



CITY COUNCIL
HOUSING AUTHORITY AND
SUCCESSOR AGENCY TO THE EL CAJON
REDEVELOPMENT AGENCY

Council Chamber
200 Civic Center Way
El Cajon, CA 92020

Agenda

FEBRUARY 14, 2023, 3:00 p.m.

Bill Wells, Mayor

Steve Goble, Deputy Mayor

Gary Kendrick, Councilmember

Michelle Metschel, Councilmember

Phil Ortiz, Councilmember

Graham Mitchell, City Manager

Vince DiMaggio, Assistant City Manager

Morgan Foley, City Attorney

Angela Cortez, City Clerk

CALL TO ORDER: Mayor Bill Wells

ROLL CALL: City Clerk Angela Cortez

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

POSTINGS: The City Clerk posted Orders of Adjournment of the January 24, 2023, Meetings and the Agenda of the February 14, 2023, Meeting in accordance to State Law and City Council/Housing Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

AGENDA CHANGES:

CONSENT ITEMS:

Consent Items are routine matters enacted by one motion according to the RECOMMENDATION listed below. With the concurrence of the City Council, a Council Member or person in attendance may request discussion of a *Consent Item* at this time.

1. Minutes of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Meeting

RECOMMENDATION:

That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency approves Minutes of the January 24, 2023, Meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

RECOMMENDATION:

That the City Council approves payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title Only

RECOMMENDATION:

That the City Council approves the reading by title and waives the reading in full of all Ordinances on the Agenda.

4. Board of State and Community Corrections (BSCC) - Officer Wellness and Mental Health Grant

RECOMMENDATION:

That the City Council takes the following actions:

1. Authorizes the City Manager, or designee, to accept the BSCC Officer Wellness and Mental Health Grant in the amount of \$82,845.75 and to execute any grant documents and agreements necessary for the receipt and use of these funds: and
2. Appropriates \$82,845.75 of BSCC Officer Wellness and Mental Health Grant funding to the Police Misc. Grants Funds to help fund programs for establishing and expanding officer wellness and peer support programs.

5. Acceptance of Public Improvements for Tentative Subdivision Map (TSM) 604, Legacy Townhomes, Engineering Job No. 3020.

RECOMMENDATION:

That the City Council:

1. Accepts the improvements; and
2. Authorizes the City Clerk to release the security guaranteeing the improvements in accordance with the subdivision agreement and requires the developer to maintain insurance in force until the release of all bonds for the project.

6. Continuation of Emergency for Sewer Main Repairs

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, proclaiming the Continuation of Emergency for Sewer Main Repairs in the City of El Cajon.

7. Acceptance of Public Improvements for Tentative Subdivision Map (TSM) 642, Mary Street, Engineering Job No. 3143.

RECOMMENDATION:

That City Council:

1. Accepts the improvements; and
2. Authorizes the City Clerk to release the security guaranteeing the improvements in accordance with the subdivision agreement and requires the developer to maintain insurance in force until the release of all bonds for the project.

8. Acceptance of the Pipeline and Rehabilitation Project (210021PWCP)

RECOMMENDATION:

That the City Council:

1. Accepts the Pipeline Lining and Rehabilitation Project (210021PWCP), Bid No. 001-22; and
2. Authorizes the City Clerk to record a Notice of Completion and release bonds in accordance with the contract terms.

9. Appointment to Public Safety Facility Financing Oversight Committee

RECOMMENDATION:

That the City Council ratifies the appointment of Derrek Cardinale to the Public Safety Facility Financing Oversight Committee (PSFFOC) for a term to expire January 31, 2027.

10. Heartland Fire Administrative Offices - Project Acceptance

RECOMMENDATION:

That the City Council:

1. Accepts the Heartland Fire Administrative Offices project, 200012PWCP; and
2. Authorizes the City Clerk to record a Notice of Completion and release the bonds in accordance with the contract terms.

PUBLIC COMMENT:

At this time, any person may address a matter within the jurisdiction of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency that is not on the Agenda. Comments relating to items on today's docket are to be taken at the time the item is heard. State law prohibits discussion or action on items not on the Agenda; however, Council, Authority and Agency Members may briefly respond to statements or questions. An item may be placed on a future Agenda.

WRITTEN COMMUNICATIONS:

PUBLIC HEARINGS:

11. Appeal of Planning Commission's Decision Denying a Request to Add Off-Sale Alcohol to an Existing Convenience Store at 500 N. Second Street

RECOMMENDATION:

That the City Council:

1. Reopens the continued Public Hearing and receives testimony;
2. Closes the Public Hearing;
3. Moves to adopt the next Resolution, in order, affirming the decision of the El Cajon Planning Commission and DENYING the request to add off-sale alcohol to an existing convenience store at 500 N. Second Street.

ADMINISTRATIVE REPORTS:

12. Modification of New Hire Incentive Program for Sworn Police Officers

RECOMMENDATION:

That the City Council authorizes the modification of the Police Department's "New Hire Incentive Program for Sworn Police Officers."

13. Deemed Approved Lodging Establishment Update

RECOMMENDATION:

That the City Council receives the report, provides feedback, and gives staff direction.

COMMISSION REPORTS:

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS

SANDAG (San Diego Association of Governments) Board of Directors.

14. Council Activity Report

ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS:

15. **DEPUTY MAYOR STEVE GOBLE**
MTS (Metropolitan Transit System Board); East County Advanced Water Purification Joint Powers Authority Board; Chamber of Commerce – Government Affairs Committee; SANDAG – Board of Directors – Alternate; SANDAG Public Safety Committee – Alternate.
16. **COUNCILMEMBER GARY KENDRICK**
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.
17. **COUNCILMEMBER MICHELLE METSCHEL**
Harry Griffen Park Joint Steering Committee; METRO Commission/Wastewater JPA – Alternate; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate.
18. **COUNCILMEMBER PHIL ORTIZ**
League of California Cities, San Diego Division; East County Economic Development Council; MTS (Metropolitan Transit System Board) – Alternate; East County Advanced Water Purification Joint Powers Authority Board – Alternate; Chamber of Commerce – Government Affairs Committee – Alternate.

JOINT COUNCILMEMBER REPORTS:

GENERAL INFORMATION ITEMS FOR DISCUSSION:

ORDINANCES: FIRST READING

ORDINANCES: SECOND READING AND ADOPTION

CLOSED SESSIONS:

ADJOURNMENT: The Regular Joint Meeting of the El Cajon City Council/ El Cajon Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 14th day of February 2023, is adjourned to Tuesday, February 28, 2023, at 3:00 p.m.



City Council
Agenda Report

Agenda Item 1.

DATE: February 14, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Angela Cortez, City Clerk

SUBJECT: Minutes of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Meeting

RECOMMENDATION:

That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency approves Minutes of the January 24, 2023, Meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

Attachments

01-24-23DRAFTminutes - 3PM

01-24-23DRAFTminutes - 7PM

JOINT MEETING OF THE EL CAJON CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

January 24, 2023

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, January 24, 2023, was called to order by Mayor/Chair Bill Wells at 3:03 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

Council/Agencymembers present:

Metschel, and Ortiz

Council/Agencymembers absent:

Kendrick

Deputy Mayor/Vice Chair present:

Goble

Mayor/Chair present:

Wells

Other Officers present:

Mitchell, City Manager/Executive Director

DiMaggio, Assistant City Manager

Foley, City Attorney/General Counsel

Janzer, Deputy City Clerk/Secretary

PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Wells and MOMENT OF SILENCE.

POSTINGS: The City Clerk posted Orders of Adjournment of the January 10, 2023, meeting and the Agenda of the January 24, 2023, meetings in accordance with State Law and El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

PRESENTATIONS:

- Fire Chief Bent Koch
- Teddy the ECPD Wellness Dog

AGENDA CHANGES: None

CONSENT ITEMS: (1 – 5)

Deputy Mayor Goble praised the preventive measures by the Public Works Department in preventing what could have turned into a sink-hole. He added that preventive measures save the city money.

MOTION BY GOBLE, SECOND BY ORTIZ, to APPROVE Consent Items 1 to 5.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (KENDRICK – Absent).

1. Minutes of El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Meetings

Approve Minutes of the January 10, 2023, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

Approve payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title Only

Approve the reading by title and waives the reading in full of all Ordinances on the Agenda.

4. City Attorney Staff Members

Adopts Resolution No. 004-23 appointing the professional staff of the City Attorney's Department effective January 24, 2023.

CONSENT ITEMS: (Continued)

- 5. Declaration of Emergency for Sewer Main Repairs; Authorization to Waive Bidding
 - 1. Adopt Resolution No. 005-23 to establish a Declaration of Emergency and determine that the public interest and necessity require the immediate expenditure of public money to safeguard life, health, or property as required by the Public Contract Code section 22050; and
 - 2. Approve \$80,000 for repairs in Wastewater Operations to cover the cost of the emergency work.

PUBLIC COMMENT:

Kevin Kline spoke of the speed and parking hazards at the Literacy First Charter School on Bradley Avenue.

City Manager Mitchell stated that staff would contact the school to address the neighborhood concerns.

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS: None

ADMINISTRATIVE REPORTS:

- 6. Downtown El Cajon Business Partners' Annual Report

RECOMMENDATION:

That the City Council receives the Downtown El Cajon Business Partners' annual report and financial statements and provides feedback.

DISCUSSION

City Manager Mitchell introduced Cathy Zeman, representing the Downtown El Cajon Business Partners' who provided detailed information of the Item.

Rich Riel spoke to request that the City Council reject the report presented by the Downtown El Cajon Business Partners', because no public input was requested.

ADMINISTRATIVE REPORTS: (Item 6 – Continued)

City Attorney Foley clarified that the City only accepts the report as received.

Discussion ensued among staff and the City Council regarding property owners reaching out to the Board of Directors with any concerns they may have.

MOTION BY GOBLE, SECOND BY ORTIZ, to RECEIVE the Downtown El Cajon Business Partners' annual report and financial statements.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (KENDRICK – Absent).

7. America on Main Street 2023

RECOMMENDATION:

That the City Council accepts the report and provides feedback.

DISCUSSION

Director of Parks & Recreation, Frank Carson, provided detailed information of the Item.

No public comment was received for the Item.

No Motion was required for the informational only Item.

8. Veterans Memorial Update

RECOMMENDATION:

That the City Council accepts the report and provides feedback.

DISCUSSION

Director of Parks & Recreation, Frank Carson, provided detailed information of the Item.

Discussion ensued among Council and staff regarding the best placement for the Veterans Memorial and procuring funding sources.

No public comment was received for the Item.

ADMINISTRATIVE REPORTS: (Item 8 – Continued)

MOTION BY ORTIZ, SECOND BY METSCHEL, to ACCEPT the Report.

**MOTION CARRIED BY UNANIMOUS VOTE
OF THOSE PRESENT (KENDRICK – Absent).**

9. Update on Homeless Programs and Services

RECOMMENDATION:

That the City Council receives the homeless programs and services report and, if desired, provides feedback, recommendations, and direction on homeless-related programming and funding.

DISCUSSION

Housing Manager, Jose Dorado, introduced Housing Specialist, Yani Pelayo-Brito, who provided detailed information of the Item.

Discussion ensued among staff and the City Council regarding the following:

- Permanent housing issue in El Cajon;
- Meridian cabins; and
- Lack of regional leadership for drug addiction and mental health issues.

No public comment was received for the Item.

MOTION BY WELLS, SECOND BY ORTIZ, to RECEIVE the homeless programs and services report, and provide direction on homeless-related programming and funding.

**MOTION CARRIED BY UNANIMOUS VOTE
OF THOSE PRESENT (KENDRICK – Absent).**

10. Nurse Navigator Program Status Update

RECOMMENDATION:

That the City Council receives and files the report.

DISCUSSION

Fire Chief, Bent Koch provided detailed information of the Item.

Discussion ensued among staff and the City Council regarding the benefits of the proposed program.

ADMINISTRATIVE REPORTS: (Item 10 – Continued)

No public comment was received for the Item.

MOTION BY ORTIZ, SECOND BY METSCHEL, to RECEIVE the Nurse Navigator Program Update Report.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (KENDRICK – Absent).

11. 2022 Annual Pension Status Report

RECOMMENDATION:

That the City Council receives the Annual Pension Status report.

DISCUSSION

Finance Director, Clay Schoen, provided detailed information of the Item.

Discussion ensued among staff and the City Council regarding the benefits of the proposed program.

Deputy Mayor Goble, recommended a section of the report to show payments made and what the balance due is on pension obligation bonds.

No public comment was received for the Item.

MOTION BY ORTIZ, SECOND BY METSCHEL, to RECEIVE the Annual Pension Status Report.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (KENDRICK – Absent).

COMMISSION REPORTS: None

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:

SANDAG (San Diego Association of Governments) Board of Directors.

12. Council Activities Report/Comments

Report as submitted.

ACTIVITIES REPORTS OF COUNCILMEMBERS:

- 13. DEPUTY MAYOR STEVE GOBLE
MTS (Metropolitan Transit System Board); East County Advanced Water Purification Joint Powers Authority Board; Chamber of Commerce – Government Affairs Committee; SANDAG – Board of Directors – Alternate; SANDAG Public Safety Committee – Alternate.

Council Activities Report/Comments.

Report as submitted.

- 14. COUNCILMEMBER GARY KENDRICK
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.

Council Activities Report/Comments.

Report as submitted.

- 15. COUNCILMEMBER MICHELLE METSCHEL
Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate; METRO Commission/Wastewater JPA – Alternate.

Council Activities Report/Comments.

Report as submitted.

- 16. COUNCILMEMBER PHIL ORTIZ
League of California Cities, San Diego Division; East County Economic Development Council; MTS (Metropolitan Transit System Board) – Alternate; East County Advanced Water Purification Joint Powers Authority Board – Alternate; Chamber of Commerce – Government Affairs Committee – Alternate.

Council Activities Report/Comments.

Report as submitted.

JOINT COUNCILMEMBER REPORTS: None

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING - None

ORDINANCES: SECOND READING AND ADOPTION - None

CLOSED SESSIONS: None

Adjournment: Mayor Wells adjourned the Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 24th day of January 2023, at 4:47 p.m., to Tuesday, January 24, 2023, at 7:00 p.m.

D R A F E T

ANGELA L. CORTEZ, CMC
City Clerk/Secretary

JOINT MEETING OF THE EL CAJON CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

January 24, 2023

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, January 24, 2023, was called to order by Mayor/Chair Bill Wells at 7:04 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California. This meeting was adjourned from the Adjourned Regular Joint Meeting held at 3:00 p.m., Tuesday, January 24, 2023, by order of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

ROLL CALL

Council/Agencymembers present:

Council/Agencymembers absent:

Deputy Mayor/Vice Chair present:

Mayor/Chair present:

Other Officers present:

Metschel, and Ortiz

Kendrick

Goble

Wells

Mitchell, City Manager/Executive Director

DiMaggio, Assistant City Manager

Foley, City Attorney/General Counsel

Janzer, Deputy City Clerk/Secretary

PLEDGE OF ALLEGIANCE TO THE FLAG led by Mayor Wells and MOMENT OF SILENCE.

AGENDA CHANGES: None

PUBLIC COMMENT: None

COMMISSION INTERVIEWS:

100. Interviews for City Commissions

RECOMMENDATION:

That the City Council conducts interviews for City's Commissions and Committees.

DISCUSSION

Gillespie Field Development Council

Vacancy: One (1) member vacancy to be appointed by the City Council directly, with a term expiring on 01/31/2027.

Applicants for the Gillespie Field Development Council:

1. Davison, Robert

MOTION BY WELLS, SECOND BY GOBLE, to APPOINT Robert Davison to the Gillespie Field Development Council, with a term to expire on January 31, 2027.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (KENDRICK – Absent).

Mission Trails Regional Park Citizens' Advisory Committee

Vacancy: One (1) member vacancy to be appointed by the City Council directly, with a term expiring on 01/31/2024.

No applications were received for this committee.

Personnel Commission

Vacancy: One (1) Commissioner vacancy to be appointed by the City Council directly, with a term expiring on 01/31/2027.

Requirements: Applicant must be a resident of the City of El Cajon and continue to reside in the City during the term of office.

Personnel Commissioners are required to file a Form 700 according to provisions of the Political Reform Act, the Fair Political Practices Commission, and the City's Conflict of Interest Code.

COMMISSION INTERVIEWS: (Continued)

Applicants for the Personnel Commission:

1. Kaye, Charles (Chuck)
2. Martinez, Edward

MOTION BY METSCHEL, SECOND BY ORTIZ, to APPOINT Charles Kaye to the Personnel Commission, with a term to expire on January 31, 2027.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (KENDRICK – Absent).

Planning Commission

Vacancy: Two (2) Commissioners to be appointed by the City Council directly, with a term expiring on 01/31/2027.

Applicants for the Planning Commission:

1. Cardinale, Derrek
2. Circo, Paul
3. Edison, Shannon
4. Valles, Elizabeth A.

Discussion ensued amongst Council regarding the qualifications of each applicant.

MOTION BY METSCHEL, SECOND BY ORTIZ, to APPOINT Derrek Cardinale to the Planning Commission, with a term to expire on January 31, 2027.

Substitute MOTION BY GOBLE, SECOND BY METSCHEL, to APPOINT Shannon Edison to the Planning Commission, with a term to expire on January 31, 2027.

MOTION CARRIED BY 3 -1 VOTE (ORTIZ – No, KENDRICK – Absent).

MOTION BY ORTIZ, SECOND BY WELLS, to RE-APPOINT Paul Circo to the Planning Commission, with a term to expire on January 31, 2027.

MOTION CARRIED BY 3 -1 VOTE (METSCHEL – No, KENDRICK – Absent).

COMMISSION INTERVIEWS: (Continued)

Public Safety Facility Financing Oversight Committee

Vacancy: Three (3) Committee Members with a Term expiration of 01/31/2027.

Requirements:

1. According to Section 2.24.910 of the El Cajon Municipal Code, the Public Safety Facility Financing Oversight Committee shall consist of seven members, no less than four members who are residents of the City at the time of applying for the commission and who shall continue to reside in the City during their term of office.
2. Members are required to file a Form 700 according to provisions of the Political Reform Act, the Fair Political Practices Commission, and the City's Conflict of Interest Code.

Four members of the committee must be a resident of the City of El Cajon and meet one of the following occupations or categories:

- Business Owner from the El Cajon Business Community
- Member of a bona fide tax payer's association or organization
- Public Safety Employee (i.e. either police or fire personnel) either retired from service or not employed by the City
- A resident elector of the City of El Cajon

Three committee members, a resident or non-resident of the City of El Cajon, must be from one or more of the following occupations, in order to have a broad representation of construction and financing of public facilities:

- California Licensed Architect with experience designing and building commercial, industrial or governmental buildings
- California Licensed General Contractor with experience constructing commercial, industrial or governmental buildings
- California Licensed Civil Engineer with experience designing and building commercial, industrial or governmental buildings
- Building/Property Manager with experience in the management of commercial buildings
- Construction Estimator with experience in estimating the construction of large-scale projects
- California Certified Public Accountant with experience in professional accounting

PSFFOC are required to file a Form 700 according to provisions of the Political Reform Act, the Fair Political Practices Commission, and the City's Conflict of Interest Code.

COMMISSION INTERVIEWS: (Continued)

Applicants for the Public Safety Facility Financing Oversight Committee:

1. Grillot, Patrick

MOTION BY WELLS, SECOND BY METSCHEL, to APPOINT Patrick Grillot to the Public Safety Facility Financing Oversight Committee, with a term to expire on January 31, 2027.

MOTION CARRIED BY UNANIMOUS VOTE OF THOSE PRESENT (KENDRICK – Absent).

ADJOURNMENT: Mayor Wells adjourned the Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency, held this 24th day of January 2023, at 8:26 p.m., to Tuesday, February 14, 2023, at 3:00 p.m.

DRAFT

ANGELA L. CORTEZ, CMC
City Clerk/Secretary



City Council Agenda Report

Agenda Item 4.

DATE: February 14, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Mike Moulton, Chief of Police

SUBJECT: Board of State and Community Corrections (BSCC) - Officer Wellness and Mental Health Grant

RECOMMENDATION:

That the City Council takes the following actions:

1. Authorizes the City Manager, or designee, to accept the BSCC Officer Wellness and Mental Health Grant in the amount of \$82,845.75 and to execute any grant documents and agreements necessary for the receipt and use of these funds: and
2. Appropriates \$82,845.75 of BSCC Officer Wellness and Mental Health Grant funding to the Police Misc. Grants Funds to help fund programs for establishing and expanding officer wellness and peer support programs.

BACKGROUND:

This grant is being awarded through the BSCC in accordance with Assembly Bill 178, Chapter 45, and the Budget Act of 2022. All eligible law enforcement agencies in the State of California will receive a portion of the allocated funding based on the number of eligible officers in each agency. The City of El Cajon Police Department was allocated \$82,845.75. The Officer Wellness grant is designed to improve officer wellness programs and expand mental health sources as follows:

1. Establishing or expanding officer wellness units.
2. Establishing or expanding peer support units.
3. Services provided by a licensed mental health professional, counselor, or other professional that works with law enforcement.
4. Expanding multi-agency mutual aid programs focused on officer wellness and mental health.
5. Other programs or services that are evidence-based or have a successful track record of enhancing officer wellness.
6. Provision 2 of the Budget Act requires each grant recipient to submit an expenditure report and a final impact report no later than December 1, 2025. Additionally, grant recipients will submit a brief annual expenditure report.

FISCAL IMPACT:

This grant will provide \$82,845.75 in funding to the Police Misc. Grants Fund and will not impact the City's General Fund. No matching funds are required for this grant. These grant funds will be used solely by the Police Department to improve or expand officer wellness and peer support programs and to expand mental health resources as noted in the Background section above.

Prepared By: Julie Wiley, Sr. Management Analyst

Reviewed By: Mike Moulton, Police Chief

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

Agenda Item 5.

DATE: February 14, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: Acceptance of Public Improvements for Tentative Subdivision Map (TSM) 604, Legacy Townhomes, Engineering Job No. 3020.

RECOMMENDATION:

That the City Council:

1. Accepts the improvements; and
2. Authorizes the City Clerk to release the security guaranteeing the improvements in accordance with the subdivision agreement and requires the developer to maintain insurance in force until the release of all bonds for the project.

BACKGROUND:

On October 11, 2005, the City Council approved TSM 604 for a forty-two (42) lot subdivision, with forty-one (41) attached townhome units and a common use area, by Resolution No. 228-05, subject to conditions. The subdivision is located at 960 and 990 East Washington Avenue, at the northwest corner of South Anza Street and East Washington Avenue. As a condition of approval for TSM 604, the public improvements are now complete. Bonds and a Subdivision Agreement guaranteed the installation of public improvements.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

Prepared By: Jaime Campos, Associate Engineer

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

Agenda Item 6.

DATE: February 14, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: Continuation of Emergency for Sewer Main Repairs

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, proclaiming the Continuation of Emergency for Sewer Main Repairs in the City of El Cajon.

BACKGROUND:

This report is intended to provide an update to the City Council on the status of emergency sewer main repairs performed at the intersection of East Lexington Avenue and First Street and 681 Tyrone Street. Following the City Council's ratification and Declaration of Emergency on January 24, 2023, the City's contractor (Jimenez Inc. dba MJC Construction) has recently completed the replacement of damaged pipelines, backfilled voids, and restored surface improvements.

The project repairs were inspected and deemed complete as of February 1, 2023. It is necessary to continue the status of the emergency until final project acceptance and total construction costs are determined, which will be presented at the next City Council meeting.

FISCAL IMPACT:

Funding in the amount of \$80,000 is available through the Fiscal Year 2023 Wasterwater Operations Annual Budget (650720).

Prepared By: Mike James, Deputy Director of Public Works
Reviewed By: Yazmin Arellano, Director of Public Works
Approved By: Graham Mitchell, City Manager

Attachments

Resolution

RESOLUTION NO. __-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON
PROCLAIMING THE CONTINUATION OF A LOCAL EMERGENCY

WHEREAS, on Tuesday, January 10, 2023, the City Manager declared an emergency, as allowed by El Cajon Municipal Code section 2.04.145, and authorized expenditures to make the needed repairs of two (2) failed 8-inch diameter pipelines, with excessive moisture surrounding the failed pipe sections, located at the intersection of East Lexington Avenue and First Street and 681 Tyrone Street in order to take immediate measures to prevent further collapse; and

WHEREAS, the City Council ratified the actions of the City Manager and proclaimed the local emergency by adopting Resolution No. 005-23 on January 24, 2023; and

WHEREAS, the replacement of damaged pipelines, backfilled voids, and restored surface improvements continue to require work by City's contractor, Jimenez Inc. dba MJC Construction, although the repairs are nearly completed; and

WHEREAS, it is necessary for the City Council to again ratify the City Manager's proclamation of emergency on January 10, 2023, as first ratified by the City Council on January 24, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

1. The above recitals are true and correct, and are the findings of the City Council.
2. The City Council hereby proclaims the continuation of the local emergency located at the intersection of East Lexington Avenue and First Street and 681 Tyrone Street.



City Council
Agenda Report

Agenda Item 7.

DATE: February 14, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: Acceptance of Public Improvements for Tentative Subdivision Map (TSM) 642, Mary Street, Engineering Job No. 3143.

RECOMMENDATION:

That City Council:

1. Accepts the improvements; and
2. Authorizes the City Clerk to release the security guaranteeing the improvements in accordance with the subdivision agreement and requires the developer to maintain insurance in force until the release of all bonds for the project.

BACKGROUND:

On July 24, 2007, the City Council approved TSM 642 for a seventeen (17) lot subdivision with sixteen (16) single-family homes and a common use area, by Resolution No. 82-07, subject to conditions. The subdivision is located south of Mary Street between June Way and Ann Street. As a condition of approval for TSM 642, the public improvements are now complete. Bonds and a Subdivision Agreement guaranteed the installation of public improvements.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

Prepared By: Jaime Campos

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

Agenda Item 8.

DATE: February 14, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: Acceptance of the Pipeline and Rehabilitation Project (210021PWCP)

RECOMMENDATION:

That the City Council:

1. Accepts the Pipeline Lining and Rehabilitation Project (210021PWCP), Bid No. 001-22; and
2. Authorizes the City Clerk to record a Notice of Completion and release bonds in accordance with the contract terms.

BACKGROUND:

On October 12, 2021, the City Council awarded Southwest Pipeline and Trenchless Corporation the Pipeline Lining and Rehabilitation project for \$2,349,190.00. This project lined and replaced damaged sewer and storm drain pipelines and other underground drainage infrastructure throughout the City. During construction, staff identified opportunities for cost savings, resulting in a total construction cost of \$2,248,425.86. Field construction ended on November 8, 2022; all quantities and payments are now finalized, and acceptance of the project is recommended.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The project is exempt from environmental review under CEQA Guideline 15301(c)(Class 1) as it is a minor alteration of an existing public infrastructure involving negligible or no expansion of an existing use.

FISCAL IMPACT:

The fiscal impact of the construction project is \$2,248,425.86. Sufficient funds are available for the project in the City's Wastewater Program Fund (650790-210021PWCP).

Prepared By: Mario Sanchez, City Engineer

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

Agenda Item 9.

DATE: February 14, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Angela Cortez, City Clerk
SUBJECT: Appointment to Public Safety Facility Financing Oversight Committee

RECOMMENDATION:

That the City Council ratifies the appointment of Derrek Cardinale to the Public Safety Facility Financing Oversight Committee (PSFFOC) for a term to expire January 31, 2027.

BACKGROUND:

Mr. Cardinale has served in the PSFFOC since April 2021. His term expired in January 2023, and he has agreed to continue on the committee for another four-year term.

FISCAL IMPACT:

None

Prepared By: Angela Cortez, City Clerk
Reviewed By: N/A
Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

Agenda Item 10.

DATE: February 14, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: Heartland Fire Administrative Offices - Project Acceptance

RECOMMENDATION:

That the City Council:

1. Accepts the Heartland Fire Administrative Offices project, 200012PWCP; and
2. Authorizes the City Clerk to record a Notice of Completion and release the bonds in accordance with the contract terms.

BACKGROUND:

On March 8, 2022, the City Council awarded a contract for the Heartland Fire Administrative Offices project to SWCS, Inc. This project included the construction of seven (7) fully-furnished offices, a conference room, and all associated electrical, mechanical, and structural building components in the Public Safety Center. Heartland Fire command staff were successfully relocated from Fire Station 6 at 100 East Lexington Avenue to the Public Safety Center at 100 Civic Center Way. SWCS, Inc. completed the project on January 10, 2023.

FISCAL IMPACT:

This project is budgeted in Public Safety Projects (550590-200012PWCP) with Proposition "O" funds and General Fund. The total construction contract expenditure is \$485,004.81.

Prepared By: Senan Kachi, Associate Engineer

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: February 14, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Noah Alvey, Deputy Director of Community Development
SUBJECT: Appeal of Planning Commission's Decision Denying a Request to Add Off-Sale Alcohol to an Existing Convenience Store at 500 N. Second Street

RECOMMENDATION:

That the City Council:

1. Reopens the continued Public Hearing and receives testimony;
2. Closes the Public Hearing;
3. Moves to adopt the next Resolution, in order, affirming the decision of the El Cajon Planning Commission and DENYING the request to add off-sale alcohol to an existing convenience store at 500 N. Second Street.

PROJECT DESCRIPTION:

This is an appeal of the Planning Commission's decision to deny a request to establish off-sale beer and wine for off-site consumption at an existing convenience store at 500 N. Second Street. The convenience store is approximately 2,958 sq. ft. in size with a sales floor area of approximately 1,705 sq. ft. The applicant proposes a maximum of 10 percent of the retail sales floor area be used for retail display of beer and wine for off-site consumption. This appeal hearing was continued at the request of the applicant from January 10, 2023 to February 14, 2023.

BACKGROUND:

General Plan:	Neighborhood Commercial (NC)
Zone:	C-N (Neighborhood Commercial)
Notable State Law(s):	Alcoholic Beverage Control Act; Business and Professions Code Section 23958.4(b)(2)
Applicant:	R. Bruce Evans on behalf of 7-Eleven Inc. and the store franchisees Kashmira and Tushar Bharucha

Project Chronology

The existing convenience store was approved under Site Development Plan No. 1486 by the City Council on March 26, 2013. On March 18, 2014, the Planning Commission denied a request to add off-sale beer and wine to the convenience store. The Planning Commission found that the subject site was located in a census tract that was over-concentrated with off-sale alcohol outlets and that the site was in a high crime area. The Planning Commission

decision was appealed and on July 22, 2014, the appeal was denied by the City Council. Construction of the convenience store was completed on January 9, 2015, and it has operated as a 7-Eleven convenience store since that time.

Project Site & Constraints

The subject property is approximately 15,000 square feet in area and is located at the northwest corner of North Second Street and East Madison Avenue. The site is positioned partially in front of Madison Plaza and shares interconnecting access between parking areas on the north and west. Madison Plaza is a neighborhood shopping center and consists of several parcels within the block formed by North Second Street, Oakdale Avenue, and East Madison Avenue.

Surrounding Context

The properties surrounding the project site are developed and zoned as follows:

Direction	Zones	Land Uses
North	C-N	Madison Plaza Shopping Center/Carl's Jr.
South	C-G	Town & Country Shopping Center and gas station
East	C-G	Diego Valley East Public Charter School
West	C-G/RM-2200	Madison Plaza Shopping Center/Multiple-family dwelling units

General Plan

The project site is designated NC (Neighborhood Commercial) on the General Plan Land Use Map. As described in the General Plan, NC designated areas are intended to accommodate commercial development in the form of small shopping centers or individual commercial buildings in close proximity to residential neighborhoods, which serve the daily shopping needs of residents.

ABC and 2016 Moratorium

Licenses for off-sale beer and wine establishments are issued by the State of California Department of Alcoholic Beverage and Control (ABC). State laws limit the concentration of licenses within the crime reporting districts of the local jurisdiction. For cities, such as El Cajon, these are based on "census tracts." ABC regulations periodically (about every 5 years) identify those cities having crime reporting districts with 120% or more of the average of crimes in its districts and applies a "moratorium" on the issuance of licenses with certain exceptions. In 2016, the most recent year of ABC's analysis (2016 Moratorium), El Cajon was identified as a "moratorium city," and remains so at the present time. This means that an ABC license is subject to City approval.

Municipal Code/Zoning Code

El Cajon Municipal Code (ECMC) Chapter 17.210 indicates convenience stores with off-sale alcoholic beverage sales, limited to beer and wine, may be approved by conditional use permit (CUP) subject to findings. ECMC Chapter 17.210 is the Alcohol Sales and Deemed Approved Alcohol Sales Ordinance which includes location requirements, required findings, and conditions of approval for new off-sale beverage activities. Excerpts from Chapter 17.210 that apply to the request for a conditional use permit at 500 N. Second St. are included as an attachment to this report.

DISCUSSION

The subject site is located in Census Tract 163.02. This census tract currently has four active off-sale licenses. ABC's authorized number of off-sale licenses for this census tract is three, thus making the census tract over-concentrated. The City's current overall off-sale license count is 76.

The average crime rate for the City is 164 offenses per district and 120% of the citywide average is 197 offenses. ABC considers offense rates up to 120% to be average. The total number of offenses in census tract 163.02 was 280 offenses or 170.7% of the citywide average. A range of 120-200% of the citywide average is considered "High" based on ABC criteria. Staff would also note that census tract 157.01 is located immediately south of the subject site, across E. Madison Ave., and has the highest crime rate in the City with 533 offenses or 325% of the citywide average.

Staff would like to note that the ABC list of licenses within Census Tract 163.02 incorrectly includes a license at 601 N. Second St., which is located in Census Tract 164.03. Since the subject area does not have a capacity for additional off-sale licenses, as defined by ABC, and has a high crime rate, adding a license to this location would not be consistent with the finding that the area in which the off-sale license is requested has capacity for an additional license and has a low to average crime rate as described in ECMC section 17.210.110.D.

The applicant's project description indicates that the applicant, "will agree to purchase a second ABC License (21-194540), which it will then transfer out of the City of El Cajon altogether, or in the alternative facilitate the cancellation of the Type 21 license." ECMC section 17.210.120 anticipates this type of request and states, "In order to make required findings the applicant must acquire an existing off-sale license issued by the ABC from an off-sale alcohol sales establishment located in an over-concentrated census tract in the City of El Cajon and transfer the license to an approved location or otherwise extinguish such license." However, before this finding can be made, the subject census tract must have capacity and have less than a high crime rate.

ABC License (21-194540) is associated with 950 N. Second St., which is the former Vons grocery store that closed and was recently converted into a religious facility. The ABC license database indicates that this license has been surrendered. Furthermore, on September 3, 2019, the Planning Commission terminated the deemed approved status for off-sale alcohol sales at 950 N. Second St. and found that the termination would reduce the number of off-sale outlets in the City and the potential to increase issues related to the sale of alcohol, such as loitering, public drunkenness, alcoholic beverage sales to minors, noise, and littering. Staff does not consider the license for 950 N. Second St. to be an existing license because the store is no longer in existence and because the deemed approved status for the store has been revoked.

PLANNING COMMISSION RECOMMENDATION:

On October 18, 2022, the Planning Commission held a duly noticed public hearing for the request. The applicant's representative, R. Bruce Evans, and one of the store's franchisees, Kashmira Bharucha, spoke in opposition to the staff recommendation. With Commissioner Mroz absent, the Planning Commission voted 4-0 to deny the request. The Planning Commission found that the over-concentration of licenses within the census tract associated with the site, as well as the crime rate for the area, supported staff's recommendation to deny the request.

FINDINGS:

- A. *The proposed off-sale beer and wine sales with a convenience store is consistent with applicable goals, policies, and programs of the General Plan.*

Excessive off-sale licenses create negative impacts on the overall community and nearby residential neighborhoods, including but not limited to noise, traffic, litter, crime, and other public nuisances. Furthermore, the current over-saturation of alcoholic beverage outlets strains City resources, aggravates existing crime problems, and negatively impacts public safety. General Plan Policy 5-9.1 directs the City to improve public safety for all residents through community policing efforts and crime prevention measures. Therefore, the proposed off-sale beer and wine sales in an over-concentrated census tract with a high crime rate is not consistent with this finding.

- B. *The proposed off-sale beer and wine sales with a convenience store is consistent with all applicable use and development standards, including off-sale alcohol locational requirements.*

The existing site and building are consistent with all applicable use and development standards. Furthermore, the proposed off-sale beer and wine sales do not directly affect the underlying zone's development, and would not remove any required parking from the site. Moreover, the proposed establishment meets the locational requirements of ECMC section 17.210.090.

- C. *The proposed off-sale beer and wine sales with a convenience store will be operated in a manner that is compatible with existing and planned land uses in the vicinity of the proposed use.*

The City's over-concentration of alcoholic beverage outlets creates negative impacts on the overall community, and it generates secondary effects of negative impacts on the surrounding environment. Furthermore, the subject census tract has four existing off-sale establishments and the addition of a fifth license will further exacerbate the over-concentration. Therefore, the addition of off-sale beer and wine sales is not compatible with existing and planned land uses and is not consistent with this finding.

- D. *The proposed off-sale beer and wine sales with a convenience store will not be detrimental to the public health, safety, and general welfare, including effects on nearby neighborhoods, places of worship, and other alcoholic beverage sales activity establishments.*

The current over-concentration of licenses for off-sale alcohol strains City resources, aggravates existing crime problems, and negatively impacts public safety. The proposed use is within Census Tract 163.02, which is a "high" crime area at 170.7% of the citywide average. Crime problems in the area would be exacerbated due to the greater accessibility of alcoholic beverages that the proposed use would make possible. Furthermore, Census Tract 157.01 is located immediately south of the subject site, across E. Madison Ave., and has the highest crime rate in the City with 533 offenses or 325% of the citywide average. Therefore, off-sale beer and wine sales are not consistent with this finding.

E. *The proposed off-sale beer and wine sales with a convenience store is in the best interest of public convenience and necessity.*

Four off-sale licensed establishments currently exist in the subject census tract and four more are in close proximity in the adjacent census tract, south of E. Madison Ave. along North Second Street. Therefore, off-sale beer and wine sale outlets are conveniently located nearby at existing stores such as WalMart, Grocery Outlet, Liquor Town, and Sprouts Farmers Market.

F. *The proposed off-sale beer and wine sales is located in a census tract with capacity for additional off-sale licenses, as defined by the California Department of Alcohol Beverage Control, with low to average crime rates, as defined by the Police Department annually, subject to the condition that an additional off-sale establishment will not be contradictory to a moratorium.*

The proposed off-sale of beer and wine sales is located in a census tract with four off-sale alcohol outlets. The California Department of Alcohol Beverage Control's authorized number of off-sale licenses for this census tract is three; therefore, there is no capacity for additional off-sale licenses. Furthermore, the crime rate is high and adding an additional license to this location would be contradictory to the 2016 Moratorium.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) according to section 15061(b)(4) of the CEQA Guidelines. Section 15061(b)(4) states that projects which are disapproved by a public agency are exempt from CEQA.

PUBLIC NOTICE & INPUT:

Notice of this public hearing was mailed on December 20, 2022, to all property owners within 300 feet of the project site and to anyone who requested such notice in writing, in compliance with Government Code sections 65090, 65091, and 65092, as applicable. Additionally, as a public service, the notice was posted in the kiosk at City Hall and on the City's website.

RECOMMENDATION:

Staff is recommending that the City Council affirm the Planning Commission's denial of the conditional use permit because the required findings cannot be made, specifically due to the census tract associated with the subject site having an over-concentration of existing off-sale licenses and a high crime rate.

Prepared By: Noah Alvey, Deputy Director of Community Development

Reviewed By: Anthony Shute, Director of Community Development

Approved By: Graham Mitchell, City Manager

Attachments

CC Resolution Denying Appeal

PC Resolution CUP No. 2022-0013

Request for Appeal

Project Description

Aerial Photograph

Application

Disclosure Statement

Public Notice Map

ABC Authorized Licenses

Current Off-sale Locations

Crime Rate Map

PC Resolution 950 N. 2nd St. Termination of Deemed Approved Status

RESOLUTION NO. __-23

A RESOLUTION DENYING THE APPEAL OF THE
PLANNING COMMISSION DECISION TO DENY
CONDITIONAL USE PERMIT (CUP) NO. 2022-0013 FOR
OFF-SALE BEER AND WINE SALES WITH A CONVENIENCE
MARKET IN THE C-N (NEIGHBORHOOD COMMERCIAL) ZONE,
GENERAL PLAN DESIGNATION: NEIGHBORHOOD COMMERCIAL (NC);
APN: 489-310-16-00

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on October 4, 2022 and continued the public hearing to October 18, 2022, to consider Conditional Use Permit ("CUP") No. 2022-0013, as submitted by R. Bruce Evans on behalf of 7-Eleven Inc. ("7-11") and the store franchisee's Kashmira and Tushar Bharucha (the "Franchisees"), requesting approval of off-sale beer and wine sales at an existing convenience store in the C-N zone, on property located on the west side of North Second Street between East Madison and Oakdale Avenues, and addressed as 500 North Second Street; and

WHEREAS, the Planning Commission adopted Resolution No. 11077 denying CUP No. 2022-0013 on October 18, 2022; and

WHEREAS, R. Bruce Evans, on behalf of 7-11 and the Franchisees, appealed the decision of the Planning Commission on October 24, 2022, and requested that the appeal hearing be delayed until January, 2023; and

WHEREAS, the City Council held a duly advertised public hearing on January 10, 2023, to consider CUP No. 2022-0013, and continued the public hearing to February 14, 2023, at the request of the applicant; and

WHEREAS, the City Council held a continued public hearing on February 14, 2023, to consider CUP No. 2022-0013, and received evidence through public testimony and comment, in the form of verbal and written communications and reports.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

Section 1. The City Council finds that:

1. The proposed project is exempt from the provisions of the California Environmental Quality Act ("CEQA") according to section 15061(b)(4) of the CEQA Guidelines. Section 15061(b)(4) states that projects which are disapproved by a public agency are exempt from CEQA.
2. In accordance with State Business and Professions Code section 23817.5, which limits the number of licenses for off-sale beer and

wine establishments issued by the Department of Alcoholic Beverage and Control ("ABC") where there exists an over concentration of licenses within crime reporting districts (census tracts in the City of El Cajon), ABC regulations periodically (approximately every five (5) years) identifies those cities with total existing licenses having crime reporting districts with more than 120% of the average crimes for the city's districts, and designate them "moratorium" cities. In 2016, ABC designated the City of El Cajon as a moratorium city (the "2016 Moratorium") because the number of off-sale licenses for alcoholic beverages exceeds the maximum of one (1) per 2,500 residents, thereby limiting new licenses with certain exceptions. The 2016 Moratorium remains in effect at the present. By designating the City of El Cajon as a moratorium city ABC recognizes that the City should determine whether any ABC licenses should be permitted. In making this determination the City Council recognizes that excessive off-sale licenses create negative impacts on the overall community and nearby residential neighborhoods, including but not limited to noise, traffic, litter, crime, and other public nuisances. Furthermore, the current oversaturation of alcoholic beverage outlets strains City resources, aggravates existing crime problems, and negatively impacts public safety. General Plan Policy 5-9.1 directs the City to improve public safety for all residents through community policing efforts and crime prevention measures. Therefore, the proposed off-sale beer and wine sales in an over concentrated census tract is not consistent with this finding.

3. The existing site and building are consistent with all applicable use and development standards. Furthermore, the proposed off-sale beer and wine sales does not directly affect the underlying zone's development, and would not remove any required parking from the site. Moreover, the proposed establishment meets the locational requirements of section 17.210.090.
4. The City's over concentration of alcoholic beverage outlets creates negative impacts on the overall community, and it generates secondary effects of negative impacts on the surrounding environment. Furthermore, the subject census tract has four (4) existing off-sale establishments and the addition of a fifth license will further exacerbate the over concentration. Therefore, the addition of off sale beer and wine sales is not compatible with existing and planned land uses and is not consistent with this finding.
5. The current over concentration of licenses for off-sale alcohol strains City resources, aggravates existing crime problems, and negatively impacts public safety. The proposed use is within census tract 163.02, which is a "high" crime area at 170.7% of the city-wide

average. Crime problems in the area would be exacerbated due to the greater accessibility of alcoholic beverages that the proposed use would make possible. Furthermore, census tract 157.01 is located immediately south of the subject site, across East Madison Avenue, and has the highest crime rate in the City with 533 offenses or 325% of the city-wide average. Therefore, off-sale beer and wine sales is not consistent with this finding.

6. Four (4) off-sale licensed establishments currently exist in the subject census tract and four (4) more are in close proximity in the adjacent census tract, south of East Madison Avenue along North Second Street. Therefore, off-sale beer and wine sale outlets are conveniently located nearby at existing stores such as WalMart, Grocery Outlet, Liquor Town, and Sprouts Farmers Market, providing residents of the subject census tracts with adequate and available locations to obtain off-sale products in the area.
7. The proposed off-sale of beer and wine sales is located in a census tract with four (4) off-sale alcohol outlets. The California Department of Alcohol Beverage Control's authorized number of off-sale licenses for this census tract is three (3); therefore there is no capacity for additional off-sale licenses. Furthermore, the crime rate is high and adding an additional license to this location would be contradictory to the 2011 Moratorium.

Section 2. The City Council hereby denies the appeal and affirms the Planning Commission decision to deny CUP No. 2022-0013 for off-sale beer and wine sales at an existing convenience store in the C-N zone, on property located on the west side of North Second Street between East Madison and Oakdale Avenues, and addressed as 500 North Second Street.

PLANNING COMMISSION RESOLUTION NO. 11077

A RESOLUTION DENYING CONDITIONAL USE PERMIT NO. 2022-0013 FOR OFF-SALE BEER AND WINE SALES WITH A CONVENIENCE MARKET IN THE C-N (NEIGHBORHOOD COMMERCIAL) ZONE, GENERAL PLAN DESIGNATION: NEIGHBORHOOD COMMERCIAL (NC); APN: 489-310-16-00

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on October 4, 2022 and continued the public hearing to October 18, 2022, to consider Conditional Use Permit (CUP) No. 2022-0013, as submitted by 7-Eleven, Inc. (R. Bruce Evans), requesting approval of off-sale beer and wine sales at an existing convenience store in the C-N zone, on property located on the west side of N. Second St. between East Madison and Oakdale Avenues, and addressed as 500 N. Second St.; and

WHEREAS, the following findings of fact are hereby made in regard to said matter:

- A. The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) according to section 15061(b)(4) of the CEQA Guidelines. Section 15061(b)(4) states that projects which are disapproved by a public agency are exempt from CEQA.
- B. In accordance with State Business and Professions Code section 23817.5, the City of El Cajon is designated as a moratorium city because the number of off-sale licenses for alcoholic beverages exceeds the maximum of one per 2,500 residents. Excessive off-sale licenses create negative impacts on the overall community and nearby residential neighborhoods, including but not limited to noise, traffic, litter, crime, and other public nuisances. Furthermore, the current oversaturation of alcoholic beverage outlets strains City resources, aggravates existing crime problems, and negatively impacts public safety. General Plan Policy 5-9.1 directs the City to improve public safety for all residents through community policing efforts and crime prevention measures. Therefore, the proposed off-sale beer and wine sales in an over concentrated census tract is not consistent with this finding.
- C. The existing site and building are consistent with all applicable use and development standards. Furthermore, the proposed off-sale beer and wine sales does not directly affect the underlying zone's development, and would not remove any required parking from the site. Moreover, the proposed establishment meets the locational requirements of section 17.210.090.
- D. The City's over concentration of alcoholic beverage outlets creates negative impacts on the overall community, and it generates secondary effects of negative

impacts on the surrounding environment. Furthermore, the subject census tract has four existing off-sale establishments and the addition of a fifth license will further exacerbate the over concentration. Therefore, the addition of off sale beer and wine sales is not compatible with existing and planned land uses and is not consistent with this finding.

- E. The current over concentration of licenses for off-sale alcohol strains City resources, aggravates existing crime problems, and negatively impacts public safety. The proposed use is within census tract 163.02, which is a "high" crime area at 170.7% of the city wide average. Crime problems in the area would be exacerbated due to the greater accessibility of alcoholic beverages that the proposed use would make possible. Furthermore, census tract 157.01 is located immediately south of the subject site, across E. Madison Ave., and has the highest crime rate in the City with 533 offenses or 325% of the city wide average. Therefore, off-sale beer and wine sales is not consistent with this finding.
- F. Four off-sale licensed establishments currently exist in the subject census tract and four more are in close proximity in the adjacent census tract, south of E. Madison Ave. along North Second Street. Therefore, off-sale beer and wine sale outlets are conveniently located nearby at existing stores such as WalMart, Grocery Outlet, Liquor Town, and Sprouts Farmers Market.
- G. The proposed off-sale of beer and wine sales is located in a census tract with four off-sale alcohol outlets. The California Department of Alcohol Beverage Control's authorized number of off-sale licenses for this census tract is three; therefore there is no capacity for additional off-sale licenses. Furthermore, the crime rate is high and adding an additional license to this location would be contradictory to the 2011 moratorium.

NOW, THEREFORE, BE IT RESOLVED that based upon said findings of fact, the El Cajon Planning Commission hereby DENIES Conditional Use Permit No. 2022-0013 for off-sale beer and wine sales at an existing convenience store in the C-N zone located at 500 N. Second St.

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PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held October 18, 2022, by the following vote:

AYES:	CIRCO, POLLACK-RUDE, SOTTILE, VALLES
NOES:	NONE
ABSENT:	MROZ



Rebecca POLLACK-RUDE, Vice Chair

ATTEST:



Noah ALVEY, Secretary



SOLOMON SALTSMAN & JAMIESON

A Partnership of Professional Corporations
426 Culver Boulevard | Playa Del Rey, CA 90293
Telephone: 310.822.9848 | Facsimile: 310.822.3512
Toll Free: 800.405.4222
www.ssjlaw.com

R. Bruce Evans

Partner
email: bevens@ssjlaw.com

October 24, 2022

Via Email acortez@cityofelcajon.us and Overnight Delivery

Attn: Angela Cortez, CMC

City Clerk

City Clerk's Office

200 Civic Center Way

El Cajon, CA 92020

RE: Notice of Appeal of El Cajon Planning Commission's October 18, 2022 Determination (denying request for CUP authorizing alcohol sales and request for PCN determination)
7-Eleven Store #36485 / 500 N. Second St. Street, El Cajon, CA 92021
Project Number: CUP No. 2022-0013

Dear Ms. Cortez:

On behalf of 7-Eleven, Inc., and the store Franchisee's Kashmira and Tushar Bharucha, the Planning Commission's determination denying the Appellant's request for Project No. CUP No. 2022-0013 is appealed in its entirety. A check in the amount of \$1000 for the appeal fee is enclosed.

If you have any questions or require additional information, please feel free to contact our office.

Very truly yours,

SOLOMON SALTSMAN & JAMIESON



R. BRUCE EVANS

Licensed in California

Cc: Noah Alvey, Community Development (via email)

PROJECT DESCRIPTION

The Applicant, 7-Eleven, Inc., submits this Conditional Use Permit Application to request approval for the off-site sale of beer and wine for its store located at 500 N 2nd Street, El Cajon, CA 92021. A finding that issuance of a Type 20 beer and wine license will serve the Public Convenience or Necessity is also requested.

Undue Concentration: The Applicant is aware of and desires to be respectful of the City of El Cajon’s policies regarding adding alcohol licenses in areas of statutorily undue concentration. To that end, the Applicant will apply for a new Type 20 ABC License for this 7-Eleven Store, but has also located and will agree to purchase a second ABC License (21-194540), which it will then transfer out of the City of El Cajon altogether, or in the alternative facilitate the cancelation of the Type 21 license. As such, the approval of this request will not increase the number of ABC Licenses within the City of El Cajon and specifically not in Council District 2 where this 7-Eleven Store is located. Please see the Type 21 ABC License information below.

ABC License Number	ABC License Type	Licensee Business Name	Licensee Address
194540 (Transfer out of El Cajon)	21 (off-sale General)	Vons 2367	950 N. 2 nd Street, El Cajon, CA 92021

The Convenience Market currently offers a variety of goods and services that customers expect at a full service “one stop shop” convenience market, including basic grocery needs, medicines, household goods, childcare products, and many more everyday household items. The Applicant is requesting approval of a Conditional Use Permit authorizing the sale of beer and wine to further provide convenient shopping to the surrounding community because beer and wine falls within the common type of goods that customers want and expect from a modern convenience market. Beer and wine sales will be incidental to the overall assortment of grocery items and comprise less than 10% of the retail shelf space.

The Applicant is cognizant of the need to make sure the incidental beer and wine sales contemplated at this site do not result in adverse impacts to the surrounding neighborhood and will volunteer the following types of conditions of approval to be included in the CUP:

- Prior to selling any alcohol at the project site, the Applicant shall: (1) apply for one Type 20 ABC license for 500 N. 2nd Street; and (2) cause a second Type 21 Alcohol License to be either cancelled or transferred out of El Cajon -- such that there is no increase in off-sale ABC licenses within the City/Council District.
- Hours restriction on the sale of beer and wine (proposed permitted hours from 8 am to 12 midnight)
- No malt liquor or fortified wine products shall be sold.
- No beer or malt beverages may be sold in single containers.
- Beer and wine products shall not exceed 10% of the total sales floor area.
- No exterior advertising of beer and wine
- Digital surveillance cameras installed on premises.
- No coin operated video or arcade games, and
- Cooler doors for beer and wine shall be locked during hours when beer and wine cannot be sold.

Corporate policies are in place for the responsible retailing of alcoholic beverages. Proactive security measures, and conditions made part of the CUP will also ensure the sale of alcohol and 24-hour use does not result in

adverse impacts or nuisance activity. Additionally, all employees involved in the sale of alcoholic beverages must first successfully complete the Department of ABC's LEAD Training or equivalent program.

There are no proposed physical changes to the site as a part of this Conditional Use Permit Application. The business operates 24 hours, daily, with 3-4 shifts per day, providing a local shopping option for customers at any time that suits their schedule. The business is fully equipped with an on-site security system, with interior and exterior surveillance camera coverage, and is available to local law enforcement and City personnel upon request. The site is illuminated with interior and exterior lighting systems, bright enough to fully illuminate the store and parking areas, making people and objects clearly visible, but not so bright as to disturb nearby businesses and residents.

Conditional Use Permit Findings

A. The proposed use is consistent with applicable goals, policies, and programs of the general plan, and with any applicable specific plan;

Yes, the proposed sale of beer and wine at an existing local 7-Eleven Store is consistent with the applicable goals, policies, and programs of the general plan. The subject 7-Eleven Store is an existing commercial business located in the Neighborhood Commercial (NC) Zone. According to the El Cajon General Plan, the NC Zone is intended for commercial uses, which include “general retail uses emphasizing those associated with daily convenience shopping.” This is exactly the type of business that 7-Eleven currently operates as at this location, with its modern appearance, well maintained store, and attractive landscaping.

B. The proposed site plan and building design are consistent with all applicable use and development standards;

Yes, this is an existing business with an approved site plan and building design consistent with development standards. This Conditional Use Permit Application is simply requesting to add incidental beer and wine sales to an existing convenience store. No construction or alterations are proposed.

C. The proposed use will be operated in a manner that is compatible with existing and planned land uses in the vicinity of the proposed use;

7-Eleven has operated at this location for several years and is compatible with existing and planned land uses in the vicinity. The continued operation of this 7-Eleven store, with the approval of ancillary beer and wine sales, will not be materially detrimental to this neighborhood or to the enjoyment of other persons located in the vicinity. The incidental sale of beer and wine are typical of a full-service convenience market. The volunteer conditions will ensure beer and wine sales are incidental to the overall product mix of grocery and convenience items and will ensure the sale of alcohol does not create nuisance impacts.

D. The proposed use and project design will not be detrimental to the public health, safety, and general welfare, including but not limited to matters of noise, smoke, dust, fumes, vibration, odors, and hazards or excessive concentrations of traffic; and

7-Eleven is an existing business with an approved project design. There is no construction proposed as part of this CUP application seeking authorization for incidental beer and wine sales that would cause adverse impacts related to noise, smoke, dust, fumes, vibration, odors and hazards or excessive concentration of traffic.

The addition of a small amount of beer and wine sales at this existing 7-Eleven Store will not aggravate existing problems in the neighborhood associated with alcohol sales, such as loitering, public drunkenness, sales to minors, noise, and littering.

7-Eleven will implement policies and volunteer the restrictions on the sale of alcohol as described in this Application.

E. The proposed use is in the best interest of public convenience and necessity.

The sale of beer and wine for off-site consumption, while incidental to the overall goods and services provided by 7-Eleven, is an important aspect in maintaining the ability to act as a full-service convenience store. The continued operation of this store, with strict adherence to the imposed conditions, proper management and

supervision, will continue to provide a retail service that is beneficial, convenient, and necessary for the community.

7-Eleven takes the responsibility of being an alcohol retailer very seriously and will be vigilant in its policies and practices to ensure that the sale of alcohol does not negatively impact surrounding residents, businesses or sensitive uses. It is in the best interest of both the Applicant and the surrounding community to have a safe and responsible convenience store where patrons can purchase all of their everyday household needs and grocery items. This local convenience market operates as a safe and responsible business in the city of El Cajon and will continue to do so with the approval for the off-site sale of beer and wine. Therefore, the approval of this Conditional Use Permit does serve the best interest of public convenience or necessity.

Undue Concentration: The Applicant is aware of and desires to be respectful of the City of El Cajon's policies regarding adding alcohol licenses in areas of statutorily undue concentration. To that end, the Applicant will apply for a new Type 20 ABC License for this 7-Eleven Store, but has also located and will agree to purchase a second ABC License (21-194540), which it will then transfer out of the City of El Cajon altogether, or in the alternative facilitate the cancelation of the Type 21 license. As such, the approval of this request will not increase the number of ABC Licenses within the City of El Cajon and specifically not in Council District 2 where this 7-Eleven Store is located.

Conditional Use Permit Alcohol Findings

A. The proposed establishment meets the locational requirements of Section 17.210.090.

According to the El Cajon Municipal Code, Section 17.210.090 states:

- A. No new off-sale alcoholic beverage establishment shall be located within 600 feet of residentially zoned property, public or private schools, health care facilities, religious facilities, and parks or playgrounds, except:
1. A general retail store, or grocery store, or retail pharmacy with greater than 10,000 square feet of gross floor area and a maximum of 10 percent of the gross floor area devoted to the sale and display of off-sale alcoholic beverages; or
 2. A convenience market with a maximum of 10 percent of the retail display area devoted to the sale and display of alcoholic beverages, limited to off-sale beer and wine, non-fortified products only. Retail display area includes all floor area within the establishment that is accessible and within view of customers, including aisles, and floor area occupied by shelves, counters, and refrigerator coolers.
- B. For purposes of this section, distances shall be measured between the closest property lines of the affected locations. (Ord. 4994 § 3, 2013)

The Applicant, 7-Eleven, does meet the locational requirements of Section 17.201.090 because this existing business is a convenience market which proposes 10 percent or less of the retail display area to be devoted to the sale and display of alcoholic beverages. The Applicant agrees to limit the alcoholic sales to beer and non-fortified wine products only. Please see the attached Floor Plan showing the proposed alcohol shelving and storage areas.

B. The proposed alcoholic beverage sales activity will not aggravate existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, alcoholic beverage sales to minors, noise and littering.

The addition of a small amount of beer and wine sales at this existing 7-Eleven Store will not aggravate existing problems in the neighborhood associated with alcohol sales, such as loitering, public drunkenness, sales to minors, noise, and littering.

7-Eleven will maintain a safe and responsible business in the City of El Cajon, and will continue to do so with the addition of incidental off-site sale of beer and wine. Specifically, the Applicant will implement policies and volunteer the following types of conditions of approval to be included in the CUP to deter loitering, public drunkenness, alcoholic beverage sales to minors, noise and littering:

- Hours restriction on the sale of beer and wine (proposed permitted hours from 8 am to 12 midnight)
- No malt liquor or fortified wine products shall be sold
- No beer or malt beverages may be sold in single containers
- Beer and wine products shall not exceed 10% of the total sales floor area
- No exterior advertising of beer and wine
- Digital surveillance cameras installed on premises
- No coin operated video or arcade games, and
- Cooler doors for beer and wine shall be locked during hours when beer and wine cannot be sold.

Corporate policies are in place for the responsible retailing of alcoholic beverages as well as proactive security measures, and conditions made part of the CUP will ensure the sale of alcohol and 24-hour use does not result in adverse impacts or nuisance activity.

Additionally, all employees involved in the sale of alcoholic beverages must first successfully complete the Department of ABC's LEAD Training or equivalent program.

The business is fully equipped with an on-site security system, with interior and exterior surveillance camera coverage, and is available to local law enforcement and City personnel upon request. The site is illuminated with interior and exterior lighting systems, bright enough to fully illuminate the store and parking areas, making people and objects clearly visible, but not so bright as to disturb nearby businesses and residents.

C. The proposed establishment will not detrimentally affect nearby neighborhoods considering the distance of the alcohol establishment to residential buildings, schools, parks, playgrounds or recreational areas, nonprofit youth facilities, places of worship, hospitals, alcohol or other drug abuse recovery or treatment facilities, county social service offices, or other alcoholic beverages sales activity establishments.

The store is located on a commercial corner surrounded by commercial uses. Retail activity is focused along N. 2nd Street and thus, not directed toward any nearby residents and/or sensitive uses, and has served this community and surrounding area for years without issue.

The Applicant is aware of the potential negative impacts from alcohol sales and is committed to responsible alcohol sales and will continue to serve the neighborhood without negative impacts to the nearby neighborhoods, schools and all other sensitive use establishments. The continuation of this established convenience market, operating with strict adherence to the volunteered conditions placed on the Conditional Use Permit (and any other police and staff recommended conditions) will remain proper in relation to any sensitive uses nearby. The nearby residential uses have not and will not be detrimentally affected by the continuation of the existing convenience market with the addition of beer and wine sales as a result of the strict adherence to corporate policies regarding the responsible retailing of alcoholic beverages, proactive security measures, and any conditions made part of the Conditional Use Permit.

As part of this policy and training, employees are expected to conduct regular site walks and inspections of the premise throughout the day in order to promptly deter any loitering, panhandling or other objectionable activity. Additionally, proper and adequate signage exists onsite, prohibiting loitering. 7-Eleven will work to ensure there are no open alcoholic beverages or consumption of alcohol on the premise. Signage will also be posted to this effect to properly inform individuals of such prohibition.

The Applicant is cognizant of the need to make sure the incidental beer and wine sales contemplated at this site do not result in adverse impacts to the surrounding neighborhood or school and is agreeable to the above types of conditions being made part of the CUP.

D. The proposed establishment is located in a census tract with capacity for additional off-sale licenses, as defined by the California Department of Alcohol Beverage Control, with low to average crime rates, as defined by the police department annually, subject to the condition that an additional off-sale establishment will not be contradictory to a moratorium. (Ord. 4994 §3, 2013)

According to the California Department of Alcoholic Beverage Control, there are three (3) authorized off-site

licenses for Census Tract 163.02, and currently there are four (4) existing off-site licenses.

Undue Concentration: The Applicant is aware of and desires to be respectful of the City of El Cajon's policies regarding adding alcohol licenses in areas of statutorily undue concentration. To that end, the Applicant will apply for a new Type 20 ABC License for this 7-Eleven Store, but has also located and will agree to purchase a second ABC License (21-194540), which it will then transfer out of the City of El Cajon altogether, or in the alternative facilitate the cancelation of the Type 21 license. As such, the approval of this request will not increase the number of ABC Licenses within the City of El Cajon and specifically not in Council District 2 where this 7-Eleven Store is located.

Additionally, as stated in the City of El Cajon's Municipal Code, the stated purpose for enacting the chapter on Conditional Use Permits for alcohol sales is "to provide opportunities for alcoholic beverage sales establishments to operate in a mutually beneficial relationship to each other and to other commercial and civic services" and further "to promote a healthy and safe business environment in the city of El Cajon through appropriate and consistent land use regulations and to encourage the establishment of businesses that will benefit both the local economy and residents while not placing an undue strain on city resources or surrounding businesses." The continued operation of this 7-Eleven store with the addition of incidental beer and wine sales and subject to the volunteer conditions of approval, accomplishes the stated purpose of the Municipal Code.

7-Eleven #36485
500 N. 2nd Street, El Cajon, CA 92021

Photographs of Site



1. 500 N. 2nd Street: view looking west at the front entrance of the subject property.



2. 500 N. 2nd Street: view looking southwest at the east side of the subject property.



3. 500 N. 2nd Street: view looking north at the south side of the subject property.



4. 500 N. 2nd Street: view looking northeast at the parking lot to the south of the subject property.



5. 500 N. 2nd Street: view looking east at the west side and rear of the subject property.



6. 500 N. 2nd Street: view looking southwest at the north side of the subject property.



7. 500 N. 2nd Street: view looking south at the east driveway and parking lot of the subject property.



8. 500 N. 2nd Street: view looking north at the south driveway into the subject property.



9. 500 N. 2nd Street: view looking east along E. Madison Avenue to the south of the subject property.



10. 500 N. 2nd Street: view looking west along E. Madison Avenue to the south of the subject property.



11. 500 N. 2nd Street: view looking north along N. 2nd Street to the east of the subject property.



12. 500 N. 2nd Street: view looking south along N. 2nd Street to the east of the subject property.



13. 500 N. 2nd Street: view looking northwest at the neighbors to the west of the subject property.



14. 500 N. 2nd Street: view looking south at the neighbors to the southeast of the subject property.



15. 500 N. 2nd Street: view looking east at the neighbors to the east of the subject property.



16. 500 N. 2nd Street: view looking north at the neighbors to the north of the subject property.



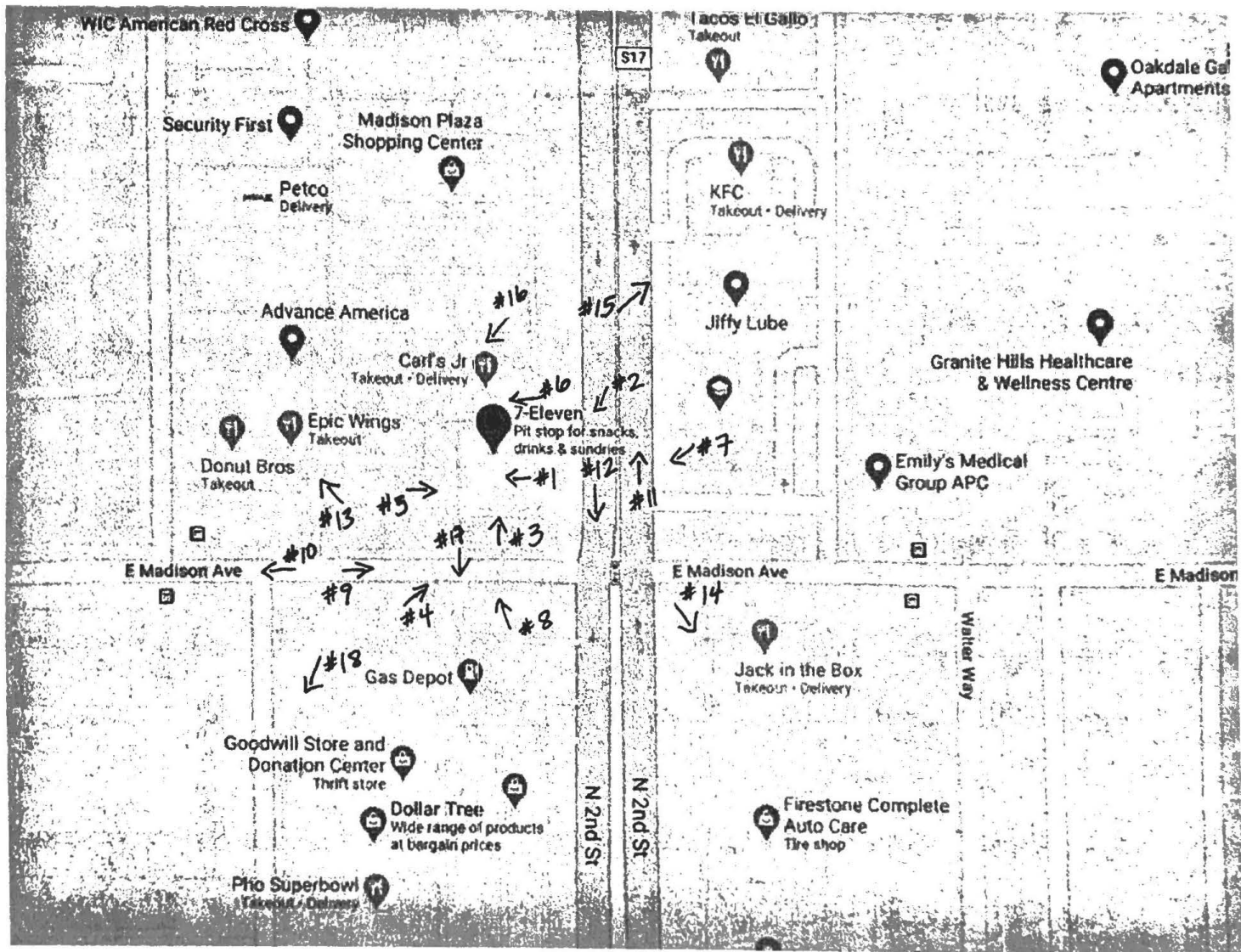
17. 500 N. 2nd Street: view looking south at the neighbors to the south of the subject property.

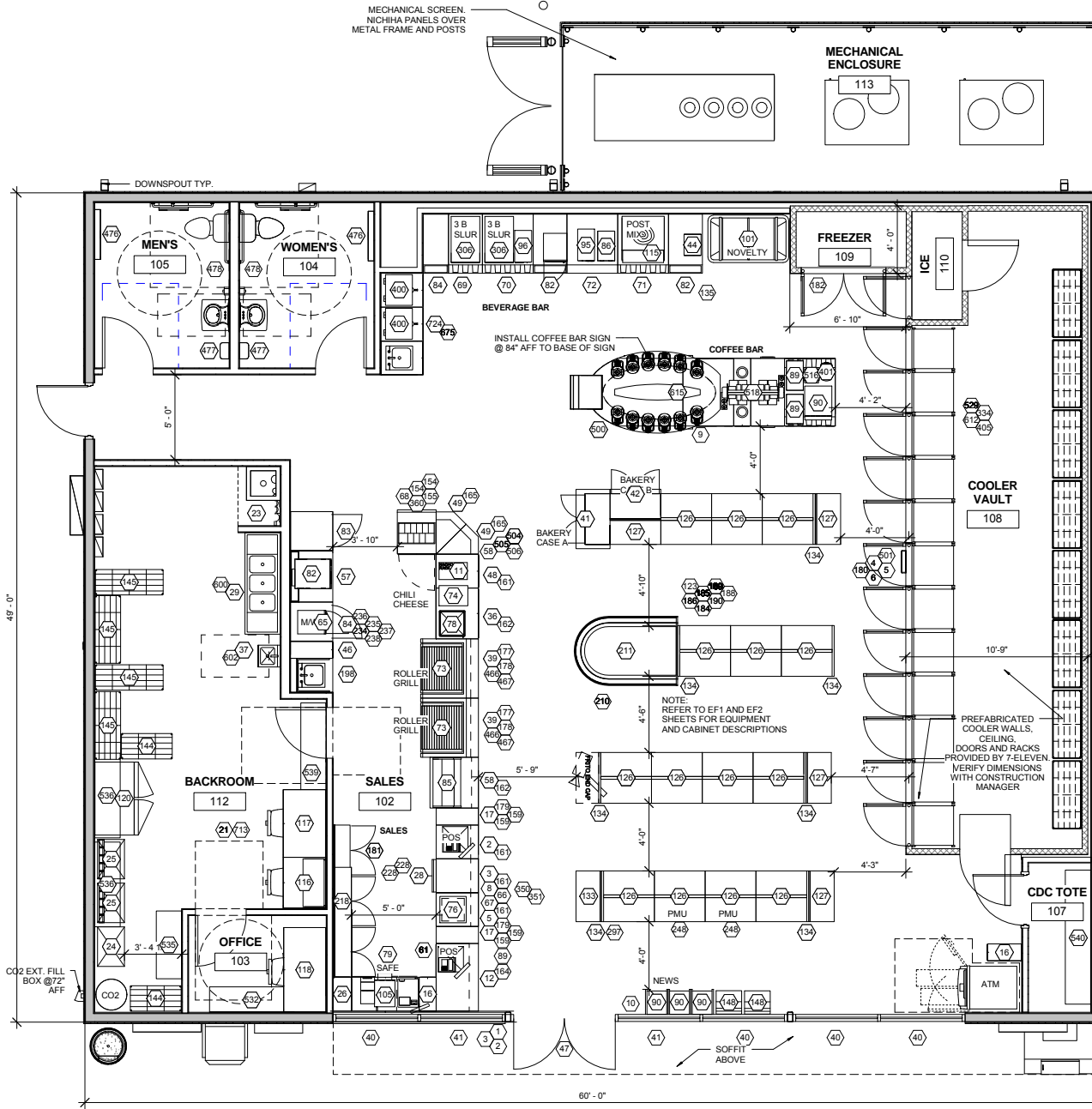


18. 500 N. 2nd Street: view looking southwest at the neighbors to the west of the subject property.

7-Eleven #36485

Photograph Index





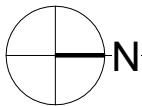
LAYOUT INFORMATION

ROLLER GRILLS	2
SANDWICH CASE	CID
VAULT DOORS	12
LOW TEMP DOORS	2
ICE MERCH. DOORS	1
NOVELTY CASE	1
SLURPEE BARRELS	6
BAKERY CASE	2
GONDOLA UNITS	29
END CAPS	5
HIGHWALLS	0
TOTAL	34

TOTAL SQ FT = 2,958
 SALES FLOOR AREA = 1,705

OCCUPANCY LOAD (<49) = 52.01
 TRAVEL DISTANCE (<75) = 62'
 RESTROOMS REQ'D = 2
 EXITS REQUIRED = 2
 GAS - NO LIQUOR - NO
 BEER - YES WINE - YES

[Beer and wine display will not exceed 10%,
 Per Section 17.210.090.A.2 of the El Cajon
 Municipal Code]

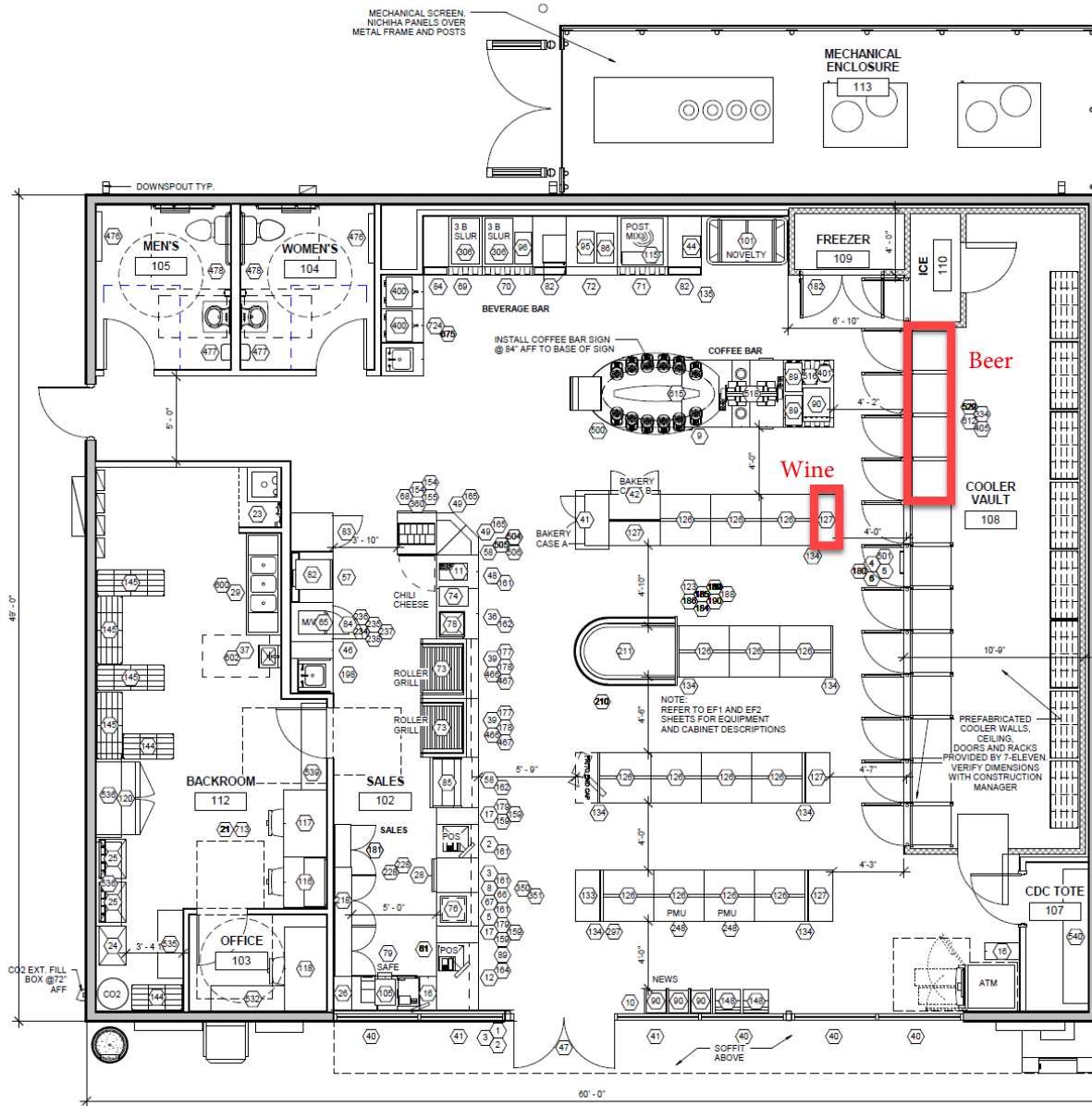


1031657 EL CAJON, CA

500 NORTH 2ND STREET

HFA #12-00596





Red notated areas will be where the alcohol will be merchandised

LAYOUT INFORMATION

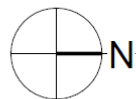
ROLLER GRILLS	2
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[Beer and wine display will not exceed 10%, per Section 17.210.090.A.2 of the El Cajon Municipal Code]



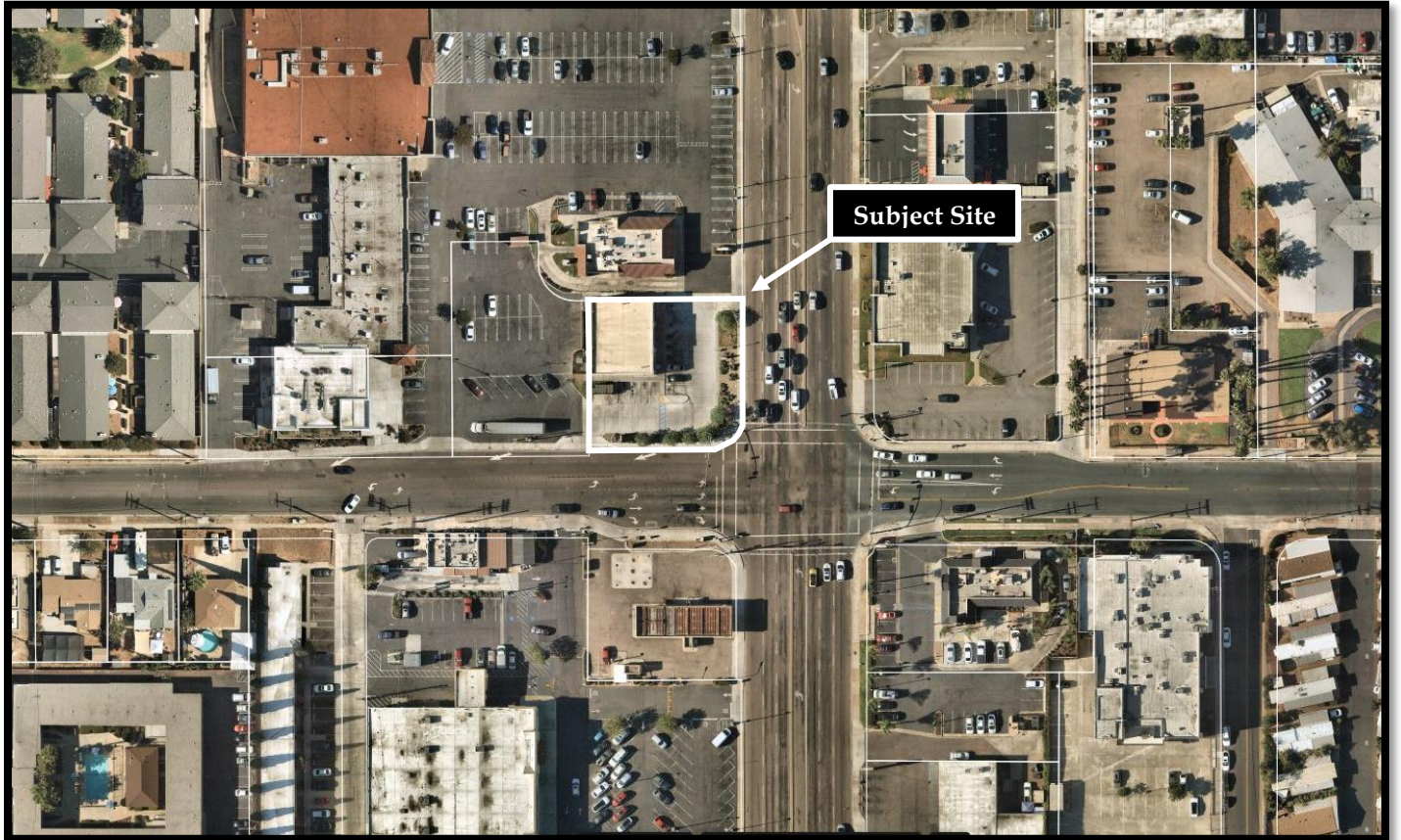
1031657 EL CAJON, CA

500 NORTH 2ND STREET

HFA #12-00596



CUP-2022-0013
500 North 2nd Street
Aerial Image





Project Assistance Center
PLANNING PERMIT APPLICATION

Type of Planning Permit(s) Requested:

<input type="checkbox"/> AZP Administrative Zoning Permit	<input checked="" type="checkbox"/> CUP Conditional Use Permit	<input type="checkbox"/> LLA Lot Line Adjustment	<input type="checkbox"/> MA Minor Amendment
<input type="checkbox"/> MUP Minor Use Permit	<input type="checkbox"/> PRD Planned Residential Development	<input type="checkbox"/> PUD Planned Unit Development	<input type="checkbox"/> SDP Site Development Plan Permit
<input type="checkbox"/> SP Specific Plan	<input type="checkbox"/> SCR Substantial Conformance Review	<input type="checkbox"/> TPM Tentative Parcel Map	<input type="checkbox"/> TSM Tentative Subdivision Map
<input type="checkbox"/> VAR Variance	<input type="checkbox"/> ZR Zone Reclassification	<input type="checkbox"/> Other: _____	

Project Location

Parcel Number (APN): 489-310-16-00

Address: 500 N. 2nd Street, El Cajon, CA 92021-6448

Nearest Intersection: N. 2nd Street and E. Madison Avenue

Project Description (or attach separate narrative)

Please see the attached Project Description.

Project Screening Questions

- Existing use? No Yes
- Modification of use? No Yes
- New development or addition? No Yes
- Existing Structures? No Yes

If yes, please describe:

7-Eleven Store #36485
Request for Type 20 ABC License
CUP for off-site alcohol sales only
 Age of the structures: Unknown.

Demolition or substantial modification proposed to site improvements or structures? No Yes There are no physical changes to the site as a part of this CUP Application

Tenant improvements proposed? No Yes _____

Existing vegetation or trees on site proposed for removal? No Yes _____

Proposed grading? No Yes Proposed quantities of cut and/or fill. _____

Applicant Information (the individual or entity proposing to carry out the project; not for consultants)
7-Eleven, Inc.

Company Name: _____
Michael Coffman, Senior Counsel

Contact Name: _____
3200 Hackberry Road, Irving, TX 75063

Mailing Address: _____
972.828.7828 Michael.Coffman@7-11.com

Phone: _____ Email: _____

Interest in Property: Own Lease Option

Project Representative Information (if different than applicant; consultant information here)
Solomon, Saltsman & Jamieson

Company Name: _____
R. Bruce Evans CA State Bar License: #217098

Contact Name: _____ License: _____
426 Culver Blvd., Playa del Rey, CA 90293

Mailing Address: _____
310-822-9848 bevans@ssjlaw.com

Phone: _____ Email: _____

Property Owner Information (if different than applicant)
Same as Applicant

Company Name: _____

Contact Name: _____

Mailing Address: _____

Phone: _____ Email: _____

Hazardous Waste and Substances Statement

Section 65962.5(f) of the State of California Government Code requires that before the City of El Cajon accepts as complete an application for any discretionary project, the applicant submit a signed statement indicating whether or not the project site is identified on the State of California Hazardous Waste and Substances Sites List. This list identifies known sites that have been subject to releases of hazardous

chemicals, and is available at <http://www.calepa.ca.gov/sitecleanup/corteselist/>. Check the appropriate box and if applicable, provide the necessary information:

The development project and any alternatives proposed in this application:

is/are NOT contained on the lists compiled pursuant to Government Code Section 65962.5.

is/are contained on the lists compiled pursuant to Government Code Section 65962.5.

If yes, provide Regulatory Identification Number: _____ Date of List: _____

Authorization

Applicant Signature¹:



Date: 6.14.2021

Property Owner
Signature²:



Date: 6.14.2021

1. **Applicant's Signature:** I certify that I have read this application and state that the above information is correct, and that I am the property owner, authorized agent of the property owner, or other person having a legal right, interest, or entitlement to the use of the property that is the subject of this application. I understand that the applicant is responsible for knowing and complying with the governing policies and regulations applicable to the proposed development or permit. The City is not liable for any damages or loss resulting from the actual or alleged failure to inform the applicant of any applicable laws or regulations, including before or during final inspections. City approval of a permit application, including all related plans and documents, is not a grant of approval to violate any applicable policy or regulation, nor does it constitute a waiver by the City to pursue any remedy, which may be available to enforce and correct violations of the applicable policies and regulations. I authorize representatives of the City to enter the subject property for inspection purposes.
2. **Property Owner's Signature:** If not the same as the applicant, property owner must also sign. A signed, expressed letter of consent to this application may be provided separately instead of signing this application form. By signing, property owner acknowledges and consents to all authorizations, requirements, conditions and notices described in this application. Notice of Restriction: property owner further acknowledges and consents to a Notice of Restriction being recorded on the title to their property related to approval of the requested permit. A Notice of Restriction runs with the land and binds any successors in interest.

Pre-application Conference

The purpose of a pre-application conference is to provide you an opportunity to review your project with City staff in a preliminary form to finalize submittal requirements and receive a cursory identification of potential issues. **A pre-application is required unless waived by staff.**

Conference date: _____

Application Submittal

To submit your application, **it must be done by appointment** scheduled in advance for all Level 3, 4, & 5 project reviews, unless waived by staff. It is recommended for projects that will subsequently meet the criteria for a Level 1-C review through Level 2.

Appointment date: _____

DISCLOSURE STATEMENT

APPLICANT'S STATEMENT OF DISCLOSURE OF CERTAIN OWNERSHIP INTERESTS ON ALL APPLICATIONS WHICH WILL REQUIRE DISCRETIONARY ACTION ON THE PART OF THE CITY COUNCIL, PLANNING COMMISSION AND ALL OFFICIAL BODIES

The following information must be disclosed:

- 1. List the names and addresses of all persons having a financial interest in the application.
7-Eleven, Inc. 3200 Hackberry Road, Irving, CA 95063

Hritik, Inc., Franchisee	500 N. 2nd Street, El Cajon, CA 92021
--------------------------	---------------------------------------

List the names and address of all persons having any ownership interest in the property involved.

7-Eleven, Inc.	3200 Hackberry Road, Irving, TX 95063
----------------	---------------------------------------

- 2. If any person identified pursuant to (1) above is a corporation or partnership, list the names and addresses of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.
None

--	--

- 3. If any person identified pursuant to (1) above is a trust, list the name and address of any person serving as trustee or beneficiary or trustor of the trust.

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- 4. Have you or your agents transacted more than \$500 worth of business with any member of City staff, Boards, Commissions, Committees and Council within the past twelve months or \$1,000 with the spouse of any such person? Yes _____ No X

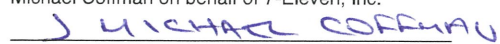
If yes, please indicate person(s), dates, and amounts of such transactions or gifts.
N/A

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"Person" is defined as "Any individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and any other organization or group of persons acting in concert." Gov't Code §82047.

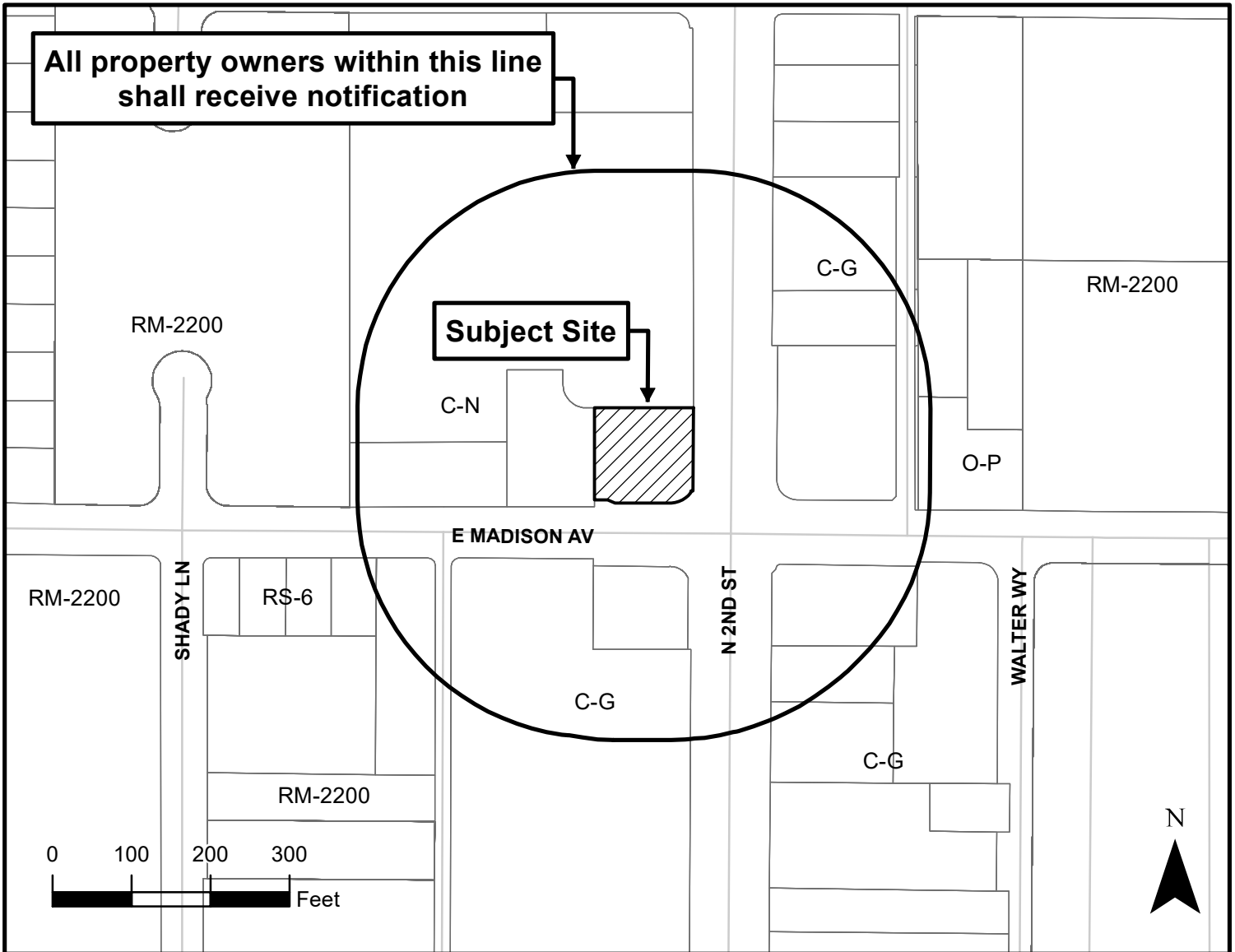


 Signature of applicant / date

Michael Coffman on behalf of 7-Eleven, Inc.


 Print or type name of applicant

NOTE: Attach appropriate names on additional pages as necessary.



**NOTICE OF APPEAL OF PLANNING COMMISSION'S DECISION
DENYING A REQUEST TO ADD OFF-SALE ALCOHOL TO AN EXISTING CONVENIENCE STORE
(CONDITIONAL USE PERMIT NO. 2022-0013)**

NOTICE IS HEREBY GIVEN that the El Cajon City Council will hold a public hearing at **3:00 p.m., January 10, 2023**, in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider: **APPEAL OF PLANNING COMMISSION'S DECISION**, as submitted by R. Bruce Evans on behalf of 7-Eleven Inc. and the store franchisee's Kashmira and Tushar Bharucha requesting an appeal of a Planning Commission's Decision under El Cajon Municipal Code Section 17.50.080 on the denial of Conditional Use Permit No. 2022-0013 to add off-sale alcohol to an existing convenience store. The subject property is addressed as 500 N. Second St. This project is exempt from the California Environmental Quality Act (CEQA).

The public is invited to attend and participate in this public hearing. The agenda report for this project will be available 72 hours prior to the Planning Commission meeting at <https://www.elcajon.gov/your-government/city-meetings-with-agendas-and-minutes-all>. In an effort to reduce the City's carbon footprint, paper copies will not be provided at the public hearing, but will be available at City Hall in the Project Assistance Center upon request.

If you challenge the matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Commission, or prior to, the public hearing. The City of El Cajon encourages the participation of disabled individuals in the services, activities, and programs provided by the City. Individuals with disabilities who require reasonable accommodation in order to participate in the public hearing should contact Planning at 619-441-1742. More information about planning and zoning in El Cajon is available at <http://www.elcajon.gov/your-government/departments/community-development/planning-division>.

If you have any questions, or wish any additional information, please contact **MICHAEL VIGLIONE** at 619-441-1773 or via email at mviglione@elcajon.gov and reference "CUP-2022-0013" in the subject line.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
 NUMBER OF LICENSES AUTHORIZED
 BY CENSUS TRACT

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
SAN DIEGO	3,315,404	739	1,600	159.02	5,340	7	3
SAN DIEGO	3,315,404	739	1,600	160.00	2,628	3	1
SAN DIEGO	3,315,404	739	1,600	161.00	5,991	8	3
SAN DIEGO	3,315,404	739	1,600	162.01	6,079	8	3
SAN DIEGO	3,315,404	739	1,600	162.02	3,793	5	2
SAN DIEGO	3,315,404	739	1,600	163.01	5,533	7	3
SAN DIEGO	3,315,404	739	1,600	163.02	5,750	7	3
SAN DIEGO	3,315,404	739	1,600	164.01	5,311	7	3
SAN DIEGO	3,315,404	739	1,600	164.03	4,778	6	2
SAN DIEGO	3,315,404	739	1,600	164.04	3,190	4	1
SAN DIEGO	3,315,404	739	1,600	165.02	7,271	9	4
SAN DIEGO	3,315,404	739	1,600	165.03	3,056	4	1
SAN DIEGO	3,315,404	739	1,600	165.04	7,171	9	4
SAN DIEGO	3,315,404	739	1,600	166.06	3,576	4	2
SAN DIEGO	3,315,404	739	1,600	166.07	7,111	9	4
SAN DIEGO	3,315,404	739	1,600	166.08	2,475	3	1
SAN DIEGO	3,315,404	739	1,600	166.09	5,470	7	3
SAN DIEGO	3,315,404	739	1,600	166.10	4,334	5	2
SAN DIEGO	3,315,404	739	1,600	166.13	2,006	2	1
SAN DIEGO	3,315,404	739	1,600	166.14	4,115	5	2
SAN DIEGO	3,315,404	739	1,600	166.15	4,278	5	2
SAN DIEGO	3,315,404	739	1,600	166.16	4,452	6	2
SAN DIEGO	3,315,404	739	1,600	166.17	3,550	4	2
SAN DIEGO	3,315,404	739	1,600	166.18	3,947	5	2
SAN DIEGO	3,315,404	739	1,600	166.19	4,576	6	2
SAN DIEGO	3,315,404	739	1,600	166.20	2,664	3	1
SAN DIEGO	3,315,404	739	1,600	166.21	4,386	5	2
SAN DIEGO	3,315,404	739	1,600	167.03	2,750	3	1
SAN DIEGO	3,315,404	739	1,600	167.04	7,174	9	4
SAN DIEGO	3,315,404	739	1,600	167.05	4,629	6	2
SAN DIEGO	3,315,404	739	1,600	167.06	2,966	4	1
SAN DIEGO	3,315,404	739	1,600	168.04	7,727	10	4
SAN DIEGO	3,315,404	739	1,600	168.06	4,462	6	2
SAN DIEGO	3,315,404	739	1,600	168.07	7,707	10	4
SAN DIEGO	3,315,404	739	1,600	168.09	6,056	8	3
SAN DIEGO	3,315,404	739	1,600	168.10	2,733	3	1
SAN DIEGO	3,315,404	739	1,600	168.11	4,677	6	2
SAN DIEGO	3,315,404	739	1,600	168.12	3,463	4	2
SAN DIEGO	3,315,404	739	1,600	168.13	3,441	4	2
SAN DIEGO	3,315,404	739	1,600	169.01	7,217	9	4
SAN DIEGO	3,315,404	739	1,600	169.02	2,562	3	1
SAN DIEGO	3,315,404	739	1,600	170.06	2,924	3	1
SAN DIEGO	3,315,404	739	1,600	170.09	4,482	6	2
SAN DIEGO	3,315,404	739	1,600	170.10	3,110	4	1
SAN DIEGO	3,315,404	739	1,600	170.14	2,493	3	1

County: SAN DIEGO County

Census Tract: 163.02

Report Date: Wednesday, October 12, 2022

Show entries

Search:

License Number	Status	License Type	Orig. Iss. Date	Expir. Date	Primary Owner	Premises Addr.	Business Name	Geo Code
479706	ACTIVE	21	09/14/2009	08/31/2023	GARFIELD BEACH CVS LLC	1299 BROADWAY, EL CAJON, CA 92021-4902 Census Tract: 0163.02	CVS PHARMACY 9114	3704
486451	ACTIVE	21	04/26/2010	03/31/2023	VALLEY LIQUOR STORES INC THE	581 N MOLLISON AVE, EL CAJON, CA 92021-6148 Census Tract: 0163.02	FOUNTAIN LIQUOR	3704
535956	ACTIVE	20	11/19/2013	10/31/2023	MATTE'S OIL INC	593 N MOLLISON AVE, EL CAJON, CA 92021-1648 Census Tract: 0163.02	MOLLISON GAS AND MINI MARKET	3704
600770	ACTIVE	20	02/14/2019	01/31/2023	WESTERN REFINING RETAIL, LLC	601 N 2ND ST, EL CAJON, CA 92021 Census Tract: 0163.02	WESTERN REFINING RETAIL, LLC #5024	3704
602512	ACTIVE	21	10/02/2019	09/30/2023	HPM BROTHERS, INC.	1031 BROADWAY, EL CAJON, CA 92021-4804 Census Tract: 0163.02	3 BROTHERS LIQUOR	3704

County: SAN DIEGO County

Census Tract: 165.02

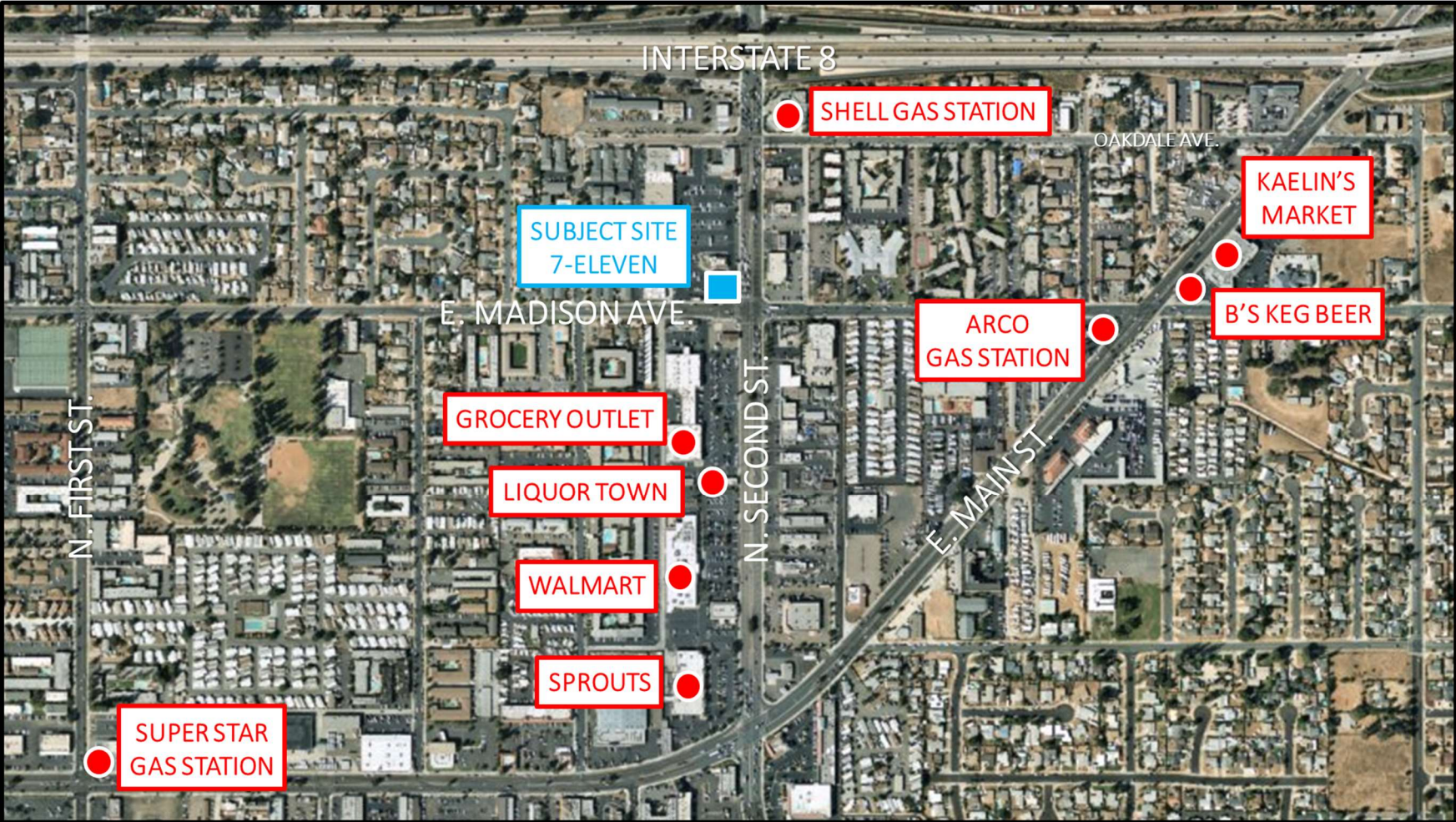
Report Date: Wednesday, October 12, 2022

Show 10 entries

Search:

License Number	Status	License Type	Orig. Iss. Date	Expir. Date	Primary Owner	Premises Addr.	Business Name	Geo. Code
194540	SUREND	21	03/03/1987	06/30/2023	VONS COMPANIES INC THE	950 N 2ND ST, EL CAJON, CA 92021 Census Tract: 0165.02	VONS 2367	3704
384445	ACTIVE	20	03/27/2002	02/28/2023	G & M OIL CO LLC	1298 BROADWAY, EL CAJON, CA 92021 Census Tract: 0165.02	G & M OIL CO 94	3704
423903	ACTIVE	21	05/16/2005	03/31/2023	FARANSO INC	1101 GREENFIELD DR, EL CAJON, CA 92021 Census Tract: 0165.02	GREENFIELD PLAZA LIQUOR	3700
433801	ACTIVE	20	02/28/2006	01/31/2023	NSBJC & F INC	900 BROADWAY, EL CAJON, CA 92021 Census Tract: 0165.02	ARCO FACILITY 9759	3704
546933	ACTIVE	21	04/09/2015	05/31/2023	QUC GROUP INC	981 GREENFIELD DR, EL CAJON, CA 92021 Census Tract: 0165.02	QWIK KORNER LIQUOR	3700
609832	ACTIVE	21	03/09/2020	02/28/2023	ISTIFAN & THOMA, INC.	930 BROADWAY, EL CAJON, CA 92021 Census Tract: 0165.02	GRANADA LIQUOR	3704
624615	ACTIVE	21	09/28/2021	08/31/2023	SHEEBO, INC	1108 BROADWAY, EL CAJON, CA 92021-4805 Census Tract: 0165.02	RALLEY QUICK SHOP	3704
632803	ACTIVE	20	02/04/2022	06/30/2023	7 ELEVEN INC	1296 N 2ND ST, EL CAJON, CA 92021-5001 Census Tract: 0165.02	7 ELEVEN STORE #13651G	3704

OFF-SALE ALCOHOL LICENSE MAP





EL CAJON POLICE DEPARTMENT

CHIEF MIKE MOULTON

2020 ABC REPORT

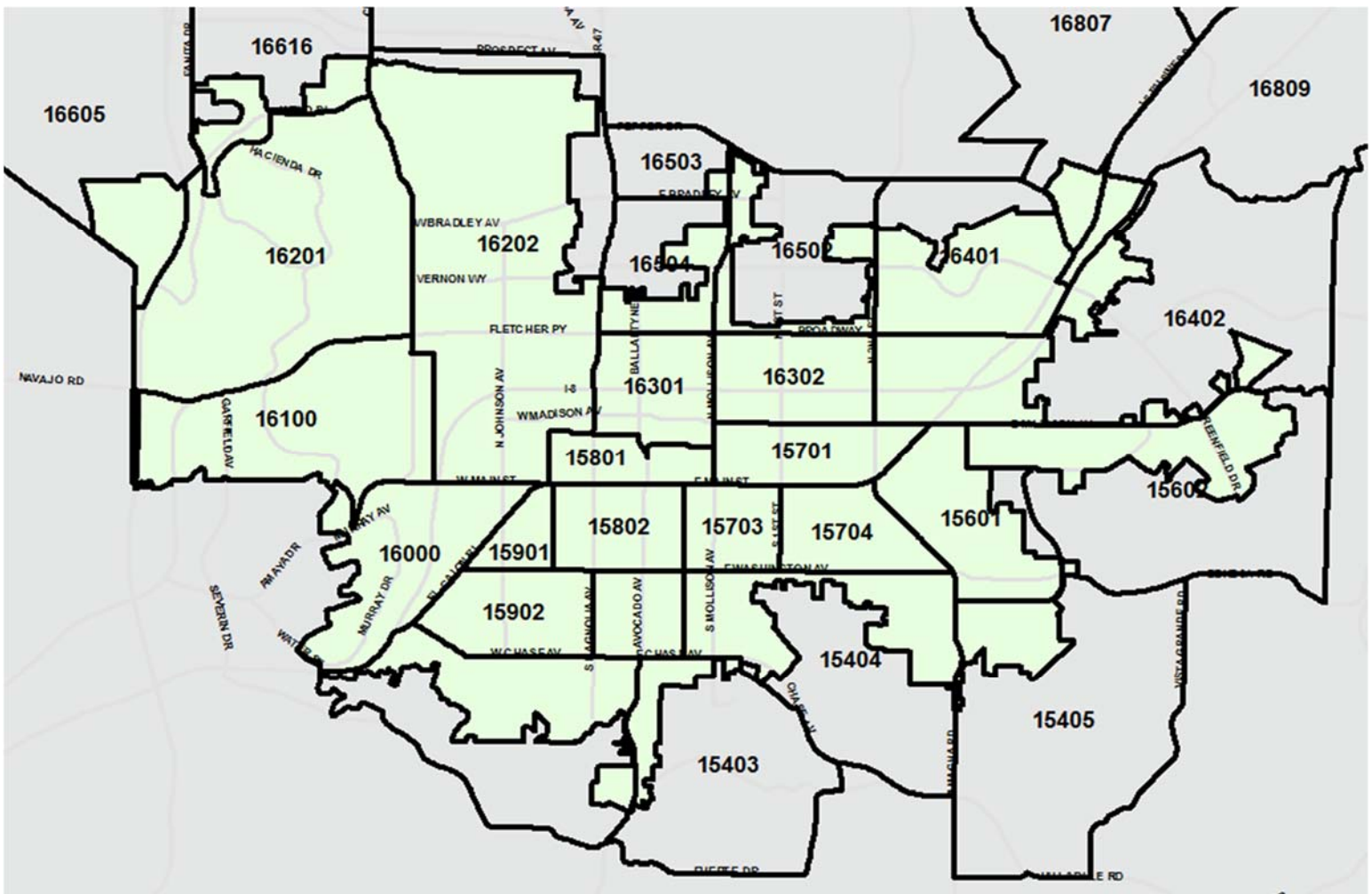
(LEVELS OF CRIMINAL ACTIVITY BY CENSUS TRACT)

A comparison of major crime (Part 1) and minor arrests (Part 2) occurring in a Census Tract is considered a viable indicator of the level of criminal activity within the area. This type of criminal activity index is often used by Alcoholic Beverage Control (ABC) to assist in determinations regarding the issuance of liquor licenses.

During the year 2020, the average index total for the 29 Census Tracts contained in whole or in part in El Cajon was 164. In general, a “very high” crime area is considered to be greater than 200% over the average index (461 or greater), a “high” crime area is 120-200% (275-460), an “average” crime area is 80-119% (183-274), and a “low” crime area is considered to be less than 80% (182 or less) of the average crime index.

The statistical information used for this was taken from a report generated by the Automated Regional Justice Information System (ARJIS) on March 24, 2021. It does not include those incidents that could not be placed in a geographical Census Tract at the time the report was generated, or those incidents that were not yet reported or entered into the system.

MAP OF THE CENSUS TRACTS (LARGER VIEW ON LAST PAGE OF THIS REPORT)



ABC SUMMARY REPORT - YEAR 2020	
CENSUS TRACT	INDEX
15301	82
15302	72
15403	32
15404	124
15405	30
15601	191
15602	27
15701	533
15703	184
15704	184
15801	189
15802	245
15901	133
15902	147
16000	317
16100	123
16201	60
16202	882
16301	406
16302	280
16401	118
16402	193
16502	55
16503	2
16504	113
16605	0
16616	6
16807	15
16809	11
GRAND TOTAL	4,754
AVERAGE = 164	

LOW 0-79% OF AVERAGE = 182 OR LESS
AVERAGE 80-119% OF AVERAGE = 183 - 274
HIGH 120-200% OF AVERAGE = 275 - 460
VERY HIGH OVER 200% OF AVERAGE = 461 OR GREATER

2020 ABC REPORT

PART I CRIME	15301	15302	15403	15404	15405	15601	15602	15701	15703	15704	15801	15802	15901	15902
CRIMINAL HOMICIDE	0	0	0	0	0	1	0	0	0	1	0	0	0	0
FORCIBLE RAPE	0	1	0	1	0	1	1	3	1	0	0	2	1	0
ROBBERY	2	1	6	1	0	4	0	13	1	2	-1	2	4	1
AGGRAVATED ASSAULT	3	4	2	11	0	15	-1	34	16	8	2	19	8	11
BURGLARY	2	5	0	4	1	7	3	22	18	7	4	14	4	6
LARCENY	21	13	12	34	10	32	6	55	30	20	30	42	16	25
MOTOR VEHICLE THEFT	11	1	1	12	2	13	1	22	19	10	10	14	13	13
TOTAL PART I CRIME	39	25	21	63	13	73	10	149	85	48	45	93	46	56
PART II ARREST														
SIMPLE ASSAULT	1	1	0	6	1	5	1	8	3	5	5	6	3	6
OTHER PART II	19	26	7	33	11	56	8	155	54	58	59	65	48	38
CHILD & FAMILY	1	0	0	2	0	4	0	3	3	1	1	0	0	5
DEADLY WEAPONS	1	2	0	1	0	3	0	8	4	2	4	1	1	3
EMBEZZLEMENT	0	0	0	0	0	0	0	0	1	0	0	0	0	0
FRAUD	0	0	1	1	0	0	0	0	0	1	4	0	0	0
GAMBLING	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MALICIOUS MISCHIEF	1	2	0	1	1	0	0	3	2	6	2	0	2	0
NARCOTICS	16	16	1	14	4	43	7	151	23	40	43	37	20	21
SEX CRIMES	0	0	0	0	0	0	0	1	0	0	3	0	1	0
FORGERY	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OTHER NON-CRIMINAL	4	0	2	3	0	7	1	55	9	23	23	43	12	18
TOTAL PART II ARREST	43	47	11	61	17	118	17	384	99	136	144	152	87	91
DISTRICT TOTAL	82	72	32	124	30	191	27	533	184	184	189	245	133	147

2020 ABC REPORT

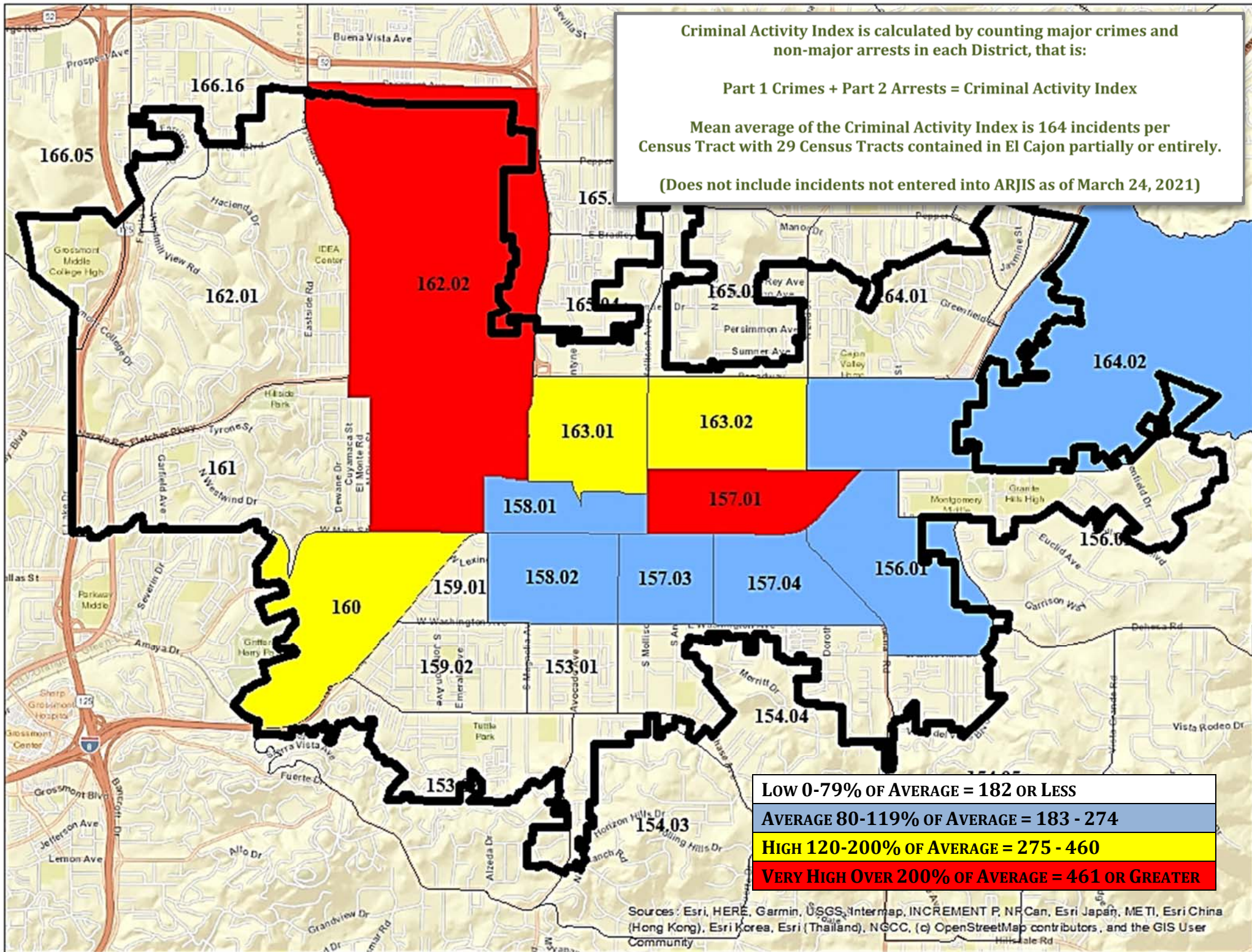
PART I CRIME	16000	16100	16201	16202	16301	16302	16401	16402	16502	16503	16504	16605	16616	16807	16809
CRIMINAL HOMICIDE	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0
FORCIBLE RAPE	1	-1	1	3	0	0	0	0	0	0	-1	0	-1	0	0
ROBBERY	3	4	3	22	6	2	2	3	1	0	3	0	0	0	0
AGGRAVATED ASSAULT	11	6	2	20	27	26	3	18	2	0	1	0	0	5	0
BURGLARY	9	12	4	44	15	12	6	11	1	0	4	0	1	0	1
LARCENY	28	23	24	333	45	43	23	24	13	0	40	0	5	2	0
MOTOR VEHICLE THEFT	10	11	7	35	14	14	5	10	5	0	7	0	0	1	0
TOTAL PART I CRIME	62	55	41	457	108	97	39	67	22	0	54	0	5	8	1
PART II ARREST															
SIMPLE ASSAULT	5	6	1	11	3	6	0	7	1	0	4	0	0	2	0
OTHER PART II	105	38	12	191	137	94	50	56	19	1	24	0	1	5	5
CHILD & FAMILY	3	1	1	7	4	3	0	1	0	0	0	0	0	0	0
DEADLY WEAPONS	5	2	0	10	4	4	3	3	1	0	0	0	0	0	0
EMBEZZLEMENT	1	0	0	2	0	0	0	0	0	0	0	0	0	0	0
FRAUD	0	0	0	2	1	1	0	0	0	0	0	0	0	0	0
GAMBLING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MALICIOUS MISCHIEF	1	0	0	2	4	1	2	3	1	0	0	0	0	0	1
NARCOTICS	102	16	2	134	104	61	22	41	7	1	21	0	0	0	2
SEX CRIMES	0	0	0	3	1	1	0	2	0	0	1	0	0	0	1
FORGERY	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
OTHER NON-CRIMINAL	33	5	3	63	40	12	2	13	4	0	8	0	0	0	1
TOTAL PART II ARREST	255	68	19	425	298	183	79	126	33	2	59	0	1	7	10
DISTRICT TOTAL	317	123	60	882	406	280	118	193	55	2	113	0	6	15	11

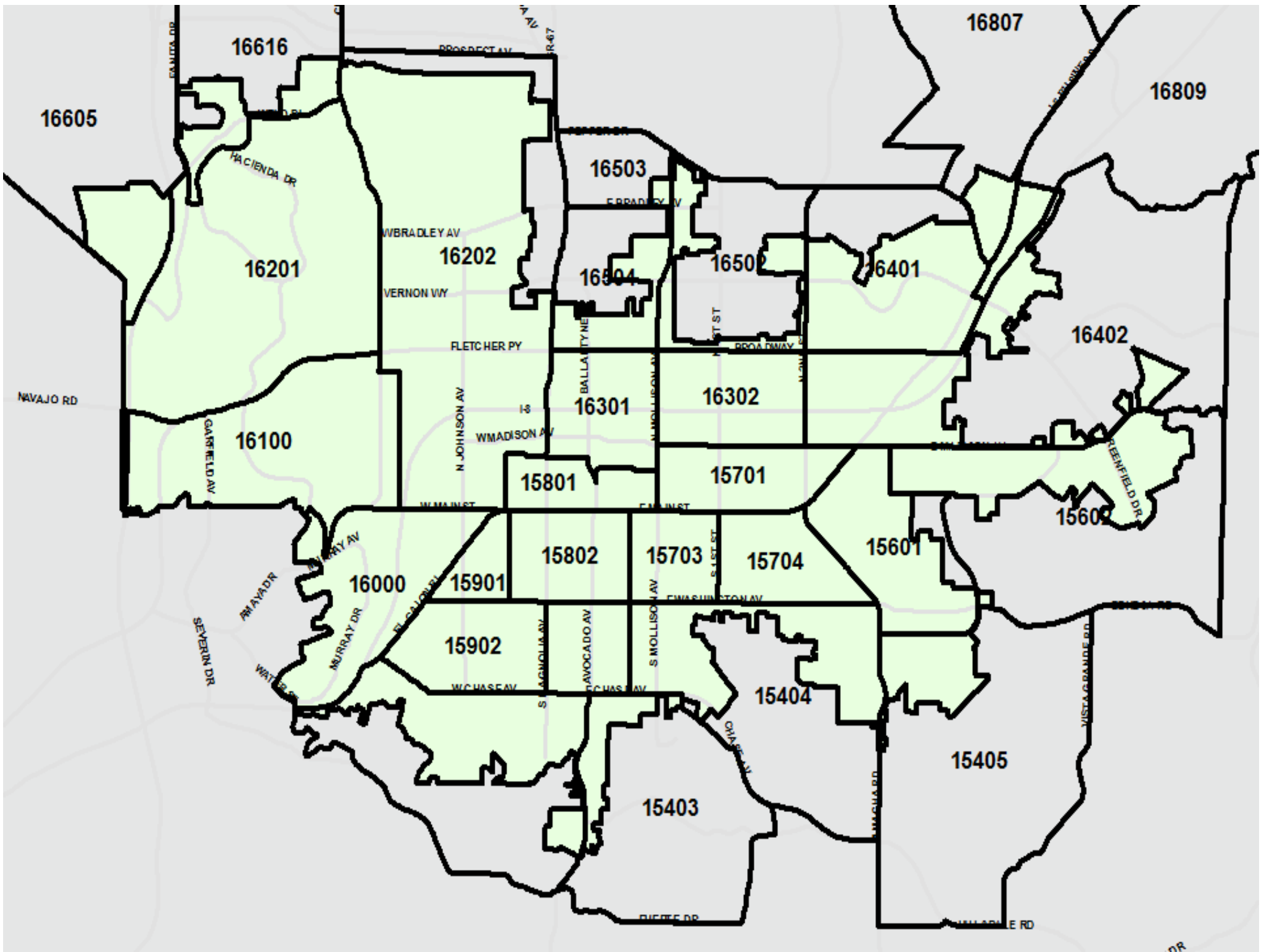
Criminal Activity Index is calculated by counting major crimes and non-major arrests in each District, that is:

Part 1 Crimes + Part 2 Arrests = Criminal Activity Index

Mean average of the Criminal Activity Index is 164 incidents per Census Tract with 29 Census Tracts contained in El Cajon partially or entirely.

(Does not include incidents not entered into ARJIS as of March 24, 2021)





PLANNING COMMISSION RESOLUTION NO. 10998

A RESOLUTION TERMINATING DEEMED APPROVED STATUS FOR OFF-SALE ALCOHOL SALES AT 950 NORTH SECOND STREET IN THE C-N (NEIGHBORHOOD COMMERCIAL) ZONE, APN: 494-222-51, GENERAL PLAN DESIGNATION: NEIGHBORHOOD COMMERCIAL (NC).

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on September 3, 2019, to consider the termination of deemed approved status for a former off-sale alcohol sales establishment in the C-N zone, on property located on the west side of North Second Street between Broadway and Clarendon Street, and addressed as 950 North Second Street; and

WHEREAS, an alcohol beverage outlet was established in March 3, 1987 authorizing off-sale alcohol sales – of beer, wine and distilled spirits – from the subject property; and

WHEREAS, on September 10, 2013, the El Cajon City Council adopted a new alcohol sales ordinance which became effective on November 1, 2013, and applied deemed approved status to all existing off-sale alcohol establishments, including the subject property; and

WHEREAS, pursuant to El Cajon Municipal Code section 17.210.250(B)(3)(d) which states that an off-sale alcohol establishment shall be subject to deemed approved status termination when the off-sale alcoholic beverage sales activity voluntarily discontinues active operation for more than 180 consecutive days or ceases to be licensed by the Alcoholic Beverage Control; and

WHEREAS, on August 3, 2018, the Community Development staff noted that the subject property was an inactive alcohol beverage outlet; and

WHEREAS, on July 22, 2019, the Community Development Director notified the subject property owner of inactive alcohol beverage sales status and pending termination of “Deemed Approved” status; and

WHEREAS, the evidence presented to the Planning Commission at the public hearing includes the following:

- A. The termination of the deemed approved status is consistent with General Plan Objective 9-4, that “All commercial development shall be subject to...strict

standards of performance.” Furthermore, in accordance with General Plan Objective 9-4.11, “removal of outdated, nuisance or incompatible buildings shall be encouraged...to make room for new uses compatible with the General Plan.” In accordance with the “Deemed Approved” Ordinance, the convenience market has ceased alcohol beverage sales and the store has been vacant for more than 180 consecutive days.

- B. The termination of deemed approved status for off-sale alcohol sales reduces the number of off-sales outlets and the potential to increase issues related to the sale of alcohol, such as loitering, public drunkenness, alcoholic beverage sales to minors, noise and littering.
- C. The El Cajon City Council desires to ensure a healthy and safe business environment, consistent with the standards and guidelines of the ABC for alcohol sales. As such, it is in the best interest of public health and safety to reduce the number of off-sale alcoholic beverage establishments in census tracts with an undue concentration.

NOW, THEREFORE, BE IT RESOLVED by the El Cajon Planning Commission as follows:

1. The foregoing recitals are true and correct and include the findings of the Planning Commission.
2. The El Cajon Planning Commission finds that the proposed project is not subject the provisions of California Environmental Quality Act (CEQA) pursuant to section 15060(c)(3) of the CEQA Guidelines.
3. The El Cajon Planning Commission hereby TERMINATES Deemed Approved Status for off-sale alcohol sales for a former off-sale outlet in the C-N zone on property located at 950 North Second Street.

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held September 3, 2019, by the following vote:

AYES:	CABRERA, CIRCO, LONGORIA, MROZ, SOTTILE
NOES:	NONE
ABSENT:	NONE



Darrin MROZ, Chair

ATTEST:



Melissa DEVINE, Secretary



City Council
Agenda Report

DATE: February 14, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Marisol Thorn, Director of Human Resources
SUBJECT: Modification of New Hire Incentive Program for Sworn Police Officers

RECOMMENDATION:

That the City Council authorizes the modification of the Police Department's "New Hire Incentive Program for Sworn Police Officers."

BACKGROUND:

At its October 10, 2017 meeting, the City Council approved the creation of a New Hire Incentive Pilot Program for sworn police officers. The pilot program was subsequently modified and extended at the September 24, 2019 City Council meeting.

The program was originally created to address the shortage of officers in the City. Although the City has increased staffing levels through aggressive recruiting, the City continues to find itself with a shortage of senior level officers. Staff recommends that the City Council approve the modification of the program to provide financial incentives to both existing permanent City employees who refer successful candidates and to new sworn police officers who meet certain criteria of success. Additionally, staff requests approval to increase the incentive payout for new lateral sworn police officers to be more competitive with regional lateral incentive programs. A detailed copy of the terms of the program can be found in Human Resources.

The modification of this program will be effective for recruitments opened after City Council approval. The program will end June 30, 2024 unless the parties mutually agree to an extension.

FISCAL IMPACT:

The approximate annual costs per fiscal year will be paid out of the Police Department's salary savings.

Prepared By: Marisol Thorn, Director of Human Resources
Reviewed By: Vince DiMaggio, Assistant City Manager
Approved By: Graham Mitchell, City Manager

Attachments

Modified Incentive Program



POLICE NEW HIRE REFERRAL AND INCENTIVE PROGRAM

INCENTIVE PAY STRUCTURE FOR NEW HIRES:

HIRING OF LATERAL POLICE OFFICERS

Starting with Recruitment 17-45 through anyone already in the process¹ as of February 14, 2023.

New Lateral Sworn Police Officers

- \$2,500 payment to new lateral sworn police officers who successfully completes probation as a sworn police officer with the City's Police Department.
- An additional \$2,500 payment to the new lateral sworn police officers who successfully complete two additional years of employment after completion of probation.

Existing Eligible City Employees

- A \$2,500 payment to *existing* eligible City employees for referral of new lateral sworn police officers who successfully complete probation with the City's Police Department.
- An additional \$2,500 payment to *existing* eligible City employees when corresponding referred new sworn police officers successfully complete two additional years of employment after completion of probation.

Effective February 15, 2023 applicants who apply, and are hired off a hire list created by a recruitment after the aforementioned effective date, will eligible for the \$20,000 incentive.

New Lateral Sworn Police Officers

- A \$10,000 payment to new lateral sworn police officers who successfully complete the hiring process. Payments will be made at the time the new employee receives their third paycheck following hire.
- An additional \$5,000 payment to new lateral sworn police officers who successfully complete probation. Payments will be made the third paycheck following the one-year anniversary of new lateral sworn police officers.
- An additional \$5,000 payment to new lateral sworn police officers who successfully complete one additional year of employment after completion of their probationary period. Payments will be made the third paycheck following the two-year anniversary of the new lateral sworn police officers.

¹"In the process" is defined as a current applicant, in the backgrounds process, or pre-employment process

Existing Eligible City Employees

- A \$2,500 payment to *existing* eligible City employees for referral of new lateral sworn police officers. Payments will be made at the time the new lateral sworn police officers receive their third paycheck.
- An additional \$2,500 payment to *existing* City employees for referral of new lateral sworn police officers who successfully complete probation with the City's Police Department. Payments will be made the third paycheck following the one-year anniversary of the new lateral sworn police officers.

HIRING OF NEW POLICE RECRUITS AND ACADEMY GRADUATE POLICE OFFICERS

Effective February 15, 2023 applicants who apply, and are hired off a hire list created by a recruitment after the aforementioned effective date, will eligible for the \$5,000 incentive.

New Police Recruits or Police Academy Graduates

- A \$2,500 payment to new Police Recruits/ Academy Graduate Sworn Police Officers who successfully complete (graduates from) the Police Academy *and* then successfully complete probation as a sworn police officer with the City's Police Department; or a \$2,500 payment to new Academy Graduate sworn police officers successfully complete probation as a sworn police officer with the City's Police Department. Payments will be made the third paycheck following completion of the new sworn police officers' probationary period.
- An additional \$2,500 payment to new sworn police officers who complete one additional year of employment as sworn police officers following completion of probation. Payments will be made the third paycheck following the one-year anniversary of the new sworn police officers.

Existing Eligible City Employees

- A \$2,500 payment to *existing* eligible City employees for referral of Police Recruits who successfully complete (graduates from) the Police Academy *and* then successfully complete probation as a sworn police officers with the City's Police Department; or of Academy Graduate Sworn police officers who successfully complete probation as sworn officers with the City's Police Department. Payments will be made the third paycheck following completion of the new sworn police officers' probationary period.
- An additional \$2,500 payment *existing* City employees when new sworn police officers successfully complete one additional year of employment after completion of probation. Payments will be made the third paycheck following the one-year anniversary of the new sworn police officers.

REFERRAL ELIGIBILITY:

- Active benefitted City employees (excludes part-time/temporary/seasonal, some ITP personnel, Police Lieutenants, Police Captains, Human Resources personnel, City Manager personnel, and anyone in a position that is involved in the hiring process).
- City employees who are assigned to the Inspection/Training/Personnel (ITP) Division as a Recruiter/Background Coordinator are NOT eligible. This includes members who volunteer for or are assigned to recruiting events if one or more referrals from that event become employed by the City as sworn police officers. Referrals unrelated to the event are eligible.
- Eligible City employees must be employed in a benefitted position *at all times* during which payments are made. If eligible City employees leave City employment, they will forfeit any remaining monies. Leaving City employment includes employees who leave employment and subsequently are rehired.
- Eligible City employees who refer new sworn police officer hires are eligible for incentive payments for **no more than two referrals each fiscal year**, regardless of the actual number of referrals.
- Only one City employee, per new sworn police officer, (i.e., new sworn police officer), may be listed as referring City employee. Referral will be based solely on the *single* named City employee **identified** in the supplemental questionnaire portion of the candidate's **employment application**. If more than one City employee is listed as a referring party, the top name will be selected.
- ECPOA members who are in a Field Training Officer (FTO) assignment cannot be assigned a new hire that they themselves referred for hire, unless specifically exempted by the Police Chief.

DURATION:

The program will end on June 30, 2024 (end of the current El Cajon Police Officers' Association Memorandum of Understanding) unless the parties mutually agree to an extension the meet and confer process.



**City Council
Agenda Report**

DATE: February 14, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Anthony Shute, Director of Community Development
SUBJECT: Deemed Approved Lodging Establishment Update

RECOMMENDATION:

That the City Council receives the report, provides feedback, and gives staff direction.

BACKGROUND:

On June 25, 2019, the City Council adopted a lodging establishment (hotel and motel) ordinance to address community concerns associated with lodging activities. The City's ordinance was patterned after the City of Oakland's ordinance that had been tested in court. The Oakland ordinance went into effect in 1999 while Jerry Brown served as Oakland's mayor.

Under the City's ordinance, all existing permitted, conditionally permitted, and legal nonconforming hotels and motels were automatically deemed approved as of July 25, 2019. The ordinance requires each deemed approved lodging establishment to comply with the performance standards and regulations of the Deemed Approved Lodging Establishment Ordinance, provided that actions to achieve compliance are exercised in a way that does not violate State Fair Employment and Housing laws and regulations. Noncompliance with performance standards could ultimately result in an assortment of City involvement, beginning with training in proper motel management; suggestions of environmental changes (e.g., placement of appropriate lighting, security cameras, elimination of access to non-publicly visible areas, etc.); warnings if training and environmental changes are not effective or disregarded; administrative citations; and ultimately the suspension, modification, or revocation of deemed approved status, if the property can be legally considered a public nuisance.

City Council Meeting - September 27, 2022

At this meeting, the City Manager presented, among other things, data on recent calls for service (CFS) increases and associated activities for various lodging establishments (motels) throughout El Cajon. Also at this meeting, the City Council selected Councilmembers Goble and Ortiz to serve as a sub-committee and to work directly with the City Manager's office and the Community Development Department to determine if there is a need to make refinements to the Deemed Approved Lodging Ordinance.

Sub-Committee and City Staff Actions

The sub-committee met with motel operators and their representative on two occasions in October 2022. Topics discussed included safety, calls for service, and the deemed approved ordinance. Staff also met with motel operators in September and October of 2022, and had similar discussions. Furthermore, staff and police conducted an in-depth analysis into calls for service over a one-year timeframe (December 15, 2021 to December 14, 2022) for the El Cajon Inn and Suites, located at 1368 E. Main St., and the Relax Inn and Suites, located at 1220 W. Main St. These two establishments were selected for the generally high call volumes and types of calls for service. It is noteworthy to mention that not all calls for service for a specific location can be assigned to that location. Recorded calls for service may include nearby traffic stops, incomplete or missed-dials, and identity theft. These types of calls were not counted towards the motels. Legitimate and attributable calls for service are those originating on the subject property and fall within the deemed approved lodging performance standards. These qualified calls for service are as follows:

Time frame: 12-15-21 to 12-14-22	El Cajon Inn & Suites	Relax Inn & Suites
Qualified Calls for Service (CFS)	52	61
Disturbance calls: domestic violence, arguing, trespassing, fighting, & vandalism	17	40
Drug-related: overdoses, use, possession, & arrest	6	16
CFS/Room/Year	1.48	1.6

El Cajon Inn & Suites

Police and Community Development staff met with El Cajon Inn & Suites on January 9, 2023 to review their CFS and identify possible environmental improvements that could be made. Staff suggested lighting improvements and onsite security would be effective remedies in addressing disturbance calls. On January 11, 2023, a follow-up letter was sent summarizing the onsite meeting with the expectation that the motel operator will develop and provide a response plan to the City by the end of January. The motel operator did provide a response plan, which is under review as of the writing of this report.

Moreover, as a result of the December 2022 shooting incident involving a minor, and the subsequent police investigation, staff prepared and sent a notice of violation (NOV) for an administrative hearing before the Planning Commission. A hearing date has been scheduled for May 16, 2023.

Relax Inn & Suites

Police and Community Development staff met with Relax Inn & Suites on January 23, 2023 to review their CFS and see what environmental improvements could be made. Staff suggested onsite security, fencing, and landscape improvements would be effective remedies in addressing the disturbance calls and illegal drug activity. It is important to note that the motel operator recently installed a new security system, additional lighting, and has a contract with a towing company to remove unauthorized vehicles. On January 24, 2023, a follow-up letter was sent summarizing the onsite meeting with the expectation that the motel operator develops and provides a response plan to the City within two weeks.

Ongoing and Upcoming Efforts

The Deemed Approved Lodging Establishment Ordinance requires an inspection program that is designed to ensure each motel property is in compliance with the applicable ordinance performance standards. Initial inspections began in early 2020, but quickly ended due to Covid-19. First round inspections restarted in July 2021 and ended in April 2022. Second round inspections started in late 2022 and will continue on an annual basis.

Deemed Approved Lodging ordinance refinements will be incorporated with other Zoning Code changes in the coming months. Such changes will include a call for service metrics, adding corrective action measures, adding to the list of nuisance activities, and updating recordkeeping measures.

Prepared By: Anthony Shute, Director of Community Development

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: February 14, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Mayor Wells
SUBJECT: Council Activity Report

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

- January 25, 2023 – East County Mayors Meeting
- January 25, 2023 – Interview with KUSI
- January 27, 2023 – SANDAG Board of Directors Meeting
- January 30, 2023 – East County Mayors Meeting
- January 30, 2023 – Interview with KUSI
- January 31, 2023 – Special City Council Meeting – Goal Setting Workshop
- February 1, 2023 – Interview with One America News (OAN)
- February 11, 2023 – Crisis House Hearts of Gold Gala
- February 14, 2023 – Meeting with Supervisor Anderson
- February 14, 2023 – City Council Meeting

I am available to answer questions.

Submitted By: Bill Wells, Mayor



City Council Agenda Report

Agenda Item 15.

DATE: February 14, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Deputy Mayor Goble

SUBJECT: DEPUTY MAYOR STEVE GOBLE

MTS (Metropolitan Transit System Board); East County Advanced Water Purification Joint Powers Authority Board; Chamber of Commerce – Government Affairs Committee; SANDAG – Board of Directors – Alternate; SANDAG Public Safety Committee – Alternate.

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

January 25, 2023 – Email response to Marshall A re: MTS policy

January 26, 2023 – MTS Board Meeting

January 27, 2023 – Meeting with Sup. Anderson

January 30, 2023 – East County Mayors Meeting re: SANDAG Appts.

January 30, 2023 – Sent Letter of Support for Federal Grant to MTS

January 31, 2023 – Special City Council Meeting – Goal Setting Workshop

February 2, 2023 – Phone Call with Jay V, owner of El Cajon Inn & Suites

February 2, 2023 – Letter to LM Councilmember Shu re: SANDAG Appts

February 6, 2023 – Meet El Cajon Inn & Suites Management Group

February 7, 2023 – East County Chamber Gov't Affairs Committee

February 7, 2023 – El Cajon Citizen of the Year Luncheon

February 7, 2023 – East County AWP Public Hearing by State Water Resource Control Board

February 8, 2023 – East County AWP Public Hearing by State Water Resource Control Board

February 13, 2023 – Meeting with City Manager

February 14, 2023 – MTS Meeting re: EC Transit Center

February 14, 2023 – City Council Meeting

I am available to answer questions.

Submitted By: Steve Goble, Deputy Mayor



City Council
Agenda Report

Agenda Item 16.

DATE: February 14, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Councilmember Kendrick
SUBJECT: COUNCILMEMBER GARY KENDRICK
METRO Commission/Wastewater JPA; Heartland Communications;
Heartland Fire Training JPA.

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

February 2, 2023 – Metro Wastewater JPA Meeting
January 31, 2023 – Special City Council Meeting – Goal Setting Workshop
February 14, 2023 – City Council Meeting

I am available to answer questions.

Submitted By: Gary Kendrick, Councilmember



City Council
Agenda Report

Agenda Item 17.

DATE: February 14, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Metschel

SUBJECT: COUNCILMEMBER MICHELLE METSCHEL

Harry Griffen Park Joint Steering Committee; METRO
Commission/Wastewater JPA – Alternate; Heartland Communications –
Alternate; Heartland Fire Training JPA – Alternate.

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

January 26, 2023 – Homeless Point in Time Count

January 29, 2023 – RAD Movement Informational Meeting

January 31, 2023 – Special City Council Meeting – Goal Setting Workshop

February 6, 2023 – Submitted several tickets for service thru phone app

I am available to answer questions.

Submitted By: Michelle Metschel, Councilmember



City Council
Agenda Report

Agenda Item 18.

DATE: February 14, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Ortiz

SUBJECT: COUNCILMEMBER PHIL ORTIZ

League of California Cities, San Diego Division; East County Economic Development Council; MTS (Metropolitan Transit System Board) – Alternate; East County Advanced Water Purification Joint Powers Authority Board – Alternate; Chamber of Commerce – Government Affairs Committee – Alternate.

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

January 31, 2023 – Special City Council Meeting – Goal Setting Workshop

February 6, 2023 – Interview with KUSI

February 10, 2023 – Economic Bus Tour

February 13, 2023 – League of California Cities Meeting

February 14, 2023 – City Council Meeting

I am available to answer questions.

Submitted By: Phil Ortiz, Councilmember
