property.

WICK informed that they have cleaned up the site and erected fences to help keep homeless out. He received thanks from the El Cajon Police Chief.

Mr. Steve STUTZ, 1386 Hillside Way, El Cajon, CA 92020, noted that he is concerned as WICK is purchasing more property from the Grossmont Union High School District. He believes that this is the first step of more development.

No other speakers approached the podium.

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

RAMIREZ informed that staff received two phone calls from neighbors. **Ms. Lori HAMILTON**, 699 Murray Drive, El Cajon, CA, objected to the billboard, noting that it would compromise their quality of life, and the lights would disturb the view of the valley. The second call was from **Mr. John HARDWICK**, 825 Murray Drive, El Cajon, CA, who was opposed to the billboard, noting it would be a distraction and contribute to high incidents of traffic accidents in that segment of the freeway.

CIRCO appreciated the "clarity" of the view of the valley. He acknowledged the application process is expensive, and inquired if the applicant was aware of the litigation. REID replied that the question should be asked of the applicant.

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

WICK noted that he was aware of the litigation. In a meeting with the City Manager, City Attorney and City Planner [sic, Director of Community Development.], he was informed that 35 billboards were permitted in the five corridors and that one billboard was available, so they "reserved" it.

MROZ recalled that the staff report mentioned a proposal to establish an auto dealership, and inquired whether the application is still in progress. RAMIREZ replied affirmatively.

BALES noted that when she drives in other areas in San Diego she observes the plethora of billboards and signs and mentioned that she enjoys the restrictions in El Cajon. She believed this application could happen but at a later time. She concurred with the residents and opposed the applications.

SOTTILE noted that he is pro business and thanked the De La Fuente dealership for the tax revenue in El Cajon. However, he noted that the environment and aesthetics are important and his main concern is the pending litigation. He concurred with BALES.

MROZ noted that he is also pro business; however, with limited open space available, the view is precious. He noted that any action on the Amendment of the Zoning Ordinance could damage the pending court case.

RAMIREZ clarified that she was not present at the August 16, 2010 meeting with the City Manager; however, she is certain that the applications were given with instructions on the process needed for City's consideration of the proposal. There were no promises or guarantees that the project would be approved.

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

Motion was made by CIRCO, seconded by BALES, to adopt the proposed Resolution No. 10639 denying Amendment of Zoning Ordinance Application No. 417; carried 4-0 (AMBROSE – absent).

Motion was made by MROZ, seconded by BALES, to adopt the proposed Resolution No. 10640 denying Site Development Plan Permit Application No. 1482; carried 4-0 (AMBROSE – absent).

The appeal for these items ends at 5 p.m., Thursday, October 21, 2010.

OTHER ITEMS FOR CONSIDERATION:

2011 PLANNING COMMISSION MEETING SCHEDULE

This was a request for approval of the Planning Commission meeting schedule for the 2011 calendar year.

Motion was made by SOTTILE, seconded by MROZ, to adopt the proposed 2011 Planning Commission meeting schedule; carried 4-0 (AMBROSE – absent).

STAFF COMMUNICATIONS

RAMIREZ informed that the next Planning Commission meeting might be cancelled due to a lack of applications on the agenda. A decision will be made after the City Council meeting on October 26, 2010 in case the Council would like to add an item to the agenda. A notification via email will be sent to Planning Commissioners.

COMMISSIONER REPORTS/COMMENTS

Commissioner CIRCO reported that he will be moving out of El Cajon soon, and will consult with the City Attorney's office regarding his ability to continue serving on the Commission.

ADJOURNMENT

Motion was made by CIRCO, seconded by BALES, to adjourn the meeting of the El Cajon City Planning Commission at 8:29 p.m. this 11th day of October, 2010 until October 25, 2010 (November 8, 2010) at 7:00 p.m.; carried 4-0 (AMBROSE – absent).

Anthony SOTTILE, Chairman

ATTEST:

Barbara K. RAMIREZ, Secretary