



City of El Cajon

Planning Commission Agenda

Tuesday, March 17, 2015, Meeting

7:00 PM. Council Chambers

DARRIN J. MROZ, Chairman

PAUL CIRCO, Vice Chairman

LUIS HERNANDEZ

ANTHONY SOTTILE

JERRY TURCHIN

Meeting Location: City Council Chambers, 200 Civic Center Way, El Cajon, CA

<http://www.ci.el-cajon.ca.us/dept/comm/planning.html>

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHAIRPERSON'S WELCOME

PUBLIC COMMENT

This is the opportunity the public to address the Commission on any item of business within the jurisdiction of the Commission that is not on the agenda. Under state law no action can be taken on items brought forward under Public Comment except to refer the item to staff for administrative action or to place it on a future agenda.

CONSENT

Agenda Item:	1
	Planning Commission minutes of March 3, 2015

PUBLIC HEARINGS

Agenda Item:	2
Project Name:	Ballantyne and Park Specific Plan
Request:	Amend General Plan Designation, Reclassify Zone, and Adopt Specific Plan
CEQA Recommendation:	Mitigated Negative Declaration
STAFF RECOMMENDATION:	RECOMMEND CITY COUNCIL APPROVAL
Project Number(s):	General Plan Amendment No. 2012-02, Zone Reclassification No. 2311, and Specific Plan No. 525
Location:	Northeast corner of Ballantyne Street and Park Avenue
Applicant:	Cajon Valley Union School District (Scott Buxbaum); 619.588.3060; buxbaums@cajonvalley.net
Project Planner:	Melissa Devine; 619.441.1773; mdevine@cityofelcajon.us
City Council Hearing Required?	Yes April 14, 2015
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolutions in order recommending City Council approval of the Mitigated Negative Declaration, General Plan Amendment No. 2012-02, Zone Reclassification No. 2311 and Specific Plan No. 525

Decisions and Appeals - A decision of the Planning Commission is not final until the appeal period expires 10 days from the date of transmittal of the Commission's resolution to the City Clerk. The appeal period for the items on this Agenda will end on Monday, March 30, 2015 at 5:30 p.m., except that Agenda items which are forwarded to City Council for final action need not be appealed.

Agenda Item:	3
Project Name:	Main Street Residences
Request:	Mixed-Use Development Project with Reduced Parking, Setbacks, and increased Building Height
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	CONTINUE TO APRIL 21, 2015
Project Number(s):	Conditional Use Permit No. 2216
Location:	925-939 West Main Street
Applicant:	Affirmed Housing Group (Jimmy Silverwood); 858.386.5178; JAMES@AFFIRMEDHOUSING.COM
Project Planner:	Lorena Cordova; 619.441.1539; lcordova@cityofelcajon.us
City Council Hearing Required?	Yes Noticed for April 14, 2015
	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. Receive public testimony; and 3. Continue the public hearing to April 21, 2015

Agenda Item:	4
Project Name:	Sky Fuels - Deemed Approved Administrative Hearing - Review
Request:	Determine if the off-sale establishment has violated deemed approved performance standards
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	REVOKE DEEMED APPROVED STATUS AND IMPOSE NEW ALCOHOL SALES CONDITIONS
Project Number(s):	Conditional Use Permit (CUP) No. 526
Location:	1699 East Main Street
Applicant:	Planning Commission; 619.441.1742
Project Planner:	Anthony Shute; 619.441.1742; tonys@cityofelcajon.us
City Council Hearing Required?	No
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolution in order REVOKING Sky Fuel's Deemed Approved Status and adding new alcohol sales conditions to CUP No. 526

3. OTHER ITEMS FOR CONSIDERATION
4. STAFF COMMUNICATIONS
5. COMMISSIONER REPORTS/COMMENTS
6. ADJOURNMENT

This Planning Commission meeting is adjourned to April 7, 2015 at 7 p.m.

Decisions and Appeals - A decision of the Planning Commission is not final until the appeal period expires 10 days from the date of transmittal of the Commission's resolution to the City Clerk. The appeal period for the items on this Agenda will end on Monday, March 30, 2015 at 5:30 p.m., except that Agenda items which are forwarded to City Council for final action need not be appealed.



MINUTES
PLANNING COMMISSION MEETING
March 3, 2015

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

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

COMMISSIONERS PRESENT: Paul CIRCO, Chairman
 Darrin MROZ, Vice Chairman
 Luis HERNANDEZ
 Anthony SOTTILE
 Jerry TURCHIN

COMMISSIONERS ABSENT: None

STAFF PRESENT: Anthony SHUTE, Planning Manager / Planning Commission Secretary
 Barbara LUCK, Assistant City Attorney
 Lorena CORDOVA, Associate Planner
 Patricia HAMILTON, Secretary

Circo explained the mission of the Planning Commission.

CONSENT CALENDAR

Planning Commission Minutes

Motion was made by SOTTILE, seconded by MROZ, to adopt the minutes of the Planning Commission meeting of February 17, 2015; carried 3-0 (Circo and Turchin abstained)

PUBLIC HEARING ITEMS

Agenda Item:	2
Project Name:	Camden Yards Specific Plan Amendment
Request:	Modify Specific Plan text regarding exterior maintenance and repair of structures
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	RECOMMEND CITY COUNCIL APPROVAL
Project Number(s):	Amendment of Specific Plan No. 522
Location:	Southeast corner of South Magnolia and East Camden Avenues
Applicant:	G-8 Development (Philip Chodur); 619.823.3402; pchodur@sbcglobal.net
Project Planner:	Eric Craig; 619.441.1782; ecraig@cityofelcajon.us
City Council Hearing Required?	Yes March 24, 2015

Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolution in order recommending City Council approval of proposed Amendment of Specific Plan No. 522
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SHUTE summarized the agenda report. In answer to the Commissioners questions, he added that the change in text brings the project's CC&R's in conformance with other Homeowner's Associations (HOAs) throughout the City.

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

Chris WARBURTON, representing the applicant, approached the podium and thanked staff for their work on the project.

Motion was made by CIRCO, seconded by HERNANDEZ, to close the public hearing; carried 5-0.

Motion was made by HERNANDEZ, seconded by MROZ, to adopt the next resolution in order recommending City Council approval of proposed Amendment of Specific Plan No. 522; carried 5-0.

Agenda Item:	3
Project Name:	Sliwa Accessory Structure with Bathroom
Request:	Add detached accessory structure with bathroom
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	APPROVE
Project Number(s):	Conditional Use Permit No. 2215
Location:	895 Alveda Avenue
Applicant:	Vanessa and Allen Sliwa;
Project Planner:	Lorena Cordova; 619.441.1539; lcordova@cityofelcajon.us
City Council Hearing Required?	No
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolution in order approving proposed Conditional Use Permit No. 2215, subject to conditions

CORDOVA summarized the agenda report in a PowerPoint presentation.

HERNANDEZ asked staff if this property qualified for a second single-family unit.

SHUTE answered it must meet all setback requirements therefore this property probably would not qualify because of the location of the accessory structure.

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

Dawn HARRELL, neighbor, came to the podium and advised that she was in attendance to obtain more information about the project, but had no objections.

Allen SLIWA, property owner, spoke next. He agreed the property would not meet all requirements for a

second unit and there was no intention to pursue. When the property was purchased, he was not aware that the second unit was not legal until contacted by the City's Code Enforcement Officer. Subsequently, they have worked with staff and converted the unit into a recreation room with bathroom and added that they are in agreement with all conditions of approval.

Motion was made by CIRCO, seconded by HERNANDEZ, to close the public hearing; carried 5-0.

Motion was made by SOTTILE, seconded by CIRCO, to adopt the next resolution in order approving proposed Conditional Use Permit No. 2215, with conditions; carried 5-0.

The appeal period for this item ends on Monday, March 16, 2015 at 5:30 p.m.

Agenda Item:	4
Project Name:	Ripley Accessory Structure
Request:	Exceed cumulative 800 square foot threshold
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	APPROVE
Project Number(s):	Conditional Use Permit No. 2217
Location:	855 Lemon Avenue
Applicant:	Donald L. Ripley; 619.447.9751
Project Planner:	Melissa Devine; 619.441.1773; mdevine@cityofelcajon.us
City Council Hearing Required?	No
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolution in order approving proposed Conditional Use Permit No. 2217, subject to conditions

SHUTE summarized the agenda report in a PowerPoint presentation.

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

Roxanne DE BRICASSART, neighbor, approached the podium and was in opposition of the project. Her concern involved the addition of another garage with access into the alley which would increase traffic. There are already a number of rental units with large motor homes fronting on the alley. She asked the Commissioners to take a serious look at the project before considering approval.

Donald RIPLEY, applicant, spoke next. He advised that the garage would be used for storage of his 1930 model A car and a wave runner to keep them out of the weather, which would not create any additional traffic in the alley.

In answer to SOTTILE'S question, RIPLEY stated the height of the garage will be a standard height of eight feet.

Motion was made by CIRCO, seconded by MROZ, to close the public hearing; carried 5-0.

CIRCO asked staff if there was any research performed on those divided properties fronting the alley relative to an increase of traffic.

SHUTE answered that all properties when subdivided must front on a public street. The few properties fronting on West Renette may have been subdivided many years ago before current code was in effect.

CIRCO reopened the public hearing.

Donald RIPLEY added that he has no problem in the past with his neighbors parking behind his property in the alley.

Motion was made by SOTTILE, seconded by CIRCO, to close the public hearing; carried 5-0.

The Commissioners were in agreement that property owners should be able to use their property in a legal way as long as there was no impact on their neighbors and thought well of the project as proposed.

Motion was made by CIRCO, seconded by HERNANDEZ, to adopt the next resolution in order approving proposed Conditional Use Permit No. 2217, with conditions; carried 5-0.

The appeal period for this item ends on Monday, March 16, 2015 at 5:30 p.m.

STAFF COMMUNICATIONS

3. ELECTION OF OFFICERS

Darrin MROZ was elected Chairman and Paul CIRCO was elected Vice Chairman.

ADJOURNMENT

Motion was made by CIRCO, seconded by HERNANDEZ, to adjourn the meeting of the El Cajon Planning Commission at p.m. this 3rd day of March until March 17, 2015, at 7:00 p.m.; carried 5-0.

Paul CIRCO, Chairman

ATTEST:

Anthony SHUTE, AICP, Secretary



Agenda Item:	2
Project Name:	Ballantyne and Park Specific Plan
Request:	Amend General Plan Designation, Reclassify Zone, and Adopt Specific Plan
CEQA Recommendation:	Mitigated Negative Declaration
STAFF RECOMMENDATION:	RECOMMEND CITY COUNCIL APPROVAL
Project Number(s):	General Plan Amendment No. 2012-02, Zone Reclassification No. 2311, and Specific Plan No. 525
Location:	Northeast corner of Ballantyne Street and Park Avenue
Applicant:	Cajon Valley School District
Project Planner:	Melissa Devine, 619.441.1773, mdevine@cityofelcajon.us
City Council Hearing Required?	Yes April 14, 2015
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolutions in order recommending City Council approval of the Mitigated Negative Declaration, General Plan Amendment, Zone Reclassification, and Specific Plan

PROJECT DESCRIPTION

This request seeks to establish a specific plan to allow for the future development of a vacant portion of the Cajon Valley Middle School site. The proposal includes a General Plan Amendment to redesignate the site from Junior High to High Density Residential and a Zone Reclassification to rezone the site from RS-6 to RM-1450. A Mitigated Negative Declaration and Mitigation, Monitoring, and Reporting Program were prepared in accordance with the California Environmental Quality Act.

BACKGROUND

General Plan:	Junior High
Specific Plan(s):	N/A
Zone:	Residential, Single-Family, 6,000 square foot (RS-6)
Other City Plan(s):	Redevelopment Area
Regional and State Plan(s):	N/A
Notable State Law(s):	California Government Code 65852.9

Project Site & Constraints

The project site is 2.57 acres of the 21.64-acre Cajon Valley Middle School property located at the northeast corner of Ballantyne Street and Park Avenue. The site is currently vacant and was previously developed with educational buildings, which were demolished after the campus was renovated. A security fence surrounds the site and a block wall is located at the eastern and north perimeters of the site separating the adjacent residential and school from the site. Sidewalks are in place along the exterior perimeter of the property. A bus stop is located approximately 175 feet north from the corner of Ballantyne Street and Park Avenue on Ballantyne Street. The Cajon Valley School District has determined that the site is not currently required for educational use and has decided to offer the property for redevelopment through a long-term ground lease.

Surrounding Context

Surrounding properties are developed and zoned as follows:

Direction	Zones	Land Uses
North	RM-1450	Multi-family residential
South (Across Park Ave)	RM-2200 & C-G	Multi-family residential
East	RS-6	Cajon Valley Middle School
West (across Ballantyne St)	PRD-Low-Medium & RM-1450	Multi-family residential

General Plan

The site is designated Junior High in the General Plan. This land use is intended for educational use and reflects the long-standing use of the property as a middle school. The site is not currently required for school use and is eligible for redesignation to the proposed High Density Residential General Plan land use designation. General Plan objective 5-2 states that the City should encourage the adequate provision of housing by location, type of unit, and price to meet the current and future needs of the residents of El Cajon. Policy 5-2.1 further states that the City will provide a variety of residential opportunities to meet the Regional Housing Needs Allocation (RHNA) in the Housing Element. The City must provide adequate land zone at densities that accommodate housing affordable to lower income residents. The site is identified in the Housing Element sites inventory as site that could accommodate additional residential units with a potential zone reclassification to RM-145. Policies 5-2.4 and 5-2.5 direct that the City should promote additional housing opportunities near the downtown area and within proximity to transit.

Municipal Code

The subject site is zoned Residential Single-Family (RS-6) and allows for single-family detached residential development on 6,000 square foot lots. The maximum development potential is approximately 18 units if the property were subdivided or developed as part of a Planned Unit Development. The school district does not intend to sell the property as it may be needed in the future for educational purposes. For that reason, development of the property under the RS-6 zoning is infeasible. The applicant has requested a rezone of the site to allow for a higher density development consistent with the surrounding area and proposed General Plan designation and to maximize development opportunities at the site.

Redevelopment Plan

The goals of the Redevelopment Project Area and Redevelopment Plan are to remove physical and economic blighting conditions and to ensure the continued economic viability of the commercial, industrial, and retail uses within the Project Area. The Plan allows for the financing of improvements within the Project Area in order to remove physical and economic blight and to provide affordable housing. This plan was last amended in 1987. However, the Redevelopment Agency of the City was dissolved on February 1, 2012, by Assembly Bill 1X 26 (AB 26). The City of El Cajon, serving as the successor agency, has assumed the former Agency's assets, rights, and obligations under California Community Redevelopment Law, subject to some limitations, and is winding down the former Agency's affairs.

DISCUSSION

California Government Code Section 65852.9 states that unused school sites may be developed to the same extent as permitted on adjacent properties and that the City must rezone a property upon the request of a school district to a zone compatible with the surrounding uses. The Cajon Valley School District has requested that the City rezone the property to allow for the development of the site as it is not currently required for educational purposes. At this time, the Cajon Valley School District has indicated that the site will be offered for a long-term ground lease to allow for the development of the site while maintaining ownership of the property should it be required for educational purposes in the future.

As part of the process of reviewing appropriate zoning for the site, staff determined that a General Plan Amendment and Zone Reclassification to residential would be compatible with the existing surrounding development. In order to accommodate a mix of uses at the site including some neighborhood-oriented commercial uses, a specific plan was prepared to provide a development framework which permits a range of uses, including residential, specific neighborhood-oriented commercial, or a mix of both residential and commercial. The specific plan also provides guidelines for the development of the site. No specific development scenario has been proposed at this

time. The future development of the site would require approval of a Site Development Plan Permit, which is approved at the staff level.

General Plan Amendment Analysis

The General Plan amendment would redesignate the site from Junior High to High Density Residential. The High Density Residential land use designation allows for 20-30 dwelling units per acre. The redesignation of the site to High Density Residential would allow for 51 to 77 dwelling units on the 2.57 acre site.

High Density Residential use would be compatible with surrounding planned land uses. The properties to the south, north, and west are designated High Density Residential and developed with multi-family residential and a townhome development west of Ballantyne Street is designated Low-Medium Residential in the General Plan. The site is in close proximity to the downtown area, and with a school and park adjacent, residential would be an appropriate land use. Public facilities and services are in place to serve the site.

The Housing Element identified the site as a property that could accommodate 20-30 dwelling units per acre in the sites inventory. The General Plan Amendment would assist the City in meeting the housing goals and the Regional Housing Needs Allocation as set forth in the Housing Element. The City is required to zone enough land for residential use to accommodate an additional 5,630 residential units over the planning horizon 2013-2021.

Zone Reclassification

The property is proposed to be rezoned to the Residential, Multi-family, 1,450 sq. ft. (RM-1450) zone consistent with the proposed High Density Residential land use designation. The RM-1450 zone would allow up to 77 dwelling units of attached residential development consisting of town homes or apartments. The use would be regulated by the proposed specific plan and would allow additional uses beyond those permitted in the RS-6 zone. In addition, development standards would be established by the specific plan that would supersede those of the underlying zone.

Specific Plan

The proposed specific plan sets out proposed use and development standards for the future development of the site. Residential, neighborhood-serving commercial or a mix of both uses is permitted on the site as described in the specific plan. The specific plan maximizes development options at the site to ensure that the school district is able to secure a development partner to develop the vacant, underutilized site. The development standards that differ from those of the El Cajon Municipal Code are summarized below. Where the specific plan is silent on a development standard, the El Cajon Municipal Code would apply. The guidelines set forth in the specific plan are intended to provide a framework for the future development of the site. The specific plan addresses the need for pedestrian-orientation and buildings that are compatible in

bulk and scale with surrounding development. Site-specific design guidance addresses internal site circulation and the need for transit and pedestrian connections and amenities. Development in accordance with the specific plan would require approval of a Site Development Plan Permit to ensure adherence to the conditions of approval and the execution of a high-quality project with context-sensitive site and architectural design.

Development Standard	Specific Plan
Setbacks from district boundaries, public street rights of way, private streets and driveways	Residential: 5-10 feet from exterior property line Commercial: Zero feet from exterior property line
Density	Maximum 30 dwelling units per acre
Building Height	45 feet (maximum)
Lot coverage	None
Parking	Residential: 1 space per studio or 1 bedroom and 2 spaces per 2 or more bedrooms Commercial: Per ECMC
Open & recreational space	225 sq. ft. per residential unit private or common open space and may include balconies
All other development standards	As specified in the ECMC

FINDINGS

General Plan Amendment No. 2012-02

A. *The City has complied with applicable California Government Code Sections regarding amendments to the Land Use Element of the General Plan.*

The proposed amendment to the General Plan Land Use Element to change the general plan designation on the subject property to High Density Residential is in conformance with Government Code Sections 65352.3 and 65358(b) because the City invited the local Native American Tribes in San Diego County to consult with the City for the purpose of protecting, and mitigating impacts to cultural places when a local government is considering a proposal to adopt or amend a general plan or a specific plan; and the City received no response requesting consultation from any of the local tribes; and, because this is the first amendment to the General Plan's Land Use Element which may be amended up to four times in one calendar year. In addition, the City has processed the request as submitted by the school district in accordance with Government Code Section 65852.9 to rezone the unused school property.

- B. *The proposed General Plan amendment will not be detrimental to the public health, safety, or welfare, and is in the public interest.*

The change in land use designation from Junior High to High Density Residential provides opportunities for future development of the vacant site. Furthermore, it will create needed housing opportunities, which is supported by Goal 5 of the General Plan that calls for a broad range of housing types made available to meet the housing needs of various age and income groups. Policy 5-2.1 states that “the City will provide a variety of residential development opportunities in the City to fulfill regional housing needs.” The proposed General Plan amendment would provide the opportunity for 59 additional housing units in an affordable multi-family development product in conformance with the Housing Element of the General Plan.

- C. *The proposed General Plan amendment is internally consistent with the remainder of the General Plan, as required by Government Code Section 65300.5*

The site is identified on the sites inventory in the Housing Element and recommended for rezoning to provide housing units needed to meet regional housing goals. The amendment of the General Plan to redesignate the site to High Density Residential is consistent with the recommendations in the Housing Element and furthers the City’s efforts in meeting regional housing needs. Therefore, the amendment does not conflict with adopted governing plans, and it is internally consistent with the remainder of the General Plan.

Zone Reclassification No. 2311

- A. *The proposed zoning amendment, including any changes proposed in the various land uses to be authorized, is compatible with the objectives, policies, general land uses, and programs specified in the general plan.*

The proposed amendment to rezone the subject site to the RM-1450 zone is consistent with the Land Use Element of the General Plan, and with the goals, objectives, and policies therein, because the proposed RM-1450 zone is consistent with the proposed General Plan Land Use designation of High Density Residential as indicated in the General Plan Zoning Consistency Chart. Furthermore, the proposed zone change is consistent with the Housing Element, because it provides the opportunity for the development of a variety of housing in terms of type, price point and style.

- B. *The proposed zoning amendment is consistent with any applicable specific plan governing development of the subject property.*

The proposed RM-1450 zoning is consistent with the proposed specific plan that will govern the development of the site. The specific plan provides development standards and guidelines to ensure that future development is appropriate and compatible with the surrounding neighborhood.

- C. *It is in the public necessity and convenience and/or general welfare that the zoning regulations governing the property be changed.*

The proposed zone change will facilitate the development of a vacant and underutilized property with residential housing, which will also assist the City in meeting its share of regional housing needs.

Specific Plan No. 525

- A. *The proposed specific plan serves the public interest.*

The proposed project will redevelop an existing underutilized site located in close proximity to the City's downtown urban core by expanding housing opportunities and neighborhood-serving commercial uses. Moreover, the specific plan includes development standards and conditions attached as Exhibit A to ensure a compatible development is compatible with the existing and planned land uses in the vicinity.

- B. *The proposed specific plan will systematically implement the city's general plan.*

The specific plan provides a more detailed framework of development than the General Plan, and more detailed standards than the general provisions of the Zoning Code. The specific plan would allow for development options to ensure that the vacant, underutilized site would be developed in a context-sensitive manner compatible with the existing neighborhood.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

A Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA). A Mitigation, Monitoring and Reporting Program is included which specifies mitigation measures needed to reduce potential environmental impacts to a level of less than significant. Mitigation measures are required due to the nature of the proposed project and the lack of a specific development concept. The precautionary mitigation measures would ensure that air quality impacts due to construction would be minimized with best management practices; grading and excavation would be monitored by an archeological monitor to reduce impacts to potential cultural resources; the project would comply with Federal Aviation Administration Notice criteria and conduct ground disturbance in accordance with a safety plan to reduce risk related to hazards; noise impacts to sensitive receptors

would be minimized through design features; and a future traffic analysis would be required to ensure safe vehicular access and that no traffic safety impacts result from the development of the site.

The draft Mitigated Negative Declaration was submitted to the State Clearinghouse and circulated for public review February 9 through March 10, 2015. The California Department of Fish and Wildlife provided a letter on the environmental document. The letter and response are included in the draft Mitigated Negative Declaration.

PUBLIC NOTICE & INPUT

A Notice of Intent for the draft Mitigated Negative Declaration was published in the Union Tribune on February 6, 2015. Copies of the draft Mitigated Negative Declaration were made available at the two public libraries and at City Hall. Notice of this public hearing was published in the East County Gazette on March 5, 2015, and was mailed on March 5, 2015 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 under "Public Hearings/Public Notices." The notice was also mailed to the two public libraries in the City of El Cajon, located at 201 East Douglas Avenue and 576 Garfield Avenue.

Several adjacent property owners have made inquiries regarding the proposed project. Issues raised include the appropriateness of the general plan amendment and zone reclassification and the desire to see the site used as a park. The issue of the zone reclassification is addressed above. The property has not been determined to be surplus property. If the school district determines the property is surplus and exercises the option to sell the property, then prior to the disposition of the property, it would be offered for sale or lease as park space to the local jurisdiction in accordance with Government Code Section 54222.

ATTACHMENTS

1. Proposed Resolution Recommending Approval of Mitigated Negative Declaration
2. Proposed Resolution Recommending Approval of General Plan Amendment No. 2012-02
Exhibit A: General Plan Amendment Exhibit
3. Proposed Resolution Recommending Approval of Zone Reclassification No. 2311
Exhibit A: Zone Reclassification Exhibit
4. Proposed Resolution Recommending Approval of Specific Plan No. 525
Exhibit A: Ballantyne and Park Specific Plan
Exhibit B: Standard Conditions of Development
Exhibit C: Building & Fire Safety Division, building comments dated 11.16.12
Exhibit D: Public Works Department, engineering comments dated 11.14.12
Exhibit E: Helix Water District Comments dated 11.28.12
5. Draft Mitigated Negative Declaration
6. Aerial Photograph of Subject Site
7. Public Hearing Notice
8. Application & Disclosure Statement

PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE BALLANTYNE AND PARK SPECIFIC PLAN, SUBJECT TO APPROVAL OF A GENERAL PLAN AMENDMENT NO. 2012-02, ZONE RECLASSIFICATION NO. 2311, AND SPECIFIC PLAN NO. 525.

WHEREAS, the El Cajon Planning Commission held a duly advertised public hearing on March 17, 2015 to consider General Plan Amendment No. 2012-02 to redesignate the site from Junior High to High Density Residential, Zone Reclassification No. 2311 to change the zoning designation from RS-6 to RM-1450, and Specific Plan No. 525 to allow for the future development of a portion of the Cajon Valley Middle School property located on the northeast corner of Ballantyne Street and Park Avenue, a portion of APN: 483-310-16-00; and

WHEREAS, the City prepared a draft Mitigated Negative Declaration for the project in accordance with California Environmental Quality Act guidelines, which indicates that the potential environmental effects of the proposed project would be less than significant with mitigation measures; and

WHEREAS, pursuant to Section 21082.1 of the Public Resources Code, the draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was circulated for public review from February 9, 2015 through March 10, 2015; and

WHEREAS, no comments were received during the public review period; and

WHEREAS, the Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program reflects the City's independent judgment as required by Section 21082.1 of the Public Resources Code; and

WHEREAS, prior to making a recommendation to the City Council on the proposed project, the Planning Commission reviewed and considered the information contained in the proposed draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and

WHEREAS, the draft Mitigation Monitoring and Reporting Program will ensure that the proposed project will not result in any significant impacts; and

Proposed Planning Commission Resolution

WHEREAS, in accordance with CEQA Guidelines Section 15074(c), the custodian of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program is the El Cajon Community Development Department, and all supporting documentation is in the Specific Plan No. 525 file; and

WHEREAS, after considering the evidence and facts, the Planning Commission considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program as presented at its March 17, 2015, meeting.

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

Section 1. That the foregoing recitals are true and correct, and are findings of fact of the El Cajon Planning Commission in regard to the draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

Section 2. That based upon said findings of fact, the El Cajon Planning Commission hereby RECOMMENDS City Council ADOPTION of the draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Ballantyne and Park Specific Plan.

- A. Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program shall only apply to the subject project and shall not waive compliance with all other provisions of the Zoning Code and all other applicable City ordinances in effect at the time that the building permit is issued.
- B. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, and costs, including attorneys' fees, against the City or its agents, officers or employees, relating to this Mitigated Negative Declaration determination (the "CEQA Determination"), and relating to the approval of General Plan Amendment No. 2012-02, Zone Reclassification No. 2311, and Specific Plan No. 525 (the "Approvals") including, but not limited to, any action to attach, set aside, void, challenge, or annul the Approvals and the CEQA Determination. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorneys' fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement

Proposed Planning Commission Resolution

unless such settlement is approved by the applicant.

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Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held March 17, 2015, by the following vote:

AYES:
NOES:
ABSENT:

Darrin MROZ, Chairman

ATTEST:

Anthony SHUTE, AICP, Secretary

PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 2012-02 TO AMEND THE LAND USE ELEMENT OF THE GENERAL PLAN BY CHANGING THE LAND USE DESIGNATION OF THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF BALLANTYNE STREET AND PARK AVENUE FROM JUNIOR HIGH (JH) TO HIGH DENSITY RESIDENTIAL (HR); PORTION OF APN: 483-310-16-00.

WHEREAS, the El Cajon Planning Commission held a duly advertised public hearing on March 17, 2015, to consider General Plan Amendment 2012-02, to amend the general plan designation of the property at the northeast corner of Ballantyne Street and Park Avenue from Junior High (JH) to High Density Residential (HR); and

WHEREAS, the El Cajon Planning Commission considered the proposed Mitigated Negative Declaration and Mitigation Monitoring and Report Program, including Attachments, in accordance with CEQA Guidelines Section 15074 for the proposed project; and

WHEREAS, the El Cajon Planning Commission adopted the next resolution in order, recommending to the El Cajon City Council the adoption of the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, including Attachments; and

WHEREAS, at the public hearing the Planning Commission received evidence through public testimony and comment, in the form of both verbal and written communications and reports prepared and presented to the Planning Commission, including (but not limited to) evidence such as the following:

- A. The proposed amendment to the General Plan Land Use Element to change the general plan designation on the subject property to High Density Residential is in conformance with Government Code Sections 65352.3 and 65358(b) because the City invited the local Native American Tribes in San Diego County to consult with the City for the purpose of protecting, and/or mitigating impacts to cultural places when a local government is considering a proposal to adopt or amend a general plan and/ or a specific plan; and the City received no response requesting consultation from any of the local tribes; and, because this is the first amendment to the General Plan's Land Use Element which may be amended up to four times in one calendar year. In addition, the City has processed the request as submitted by the school district in accordance with Government Code Section 65852.9 to rezone the unused school property.

Proposed Planning Commission Resolution

- B. The change in land use designation from Junior High to High Density Residential provides opportunities for future development of the vacant site. Furthermore, it will create needed housing opportunities, which is supported by Goal 5 of the General Plan that calls for a broad range of housing types made available to meet the housing needs of various age and income groups. Furthermore, Policy 5-2.1 states that "the City will provide a variety of residential development opportunities in the City to fulfill regional housing needs."

- C. The site is identified on the sites inventory in the Housing Element and recommended for rezoning to provide housing units needed to meet housing goals. The amendment of the General Plan to redesignate the site to High Density Residential is consistent with the recommendations in the Housing Element and furthers the City's efforts in meeting regional housing needs. Therefore, the amendment does not conflict with adopted governing plans and it is internally consistent with the remainder of the General Plan.

WHEREAS, after considering such evidence and facts the Planning Commission did consider General Plan Amendment 2012-02 as presented at its meeting.

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

Section 1. That the foregoing recitals are true and correct, and are findings of fact of the El Cajon Planning Commission in regard to General Plan Amendment 2012-02.

Section 2. That based upon said findings of fact, the El Cajon Planning Commission hereby RECOMMENDS City Council APPROVAL of General Plan Amendment 2012-02 to amend the Land Use Element of the General Plan by changing the General Plan designation of the property at the northeast corner of Ballantyne Street and Park Avenue South Magnolia from Junior High (JH) to High Density Residential (HR), in accordance with the attached Exhibit "A".

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Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held March 17, 2015, by the following vote:

AYES:
NOES:
ABSENT:

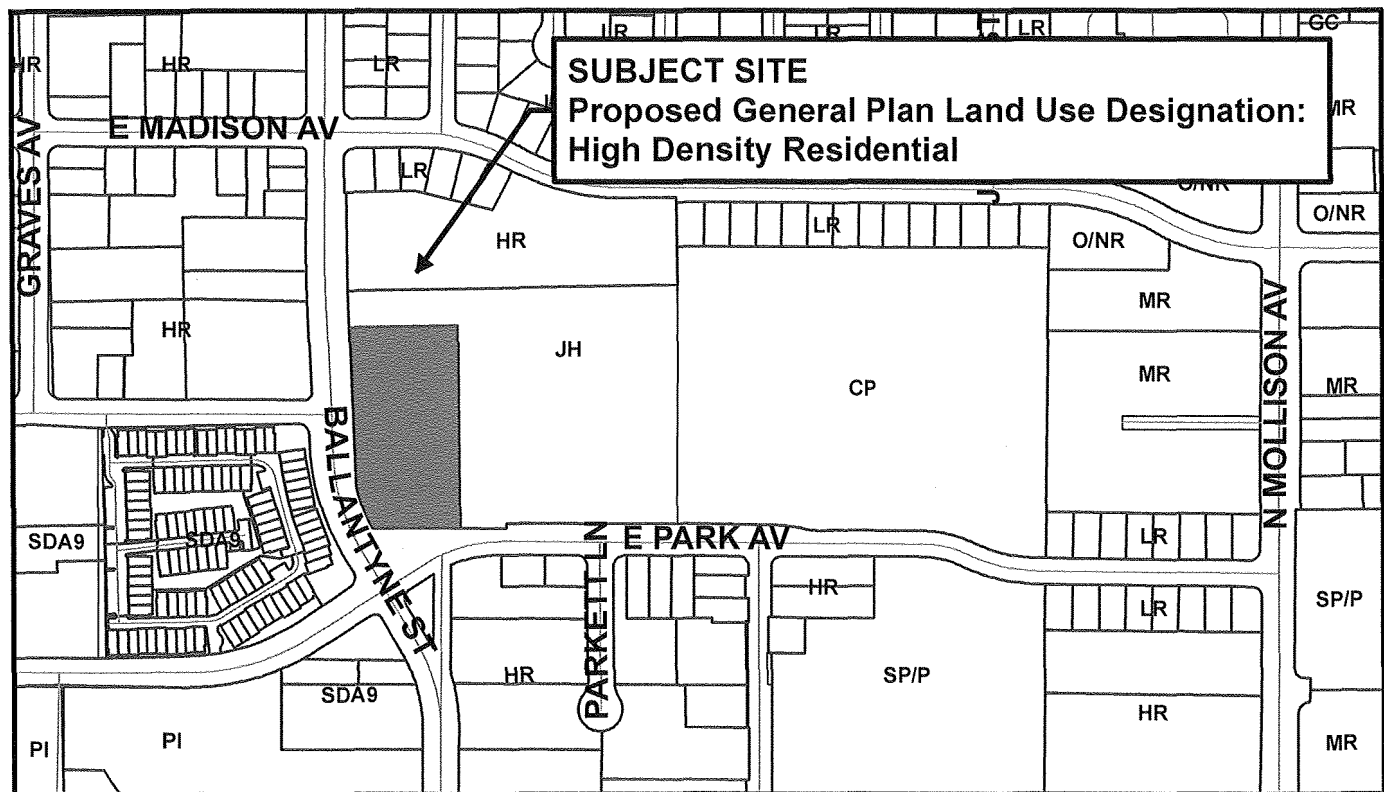
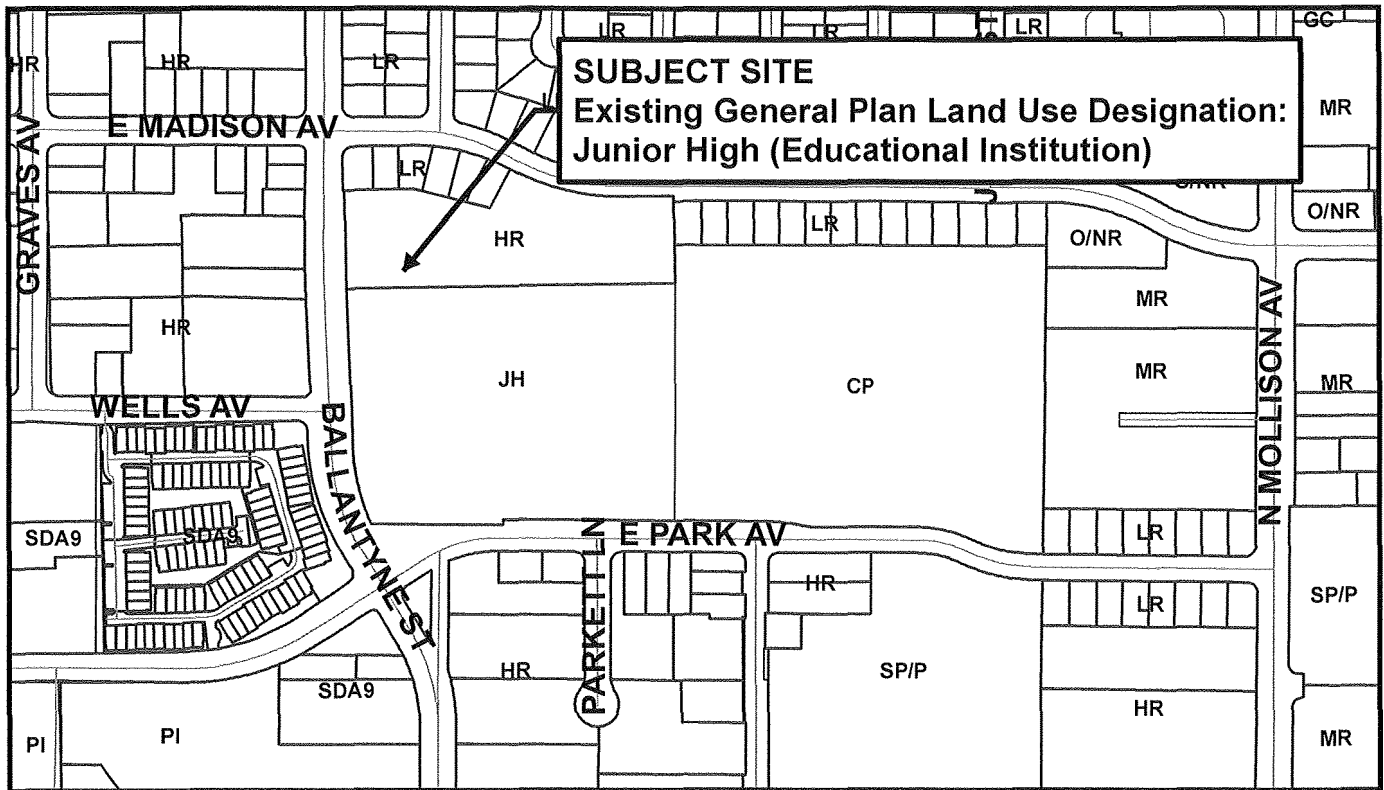
Darrin MROZ, Chairperson

ATTEST:

Anthony SHUTE, AICP, Secretary

Exhibit "A"

General Plan Amendment No. 2012-02



PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF ZONE RECLASSIFICATION NO. 2311 FOR THE REZONING OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF BALLANTYNE STREET AND PARK AVENUE FROM THE RS-6 TO THE RM-1450 ZONE; PORTION OF APN: 483-310-16-00; PROPOSED GENERAL PLAN DESIGNATION: HIGH DENSITY RESIDENTIAL (HR).

WHEREAS, the El Cajon Planning Commission held a duly advertised public hearing on March 17, 2015, to consider Zone Reclassification No. 2311, to consider a change in the zoning designation from the RS-6 to the RM-1450 zone, as submitted by the Cajon Valley School District, for the property at the northeast corner of Ballantyne Street and Park Avenue; portion of APN: 483-310-16-00; and

WHEREAS, the El Cajon Planning Commission considered the draft Mitigated Negative Declaration, including attachments, and Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act Guidelines Section 15074 for the proposed project; and

WHEREAS, the El Cajon Planning Commission adopted the next resolution in order, recommending to the El Cajon City Council the approval of the proposed draft Mitigated Negative Declaration, including attachments, and Mitigation Monitoring and Reporting Program; and

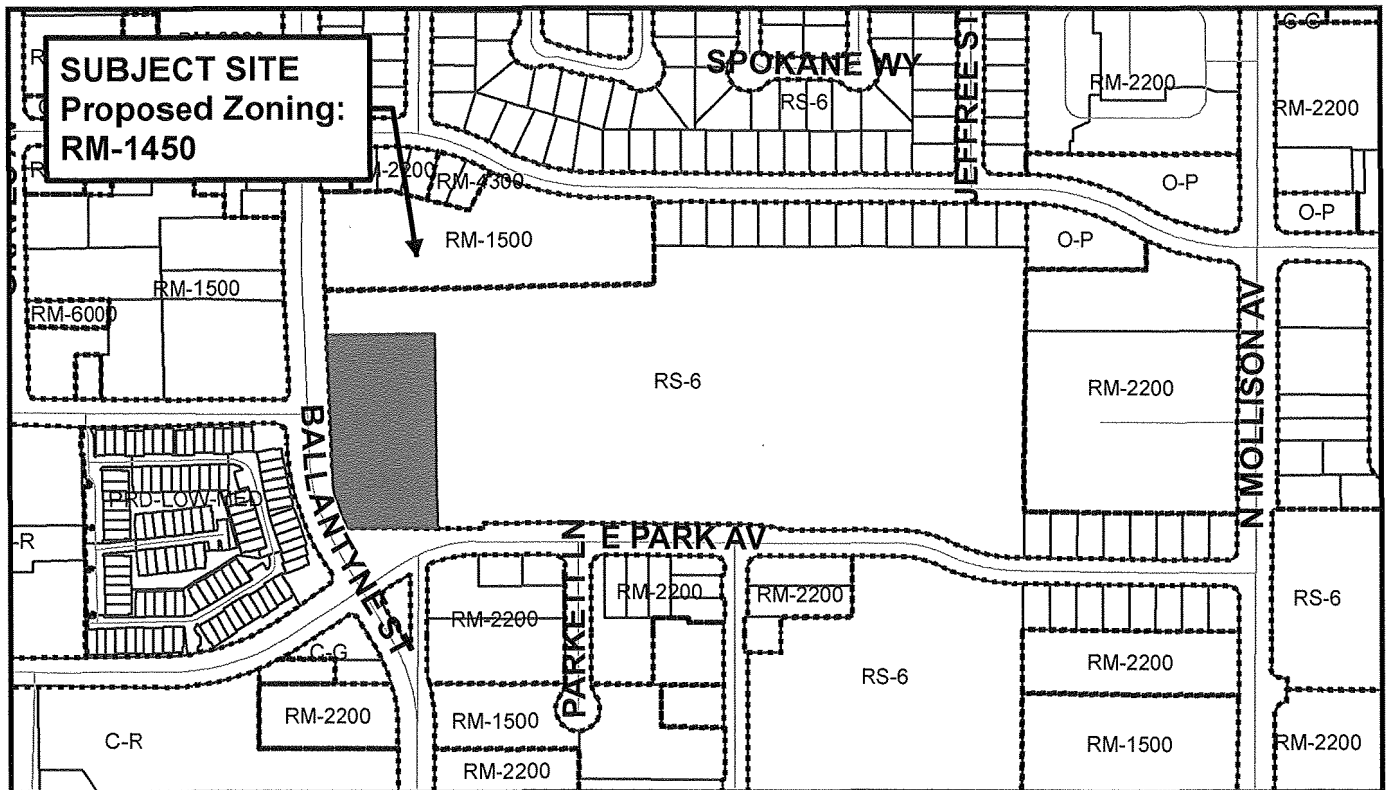
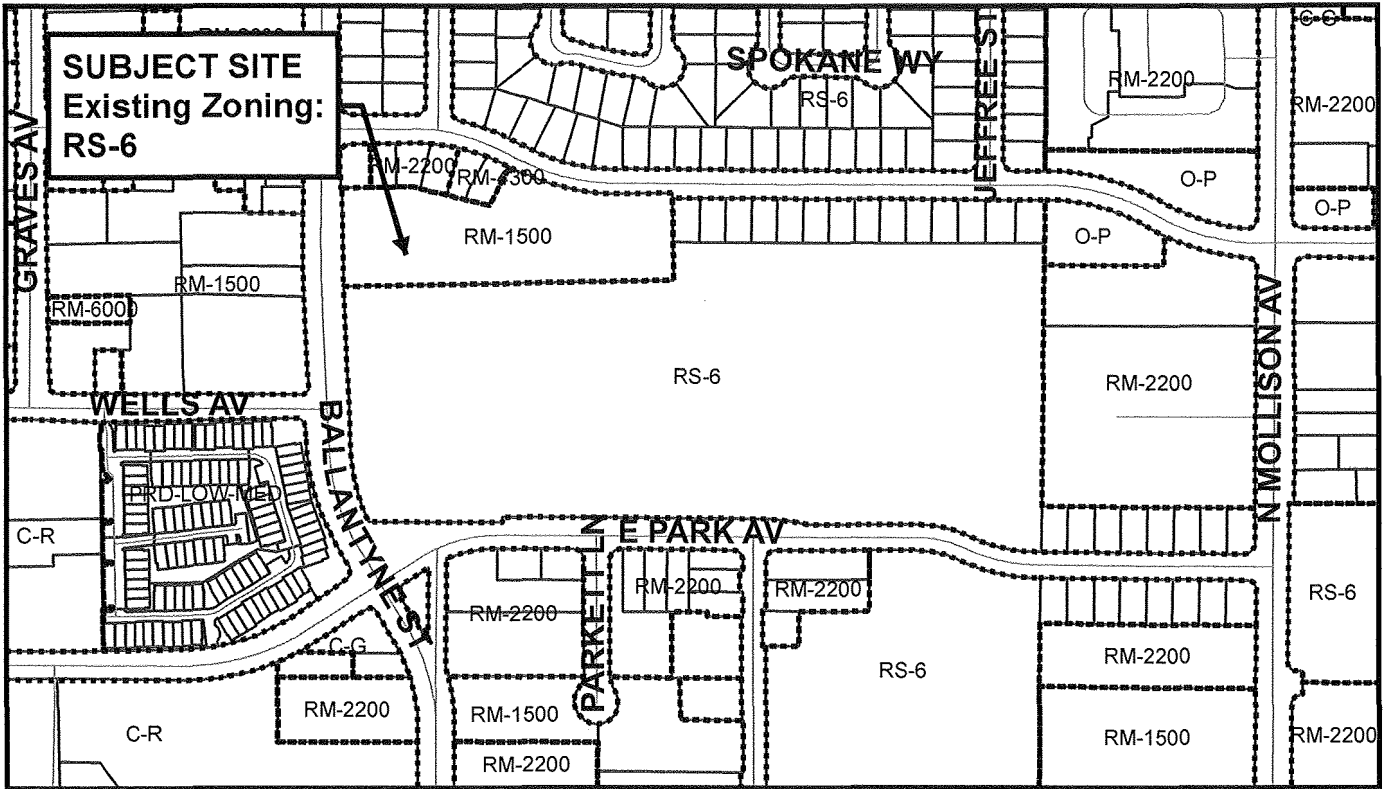
WHEREAS, the El Cajon Planning Commission adopted the next resolution in order, recommending to the El Cajon City Council the approval of the proposed General Plan Amendment to redesignate the subject property from Junior High to High Density Residential; and

WHEREAS, at the public hearing the Planning Commission received evidence through public testimony and comment, in the form of verbal and written communications and reports prepared and presented to the Planning Commission, including (but not limited to) evidence such as the following:

- A. The proposed amendment to rezone the subject site to the RM-1450 zone is consistent with the Land Use Element of the General Plan, and with the goals, objectives, and policies therein, because the proposed RM-1450 zone is consistent with the proposed General Plan Land Use designation of High Density Residential as indicated in the General Plan Zoning Consistency Chart. Furthermore, the proposed zone change is consistent with the Housing Element, because it provides the opportunity for the development of a variety of housing in terms of type, price point and style.

Exhibit "A"

Zone Reclassification No. 2311



PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF SPECIFIC PLAN NO. 525 FOR THE DEVELOPMENT AND USE OF THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF BALLANTYNE STREET AND PARK AVENUE FROM; PORTION OF APN: 483-310-16-00.

WHEREAS, the El Cajon Planning Commission held a duly advertised public hearing on March 17, 2015, to consider Specific Plan No. 525 for the future development of the property at the northeast corner of Ballantyne Street and Park Avenue, a portion of the Cajon Valley Middle School property; and

WHEREAS, the El Cajon Planning Commission considered the draft Mitigated Negative Declaration, including attachments, and Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act Guidelines Section 15074 for the proposed project; and

WHEREAS, the El Cajon Planning Commission adopted the next resolution in order, recommending to the El Cajon City Council the approval of the proposed draft Mitigated Negative Declaration, including attachments, and Mitigation Monitoring and Reporting Program; and

WHEREAS, the El Cajon Planning Commission adopted the next resolution in order, recommending to the El Cajon City Council the approval of the proposed General Plan Amendment to redesignate the subject property from Junior High to High Density Residential; and

WHEREAS, the El Cajon Planning Commission adopted the next resolution in order, recommending to the El Cajon City Council the approval of the proposed Zone Reclassification to rezone the subject property from RS-6 to RM-1450; and

WHEREAS, existing circumstances require a detailed and consolidated framework of development, including site-specific use and development standards; and

WHEREAS, at the public hearing the Planning Commission received evidence through public testimony and comment, in the form of both verbal and written communications and reports prepared and presented to the Planning Commission, including (but not limited to) evidence such as the following:

- A. The proposed project will redevelop an existing underutilized site located in close proximity to the City's downtown urban core by expanding housing opportunities

Proposed Planning Commission Resolution

and neighborhood-serving commercial uses. Moreover, the specific plan includes development standards and conditions attached as Exhibit A to ensure development is compatible with the existing and planned land uses in the vicinity.

- B. The specific plan provides a more detailed framework of development than the General Plan, and more detailed standards than the general provisions of the Zoning Code. The specific plan would allow for development options to ensure that the vacant, underutilized site would be developed in a context-sensitive manner compatible with the existing neighborhood.

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

Section 1. That the foregoing recitals are true and correct, and are findings of fact of the El Cajon Planning Commission in regard to Specific Plan No. 525.

Section 2. That based upon said findings of fact, the El Cajon Planning Commission hereby RECOMMENDS City Council APPROVAL of Specific Plan No. 525 to program the use and development standards for the future development of the site, which is more fully described in attached Exhibit "A".

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Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held March 17, 2015, by the following vote:

AYES:
NOES:
ABSENT:

Darrin MROZ, Chairman

ATTEST:

Anthony SHUTE, AICP, Secretary

Ballantyne and Park Specific Plan
Specific Plan No. _____
City Council Ordinance No. _____

BALLANTYNE AND PARK SPECIFIC PLAN

Section 1. Purpose and Intent.

The goal of the Ballantyne and Park Specific Plan is to identify appropriate land uses, program quality development and architectural standards, indicate the development approval process, and provide for amendment procedures for the comprehensive development of the specific plan area. The specific plan implements General Plan policies that require sound design standards while supporting the establishment of defined uses that are compatible with surrounding uses.

Section 2. Specific Plan Area.

The property is located at the northeast corner of Ballantyne Street and Park Avenue. It consists of approximately 2.57 acres according to the site plan attached hereto and marked Exhibit A.1., being a portion of tax parcel identified as APN 483-310-16.

Section 3. Authority and Scope.

This specific plan is established by the El Cajon City Council in accordance with Chapter 17.70 of the *El Cajon Municipal Code (ECMC)*, which establishes specific plans as an authorized mechanism for regulating land use and development in the City; and as enabled by the State of California Government Code Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457.

This specific plan implements the broad policies established in *The City of El Cajon General Plan* to guide growth and change in El Cajon, and is consistent with the General Plan. The development and design standards, and permitted uses contained within this specific plan supersede the previous land use and development regulations contained within the *ECMC* for the subject sites. Where the specific plan is silent, the regulations of the *ECMC* are applicable.

Section 4. CEQA.

Adoption or amendment of a specific plan constitutes a project under the California Environmental Quality Act (CEQA). The initial environmental review shows that the proposed plan will not significantly affect the environment.

All subsequent approvals necessary to develop property within the specific plan area must be consistent with this specific plan. Additional environmental documentation may be required in the future if significant changes are found to have occurred pursuant to CEQA guidelines.

Section 5. Amendments to this specific plan.

Specific plan amendments shall be made through the provisions found in the *ECMC*; specifically, Chapters 17.57, 17.63 and 17.70.

The City Council may at any time, after holding a properly noticed public hearing, at which time the applicant may appear and object under applicable law to any potential repeal or modification of the conditions of approval, and after considering testimony as to the operation of the approved uses, repeal this specific plan, or modify the plan with additional conditions as it deems necessary to ensure that the approved uses continue to be compatible with surrounding properties and continue to be operated in a manner that is in the best interest of public convenience and necessity and will not be contrary to the public health, safety or welfare.

Section 6. Subsequent Approvals

Approval of a Site Development Plan Permit pursuant to *ECMC* 17.65 and consistent with the specific plan is required for any proposed development on the site. The application for the Site Development Plan Permit must include a comprehensive site plan, landscape concept plan, building elevations, and a materials board.

The project site is within the airport overlay zone and review area 2 of the Gillespie Field Airport Land Use Compatibility Plan. Any proposed development of the site subject to the Part 77 notice criteria requires a determination of no hazard to air navigation by the Federal Aviation Administration.

Section 7. Appeal.

Any decision by the Planning Manager may be appealed to the Planning Commission, upon receipt of a written request for a hearing, in accordance with the provisions of *ECMC* Chapter 17.30. The Planning Manager shall schedule any appeal for the next available Planning Commission meeting based on notice times and agenda availability.

Section 8. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of

this ordinance. The City Council hereby declares that it would have adopted the specific plan and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 9. Permitted Uses.

The following uses are permitted in the specific plan Area unless designated conditional ("C") or ("Z"), in which case such uses may be undertaken only upon the issuance of a Conditional Use Permit or Administrative Zoning permit as specified below:

Commercial Uses:

Antique Sales
Art galleries, commercial retail
Artist studios and art restoration services
Athletic clubs and fitness centers
Beauty salon, nail salon, barber shop and day spa
Beauty supply and cosmetics sales
Book store, including news copy and magazine sales
Camera and photographic sales and related services
Child activity centers
Clothing and apparel store, new
Clothing and costume rentals
Clubs, youth clubs, professional organizations, union halls, fraternal organizations C
Community gardens
Dance studio
Day care facility C
Department store with general retail sales
Drive through service accessory to an authorized land use C
Fabric store
Financial services and institutions
Florist
Furniture and home furnishing sales
General retail sales
Gift shop, including novelties, souvenirs, greeting cards, etc.
Headquarters office facility
Hobby shop
Household accessories including bedding, linens, kitchen supplies, etc.
Laundry and dry cleaning services, retail, including coin operated self-service laundry
Locksmith and related services
Market, food

Martial arts instruction and training
Medical and dental office, laboratories and clinics open to the general public
including acupuncture, chiropractic and other state licensed health care practices
Medical and dental laboratory not open to the public
Modeling agency, talent agencies and entertainment booking services (office only)
Music lessons conducted indoors
Music store including the sale of musical instruments, sheet music and recorded music
Office, administrative, business and professional
Office machine sales
Optical goods including eye glasses, contact lenses, and eye exams
Outdoor dining accessory to authorized restaurant or cocktail lounge Z
Pet supply stores including pet sales and pet adoption services with accessory indoor
veterinary and grooming services
Pharmacy
Photocopying and other retail office services for the general public
Photographic studio including ancillary photo finishing services
Restaurant C
Restaurant, take out only as part of a comprehensive commercial development C
Special training and schooling conducted indoors
Sporting goods, bicycles and toy stores
Supermarket
Tailoring, alteration and sewing services
Travel agency
Urban Farming C
Veterinary and small animal hospital, indoors only
Vocational and trade school (conducted indoors) C
Watch, clock and jewelry sales and repair

Light Industrial Uses

Printing and publishing services, non-retail and excluding contact with the
general public

Transportation, Communication and Utilities

Media production including broadcasting studios, and audio and video recording
studios
Wireless communication facilities, freestanding C
Wireless communication facilities, architecturally integrated or other stealth design

Institutional and Charitable Uses

Botanical garden and arboretum	C
Educational institution	C
Governmental administrative offices	C
Hospital	C
Religious facilities	C

Residential Uses

Multifamily housing up to 30 dwelling units per acre, or as part of a mixed-use development.

Section 10. Development Standards.

- 10.1 **Height:** The maximum height permitted for any building is 45 ft.
- 10.2 **Setbacks:** The residential setback is 5 to 10 feet from exterior property lines and must be landscaped. Commercial or mixed-use setbacks may be reduced to zero provided that street trees are provided in wells and adequate sidewalk widths maintained.
- 10.3 **Parking Standard:** Residential parking shall be provided at the rate of 1 parking space per studio or 1 bedroom unit and 2 parking spaces per 2 or more bedroom unit. Parking for all other uses shall be determined by the use proposed in accordance with *ECMC* Chapter 17.185 *Parking Standards* or as substantiated by a parking demand analysis prepared by a professional transportation consultant.
- 10.4 **Lot Coverage.** No maximum lot coverage is applicable.
- 10.5 **Recreational Space.** A residential project must provide recreational or open space amenities at a rate of 225 square feet per unit. Recreational space may be provided as private or common space and may include balconies.
- 10.6 **Pedestrian Paths.** Walkways shall be provided adjacent to all on-street parking areas, shall connect all building entrances and parking areas and shall have an unobstructed width of not less than (4) four feet.
- 10.7 **Other Development Standards:** Other development standards as set forth in *ECMC* 17.130 *General Development Standards* are applicable.

- 11.7 **Transit connection:** Provide a direct pedestrian connection to the bus stop on Ballantyne. Site design should respect the connection to transit and amenities for transit riders should be provided.
- 11.8 **Bicycle Facilities:** Bicycle facilities must be provided in accordance with *ECMC* section 17.185.150 *Bicycle parking*.
- 11.9 **Lighting:** Lighting shall be of appropriate scale and illumination. All lighting fixtures shall be shielded from neighboring properties. The submittal of lighting plans shall be required for all improvements with light standard heights, intensities, locations, and include light reduction strategies to eliminate light spilling onto adjacent properties. Additionally, all lighting elements must be designed in concert with the overall project theme.
- 11.10 **Service areas:** Service areas such as loading docks, utilities, and refuse storage should be sited appropriately to avoid conflicts with the adjacent school and nearby residential uses and should be screened from public view.
- a) **Section 12. Conditions of Approval.**
- b) Prior to the issuance of any building permit for any structure, the applicant shall comply with any applicable mitigation measures if such measures are indicated in the Environmental Document.
- c) Prior to the issuance of building permits, or as otherwise determined by the Planning Manager, the applicant shall complete the following:
- i. Approval of a Site Development Plan Permit consistent with this specific plan is required prior to building permit issuance. The application for the Site Development Plan Permit must include a comprehensive site plan, landscape concept plan, building elevations, and a materials board.
 - ii. The applicant shall comply with all the conditions listed in the “Standard Conditions of Development” adopted by the Planning Commission by Planning Commission Resolution No. 10649 and labeled Exhibit A.2 as applicable.

- iii. Submit a lighting plan in accordance with *ECMC* Section 17.130.150. The plan shall include the location of all external lighting elements and their respective design. Planning Division approval of the plan is required before building permit issuance.
 - iv. Obtain approval of a Landscape Documentation Package (LDP) in conformance with the requirements of Chapter 17.195 of the Zoning Code, and consistent with the guidelines provided in the City of El Cajon Landscape Design Manual.
- d) Prior to the granting of occupancy or as otherwise determined by the Planning Manager, all on-site improvements shall be completed or guaranteed in accordance with the approved specific plan site plans and building permits. In addition, the following items shall be completed and/or inspected:
- i. Complete the installation of the approved landscaping and irrigation system and obtain approval of a Certificate of Completion.
 - e) Satisfy all requirements of all pertinent City departments and divisions, including the Public Works Department, Building Division, Fire Safety Division, and utilities including Helix Water District and San Diego Gas and Electric as indicated in the attached comments.

Section 13. Performance Standards.

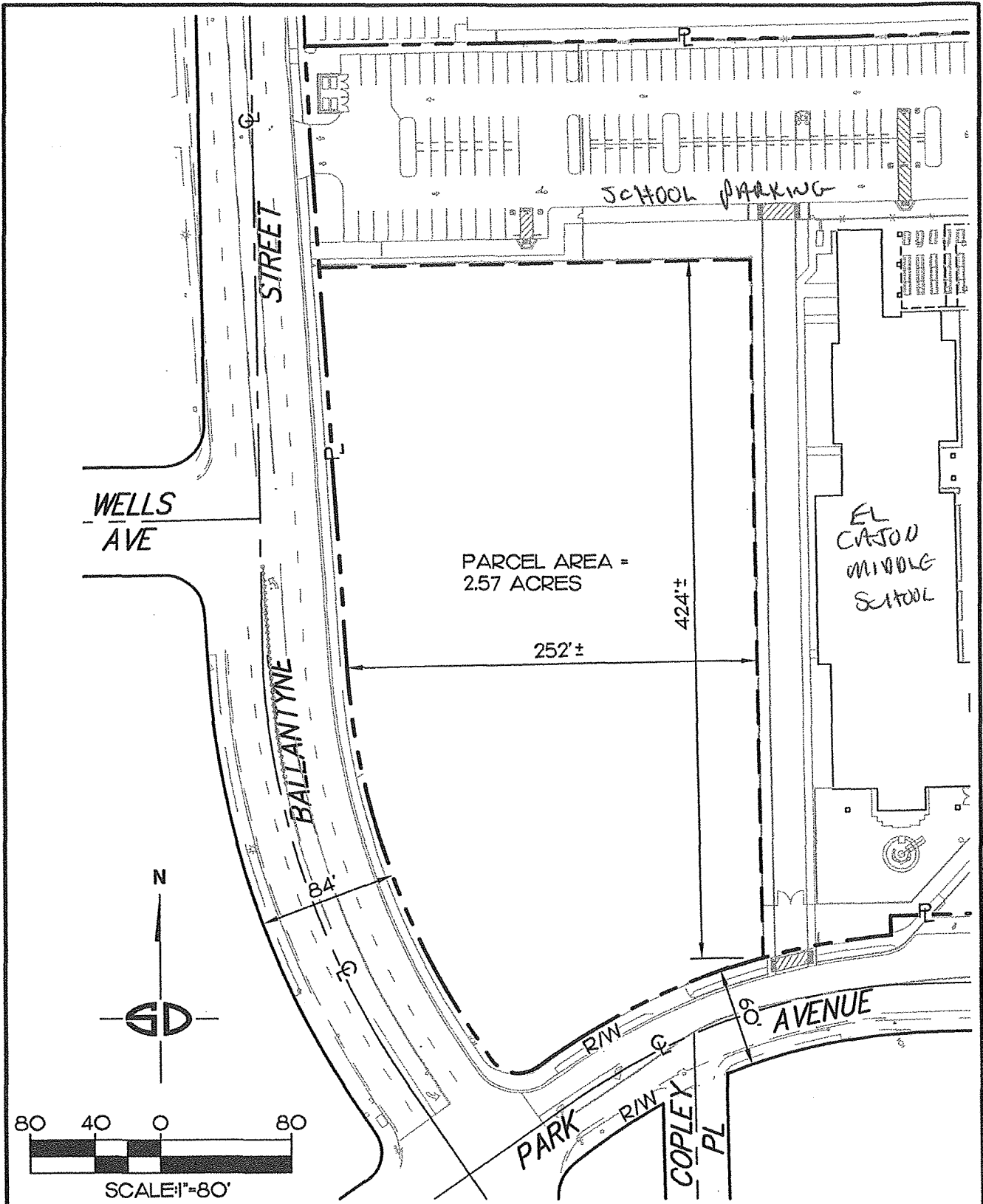
- a) All new parking lot lighting elements shall be directed downward and shielded from adjacent residential properties.
- b) All landscaped areas shall be sufficiently watered and periodically fertilized to establish and maintain healthy growth, and shall be maintained in a neat, litter and weed free condition. All plants shall be pruned and trimmed as necessary, and upon notification by the Planning Division, all plant materials that have died or have failed to show healthy growth shall be replaced by plants of the same or similar species. Replacement by more drought resistant plants may also be approved. Landscape maintenance shall include regular inspection, adjustment, and repair of the irrigation system, including making seasonal changes to the irrigation controller.
- c) All uses under this specific plan shall be operated in a manner that complies at all times with the performance standards listed in Section 17.115.130 of the *ECMC*.

Section 14. Applicability.

Where this specific plan is silent in terms of the use and development standards for each site, the underlying zoning district and applicable general zoning regulations shall govern. Furthermore, where a conflict exists between this specific plan and the *ECMC*, this specific plan shall prevail.

Section 15. Attachments.

Exhibit A.1 - Reduced Site Plan



Snipes-Dye associates
 civil engineers and land surveyors
 8348 CENTER DRIVE, STE. G, LA MESA, CA 91942
 TELEPHONE (619) 697-9234 FAX (619) 460-2033

CAJON VALLEY UNION SCHOOL DISTRICT PARCEL
 DATE: 8/18/14
 JOB #: EC440X SHEET 1 OF 1

STANDARD CONDITIONS OF DEVELOPMENT

(Planning Commission Resolution No. 10649)

All projects approved by the Planning Commission shall comply with the following standard conditions, unless specifically exempted by the Commission or Council.

A. GENERAL

1. The applicant shall comply with the school impact fee requirements of the Grossmont Union High School Districts, Cajon Valley, and La Mesa-Spring Valley School Districts when applicable.
2. For projects that require a grading permit and excavate more than three feet into native soils, and prior to the issuance of a Building Permit, the applicant shall submit a letter to the Director of Community Development agreeing to suspend construction in the vicinity of a cultural resource encountered during development of the site, and leave the resource in place until a qualified archaeologist can examine them and determine appropriate mitigation measures. All fees and expenses for the retaining of a qualified archaeologist shall be paid by the applicant and shall not be at City expense. The applicant shall agree to comply with mitigation measures recommended by the archaeologist and approved by the Director of Community Development.

B. PROJECT SITE

1. The applicant shall comply with all regulations and code requirements of the Building and Fire Safety Division, Public Works Department, the Police Department and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final building and site plans.
2. All landscape areas that adjoin parking spaces, driveways, vehicular circulation areas, or the public right-of-way shall be protected from encroachment by vehicles in a manner that also complies with state storm water regulations, which require storm water to be discharged to landscaped areas in order to reduce or eliminate the discharge of pollutants. The method of protection shall be determined by the Director of public works or the director's designee. The approved method may include six-inch high curb segments, wheel stops, decorative rock bands, or other methods determined to be acceptable by the Director of public works.
3. Environmental and engineering studies, as directed by the Director of Community Development, must be complete and on file prior to commencement to plan checking. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.
4. Developer shall underground existing and required on and off-site utilities as specified in Chapter 15 of the Municipal Code, or as deemed necessary by the City Engineer.

5. All development projects shall comply with Title 12 (Streets and Sidewalks), and Title 13 (Water, Sewers, Grading, Erosion and Stormwater) of the El Cajon Municipal Code as determined by the City Engineer.
6. All retaining walls visible from public right-of-ways shall include decorative elements, subject to approval by the Planning Division.
7. The design of any masonry soundwall shall be approved by the Planning Division. Such walls shall match or be architecturally compatible with existing soundwalls of neighboring projects along that street. All masonry walls shall have a trim cap.

C. ARCHITECTURE

1. All exterior materials and colors used in this project shall be in conformance with the materials and color samples approved as a part of this application.
2. All mechanical, and/or roof mounted equipment shall be architecturally screened from public view.
3. All trash/recycling enclosures shall be constructed of masonry material with view-obscuring doors. The enclosure shall include materials and colors consistent with the primary building and meet appropriate Stormwater Division requirements. Required roofs shall match elements of the primary building and shall include a fascia trim.
4. All vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted or finished to match the color of the adjacent surface, unless otherwise directed by the Planning Commission.
5. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a manner that is architecturally compatible with the exterior of the building.
6. Finish quality of approved exterior design elements shall be subject to approval of the Planning Division prior to issuance of Certificate of Occupancy.
7. Any decorative elements around the base of a building (stone veneer or tile, etc.) shall be finished with a decorative cap or trim piece.

D. LANDSCAPING

1. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Planning Division prior to the issuance of a Certificate of Occupancy.
2. All existing trees to remain shall be shown on the grading plan.

3. The area under the drip line of all existing trees that are to remain shall be protected during construction by a fence or other acceptable means. Grading shall be restricted under the trees to prevent soil compaction and to prevent root damage.
4. All sloped banks greater than three (3) feet in vertical height and 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: deep-rooting grasses, ground cover and shrubs. Shrubbery shall be a minimum one-gallon size and shall have a minimum separation of one (1) times the mature width and on slopes of 10 feet or more in vertical height shall include, a minimum of one (1) tree for every 600 square feet of the total slope area. Trees shall be a minimum five-gallon size and shall be spaced a minimum of 30 feet apart. Trees and shrubs shall be planted in staggered clusters to soften and vary the slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the developer prior to occupancy.
5. All landscaping shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, dead or dying plants shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to ensure continued regular watering of landscape areas, and health and vitality of landscape materials.

E. MISCELLANEOUS

1. Final occupancy shall not be granted until all construction and landscaping is complete in accordance with all approved plans. Under certain circumstances, a temporary occupancy may be granted prior to final inspection.
2. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
3. All signs shall be submitted to the Planning Division for review and approval per Section 17.190.060 of the El Cajon Municipal Code. Signs within the Downtown Specific Plan area shall receive design review approval from the El Cajon Community Development Corporation.
4. The site shall be maintained in a neat and clean manner free of trash and debris.
5. Certain outdoor equipment, such as satellite dishes and back-flow prevention devices shall be visually screened or painted to match surroundings upon installation subject to the approval of the Planning Division. Screening devices shall be shown on construction and/or landscape plans.

6. All exterior light fixtures shall be shown on a lighting plan and made part of construction drawings subject to staff review and approval. All lights attached to buildings shall provide a soft "wash" of light against the wall. All building, parking, and yard lights shall conform to the City General Development Standards 17.130.150 and Performance Standards 17.115.130 (G) and shall complement the site and building architecture.
7. The removal of trees shall not take place during the bird-nesting (breeding) season (February 1 through August 15), unless written authorization from a qualified biologist to proceed with tree removal is submitted to the Planning Division. If clearing is proposed to take place during the breeding season, a survey shall be conducted by the qualified biologist to determine if nests are present, or nest building or other breeding/nesting behavior is occurring. If nesting is not occurring (which includes nest building or other breeding/nesting behavior) within this area, clearing shall be allowed to proceed. If nesting is occurring (or breeding/nesting behavior is occurring), tree removal shall be postponed until a qualified biologist determines that all nesting (or breeding/nesting behavior) has ceased or until after August 15.
8. The placement of bollards within parking areas and driveways shall only be permitted when no other alternative design (curbs or landscaping) is feasible and accepted by the Building Official.

CITY OF EL CAJON



MEMORANDUM

RECEIVED

NOV 15 2012

PLANNING DIVISION

Friday, November 16, 2012

To: Planning Division
From: Building and Fire Safety Div., Dan Pavao
Subject: Building Comments for Zone Reclass 2311
Cajon Valley Surplus Property

Building Comments for this planning application are as follows:

1. Futures projects proposed at this site will require a building permit.



Dan Pavao

CITY OF EL CAJON



MEMORANDUM

RECEIVED

NOV 15 2012

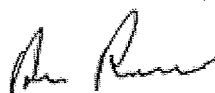
PLANNING DIVISION

Friday, November 16, 2012

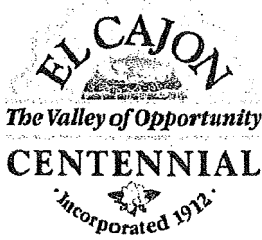
To: Planning Division
From: Building and Fire Safety Div., Dan Pavao
Subject: Fire Comments for Zone Reclass 2311
Cajon Valley Surplus Property

Fire Comments for this planning application are as follows:

1. No requirements.



Dan Pavao



Community Development

Honoring and celebrating the people who make El Cajon the Valley of Opportunity

To: Referral Agency
From: City of El Cajon Planning Division
Subject: Request for project review comments
Date: November 14, 2012

RECEIVED
NOV 29 2012
PLANNING DIVISION

RECEIVED
NOV 14 2012 P
CITY OF EL CAJON
ENGINEERING DIVISION

The City of El Cajon Planning Division received the following application for a land use project:

Applicant:	Cajon Valley Union School District
Project Name:	Cajon Valley Middle School Surplus Property
Application Number(s):	General Plan Amendment No. 2012-02, Zone Reclassification No. 2311
Discretionary Actions Requested:	General Plan Amendment, Zone Reclassification
Brief Project Description:	Amend General Plan and reclassify zone to Neighborhood Commercial
Preliminary CEQA Determination:	Initial Study Required
Project Location:	Northeast corner of Ballantyne and Park Avenue
Date Application Submitted:	November 13, 2012
Date Review Comments Requested:	December 4, 2012

Your agency has received this request for project review comments because the Planning Division believes that the project may be subject to standards administered by your agency, potentially cause impacts or otherwise be of interest. The Planning Division requests that you provide comments on this project by December 4, 2012 to be considered in the review process.

Tony Shute has been assigned to manage this project through the discretionary review process and will be your single point of contact. He is available at tshute@cityofelcajon.us and 619.441.1705.

Enclosures: Project Information Form
Application Materials

NO PUBLIC WORKS COMMENTS WITH THIS ACTION. COMMENTS WILL BE PROVIDED ON THE NEXT APPLICATION FOR ENTITLEMENTS.

Deputy Director of Public Works

11/30/12
Date



Helix Water District

Setting standards of excellence in public service

Cajon Valley School District
Exhibit E – Reso SP 525
Helix Water District comments

7611 University Avenue
La Mesa, CA 91942-0427

(619) 466-0585
FAX (619) 466-1823
www.hwd.com

November 28, 2012

Tony Shute
Project Manager
City of El Cajon
200 Civic Center Way
El Cajon, CA 92020

Subject: Tentative Parcel Map No. 647, Zone Reclassification No. 2311
APN: 483-310-16; 395 Ballantyne Road, El Cajon

Dear Mr. Shute:

Thank you for the opportunity to comment on the subject project. Helix Water District serves parcel with APN 483-310-16 with three 2-inch water meters, one 3-inch water meter, two 6-inch fire services, one 8-inch fire service and two fire hydrants located on school grounds, and have one 4-inch and two 2.5-inch outlets each. Water pressure in the area is approximately 92 psi.

We request a review of any improvement plans and/or grading plans and signature of Helix Water District if such plans are required by the City of El Cajon.

If landscaping of the parcels exceeds 5,000 sq. ft., a dedicated irrigation meter will be required and the property entered into our Water Conservation Program. Please contact them by e-mail: conserve@helixwater.org

The El Cajon Fire Department may require additional or upgraded fire protection facilities for this project. All costs for new fire protection facilities shall be paid by the Owner/Developer. Easements will be required if new or existing facilities cannot be installed and maintained within existing easements or public right of way. All costs for new easements shall be paid by the Owner/Developer.

If you have any questions, please call me at (619) 667-6239.

Sincerely,

Carlos Perdomo
Senior Engineering Technician

cc: Tim Ross
Aneld Anub
Darren Teisher
<mailto:tonys@cityofelcajon.us>

ENVIRONMENTAL CHECKLIST

BALLANTYNE AND PARK SPECIFIC PLAN

(GPA No. 2012-02, ZR No. 2311 & SP No. 525)

PREPARED FOR:

City of El Cajon
200 Civic Center Way
El Cajon, CA 92020

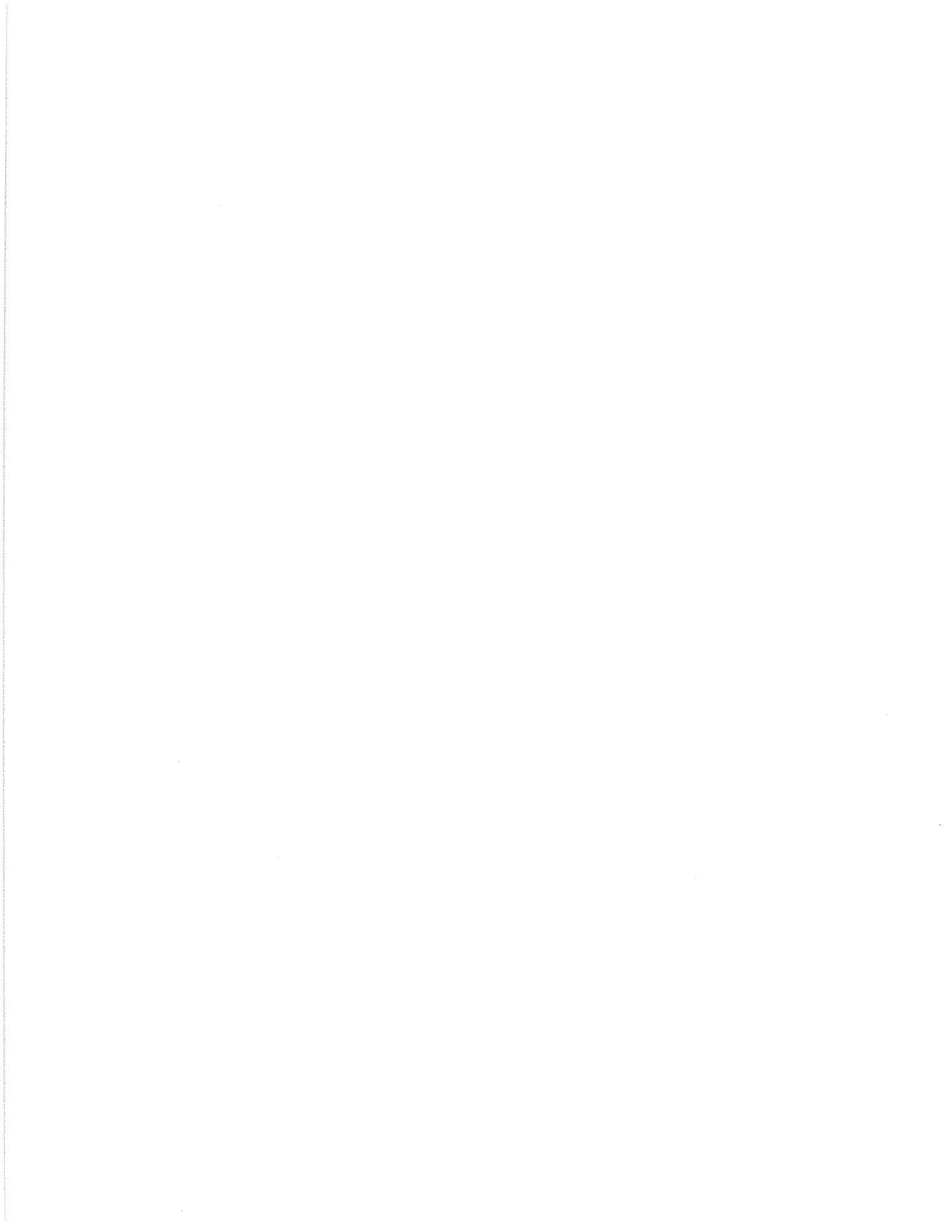
PREPARED BY:

TTG Environmental, Inc.
8885 Rio San Diego Drive, Suite 237
San Diego, California 92108

Contact: Teresa Wilkinson
Senior Project Manager
(619) 200-1577

February 2015





Comments Received



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



March 10, 2015

Ms. Melissa Devine, Senior Planner
City of El Cajon
Planning Department
200 Civic Center Way
El Cajon, CA 92020
mdevine@cityofelcajon.us

Subject: Comments on the draft Initial Study/Mitigated Negative Declaration for the Ballantyne and Park Specific Plan Project, City of El Cajon, County of San Diego, CA (SCH#201500940000-R5)

Dear Ms. Devine:

The California Department of Fish and Wildlife (Department) has reviewed the draft Initial Study (IS)/ Mitigated Negative Declaration (MND) dated February 2015, for the Ballantyne and Park Specific Plan project. The comments provided herein are based on information provided in the IS/MND, and our knowledge of sensitive and declining vegetation communities in the County of San Diego. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning program. The City of El Cajon (City) was included in the Subregional Multiple Species Conservation Plan (MSCP) (August 1998), but has not pursued completion of its MSCP Subarea Plan.

The Cajon Valley Unified School District (CVUSD; applicant) proposes a Specific Plan to establish appropriate land use for a former school site. The proposed 2.57 acre site is located on the east side of Ballantyne Street between Park and Wells Avenues in the City. This former school site has a General Plan (GP) designation of Junior High School (JH) and a zoning designation of RS-6 (Residential, Single-Family 6,000 square feet). The CVUSD proposes to change the GP designation from JH to High Density Residential and the zoning classification from RS-6 to Residential, Multi-Family, 1,450 square feet. Attachment A, the Ballantyne and Park Specific Plan, cites that subsequent approvals to develop property within the specific plan area must be consistent with this Specific Plan, and that "Additional environmental documentation may be required in the future if significant changes are found to have occurred pursuant to CEQA guidelines."

The Department offers the following comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project related impacts to biological resources, and to ensure that the project is consistent with ongoing regional habitat conservation planning efforts.

Conserving California's Wildlife Since 1870

Ms. Melissa Devine, Senior Planner
City of El Cajon
March 10, 2015
Page 2 of 2

Comment No. 1

Section IV. Biological Resources, subsection e, of the IS/Environmental Checklist (page 17) states "There are no riparian or upland habitats, or other biological resources, located on-site. The site is in a disturbed vacant state." The Department notes that there are trees on the project site which could potentially serve as nesting habitat for avian species. In order to avoid impacts to nesting birds, the Department recommends the final IS/MND require that clearing of vegetation, and when biologically warranted construction, occur outside of the peak avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If project construction is necessary during the bird breeding season a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer should be a minimum width of 300 feet (500 feet for raptors), be delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

Comment No. 2

Attachment A (Ballantyne and Park Specific Plan) discusses landscaping (page 7). The Department recommends native plants should be used to the greatest extent feasible in landscaped areas. Exotic plant species that should be avoided include those species listed on the California Invasive Plant Council's Invasive Plant Inventory, which is available online at <http://www.cal-ipc.org>.

We appreciate the opportunity to comment on the draft IS/MND for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. If you have any questions or comments regarding this letter, please contact Bryand Duke at (858) 637-5511 or via email at Bryand.Duke@wildlife.ca.gov.

Sincerely,



Gail K. Sevens
Environmental Program Manager
South Coast Region

ec: Scott Morgan, State Clearinghouse, Sacramento

Melissa Devine - Cajon Valley School District

From: Laura Tenhunen <laura.tenhunen@cox.net>
To: <mdevine@cityofelcajon.us>
Date: 3/7/2015 7:50 PM
Subject: Cajon Valley School District

Dear Counsel Members and Ms. Devine:

As an owner of a property located near the proposed development area, I wish to voice my very strong objection to rezoning the property to allow multifamily housing and/or commercial buildings.

The last thing El Cajon needs is more multi-family housing or more store frontage.

A couple of years ago, I spoke with a clerk at City Planning who stated that in the past El Cajon had allowed too high a percentage of multifamily housing in the City of El Cajon (at the expense of single family housing), and that this has created problems for the community.

What El Cajon does need is more beautiful, green open areas for people to enjoy.

Please review the attached report which explains in detail, and much better than I can, the many benefits that green areas bring to the community. It is entitled: "Healthy Parks, Schools and Communities: Green Parks and Equity for the San Diego Region." Almost everything in this report also applies to the community of El Cajon.

Here is the website:

<http://www.cityprojectca.org/blog/wp-content/uploads/2010/09/San-Diego-Green-Access-and-Equity-2010-print.pdf>

WHAT IS BEST FOR THE CITIZENS OF EL CAJON, ESPECIALLY THOSE LIVING NEAR THE PROPOSED AREA OF DEVELOPMENT?

In deciding whether the vacant land in question should be rezoned from single family housing to multifamily/commercial, there are, in my view, two main questions to ask (which I don't believe have yet been addressed)

They are:

1) Does El Cajon need more multifamily housing than it already has?

This crucial question was not addressed in the environmental impact report which simply ticked off a list of required questions (e.g. the potential negative impacts on traffic, air quality, noise levels, disruption of people, etc.).

And I strongly suspect the facts will not support the idea that El Cajon needs more multifamily housing.

2) What would most benefit the residents of El Cajon, especially those living near the area of proposed development?

Comment No. 3

Would the citizens of El Cajon benefit more from another multiplex apartment building, another strip mall, or from an green and pleasant recreational area? Or, if a recreational area is not possible due to upkeep costs, given the choice between multifamily housing, commercial development or single family housing, what would the adjacent community prefer? (Most likely, they would prefer leaving the area zoned for single family housing).

**CITY COUNSEL SHOULD CONSIDER THE NEEDS AND PREFERENCES OF ITS
CITIZENS REGARDING THE DEVELOPMENT OF THE SUBJECT PROPERTY, NOT JUST
THE NEEDS AND PREFERENCES OF THE CAJON VALLEY SCHOOL DISTRICT**

In deciding the fate of the property in question, City Counsel should give more weight to the needs and preferences of the community, and less weight to the needs and preferences of the Cajon Valley School District.

**WE HAVE TOO MUCH MULTIFAMILY HOUSING ALREADY, AND THIS IS NOT A GOOD
SITE FOR COMMERCIAL ENTERPRISES**

I believe we already have too much multifamily housing, and, as for store frontage, I doubt very much that any business/commercial developer would be interested in building in this area, because it is no secret that El Cajon has trouble keeping the few store fronts in its downtown area occupied and in business.

Thank you for your consideration of these points. I hope to attend the March 17 public hearing.

I presume the Cajon Valley School District and/or City Counsel will be prepared to explain why it is in the best interests of the community (especially those citizens living adjacent to the proposed area of development) to rezone the subject property from RS-6 to RM-1450.

Please forward this email to each of the City Counsel Members in case I am unable to attend the public hearing. The notification I received (as an owner of nearby property) said we were welcome to submit a letter expressing our views.

Sincerely,

Laura C. Tenhunen
Owner of Adjacent Property

Response to Comments

1. As noted in the Draft Initial Study Checklist/Mitigated Negative Declaration (page 16-17), the project site is located in an urbanized area, which is not near an open space or wildlife corridor; nor does the site itself serve as a wildlife corridor or nursery site. There are no existing trees on the site which would potentially allow for bird nesting activity during the breeding season. A strand of trees existed on the project site. The trees were removed by the property owner prior to the bird nesting season (February 1-September 1). No nests were observed prior to the removal of the trees.

2. The CDFW's recommendation to include native plants, to the extent feasible, will be considered during preparation of the landscape concept plan.

As stated in the Ballantyne and Park Specific Plan (Section 2, Conditions of Approval of the Draft Specific Plan), approval of a Site Development Plan permit is required prior to building permit issuance. The application for the Site Development Plan permit will include a landscape concept plan. All landscaping must be provided in accordance with the City's Landscape Manual (ECMC 17.195 *Water Efficient Landscape Ordinance.*), which includes suggested planting palettes consisting of drought-tolerant and native plantings appropriate to the Cajon Valley setting.

3. The Mitigated Negative Declaration addresses the potential environmental impacts of the proposed project. No new potential environmental impacts from the proposed project are addressed in the comment.

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ATTACHMENT A BALLANTYNE AND PARK SPECIFIC PLAN

ATTACHMENT B MITIGATION MONITORING AND REPORTING PLAN

City of El Cajon General Plan to guide growth and change in El Cajon, and is consistent with the General Plan.

The Specific Plan does not propose specific commercial/private developments, but establishes the development of appropriate land uses consisting of non-residential development (inclusive of retail and commercial development) and up to 30 dwelling units/acre of new multifamily housing.

The former school site has a General Plan designation of Junior High School (JH) and a zoning designation of RS-6 (Residential, Single-Family 6,000 sq. ft.). The Cajon Valley Unified School District (applicant) intends to change the general plan designation of the former school site from Junior High School (JH) to High Density Residential (HR) and the zoning classification from RS-6 (Residential, Single-Family 6,000 square feet) to RM-1450 (Residential, Multi-Family, 1,450 square feet). The Plan Amendment and Zone Reclassification are part of the proposed project.

9. Setting and Surrounding Land Uses:

The City of El Cajon (City) is located at the southwestern portion of San Diego County, adjacent to the cities of Santee on the north, La Mesa on the west, the unincorporated communities of Lakeside and Crest on the east and Spring Valley and Rancho San Diego on the south (Figure 1). Citywide land uses include residential, commercial/retail, public/semi-public, and industrial.

The proposed 2.57 acre site is located on the east side of Ballantyne Street between Park and Wells Avenues (Figure 2). The project site is part of the Cajon Valley Middle School property that extends from Ballantyne Street along Park Avenue 1,600 linear feet to the east with an average depth of 650 feet. The project site is currently vacant and a construction fence secures the site. There is currently driveway access to and from Ballantyne Street and Park Avenue (Figure 3).

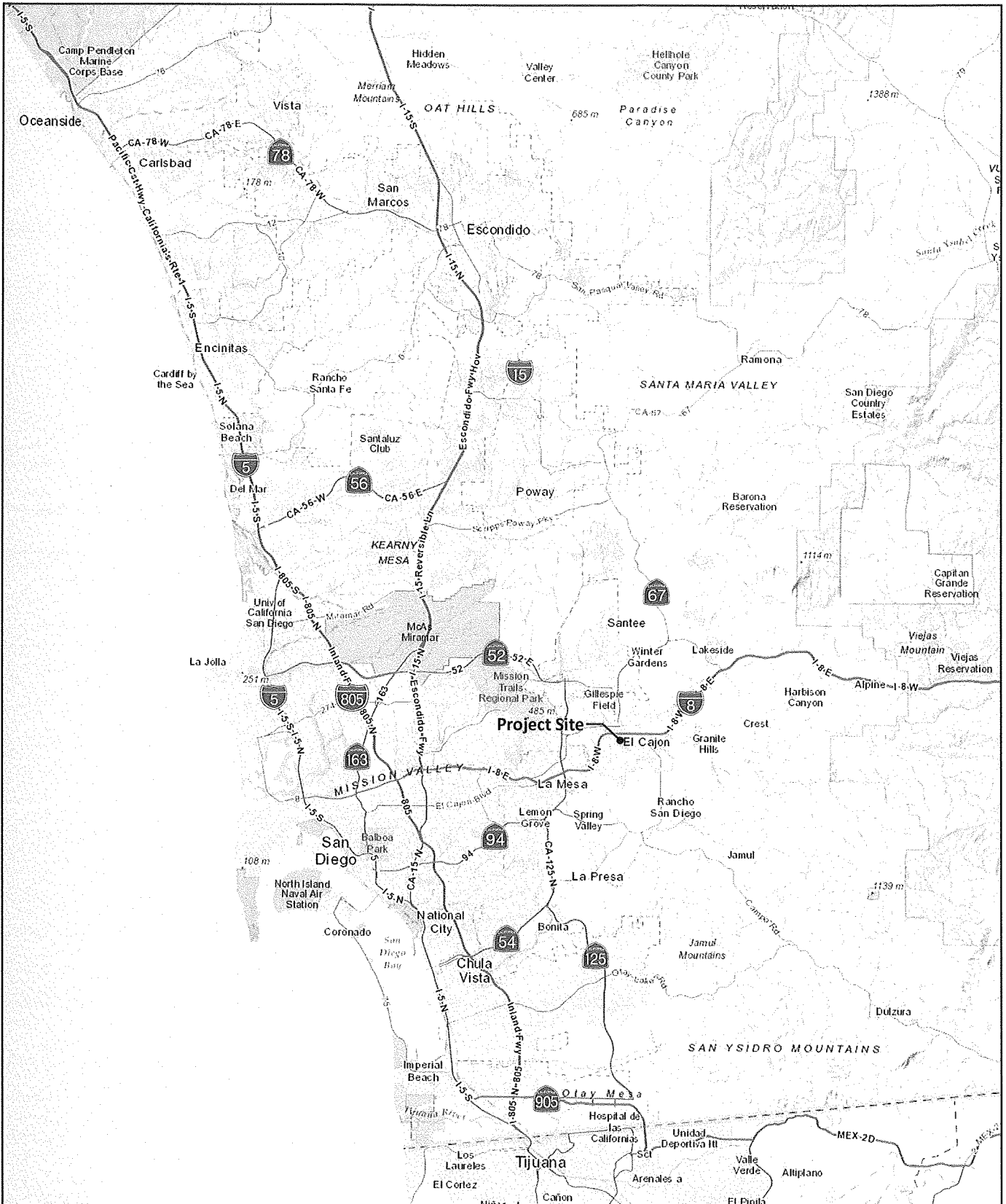
Past use of the site included a middle-school facility, which has since been demolished. Immediate land uses to the east include the Cajon Valley Middle School, a school parking lot to the north. Other surrounding uses include multi-family homes to the west, south and further north. Some commercial, retail and small office uses are also located to the south.

10. Approvals Required:

General Plan Amendment approval, Zone Reclassification approval, Specific Plan, and CEQA document certification by the City Council.

11. Other public agencies whose approvals are required (e.g., permits, financing approval, or participation agreement):

N/A

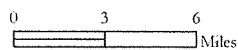


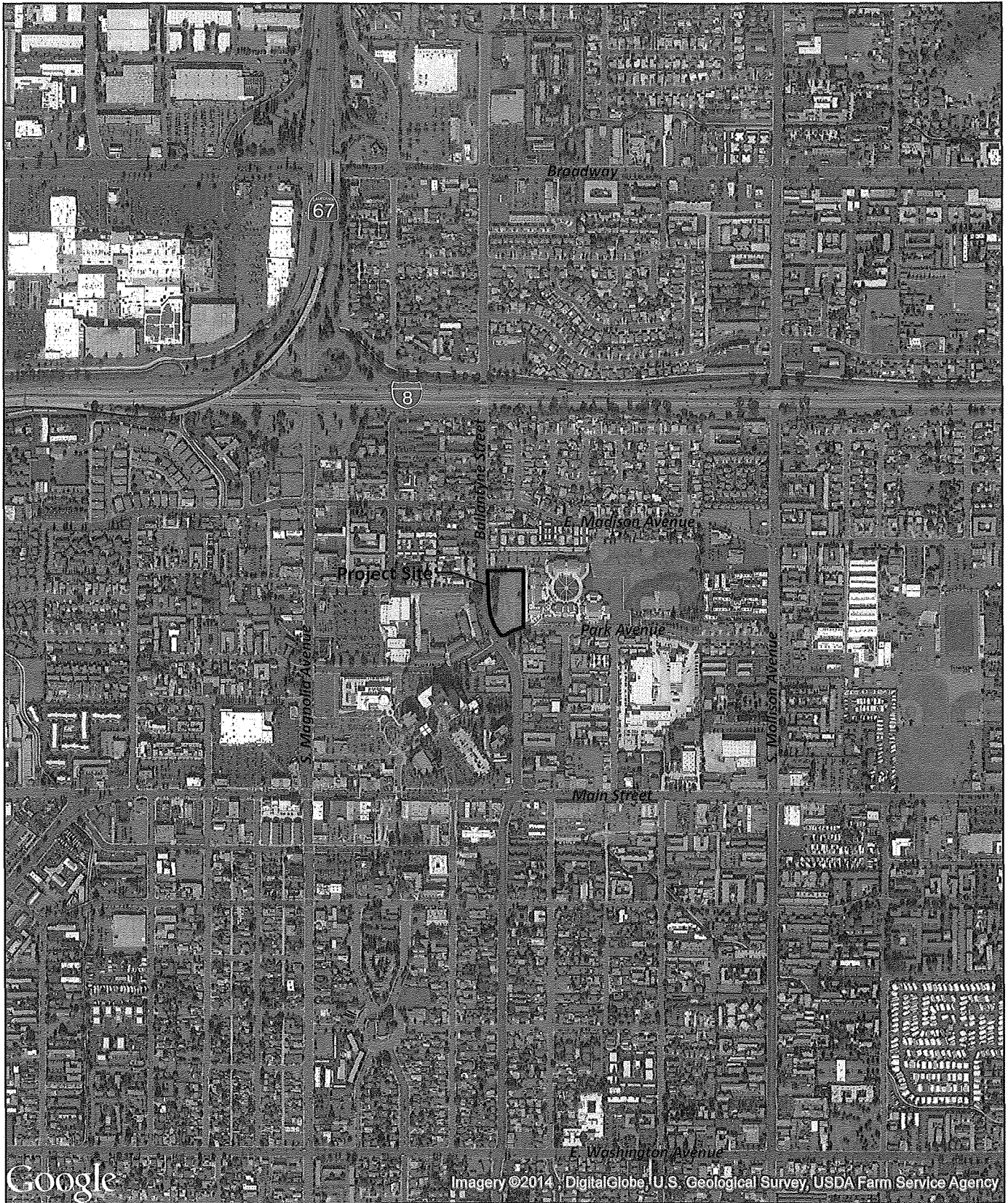
Source: Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Figure 1

BALLANTYNE AND PARK SPECIFIC PLAN

Regional Location

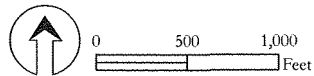




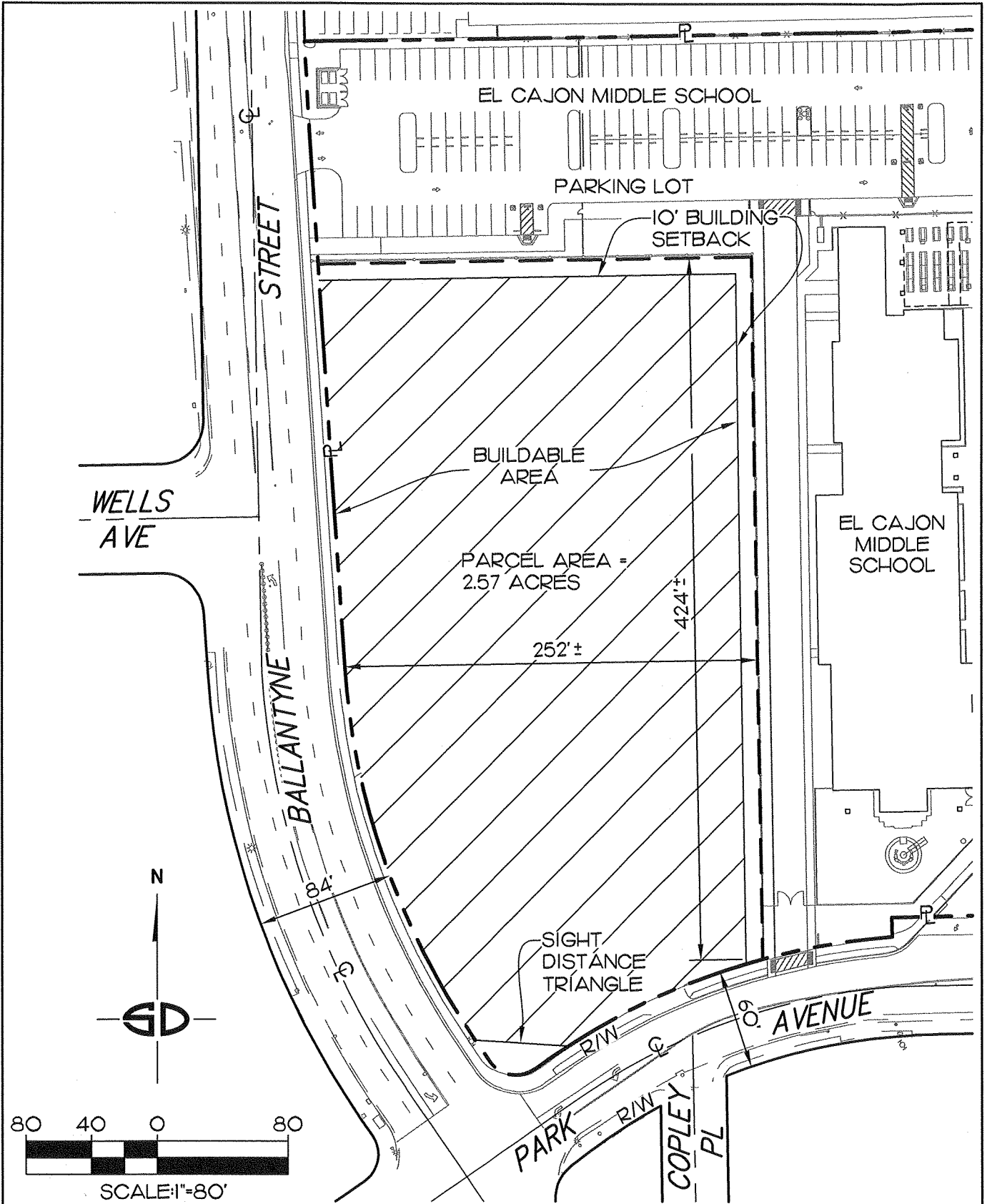
Google

Imagery ©2014 DigitalGlobe, U.S. Geological Survey, USDA Farm Service Agency

Figure 2
BALLANTYNE AND PARK SPECIFIC PLAN



Project Vicinity



Source: Snipes-Dye Associates 2014

Figure 3

BALLANTYNE AND PARK SPECIFIC PLAN



Site Plan

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

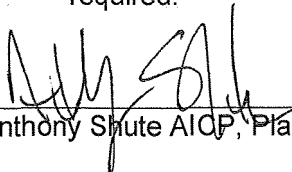
Based upon the initial evaluation presented in the following Initial Study / Environmental Checklist, it is concluded that the Project **would not** result in any potentially significant adverse environmental impacts to the following resource areas:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems
- Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation: (To be completed by the Lead Agency)

- I find that the project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT (EIR) is required.
- I find that although the project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.


Anthony Shute AICP, Planning Manager

Date 2/3/15

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses”, as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration pursuant to Section 15063(c)(3)(D) of the CEQA Guidelines. In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated”, describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should,

where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

Impact Terminology

The following terminology is used to describe the potential level of significance of impacts:

- A finding of ***no impact*** is appropriate if the analysis concludes that the project would not affect the particular resource in any way.
- An impact is considered a ***less than significant impact*** if the analysis concludes that it would not cause substantial adverse change to the environment and requires no mitigation.
- An impact is considered ***less than significant with mitigation incorporated*** if the analysis concludes that it would not cause substantial adverse change to the environment with the inclusion of environmental commitments that have been agreed to by the applicant.
- An impact is considered a ***potentially significant impact*** if the analysis concludes that it could have a substantial adverse effect on the environment and requires mitigation.

PROJECT DESCRIPTION

The project being proposed by the Cajon Valley School District is a Specific Plan to identify sound design standards and appropriate land uses that are compatible with surrounding uses. The Specific Plan implements the broad policies established in the City of El Cajon General Plan to guide growth and change in El Cajon, and is consistent with the General Plan.

The Specific Plan includes a requirement for ongoing review, intended to ensure that the Plan is functioning as intended. Approval of a site development plan pursuant to the City's Municipal Code is required for any proposed development on the site. The site development plan would include a comprehensive site plan, landscape concept plan, building elevations, and a materials board. Any proposed Specific Plan amendments would require review/approval by the City Council.

The 2.57-acre site is located at the east side of Ballantyne Street between Park and Wells Avenues in the City of El Cajon, California. The Specific Plan would allow a broad range of commercial, transportation/communication/utilities, institutional and charitable uses, and residential uses (up to 30 dwelling units per acre, or part of a mixed-use development). The Ballantyne and Park Specific plan is included herein as Attachment A.

The project would require a General Plan Amendment to change the land use designation from JH (Junior High School) to HR (High Density Residential) and a Change of Zone RS-6 (Residential, Single 6000, square feet) to RM-1450 (Residential, Multi-Family, 1,450 square feet) and adoption of a Specific Plan. The project site is currently vacant. The building that previously housed the existing middle school has been demolished; and the site is vacant.

The proposed project includes a Plan Amendment and Zone Reclassification, and as such, it does not propose specific commercial/private developments. The environmental analysis contained herein is based on the maximum intensity of development and introduction of potential sensitive uses. This includes non-residential development retail and commercial uses of up to 38,000 square feet and up to 30 dwelling units/acre of new multifamily housing. Although cut and fill quantities are not known at this time, the analysis assumes that excavation activities would extend more than three feet into native soils. Any subsequent development of the site exceeding the maximum intensity described above would require additional environmental review.

I. AESTHETICS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a-b) **No Impact.** There are no scenic vistas or scenic highways in the project area that could be affected by the project; therefore, there will be no impact.
- c) **Less than Significant.** The project vicinity consists of mixed use residential, commercial and small office/small business uses to the north, northwest, and west. Partially surrounding the project site to the north and east is the Cajon Valley Middle School. Project design standards in the Specific Plan require that all proposed buildings be of a high-quality design and architecture, compatible in bulk and scale with the surrounding area, and at an appropriate pedestrian scale. Maximum height for all buildings would be 45 feet and buildings would be oriented to front on Ballantyne Street and Park Avenue, providing direct entries on the public streets. Implementation of the proposed design standards, including the use of trees and landscaping, would be compatible with the surrounding development and would not degrade the existing visual character or quality of the site.

- d) **Less than Significant.** A lighting plan would be required for all improvements and would include light standard heights, intensities, locations, and light reduction strategies to eliminate light spilling onto adjacent properties. The proposed lighting required for the mixed-use retail, commercial and residential uses and surface parking would be consistent with lighting for the surrounding uses including the adjacent middle school and parking lot, multi-family development to the north and west, and office/retail uses to the south. All lighting fixtures would be shielded from neighboring properties. Lighting for the new development would be consistent with the City's lighting standards and would not create a substantially new source of light or glare.

II. AGRICULTURAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220[g]), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g])?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a–e) **No Impact.** The project site is located in an existing urbanized area with no agricultural or forest resources within the vicinity. The site was previously developed, but the building was demolished, leaving only a graded dirt lot. The project site is not zoned for agricultural or forestry purposes; nor is there a Williamson Act Contract associated with the site or vicinity. Therefore, the project would not convert Important Farmland, conflict with agricultural zoning, or otherwise cause the conversion of farmland or forest land to non-agricultural/non-forest use.

III. AIR QUALITY

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a–d) **Less Than Significant Impact with Mitigation Incorporated.** The proposed Project is located in the City of El Cajon, within the San Diego Air Basin (SDAB). San Diego Air Pollution Control District (APCD) is the regional government agency that monitors and regulates air pollution within the SDAB and is responsible for measuring the air quality of the region. The SDAB is currently classified as a federal nonattainment area for ozone and a state nonattainment area for ozone, PM10 and PM2.5.

The Regional Air Quality Strategy (RAQS) outlines APCD’s plans and control measures designed to attain the State air quality standards for ozone. In addition, the APCD relies on the State Implementation Plan (SIP), which includes the APCD’s plans and control measures for attaining the ozone NAAQS.

The project would not conflict with or obstruct implementation of the SIP and the RAQS, because the project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Construction Impacts

For purposes of the air quality analysis, a construction scenario was developed based on maximum intensity and introduction of sensitive uses of the project as allowed by the proposed Specific Plan. This assumes a worst-case buildout scenario of retail/commercial development of up to 38,000 sq. ft. and up to 30 dwelling units/acre of new multifamily housing. Any subsequent development of the site exceeding the maximum intensity analyzed for air quality and GHG would require additional environmental review. Construction of the project site would be completed in three main phases. The first phase involves site grading. The second phase of construction would involve laying the slab and associated paving activities at the site. The third phase of construction would involve construction of the buildings, along with architectural coatings application. Buildout of the site would be completed within 15 months.

Emissions of pollutants such as fugitive dust that are generated during construction are generally highest near the construction site. Emissions from the construction phase of project buildout were estimated through the use of the CalEEMod Model (ENVIRON 2013). Table 1 provides a summary of the emission estimates for construction of the proposed project. As shown in the table, emissions associated with construction are below the significance thresholds for all construction phases and pollutants. Construction of the project would be short-term and temporary. Thus, the emissions associated with construction would not result in a significant impact on the ambient air quality. Because emissions are less than the significance levels, they would not conflict or obstruct the implementation of the San Diego RAQS or applicable portions of the SIP.

The proposed project is not expected to result in significant air quality impacts if the following mitigation measures are implemented. The project will employ best management practices to reduce air emissions during construction, including:

AQ-1:

- Application of water three times daily during grading on active grading sites
- Application of water three times daily to unpaved roads
- Reduce speeds to 15 mph on unpaved roads
- Use architectural coatings with a VOC content of 150 g/l or less

Operational Impacts

The main operational impacts that would occur with buildout of the project site include impacts associated with traffic and area sources, including energy use and maintenance activities. Air emissions due to operation of the project were calculated as shown in Table 2. As shown, emissions are projected to be less than the applicable thresholds for all criteria pollutants

TABLE 1 ESTIMATED CONSTRUCTION EMISSIONS						
Emission Source	ROG	NOx	CO	SO_x	PM₁₀	PM_{2.5}
lbs/day						
Grading						
Fugitive Dust	-	-	-	-	2.40	1.30
Offroad Diesel	2.97	31.26	20.20	0.02	1.75	1.61
Worker Travel	0.04	0.05	0.49	0.001	0.08	0.02
TOTAL	3.01	31.31	20.69	0.02	4.23	2.93
Significance Criteria	137	250	550	250	100	100
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Paving						
Asphalt Offgassing	0.06	-	-	-	-	-
Paving Offroad Diesel	1.94	19.75	12.27	0.02	1.24	1.14
Paving Truck Trips	0.06	0.55	0.61	0.001	0.04	0.02
Paving Worker Travel	0.06	0.07	0.74	0.002	0.12	0.03
TOTAL	2.12	20.37	13.62	0.02	1.40	1.19
Significance Criteria	137	250	550	250	100	100
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Building Construction						
Building Offroad Diesel	4.03	25.84	17.05	0.02	1.76	1.69
Building Vendor Trips	0.15	1.42	1.58	0.003	0.11	0.05
Building Worker Trips	0.12	0.14	1.48	0.003	0.25	0.07
TOTAL	4.30	27.40	20.11	0.03	2.12	1.81
Significance Criteria	137	250	550	250	100	100
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Architectural Coatings Application						
Architectural Coatings Offgassing	6.49	-	-	-	-	-
Architectural Coatings Offroad Diesel	0.41	2.57	1.90	0.003	0.22	0.22
Architectural Coatings Worker Trips	0.02	0.03	0.30	0.001	0.05	0.01
TOTAL	6.92	2.60	2.20	0.00	0.27	0.23
Significance Criteria	137	250	550	250	100	100
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Maximum Daily Emissions	11.22	47.76	33.72	0.05	4.23	3.00
Significance Criteria	137	250	550	250	100	100
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: Air Quality Technical Report for Ballantyne and Park Specific Plan, SRA, 2015

TABLE 2 ESTIMATED OPERATIONAL EMISSIONS						
Emission Source	ROG	NOx	CO	SO_x	PM₁₀	PM_{2.5}
Summer, lbs/day						
Area Sources	2.21	0.00	0.004	0.00	0.00	0.00
Energy Use	0.002	0.02	0.02	0.00	0.002	0.002
Vehicular Emissions	15.64	26.64	128.98	0.23	15.20	4.28
TOTAL	17.85	26.66	129.01	0.23	15.20	4.28
Significance Criteria	137	250	550	250	100	100
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Winter, lbs/day ¹						
Area Sources	2.21	0.00	0.004	0.00	0.00	0.00
Energy Use	0.002	0.02	0.02	0.00	0.002	0.002
Vehicular Emissions	16.98	28.25	142.80	0.21	15.20	4.28
TOTAL	19.20	28.27	142.82	0.21	15.20	4.28
Significance Criteria	137	250	550	250	100	100
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Annual, tons/year						
Area Sources	0.40	0.00	0.00	0.00	0.00	0.00
Energy Use	0.00	0.004	0.003	0.00	0.00	0.00
Vehicular Emissions	2.86	5.12	24.96	0.04	2.70	0.76
TOTAL	3.27	5.12	24.97	0.04	2.70	0.76
Significance Criteria	15	40	100	40	15	15
<i>Significant?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: Air Quality Technical Report for Ballantyne and Park Specific Plan, SRA, 2015

There are no large projects identified in the study area that would contribute substantial amounts of pollutants that would result in a cumulative impact. Because the Project's contribution of emissions is small relative to both the significance criteria and the SDAB emissions inventory, and because there are no additional large projects within the study area that would contribute large amounts of air emissions, the Project's contribution to emissions would not be cumulatively considerable.

The Specific Plan would allow mixed-use retail, commercial and residential development and would not generate substantial diesel truck trips. The project would therefore not expose sensitive receptors to substantial pollutant concentrations.

- e) **Less than Significant Impact.** During construction, diesel equipment operating at the site may generate some nuisance odors. To evaluate whether nuisance odors would be detectable at the Cajon Valley Middle School during construction,

a screening analysis of impacts was conducted. Based on the analysis, diesel exhaust compounds would not exceed the odor thresholds at the school (SRA 2014).

Typical land uses associated with odor complaints include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting activities, refineries, landfills, dairies, and fiberglass molding operations. These land uses are not proposed for the Ballantyne and Park Specific Plan.

There may be restaurant operations at the project site. Odor emissions from the restaurant operations may be generated from sources such as charbroiling of meat. Charbroiling is not typically considered a nuisance odor. Charbroiling emissions were quantified for the project and were estimated at 0.39 lbs ROG per day. Nuisance odors and other air quality nuisances are regulated by the SDAPCD through Rule 51. Should nuisance odors associated with the restaurant operations be an issue with the school, controls on the restaurant exhaust may be required. This is not a typical requirement for restaurants, and with only 0.39 lbs ROG per day it is unlikely that it will be necessary to require controls. Odor impacts would not be significant.

IV. BIOLOGICAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a–c) **No Impact.** The project site consists of a previously developed lot located in an urbanized area. The building previously located on-site was demolished, leaving a vacant lot. The site is surrounded by multi-family residential, retail/commercial, and institutional uses. No habitat for sensitive plant or wildlife species exists on-site; nor are there riparian habitats or wetland resources located on the site. Therefore, no impacts would result from the proposed Specific Plan.
- d) **Less than Significant with Mitigation Incorporated.** The site is located in an urbanized area, which is not near an open space or wildlife corridor; nor does the site itself serve as a wildlife corridor or nursery site. There are no existing trees on the site which would potentially allow for bird nesting activity during the breeding season.
- e) **Less than Significant.** There are no riparian or upland habitats, or other biological resources, located on-site. The site is in a disturbed vacant state.

- f) **No Impact.** The project is not located within a Habitat Conservation Plan (HCP) or within the vicinity of any Natural Community Conservation Plan (NCCP), local, regional, or state conservation plan. Therefore, no conflicts with provisions of an adopted HCP or NCCP, or other approved conservation plan, would occur with the proposed Specific Plan.

V. CULTURAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Disturb human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) **No Impact.** The project site is a disturbed vacant parcel. The previous middle-school building was demolished. Therefore, there are no historical resources that would be affected by the proposed land use changes.
- b-c) **Less than Significant Impact with Mitigation Incorporated.** The significance of archaeological resources is based on integrity and potential to yield research information. Because the project parcel was developed in the past, the integrity of the project area has been compromised; thus, the potential for unknown significant subsurface archaeological resources to be present is considered low. Past grading and excavation activities for the construction of the adjacent Cajon Valley Middle School did not yield archeological resources. Excavations went to 14 feet in depth and as close as thirty feet to the proposed project site (Personal Conversation with John Krueger, West Coast Air, January 27, 2015). However, during future project development of the site, excavation activities that extend more than three feet into native soils are expected to occur. For this reason, mitigation measure CR-1 would require an archeological monitor on site during grading.

CR-1 Unanticipated Discovery of Resources. Project excavation or grading activities within the designated limits of disturbance shall be monitored by a qualified archeological monitor to search for potential buried historic, and/or archaeological resources. If unknown cultural resources are discovered during the construction of the Project, the following protocol shall be followed: If evidence of archeological resources (e.g., chipped or ground stone, historical debris, building foundations, or human bone) is identified by the qualified monitor during excavation, all work within 60 feet of the discovery site shall stop until a qualified archaeologist can assess the significance of the find. The monitor shall notify appropriate staff of the City of El Cajon Community Development Department – Planning Division.

Consultation shall be undertaken, as appropriate, between the City; a qualified archaeologist; Native American representatives (if appropriate); and, other appropriate agencies to determine whether the intact portions of the discovered resource can be avoided or if impacts have not occurred, whether work can continue. If it is determined that the resource has been impacted and an assessment of its significance is required, then a qualified archaeologist shall develop appropriate treatment measures for the discovered and impacted resource in consultation with appropriate agencies. Work in the area of the discovery will not resume until permission is received from the City of El Cajon.

All recovered artifacts shall be taken to an archaeological laboratory for sorting, cataloging, and analysis. All data shall be entered into a database program. A report shall be written by a qualified archeologist detailing the results of the monitoring, analyzing the materials recovered, and discussing the importance of the materials as they relate to the history or prehistory of El Cajon.

In the unlikely event that human remains are discovered, existing laws and protocols are required to be followed before proceeding with any project action that would further disturb the remains. Provisions set forth in California Public Resources Code Section 5097.78 and State Health and Safety Code Section 7050.5 would be implemented in consultation with the most likely descendant identified by the Native American Heritage Commission.

- d) **No Impact.** No cemeteries, formal or informal, have been identified on-site. There would be no impacts.

VI. GEOLOGY & SOILS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? ii. Strong seismic ground shaking? iii. Seismic-related ground failure, including liquefaction? iv. Landslides? 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) **Less than Significant Impact.** As El Cajon lies within a region known to be seismically active, the potential exists for people and structures associated with new mixed-use developments to be exposed to strong ground shaking, ground failure, and soil instability. The Rose Canyon Fault Zone is the nearest active fault system to the City. Major tectonic activity associated with these and other faults within this regional tectonic framework consists primarily of right-lateral strikeslip movement. Given the close proximity of the Rose Canyon fault system to the City, a strong earthquake on this fault could produce severe ground shaking in the City. Despite the potential of the Rose Canyon fault system to produce severe ground shaking in the City, impacts to the project would be precluded through adherence to requirements specified in the Alquist-Priolo Act, the Uniform Building Code, Title 24 of the California Building Code, and all development regulations of the City. Compliance with these building standards would minimize impacts associated with seismic hazards.
- b–d) **Less than Significant Impact.** The project site and vicinity are relatively flat and most lowland areas with relatively level ground surface are not prone to landslides. Future development on the site would be subject to the recommendations of a geotechnical study in order to minimize potential impacts from expansive soils or soils prone to liquefaction or erosion.
- e) **No Impact.** Future development on the project site would tie into the City's wastewater system and would not require the use of septic systems.

VII. GREENHOUSE GAS EMISSIONS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a–b) **Less Than Significant Impact.** The City does not currently have adopted thresholds of significance for greenhouse gas (GHG) emissions. Therefore, a 900-metric-ton of carbon dioxide equivalent (MTCO₂E) screening criterion is used to determine when a detailed GHG analysis would be required by the City. This methodology is consistent with guidance from the California Air Pollution Control Officers Association (CAPCOA) report “CEQA & Climate Change” dated January 2008.

Projects that meet the criterion are not required by the City to prepare a detailed Business as Usual (BAU) GHG technical analysis report. For projects above the 900-metric-ton screening threshold, an approach that identifies the potential reduction from “business as usual” levels has been used by other agencies (City of San Diego 2010). The project’s operational emissions would exceed the 900-metric-ton screening threshold; therefore, a detailed GHG analysis was conducted for the project (GHG Analysis for Ballantyne and Park Specific Plan, SRA 2014).

Construction activities emit GHGs primarily through combustion of fuels (mostly diesel) in the engines of off-road construction equipment and through combustion of diesel and gasoline in on-road construction vehicles and in the commute vehicles of the construction workers. Smaller amounts of GHGs are also emitted through the energy use embodied in any water use (for fugitive dust control) and lighting for the construction activity.

Operational activities emit GHGs primarily through the combustion of fuel in vehicles, electricity generation and natural gas consumption, water use, and from solid waste disposal.

Emissions of GHGs were quantified for both construction and operation of the Ballantyne and Park Specific Plan. As shown in Table 3, operational emissions for existing conditions under “business as usual” conditions resulted in 4,359 metric tons of CO₂ Equivalent Emissions/year. Because “business as usual” emissions are above the screening-level threshold of 900 metric tons per year, further analysis was conducted to evaluate whether emissions would be reduced by 28.3%.

TABLE 3				
SUMMARY OF ESTIMATED OPERATIONAL GREENHOUSE GAS EMISSIONS				
BUSINESS AS USUAL SCENARIO				
Emission Source	Annual Emissions (Metric tons/year)			
	CO ₂	CH ₄	N ₂ O	CO ₂ e
Operational Emissions				
Electricity Use	175	0.0073	0.0020	176
Natural Gas Use	9	0.0010	0.0000	9
Water Use	19	0.0008	0.0002	19
Solid Waste Management	18	-	-	18
Vehicle Emissions	4,076	0.0296	0.1709	4,122
Amortized Construction Emissions	15	-	-	15
Total	4,312	0.0387	0.1731	4,359
Global Warming Potential Factor	1	28	265	
CO ₂ Equivalent Emissions	4,312	1	46	4,359
TOTAL CO₂ Equivalent Emissions	4,359			

Source: Greenhouse Gas Analysis for Ballantyne and Park Specific Plan, SRA 2015

As shown below in Table 4, emissions from the Ballantyne and Park Specific Plan, with the inclusion of GHG reduction measures, will be more than 28.3% below “business as usual” threshold. Accordingly, the project will meet the goals of AB 32 and would not result in cumulatively considerable significant global climate impacts. Additionally, the project would be constructed in accordance with the energy efficiency standards, water reduction goals, and other “green” standards contained in the California Green Building Standards. Finally, the project is an infill, mixed-use development that would place residences, retail and commercial users in close proximity to existing neighborhood amenities and employment. As such, the project would not conflict with plans, policies, or regulations adopted for the purpose of reducing GHG emissions.

TABLE 4 SUMMARY OF ESTIMATED OPERATIONAL GREENHOUSE GAS EMISSIONS WITH GHG REDUCTIONS				
Emission Source	Annual Emissions (Metric tons/year)			
	CO₂	CH₄	N₂O	CO₂e
Operational Emissions				
Electricity Use	104	0.0043	0.0012	104
Natural Gas Use	7	0.0008	0.0000	7
Water Use	11	0.0005	0.0001	11
Solid Waste Management	18	-	-	18
Vehicle Emissions	2,835	0.0283	0.1622	2,879
Amortized Construction Emissions	15	-	-	15
Total	2,990	0.0339	0.1635	3,034
Global Warming Potential Factor	1	28	265	
CO ₂ Equivalent Emissions	2,990	1	43	3,034
TOTAL CO₂ Equivalent Emissions	3,034			
Business As Usual CO₂ Equivalent Emissions	4,359			
% Reduction	30.40%			

Source: Greenhouse Gas Analysis for Ballantyne and Park Specific Plan, SRA 2015

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a–c) **No Impact.** The Specific Plan does not permit the use and storage of hazardous materials. Because of the nature of the project, which involves retail, commercial, and residential development, no uses are proposed that would involve the use, transport, or disposal of hazardous materials. Nor would the project generate significant quantities of hazardous materials, be prone to the accidental release of hazardous materials, or emit hazardous substances near a school such as the Cajon Valley Middle School.

d) **Less than Significant Impact with Mitigation Measures.** The site was evaluated using appropriate databases including the California Department of Toxic Substances Control EnviroStor database which, pursuant to Government Code Section 65962.5, lists Federal Superfund, State Response, Voluntary Cleanup, School Cleanup, Hazardous Waste Permit, and Hazardous Waste Corrective Action sites, and the California State Waterboard's Geotracker, which lists LUFT sites. A LUFT site is an undergoing cleanup due to an unauthorized release from an underground storage tank system. According to the EnviroStor and Geotracker database, there are no listings for the project site.

EnviroStor identified one active cleanup site (a tiered permit for American Metal Processing at Magnolia and Main) approximately .40 mile southwest from the

project site. Because of the nature of, and distance from, the nearest cleanup site, no significant impacts are anticipated.

Geotracker identified one leaking underground storage site (LUST) approximately 500 feet west of the project site. New development projects are typically required to conduct a Phase I site assessment performed by a qualified environmental consulting firm in accordance with the industry required standards. If necessary based on the Phase I assessment, a Phase II analysis may need to be conducted. In the event that contaminants are encountered onsite during a Phase 1 site assessment, all proposed development in the project site where previous hazardous materials releases may have occurred would require remediation and cleanup to levels established by the overseeing regulatory agency (County of San Diego Environmental Health, Regional Water Quality Control Board [RWQCB] or Department of Toxic Substances Control [DTSC]). Adherence to standard practices would avoid potential impacts related to hazardous wastes/materials, and the project would therefore not create a significant hazard to the public or the environment.

HAZ-1 All proposed groundbreaking activities within areas of identified or suspected contamination would be required to be conducted according to a site-specific health and safety plan, prepared by a licensed professional in accordance with Cal/OHSA regulations (contained in Title 8 of the California Code of Regulations) prior to the commencement of groundbreaking.

- e-h) **Less than Significant Impact.** Gillespie Field Airport is located within the City, approximately 2.1 miles from the project site. The project site is within the airport overlay zone and review area 2 of the Gillespie Field Airport Land Use Compatibility Plan. As identified in the Gillespie Field Airport Land Use Compatibility Plan (2010), future projects within the overlay zone and review area are subject to the airport land use compatibility review requirements. The purpose of the compatibility review is (1) protecting against constraints on airport expansion and operations that can result from encroachment of incompatible land uses, and (2) minimizing the public's exposure to excessive noise and safety hazards.

HAZ-2 Future development on the site will need to comply with the ALUC compatibility review requirements (Part 77 notice criteria) to obtain a determination of no hazard to air navigation by the Federal Aviation Administration. Adherence to these requirements will help to reduce safety hazards associated with people residing or working within two miles of a public airport or public use airport to below a level of significance.

The project site is located within an urbanized area far from any urban/wildfire interface areas, and the project would not interfere with any emergency response or evacuation plans.

IX. HYDROLOGY AND WATER QUALITY

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Contribute to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a and c) **Less than Significant Impact.** All new development projects proposed in accordance with the Specific Plan, as required by federal, state, and City regulations prior to project approval, shall comply with applicable water quality regulations existing at the time of project proposal. The applicable water quality regulation shall include, at a minimum, the Water Quality Control Basin Plan for the San Diego Basin, the CWA Section 303 (d) List of Water Quality Limited Segments for California, the NPDES's General Permit for Storm Water

Discharges Associated with Construction Activity (Order No. 99-08-DWQ) and California Regional Water Quality Control Board San Diego and Municipal Storm Water Permit requirements (Order No. R9-2013-0001, NPDES No. CAS0109266), the City JURMP, the City Standard Urban Water Mitigation Plan, and City of El Cajon's Storm Water Management and Discharge Control Ordinance (Chapter 13.10). Consistency with this regulatory framework would adequately ensure that the project would not impact water quality.

The proposed project will also need to comply with the County of San Diego Hydromodification Management Plan (HMP). The HMP directs project proponents to design the proposed development with appropriate Best Management Practices (BMPs) that help to control post-project runoff and mimic pre-development runoff peak flows. This approach will help to reduce the impact of the project on receiving water streams.

- b) **No Impact.** The Helix Water District and Padre Dam Municipal Water District provide potable water in the City. Therefore, implementation of the project would not deplete groundwater supplies.

- d-f) **Less than Significant Impact.** City regulations prohibit new development creating runoff volumes or velocities that could cause the City's existing drainage system to exceed its design capacity. The proposed project will need to ensure post-project runoff volumes do not exceed the City's drainage system capacities. In addition, the proposed project must comply with the County of San Diego Hydromodification Management Plan (HMP). The HMP directs project proponents to design the proposed development with appropriate Best Management Practices (BMPs) that help to control post-project runoff and mimic pre-development runoff peak flows. This approach will help to reduce the impact of the project on receiving water streams to below a level of significance.

- g-j) **No Impact.** With regard to risks due to dam or levee failure, the City is not located within an area that would be impacted by any dam or levee failure. Seiche and mudflow risk would also be negligible, as the City is not located near a large contained body of water or downslope from an unstable hillside. With regard to tsunami risk the City is not located within a mapped tsunami inundation area.

X. LAND USE AND PLANNING

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a and c) **No Impact.** The project site is vacant and the project is generally consistent with surrounding land uses, which include medium to high-density residential, retail, commercial, and institutional uses. The project would not introduce a physical barrier that would impair mobility within an existing community, or between a community and outlying areas. Therefore, the proposed Specific Plan would not divide an established community. The Specific Plan area does not lie within the planning area for any adopted or proposed habitat conservation or natural community plans. No impact would occur with the project as it relates to a habitat conservation plan or natural community conservation plan.

b) **Less than Significant.** The project would require an amendment to the General Plan to accommodate a change in land use and zoning. The Specific Plan would introduce land uses that are compatible with the surrounding land uses, including uses directly adjacent to the north, south and west, which are medium density residential, and commercial/retail. The Specific Plan implements General Plan policies that require sound design standards while supporting the establishment of defined uses that are compatible with surrounding uses. Upon approval of these discretionary actions, the project would be consistent with the zoning ordinance and general plan, and no significant impacts would result.

XI. MINERAL RESOURCES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a and b) **No Impact.** There are no known mineral resources of significant value or categorized as locally important within the City that would be lost due to new development as allowed by the Specific Plan. As a result, there would be no impact to mineral resources associated with implementation of the project.

XII. NOISE

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expose persons to or generate excessive ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a-d) **Less Than Significant Impact with Mitigation Incorporated.** Noise levels in the City of El Cajon are regulated by the General Plan and the Noise Ordinance. According to Goal 8, Objective 8-3 of the City of El Cajon Noise Element to the General Plan, noise levels at residential outdoor use areas should be controlled to be 65 DNL or less. In the event that noise levels exceed 65 DNL, project design features should be proposed to reduce noise levels.

Additional noise regulations applicable to this project are contained within the City of El Cajon Municipal Code Section 17.115.130, which specifies noise limits based on the zoning of the properties in question. The subject property is currently zoned for residential. All neighboring properties are zoned for residential, including the existing school property to the east.

All residentially zoned properties have noise limits of 60 dBA between the hours of 7 a.m. and 7 p.m., 55 dBA between the hours of 7 p.m. and 10 p.m., and 50 dBA between the hours of 10 p.m. and 7 a.m. These limits will be applied at all surrounding property lines. These noise limits do not apply to temporary construction activity, although the performance standards state that any such activity must be limited to the hours of 7 a.m. to 7 p.m.

As part of project development during construction, the project would be required to maintain all equipment in proper operating condition, and engines would be equipped with appropriate mufflers. Adherence to standard noise regulations during construction would minimize short-term noise impacts to below a level of significance.

Traffic Noise Impacts

A noise analysis was conducted for the proposed Specific Plan and the following summarizes the result of the Noise Impact Analysis for the Ballantyne and Park Specific Plan (Eilar & Associates, 2015). Current and future traffic volumes and vehicle mixes for roadway sections near the project site are shown in Table 5.

Roadway Name	Speed Limit (mph)	Vehicle Mix (%)		Current ADT (Year)	Future ADT (2035)*
		Medium Trucks	Heavy Trucks		
Ballantyne Street	35	2.0%	1.0%	14,590 (2013)	21,830
Park Avenue	30	1.0%	0.5%	3,620 (2013)	8,965
Wells Avenue	30	0.5%	0.5%	2,680 (2013)	3,870
Madison Avenue	35	1.0%	0.5%	5,750 (2013)	13,330
I-8 Eastbound	65	1.6%	1.3%	60,800 (2008)	68,900
I-8 Westbound	65	1.6%	1.3%	65,800 (2008)	78,100

Current traffic noise contours were calculated at approximate ground level and showed that traffic noise impacts to the entire project site will be between 65 and 71 DNL.

The future on-site noise environment will be the result of the same traffic noise sources. The future (year 2035) traffic volumes for surrounding roadways were provided by the traffic study prepared for the project (LLG 2014) and SANDAG. By the year 2035, Ballantyne Street is expected to carry approximately 21,830 Average Daily Traffic (ADT). The traffic volume of Park Avenue is expected to increase to 8,965 ADT by the year 2035. The future traffic volume of Wells Avenue is expected to be approximately 3,870 ADT by the year 2035. Madison Avenue is expected to carry 13,330 ADT by the year 2035. The traffic volume of I-8 is expected to increase to 68,900 ADT traveling eastbound and 78,100 ADT traveling westbound by the year 2035.

Future traffic noise levels are expected to range from 66 DNL to 72 DNL, exceeding the maximum acceptable noise level of 65 DNL which would apply at outdoor use areas of multifamily residential developments on-site. Sound attenuation measures incorporated into project design would effectively block the line of sight between the main source of roadway noise (in this case, Ballantyne Street) and the receiver could reasonably be expected to achieve approximately eight to ten decibels of noise reduction, which would reduce noise levels to 65 DNL or less. Mitigation measures listed below would reduce project-related noise levels below the acceptable noise thresholds for the City, thereby reducing significant noise impacts to sensitive receptors in outdoor use areas to below a level of significance.

Traffic Noise at Affected Intersections

A traffic impact analysis for the proposed project was performed by LLG Engineers to verify that impacts will be less than significant near potentially affected intersections. The following seven intersections were evaluated in depth:

- Madison Avenue and Magnolia Avenue,
- Madison Avenue and Ballantyne Street,
- Wells Avenue and Ballantyne Street,
- Park Avenue and Magnolia Avenue,
- Park Avenue and Ballantyne Street,
- Park Avenue and Mollison Avenue, and
- Main Street and Ballantyne Street/Avocado Avenue.

Cumulative AM/PM peak hour traffic volumes were compared to cumulative AM/PM peak hour traffic volumes with the influence of project traffic to determine the increase in the noise environment as a result of project traffic.

Based on the noise analysis, the maximum increase in the noise environment due to project-generated traffic would be 2.4 dB. This increase is less than the 3 dB threshold, which is accepted as a "barely perceptible" increase. Therefore,

the project-generated traffic noise would result in a less than significant impact on surrounding properties since noise levels will not be noticeably increased over the existing ambient noise levels.

Additionally, while the City of El Cajon does not have any specific construction noise limits, noise from temporary construction activities is not expected to exceed County of San Diego noise limits at any surrounding property line. Standard construction noise control methods including adhering to permissible hours of operation, maintaining equipment in proper operating condition, and placing staging areas at furthest locations from noise sensitive receivers are expected to be sufficient for reducing noise impacts to surrounding receivers.

Onsite Noise Sources

An evaluation of potential noise sources introduced by the Specific Plan land uses was conducted for the project. The analysis concluded that most of the proposed land uses would not introduce new noise sources that exceed the City's daytime and nighttime noise thresholds, with the exception of the following activities:

- Nighttime delivery truck movement and/or loading activities
- Outdoor play area
- Air conditioning units
- Trash compactors
- Wireless equipment

The Specific Plan design standards include siting conditions that would restrict service areas such as loading docks, utilities, and refuse storage to avoid conflicts with the adjacent school and nearby residential uses. Additional siting condition measures for these uses are listed below.

Mitigation Measures

Implementation of the following mitigation measures would minimize potential noise sources introduced by the new development to acceptable noise levels, which would comply with the City of El Cajon noise regulations.

NOI-1 If a multifamily residential development is proposed on site, one of the two following project design features should be implemented in order to adequately control noise levels at outdoor use areas to be 65 DNL or less:

- a. Buildings should be oriented in a "U" or "L" shape with outdoor use areas in a central courtyard on the east side of the buildings (opposite of Ballantyne Street) to allow the building to act as a sound attenuation barrier.
- b. If outdoor use areas have a direct line-of-sight to Ballantyne Street, a sound attenuation barrier wall should be constructed around the outdoor use area to attenuate noise. A six-foot high wall would be expected to be sufficient.

NOI-2 The eight-foot high block wall surrounding the north and east property lines must remain in place upon development of the project site.

NOI-3 Truck deliveries may not occur between the hours of 10 p.m. and 7 a.m.

NOI-4 A parapet wall with a minimum height of four feet should be installed at the roofs of proposed buildings on which air conditioning units will be roof-mounted to appropriately shield the units from neighboring properties.

NOI-5 Any outdoor play areas for child care centers to be located on site should be located at least 80 feet from the west or south property lines, and at least 60 feet from the north or east property lines. Noise from this source was evaluated assuming 25 children would be present; however, if more children are to be present, a more detailed noise analysis may be needed to determine the additional noise impact.

NOI-6 Any trash compactor should be located at least 55 feet from the north and east property lines.

NOI-7 Any wireless equipment to be located on site must include an eight-foot high barrier wall around any proposed generators, and all equipment must be located at least 90 feet from any surrounding property line.

NOI-8 An interior noise analysis would be required prior to issuance of building permits to ensure interior noise levels would be mitigated to less than 45 dba.

Adherence to these mitigation measures would reduce onsite noise impacts to less than significant levels.

- e-f) **Less than Significant Impact.** Gillespie Field is the closest airport to the project site and is located approximately two miles to the north. However, the project site is located well outside (approximately 1.5 miles south) of the 60 community noise equivalent level (CNEL) contour line for Gillespie Field. There would be no impact due to aircraft noise.

XIII. POPULATION AND HOUSING

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) **Less Than Significant Impact.** The Specific Plan would allow new development including retail, commercial and multi-family housing. The project would be implemented within an urban infill site which already has roadway access, all urban infrastructure, and is also surrounded to the north and west by existing medium density residential development and retail/commercial uses to the south; as such, it would not induce substantial population growth.
- b–c) **No Impact.** The project site is vacant; thus, the project would not displace existing housing or people.

XIV. PUBLIC SERVICES

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p> <p>i. Fire protection?</p> <p>ii. Police protection?</p> <p>iii. Schools?</p> <p>iv. Parks?</p> <p>v. Other public facilities?</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

Discussion:

- a) **Less Than Significant Impact.** The City receives general public safety and law enforcement services from the City's Police Department. Heartland Fire and Rescue provides fire protection services, emergency services, and hazardous materials response to the project area. The Cajon Valley Unified School District (CVUSD) provides educational services to the project area. Library services are provided by the El Cajon Branch Library, which is part of the San Diego County Library system.

Site plan review for all future building permits will ensure compliance with the requirements of Heartland Fire and Rescue regarding access, water mains, fire flow, brush clearance and hydrants. Compliance with the Fire District requirements will result in a less than significant impact on fire protection services.

Implementation of the proposed project could slightly increase the demand for police and law enforcement services, as the City of El Cajon Police Department would need to respond to any calls for service at the currently vacant parcels. However, as discussed under the Population and Housing section of this

document, the proposed project would not generate substantial population growth and is therefore not expected to result in the need for additional police personnel or facilities.

Future development on the project site would potentially include multi-family housing, up to 30 dwelling units per acre. This new development could slightly increase the demand for school services. Future development would be subject to the City's municipal code requirement (Chapter 15.12 Adequate School Facilities Requirement), that requires each application for land use approval to include a written certification from each school district having jurisdiction in the area covered by the proposed development, stating whether or not that district will be able to provide adequate facilities to the development concurrently with need. If a school district determines that it will not be able to provide such facilities, it requires an explanation of its reasons for that determination, and a description of measures either undertaken or planned which are deemed necessary in order to provide adequate school facilities. Compliance with the City's School Facilities requirements would result in a less than significant impact on school facilities.

XV. RECREATION

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a–b) **Less Than Significant Impact.** As discussed above for Public Services, the Specific Plan would introduce mixed uses consisting of retail, commercial, and residential within an urban infill site with access to existing public infrastructure, including park and recreational facilities. These include the Cajon Valley Middle School Park, the El Cajon Civic Center, and the Prescott Promenade. Future development as allowed by the Specific Plan includes multi-family housing. This increase in potential park users is not of a magnitude that it is anticipated to significantly increase the use of existing parks such that deterioration would accelerate; nor would it require the addition or expansion of park facilities. Therefore, impacts to park and recreation services would be less than significant.

XVI. TRANSPORTATION/TRAFFIC

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a,b) **Less Than Significant Impact.** The City has established LOS D as the minimum acceptable operating condition for both intersections and roadway segments. The City of El Cajon follows the SANTEC/ITE Guidelines to determine whether or not traffic impacts on its roadway network system are considered “significant” with the exception that LOS D is considered acceptable.

The traffic study conducted for the Ballantyne and Park Specific Plan evaluated existing intersection operations throughout the study area. Surrounding intersections are currently operating at LOS D or better during the AM and PM peak hours. These intersections include:

- Madison Avenue / Magnolia Avenue
- Madison Avenue / Ballantyne Street
- Wells Avenue / Ballantyne Street
- Park Avenue / Magnolia Avenue
- Park Avenue / Ballantyne Street
- Park Avenue / Mollison Avenue

Weekday street segment operations are currently operating at LOS C or better on a daily basis. These include:

- Madison Avenue: Ballantyne Street to Mollison Avenue
- Wells Avenue: Magnolia Avenue to Ballantyne Street
- Park Avenue: Ballantyne Street to Mollison Avenue
- Ballantyne Street: E. Madison Avenue to E. Main Street
- Mollison Street: Madison Avenue to Park Avenue

All intersections and segments are calculated to operate at LOS D or better with the addition of project and cumulative project traffic. Street segments are calculated to operate at LOS D or better in the Year 2035 without and with the project traffic other than Madison Avenue, between Ballantyne Street and Mollison Avenue. This segment is calculated to operate at LOS E in the 2035

timeframe. The Madison Avenue street segment is not considered a cumulative project impact since the increase in v/c due to the total project does not exceed the allowable threshold of 0.02 for street segments operating at LOS E.

- c) **Less than Significant Impact.** The nearest airport (Gillespie Field) is more than 2 miles from the project site. As described above, future development on the site will need to comply with the ALUC compatibility review requirements (Part 77 notice criteria) to obtain a determination of no hazard to air navigation by the Federal Aviation Administration. Adherence to these requirements will help to reduce safety hazards associated with people residing or working within two miles of a public airport or public use airport.

- d-f) **Less than Significant Impact.** Bus stops are located along Ballantyne Street along the project frontage in the northbound direction and a southbound bus stop directly across from the project. Sidewalks are available between the site and the bus stops. Based on a review of traffic volumes, the bus stops, and the availability of sidewalks, the project would not have any negative impacts to pedestrian facilities or access to transit stops.

Adherence to the City standards would serve to reduce potential hazards due to a design feature (e.g., sharp curves or dangerous intersections) and to maintain adequate emergency access. To address any potential safety hazards, a safety analysis for the ingress, egress, and site circulation must be submitted and approved by the City Engineer prior to approval of the Site Development Plan.

TRAF-1 Prior to approval of a site development plan, a transportation safety analysis must be submitted and approved by the City Engineer.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a–e) **Less than Significant Impact.** The project would be located within an urbanized infill site that already has access to water, wastewater, and storm water infrastructure. Wastewater and storm water services are provided by the City of El Cajon. Water is supplied by the Helix Water District. Future development of the site as allowed by the Specific Plan would be less than 500 units; thus, future projects would not be required (pursuant to SB 221) to conduct a water supply assessment. While future development of the site would result in an incrementally greater demand for water, wastewater, and storm water treatment compared to the existing condition, the magnitude of the proposed mixed-use retail, commercial, and residential units is anticipated to be such that the incremental increase in demand for services would not result in the need for new or expanded facilities.

Future development would be required to comply with the City General Plan policies and municipal code, which are policies to ensure that adequate utilities are provided by requiring water supply delivery systems and sewage conveyance and treatment capacity to be available at the time of project approval. Impacts to wastewater treatment are considered less than significant.

Design review approval, as well as other discretionary approvals, would be required for subsequent entitlements and future development. Projects would be evaluated for project-level environmental impacts related to storm water drainage facilities consistent with CEQA requirements at the time of the request for subsequent entitlements future development. Therefore, impacts to storm drainage facilities are expected to be less than significant.

f–g) **Less than Significant Impact.** Solid waste service for the City of El Cajon is provided by Waste Management in El Cajon, which disposes of non-recyclable solid waste generated by the City at the Sycamore Landfill. Future development on the site would be required to comply with all federal, state, and local statutes and regulations related to solid waste. Therefore, the project would not result in any impacts on solid waste.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a) **No Impact.** The Specific Plan site is located in a developed area and is surrounded by residential and commercial development, and roadways. Based on background research and field observations, the proposed Specific Plan land uses do not have the potential to impact the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Therefore, the proposed project would not have any impacts as it relates to these criteria.
- b) **No Impact.** The proposed project would not result in environmental impacts that are individually limited but cumulatively significant. Therefore, the proposed project does not result in any impacts that are both individually and cumulatively limited.
- c) **No Impact.** The proposed project would not result in significant effects on human beings either directly or indirectly.

XIX. DETERMINATION AND PREPARERS

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FEE DETERMINATION

(Fish and Game Code Section 711.4, Statutes of 2006 – SB 1535)

- [X] It is hereby found that this project involves no potential for any adverse effect, either individual or cumulatively, on wildlife resources and that a "Certificate of Fee Exemption" shall be prepared for this project.
- [] It is hereby found that this project could potentially impact wildlife, individually or cumulatively, and therefore, fees in accordance with Section 711.4(d) of the Fish and Game Code shall be paid to the County Clerk.

Report Preparers

TTG Environmental Inc., 8885 Rio San Diego Drive Suite 237, San Diego, CA 92108

XX. REFERENCES

Section 15150 of the State CEQA Guidelines permits an environmental document to incorporate by reference other documents that provide relevant data. The documents listed below are hereby incorporated by reference. The pertinent material is summarized throughout this Initial Study / Environmental Checklist where that information is relevant to the analysis of impacts of the Project. The following references were used in the preparation of this Initial Study / Environmental Checklist and are available for review at the City Hall located at 200 Civic Center Way, in El Cajon.

City of El Cajon
2001 General Plan
2014 Municipal Code

Air Quality Analysis for the Ballantyne and Park Specific Plan, SRA, January 2015.

Greenhouse Gas Analysis for the Ballantyne and Park Specific Plan, SRA, January 2015

Noise Analysis for the Ballantyne and Park Specific Plan, Eilar & Associates, January 2015.

Traffic Analysis for the Ballantyne and Park Specific Plan, LLG, January 2015.

Krueger, John. West Coast Air. Personal communication with William Fishbeck on January 27, 2015.

ATTACHMENT A
BALLANTYNE AND PARK SPECIFIC PLAN

Ballantyne and Park Specific Plan
Specific Plan No. _____
City Council Ordinance No. _____

BALLANTYNE AND PARK SPECIFIC PLAN

Section 1. Purpose and Intent.

The goal of the Ballantyne and Park Specific Plan is to identify appropriate land uses, program quality development and architectural standards, indicate the development approval process, and provide for amendment procedures for the comprehensive development of the specific plan area. The specific plan implements General Plan policies that require sound design standards while supporting the establishment of defined uses that are compatible with surrounding uses.

Section 2. Specific Plan Area.

The property is located at the northeast corner of Ballantyne and Park Avenues. It consists of approximately 2.57 acres according to the site plan attached hereto and marked Exhibit A.1., being a portion of tax parcel identified as APN 483-310-16.

Section 3. Authority and Scope.

This specific plan is established by the El Cajon City Council in accordance with Chapter 17.70 of the *El Cajon Municipal Code (ECMC)*, which establishes specific plans as an authorized mechanism for regulating land use and development in the City; and as enabled by the State of California Government Code Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457.

This specific plan implements the broad policies established in *The City of El Cajon General Plan* to guide growth and change in El Cajon, and is consistent with the General Plan. The development and design standards, and permitted uses contained within this specific plan supersede the previous land use and development regulations contained within the *ECMC* for the subject sites. Where the specific plan is silent, the regulations of the *ECMC* are applicable.

Section 4. CEQA.

Adoption or amendment of a specific plan constitutes a project under the California Environmental Quality Act (CEQA). The initial environmental review shows that the proposed plan will not significantly affect the environment.

All subsequent approvals necessary to develop property within the specific plan area must be consistent with this specific plan. Additional environmental documentation may be required in the future if significant changes are found to have occurred pursuant to CEQA guidelines.

Section 5. Amendments to this Specific Plan.

Specific plan amendments shall be made through the provisions found in the *ECMC*; specifically, Chapters 17.57, 17.63 and 17.70.

The City Council may at any time, after holding a properly noticed public hearing, at which time the applicant may appear and object under applicable law to any potential repeal or modification of the conditions of approval, and after considering testimony as to the operation of the approved uses, repeal this specific plan, or modify the plan with additional conditions as it deems necessary to ensure that the approved uses continue to be compatible with surrounding properties and continue to be operated in a manner that is in the best interest of public convenience and necessity and will not be contrary to the public health, safety or welfare.

Section 6. Subsequent Approvals.

Approval of a Site Development Plan Permit pursuant to *ECMC* 17.65 and consistent with the specific plan is required for any proposed development on the site. The application for the Site Development Plan Permit must include a comprehensive site plan, landscape concept plan, building elevations, and a materials board.

The project site is within the airport overlay zone and review area 2 of the Gillespie Field Airport Land Use Compatibility Plan. Any proposed development of the site subject to the Part 77 notice criteria requires a determination of no hazard to air navigation by the Federal Aviation Administration.

Section 7. Appeal.

Any decision by the Planning Manager may be appealed to the Planning Commission, upon receipt of a written request for a hearing, in accordance with the provisions of *ECMC* Chapter 17.30. The Planning Manager shall schedule any appeal for the next available Planning Commission meeting based on notice times and agenda availability.

Section 8. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of

this ordinance. The City Council hereby declares that it would have adopted the specific plan and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases may be declared invalid.

Section 9. Permitted Uses.

The following uses are permitted in the specific plan Area unless designated conditional (“C”) or (“Z”), in which case such uses may be undertaken only upon the issuance of a Conditional Use Permit or Administrative Zoning permit as specified below:

Commercial Uses:

- Antique sales
- Art galleries, commercial retail
- Artist studios and art restoration services
- Athletic clubs and fitness centers
- Beauty salon, nail salon, barber shop and day spa
- Beauty supply and cosmetics sales
- Book store, including news copy and magazine sales
- Camera and photographic sales and related services
- Child activity centers
- Clothing and apparel store, new
- Clothing and costume rentals
- Clubs, youth clubs, professional organizations, union halls, fraternal organizations C
- Community gardens
- Dance studio
- Day care facility C
- Department store with general retail sales
- Drive through service accessory to an authorized land use C
- Fabric store
- Financial services and institutions
- Florist
- Furniture and home furnishing sales
- General retail sales
- Gift shop, including novelties, souvenirs, greeting cards, etc.
- Headquarters office facility
- Hobby shop
- Household accessories including bedding, linens, kitchen supplies, etc.
- Laundry and dry cleaning services, retail, including coin operated self-service laundry
- Locksmith and related services
- Market, food

Martial arts instruction and training
Medical and dental office, laboratories and clinics open to the general public including acupuncture, chiropractic and other state licensed health care practices
Medical and dental laboratory not open to the public
Modeling agency, talent agencies and entertainment booking services (office only)
Music lessons conducted indoors
Music store including the sale of musical instruments, sheet music and recorded music
Office, administrative, business and professional
Office machine sales
Optical goods including eye glasses, contact lenses, and eye exams
Outdoor dining accessory to authorized restaurant or cocktail lounge Z
Pet supply stores including pet sales and pet adoption services with accessory indoor veterinary and grooming services
Pharmacy
Photocopying and other retail office services for the general public
Photographic studio including ancillary photo finishing services
Restaurant C
Restaurant, take out only as part of a comprehensive commercial development C
Special training and schooling conducted indoors
Sporting goods, bicycles and toy stores
Supermarket
Tailoring, alteration and sewing services
Travel agency
Urban farming C
Veterinary and small animal hospital, indoors only
Vocational and trade school (conducted indoors) C
Watch, clock and jewelry sales and repair

Light Industrial Uses

Printing and publishing services, non-retail and excluding contact with the general public

Transportation, Communication and Utilities

Media production including broadcasting studios, and audio and video recording studios
Wireless communication facilities, freestanding C
Wireless communication facilities, architecturally integrated or other stealth design

Institutional and Charitable Uses

Botanical garden and arboretum	C
Educational institution	C
Governmental administrative offices	C
Hospital	C
Religious facilities	C

Residential Uses

Multifamily housing up to 30 dwelling units per acre, or as part of a mixed-use development

Section 10. Development Standards.

- 10.1 **Height:** The maximum height permitted for any building is 45 ft.
- 10.2 **Setbacks:** The residential setback is 5 to 10 feet from exterior property lines and must be landscaped. Commercial or mixed-use setbacks may be reduced to zero provided that street trees are provided in wells and adequate sidewalk widths maintained.
- 10.3 **Parking Standard:** Residential parking shall be provided at the rate of 1 parking space per studio or 1 bedroom unit and 2 parking spaces per 2 or more bedroom unit. Parking for all other uses shall be determined by the use proposed in accordance with *ECMC* Chapter 17.185 *Parking Standards* or as substantiated by a parking demand analysis prepared by a professional transportation consultant.
- 10.4 **Lot Coverage:** No maximum lot coverage is applicable.
- 10.5 **Recreational Space:** A residential project must provide recreational or open space amenities at a rate of 225 square feet per unit. Recreational space may be provided as private or common space and may include balconies.
- 10.6 **Pedestrian Paths:** Walkways shall be provided adjacent to all on-street parking areas, shall connect all building entrances and parking areas and shall have an unobstructed width of not less than (4) four feet.
- 10.7 **Other Development Standards:** Other development standards as set forth in *ECMC* 17.130 *General Development Standards* are applicable.

- 10.8 **Landscaping:** Landscaping must be provided in accordance with *ECMC 17.195 Water Efficient Landscape Ordinance*.
- 10.9 **Performance Standards:** Any proposed use must comply with the regulations as set forth in Chapter 17.115 General Land Use Regulations and Performance Standards.

Section 11. Design Standards.

- 11.1 **Building Compatibility:** Buildings shall be of a high-quality design and architecture, compatible in bulk and scale with the surrounding area, and at an appropriate pedestrian scale. Integral architectural details should be balanced on all facades. Varying wall planes, heights, or materials should be integrated to create visual interest.
- 11.2 **Building Orientation:** Buildings should be oriented to front on Ballantyne and Park and should provide direct entries on the public streets.
- 11.3 **Parking:** Surface parking should be located to the rear of the property behind buildings.
- 11.4 **Vehicular Access:** Vehicular access should not disrupt pedestrian traffic. Driveways and curb cuts should be minimized and appropriate site distances observed. The following project design features should be considered as part of the Site Development Plan Permit approval:
- Construct all project driveways to City improvement standards.
 - Construct all project driveways such that City sight distance requirements are met or exceeded.
 - Any access to Park Avenue should be as far as possible from Ballantyne Street (at least 75 feet).
 - Limit driveway access to Ballantyne Street to right turns only.
- 11.5 **Pedestrian Orientation:** Enhanced pedestrian features should be incorporated and may include, but are not limited to, a mini-plaza, larger sidewalks, or pedestrian amenities.

- 11.6 **Landscaping:** Street trees should be provided in all non-contiguous sidewalk planter areas or in tree wells. Trees and landscaping should be located within exterior required yards along Ballantyne and Park compatible with existing landscape theme.
- 11.7 **Transit Connection:** Provide a direct pedestrian connection to the bus stop on Ballantyne. Site design should respect the connection to transit and amenities for transit riders should be provided.
- 11.8 **Bicycle Facilities:** Bicycle facilities must be provided in accordance with *ECMC* section 17.185.150 *Bicycle parking*.
- 11.9 **Lighting:** Lighting shall be of appropriate scale and illumination. All lighting fixtures shall be shielded from neighboring properties. The submittal of lighting plans shall be required for all improvements with light standard heights, intensities, locations, and include light reduction strategies to eliminate light spilling onto adjacent properties. Additionally, all lighting elements must be designed in concert with the overall project theme.
- 11.10 **Service Areas:** Service areas such as loading docks, utilities, and refuse storage should be sited appropriately to avoid conflicts with the adjacent school and nearby residential uses and should be screened from public view.

Section 12. Conditions of Approval.

Prior to the issuance of any building permit for any structure, the applicant shall comply with any applicable mitigation measures if such measures are indicated in the Environmental Document at Exhibit ___.

Prior to the issuance of building permits, or as otherwise determined by the Planning Manager, the applicant shall complete the following:

- i. Approval of a Site Development Plan Permit consistent with this specific plan is required prior to building permit issuance. The application for the Site Development Plan Permit must include a comprehensive site plan, landscape concept plan, building elevations, and a materials board.
- ii. The applicant shall comply with all the conditions listed in the "Standard Conditions of Development" adopted by the Planning Commission by Planning Commission Resolution No. 10649 and labeled Exhibit A.2 as applicable.

- iii. Submit a lighting plan in accordance with *ECMC* Section 17.130.150. The plan shall include the location of all external lighting elements and their respective design. Planning Division approval of the plan is required before building permit issuance.
- iv. Obtain approval of a Landscape Documentation Package (LDP) in conformance with the requirements of Chapter 17.195 of the Zoning Code, and consistent with the guidelines provided in the City of El Cajon Landscape Design Manual.
 - a) Prior to the granting of occupancy or as otherwise determined by the Planning Manager, all on-site improvements shall be completed or guaranteed in accordance with the approved specific plan site plans and building permits. In addition, the following items shall be completed and/or inspected:
 - i. Complete the installation of the approved landscaping and irrigation system and obtain approval of a Certificate of Completion.
 - b) Satisfy all requirements of all pertinent City departments and divisions, including the Public Works Department, Building Division, Fire Safety Division, and utilities including Helix Water District and San Diego Gas and Electric as indicated in the attached comments.

Section 13. Performance Standards.

- a) All new parking lot lighting elements shall be directed downward and shielded from adjacent residential properties.
- b) All landscaped areas shall be sufficiently watered and periodically fertilized to establish and maintain healthy growth, and shall be maintained in a neat, litter and weed free condition. All plants shall be pruned and trimmed as necessary, and upon notification by the Planning Division, all plant materials that have died or have failed to show healthy growth shall be replaced by plants of the same or similar species. Replacement by more drought resistant plants may also be approved. Landscape maintenance shall include regular inspection, adjustment, and repair of the irrigation system, including making seasonal changes to the irrigation controller.
- c) All uses under this specific plan shall be operated in a manner that complies at all times with the performance standards listed in Section 17.115.130 of the *ECMC*.

Section 14. Applicability.

Where this specific plan is silent in terms of the use and development standards for each site, the underlying zoning district and applicable general zoning regulations shall govern. Furthermore, where a conflict exists between this specific plan and the *ECMC*, this specific plan shall prevail.

Section 15. Attachments.

Exhibit A.1 - Reduced Site Plan

Exhibit A.2 –Standard Conditions of Development

ATTACHMENT B

MITIGATION MONITORING AND REPORTING PLAN

MITIGATION MONITORING AND REPORTING PROGRAM

The Cajon Valley Union School District (CVUSD) prepared an Initial Study/Mitigated Negative Declaration (IS/MND) in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.; California Code of Regulations Title 14 Section 15000 et seq. [CEQA Guidelines]). The IS/MND determined that the proposed project could have a significant environmental effect in the following areas: Air Quality, Cultural Resources, Noise, Traffic, and Hazardous Wastes.

Section 21081.6 of the California Public Resources Code requires a public agency to adopt a mitigation monitoring and reporting program (MMRP) at the time of approval for changes to the project that it has adopted and incorporated into the project. The MMRP describes the procedures the Project Applicant or its successor will use to implement the Mitigation Measures adopted in connection with the approval of the Project and the methods of monitoring and reporting on such actions. Monitoring refers to the observation of mitigation activities at the Project Site, in the design of plans or in the operation of designated agencies. A MMRP is necessary only for impacts which would be significant if not mitigated.

The MMRP is presented in tabular format (Table 1-1). The table columns contain the following information:

Mitigation Number: Lists the mitigation measures by number, as designated in the IS/MND and by issue area.

Mitigation Measure: Provides the text of the mitigation measures (by issue area), as provided in the IS/MND, each of which has been adopted and incorporated into the project.

Timing/Schedule: Lists the time frame in which the mitigation is expected to take place.

Implementation Responsibility: Identifies the entity responsible for complying with the requirements and conditions of the mitigation measure.

Completion of Implementation: The CVUSD is responsible for ensuring these mitigation measures are implemented. The "Action" column is to be used by the CVUSD to describe the action(s) taken to complete implementation. The "Date Completed" column is to be used to indicate when implementation of the mitigation measure has been completed. The CVUSD, at their discretion, may delegate implementation responsibility or portions thereof to qualified consultants or contractors. However, CVUSD still maintains overall responsibility for implementation of mitigation adopted or incorporated into the project.

Table 1-1 Mitigation Monitoring and Reporting Program for the Ballantyne and Park Specific Plan Amendment Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
AQ-1	<p>Air Quality</p> <p>The project will employ best management practices to reduce air emissions during construction, including:</p> <ul style="list-style-type: none"> • Application of water three times daily during grading on active grading sites • Application of water three times daily to unpaved roads • Reduce speeds to 15 mph on unpaved roads • Use architectural coatings with a VOC content of 150 g/l or less 				
CR-1	<p>Cultural Resources</p> <ul style="list-style-type: none"> • Project excavation or grading activities within the designated limits of disturbance shall be monitored by a qualified archeological monitor to search for potential buried historic, and/or archaeological resources. If unknown cultural resources are discovered during the construction of the Project, the following protocol shall be followed: • If evidence of archeological resources (e.g., chipped or ground stone, historical debris, building foundations, or human bone) is identified by the qualified monitor during excavation, all 	Grading and excavation. Confirm agreement with archeological monitor prior to approval of grading plans	Community Development Department		

Table 1-1 Mitigation Monitoring and Reporting Program for the Ballantyne and Park Specific Plan Amendment Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
	<p>work within 60 feet of the discovery site shall stop until a qualified archaeologist can assess the significance of the find.</p> <ul style="list-style-type: none"> • The monitor shall notify appropriate staff of the City of El Cajon Community Development Department – Planning Division. • Consultation shall be undertaken, as appropriate, between the City; a qualified archaeologist; Native American representatives (if appropriate); and, other appropriate agencies to determine whether the intact portions of the discovered resource can be avoided or if impacts have not occurred, whether work can continue. If it is determined that the resource has been impacted and an assessment of its significance is required, then a qualified archaeologist shall develop appropriate treatment measures for the discovered and impacted resource in consultation with appropriate agencies. Work in the area of the discovery will not resume until permission is received from the City of El Cajon. • All recovered artifacts shall be taken to an archaeological laboratory for sorting, cataloging, and analysis. All data shall be entered into a database program. A report shall be written by a qualified archeologist detailing the results of the monitoring, analyzing the materials recovered, and discussing the importance of the materials as they relate to the history or prehistory of El Cajon. 				

**Table 1-1
Mitigation Monitoring and Reporting Program for the Ballantyne and Park Specific Plan Amendment Project**

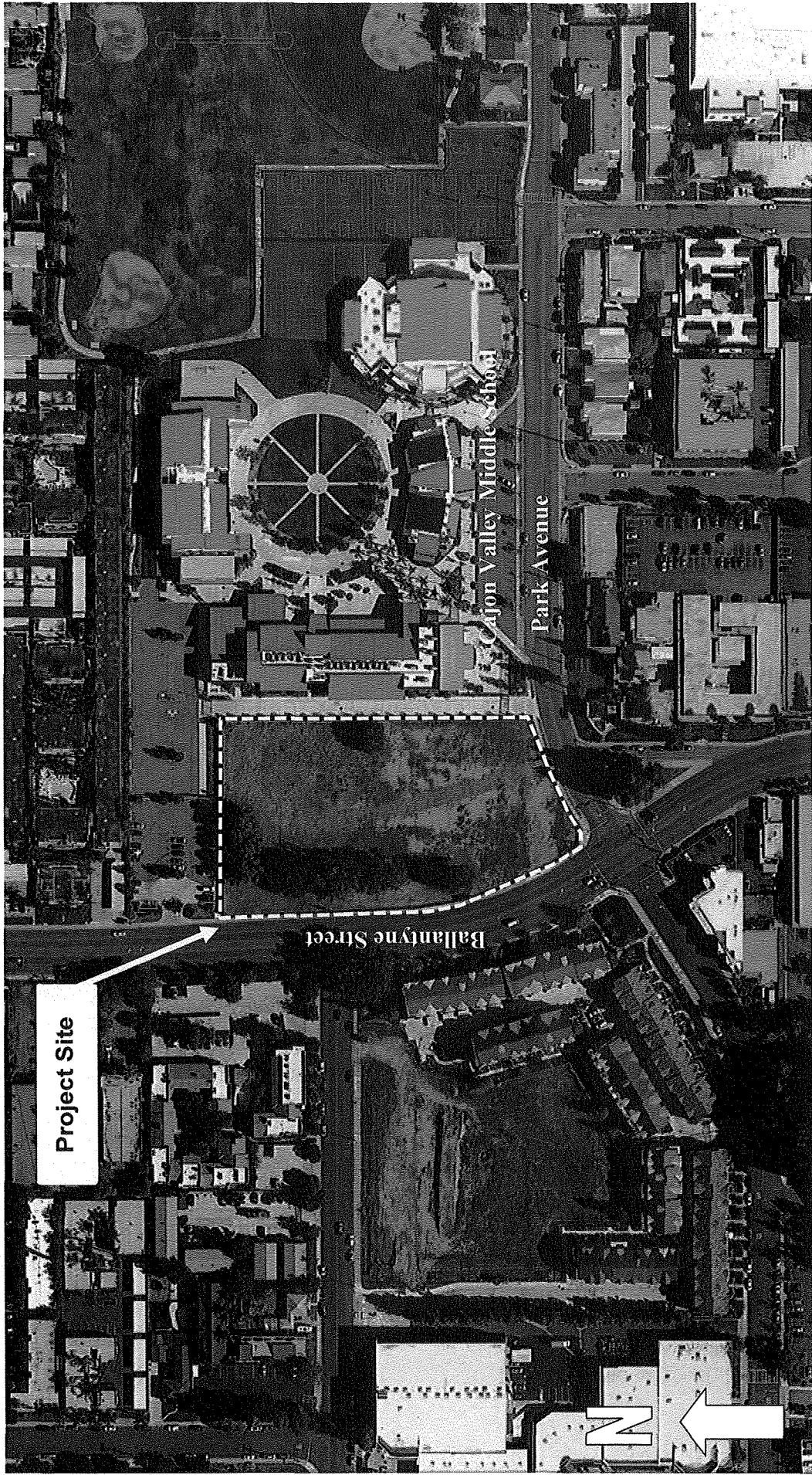
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
	<ul style="list-style-type: none"> In the unlikely event that human remains are discovered, existing laws and protocols are required to be followed before proceeding with any project action that would further disturb the remains. Provisions set forth in California Public Resources Code Section 5097.78 and State Health and Safety Code Section 7050.5 would be implemented in consultation with the most likely descendant identified by the Native American Heritage Commission. 				
HAZ-1	<p>Hazardous Wastes</p> <p>Geotracker identified one leaking underground storage tank (LUST) approximately 500 feet west of the project site</p> <ul style="list-style-type: none"> All proposed groundbreaking activities within areas of identified or suspected contamination would be required to be conducted according to a site-specific health and safety plan, prepared by a licensed professional in accordance with Cal/OHSA regulations (contained in Title 8 of the California Code of Regulations) prior to the commencement of groundbreaking. 	Prior to issuance of building permits.	Community Development Department		
	The project site is within the airport overlay zone and review area 2 of the Gillespie Field Airport Land Use Compatibility Plan. Future projects within the overlay zone and review area are subject to the airport land use compatibility review requirements.	Prior to approval of the site development plan permit.	Community Development Department		

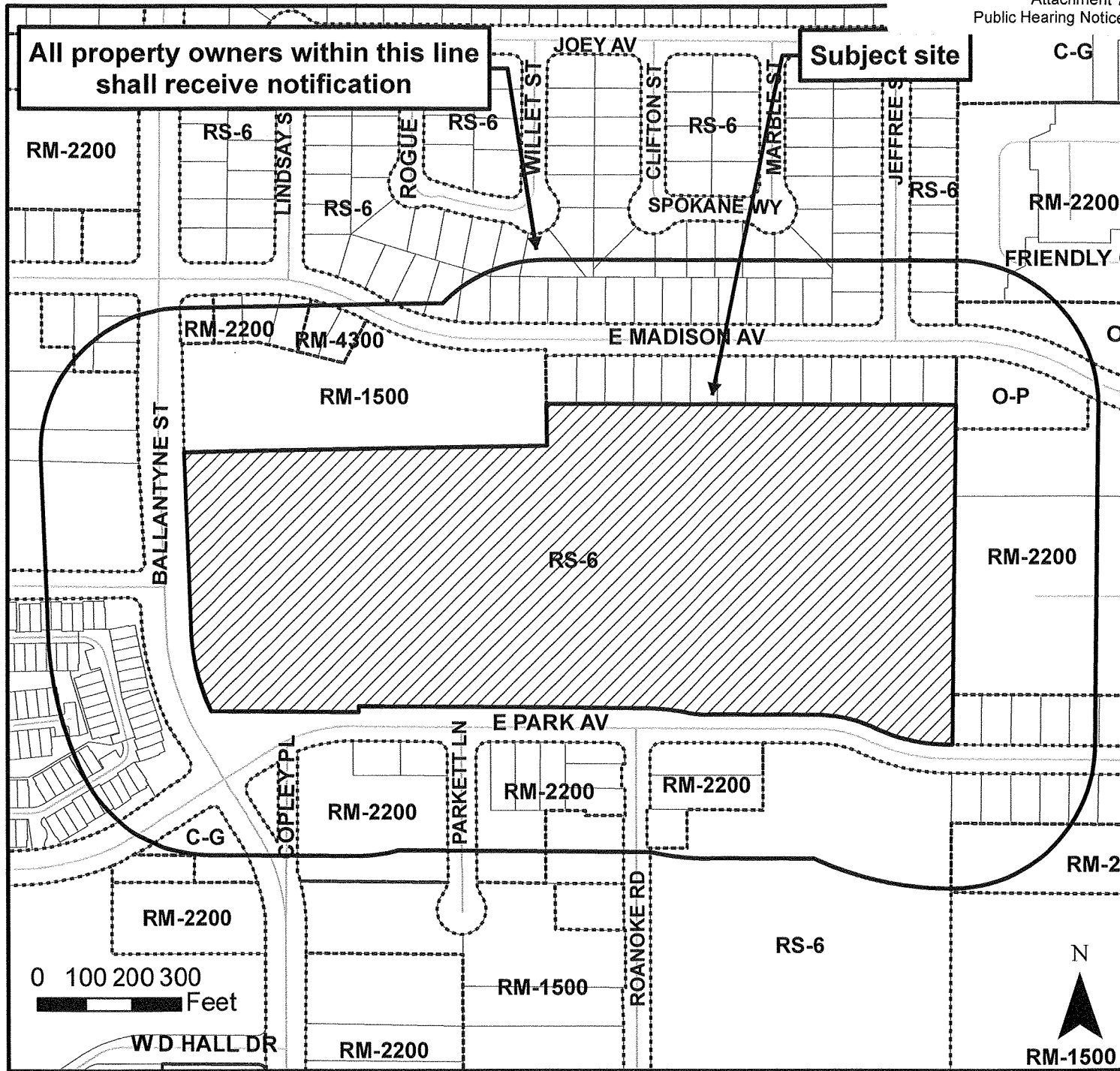
Table 1-1 Mitigation Monitoring and Reporting Program for the Ballantyne and Park Specific Plan Amendment Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
HAZ-2	<ul style="list-style-type: none"> Future development on the site will need to comply with the ALUC compatibility review requirements (Part 77 notice criteria) to obtain a determination of no hazard to air navigation by the Federal Aviation Administration. Adherence to these requirements will help to reduce safety hazards associated with people residing or working within two miles of a public airport or public use airport to below a level of significance. 				
NOI-1	<p>Noise</p> <p>Implementation of the following mitigation measures would minimize potential noise sources introduced by the new development to acceptable noise levels, which would comply with the City of El Cajon noise regulations.</p> <p>If a multifamily residential development is proposed on site, one of the two following project design features should be implemented in order to adequately control noise levels at outdoor use areas to be 65 DNL or less:</p> <ol style="list-style-type: none"> Buildings should be oriented in a "U" or "L" shape with outdoor use areas in a central courtyard on the east side of the buildings (opposite of Ballantyne Street) to allow the building to act as a sound attenuation barrier. If outdoor use areas have a direct line-of-sight to Ballantyne Street, a sound attenuation barrier wall should be constructed around the outdoor use area to attenuate noise. A six-foot high wall would be expected to be sufficient. 	Prior to approval of the site development permit or prior to the issuance of building permits.	Community Development Department		

Table 1-1 Mitigation Monitoring and Reporting Program for the Ballantyne and Park Specific Plan Amendment Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
NOI-2	<ul style="list-style-type: none"> The eight-foot high block wall surrounding the north and east property lines must remain in place upon development of the project site. Truck deliveries may not occur between the hours of 10 p.m. and 7 a.m. A parapet wall with a minimum height of four feet should be installed at the roofs of proposed buildings on which air conditioning units will be roof-mounted to appropriately shield the units from neighboring properties. Any outdoor play areas for child care centers to be located on site should be located at least 80 feet from the west or south property lines, and at least 60 feet from the north or east property lines. Noise from this source was evaluated assuming 25 children would be present; however, if more children are to be present, a more detailed noise analysis may be needed to determine the additional noise impact. Any trash compactor should be located at least 55 feet from the north and east property lines. Any wireless equipment to be located on site must include an eight-foot high barrier wall around any proposed generators, and all equipment must be located at least 90 feet from any surrounding property line. An interior noise analysis would be required prior to issuance of building permits to ensure interior noise levels would be mitigated to less than 45 dba. 				
NOI-3					
NOI-4					
NOI-5					
NOI-6					
NOI-7					
NOI-8					

Table 1-1 Mitigation Monitoring and Reporting Program for the Ballantyne and Park Specific Plan Amendment Project					
Mitigation Number	Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Completion of Implementation	
				Action	Date Completed
TRAF-1	<p>Transportation/Traffic</p> <p>Adherence to the following City standards would serve to reduce potential hazards due to a design feature (e.g., sharp curves or dangerous intersections) and to maintain adequate emergency access.</p> <ul style="list-style-type: none"> • Prior to approval of a site development plan, a transportation safety analysis must be submitted and approved by the City Engineer. 	Prior to approval of the site development plan permit.	Community Development Department		

Ballantyne and Park Specific Plan
March 17, 2015





NOTICE OF PROPOSED
GENERAL PLAN AMENDMENT,
ZONE RECLASSIFICATION,
SPECIFIC PLAN, AND MITIGATED NEGATIVE DECLARATION FOR
CAJON VALLEY SCHOOL DISTRICT

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, March 17, 2015**, and the El Cajon City Council will hold a public hearing at **7:00 p.m., Tuesday, April 14, 2015** in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider:

CAJON VALLEY SCHOOL DISTRICT – GENERAL PLAN AMENDMENT NO. 2012-02, ZONE RECLASSIFICATION NO. 2311, AND SPECIFIC PLAN NO. 525 as submitted by Cajon Valley Union School District (Scott Buxbaum), to redesignate the subject property from Junior High to High Density Residential in the General Plan, to rezone the subject property from RS-6 to RM-1450, and to adopt a specific plan for future development. A Draft Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act. The subject property is located at the northeast corner of Ballantyne and Park Avenues and is a portion of APN: 483-310-16-00.

The public is invited to attend and participate in these public hearings. The agenda reports for this project will be available 72 hours prior to the meeting for Planning Commission at www.ci-el-cajon.ca.us/dept/cpmm/planning_agendas.aspx and for City Council at <http://www.ci-el-cajon.ca.us/council/agendas.aspx>. To download a copy, click the *current agenda – full version* link, then the agenda item. In an effort to reduce the City's carbon footprint, paper copies will not be provided at the public hearings, but will be available at the Project Assistance Center and City Clerk counters 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 hearings described in this notice or in written correspondence delivered to the Commission or Council at, or prior to, the public hearings. 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 the Planning Division at 619.441.1742. More information about planning and zoning in El Cajon is available at www.ci-el-cajon.ca.us/dept/comm/planning.html.

If you have any questions, or wish any additional information, please contact **MELISSA DEVINE** at 619.441.1773 or via email at mdevine@cityofelcajon.us and reference "Cajon Valley School District" in the subject line.



General Plan Amendment

City of El Cajon

Community Development Department
Planning Division
DISCRETIONARY PERMIT APPLICATION

Type of Discretionary Permit(s) Requested

AZP CUP LLA PRD PUD
 Specific Plan TPM TSM VAR ZR

Other: General Plan Amendment 2012-02

Applicant Information (the individual or entity proposing to carry out the project; not for consultants)

Company Name: Cajon Valley Union School District
Contact Name: Scott A. Buxbaum, Assistant Superintendent
Address: c/o Business Services
PO BOX 1007, El Cajon, CA 92022-1007
Phone: (619) 588-3060 Email: buxbaums@cajonvalley.net
Interest in Property: Own Lease Option

ATTORNEY

Project Representative Information (if different than applicant; consultant information here)

Company Name: Fischbeck & Oberndorfer, A.P.C.
Contact Name: William L. Fischbeck License: Bar #068883
Address: 5464 Grossmont Center Dr., La Mesa, CA 91942
Phone: (619) 464-1200 Email: wlf@lamesalaw.com

Property Owner's Project Manager:

Property Owner Information (if different than applicant)

Company Name: G. Wayne Oetken & Associates
Contact Name: Wayne Oetken
Address: PO BOX 1161, La Mesa, CA 91944-1161
Phone: (619) 825-6502 Email: gwoassociates@cox.net

Project Location

Parcel Number (APN): A portion of 483-310-16
Address: East Park Avenue, El Cajon, CA
Nearest Intersection: Park Avenue and Ballantyne Street

Project Description (or attach separate narrative)

General Plan Amendment to the Cajon Valley Middle School site described as approx. the southerly 490 feet of the westerly 265 feet of the property of which consists of approx. 2.57 acre lot to allow for Neighborhood Commercial zone.

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: Scott A. Buxbaum Date: 10/18/12
Scott A. Buxbaum, Asst. Superintendant
Property Owner Signature²: Scott A. Buxbaum Date: 10/18/12
Scott A. Buxbaum, Asst. Superintendant

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.



City of El Cajon

Community Development Department
Planning Division
DISCLOSURE STATEMENT

Disclosure Statement - General Plan Amendment

This statement is intended to identify and avoid potential conflicts of interest that may exist between the project proponents and the decision makers; including City staff, Planning Commissioners, and City Council members.

The following information must be disclosed:

1. List the names and addresses of all persons having a financial interest in the application.

Cajon Valley Union School District

PO BOX 1007, El Cajon, CA 92022-1007

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

Cajon Valley Union School District

PO BOX 1007, El Cajon, CA 92022-1007

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.

N/A

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.

N/A

4. Have you or your agents transacted more than \$500.00 worth of business with any member of City staff, Boards, Commissions, Committees and Council within the past 12 months or \$1,000.00 with the spouse of any such person? Yes No

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

Please see attached documentation.

"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.

Scott A. Buxbaum 10/18/12
Signature of applicant / date

Scott A. Buxbaum, Asst. Superintendant
Print or type name of applicant

NOTE: Attach appropriate names on additional pages as necessary.

Account	Check Number	Date	Payee	Amount	
TREASURER	508554	10/6/2011	CITY OF EL CAJON	\$95.07	Plan Submittal Fee for roof at 225 Roanoke
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Total Fees \$721.78

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TREASURER	513497	6/25/2012	CITY OF EL CAJON ALARM CLERK	\$1,950.00	Alarm Response
TREASURER	512519	5/10/2012	CITY OF EL CAJON ALARM CLERK	\$150.00	Alarm Response
TREASURER	512125	4/19/2012	CITY OF EL CAJON ALARM CLERK	\$900.00	Alarm Response
TREASURER	511650	3/22/2012	CITY OF EL CAJON ALARM CLERK	\$2,400.00	Alarm Response
TREASURER	511257	3/8/2012	CITY OF EL CAJON ALARM CLERK	\$2,925.00	Alarm Response
TREASURER	510930	2/16/2012	CITY OF EL CAJON ALARM CLERK	\$75.00	Alarm Response
TREASURER	510669	2/2/2012	CITY OF EL CAJON ALARM CLERK	\$1,350.00	Alarm Response

Total Alarm Response Fees \$12,000.00

TREASURER	514735	9/13/2012	CITY OF EL CAJON - REC CENTER	\$1,008.00	Joint use shared costs
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Total Recreation Shared costs \$3,204.79

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TREASURER	511722	3/29/2012	CITY OF EL CAJON.	\$2,820.28	Water/Sewer Charges
TREASURER	511651	3/22/2012	CITY OF EL CAJON.	\$702.20	Water/Sewer Charges
TREASURER	515572	10/15/2012	CITY OF EL CAJON..	\$1,531.24	Water/Sewer Charges
TREASURER	513050	6/7/2012	CITY OF EL CAJON..	\$464.21	Water/Sewer Charges
TREASURER	511860	4/3/2012	CITY OF EL CAJON..	\$443.39	Water/Sewer Charges
TREASURER	515573	10/15/2012	CITY OF EL CAJON	\$1,758.20	Water/Sewer Charges
TREASURER	515442	10/15/2012	CITY OF EL CAJON	\$11,478.40	Water/Sewer Charges
TREASURER	515177	10/4/2012	CITY OF EL CAJON	\$14,861.98	Water/Sewer Charges
TREASURER	515027	9/26/2012	CITY OF EL CAJON	\$9,282.60	Water/Sewer Charges
TREASURER	514392	8/16/2012	CITY OF EL CAJON	\$1,513.40	Water/Sewer Charges
TREASURER	514337	8/9/2012	CITY OF EL CAJON	\$9,681.60	Water/Sewer Charges
TREASURER	514269	8/9/2012	CITY OF EL CAJON	\$13,740.40	Water/Sewer Charges
TREASURER	514231	8/2/2012	CITY OF EL CAJON	\$11,439.44	Water/Sewer Charges
TREASURER	513164	6/14/2012	CITY OF EL CAJON	\$5,037.00	Water/Sewer Charges
TREASURER	513049	6/7/2012	CITY OF EL CAJON	\$8,635.20	Water/Sewer Charges
TREASURER	512854	5/24/2012	CITY OF EL CAJON	\$1,089.44	Water/Sewer Charges
TREASURER	511989	4/12/2012	CITY OF EL CAJON	\$5,925.80	Water/Sewer Charges
TREASURER	511859	4/3/2012	CITY OF EL CAJON	\$3,851.60	Water/Sewer Charges
TREASURER	510929	2/16/2012	CITY OF EL CAJON	\$1,619.57	Water/Sewer Charges
TREASURER	510756	2/9/2012	CITY OF EL CAJON	\$3,409.90	Water/Sewer Charges
TREASURER	510668	2/2/2012	CITY OF EL CAJON	\$1,094.39	Water/Sewer Charges
TREASURER	510556	1/26/2012	CITY OF EL CAJON	\$990.57	Water/Sewer Charges
TREASURER	509853	12/15/2011	CITY OF EL CAJON	\$5,944.51	Water/Sewer Charges
TREASURER	509715	12/8/2011	CITY OF EL CAJON	\$6,969.70	Water/Sewer Charges
TREASURER	509496	12/1/2011	CITY OF EL CAJON	\$6,556.40	Water/Sewer Charges
TREASURER	508889	10/20/2011	CITY OF EL CAJON	\$12,646.13	Water/Sewer Charges
TREASURER	508668	10/13/2011	CITY OF EL CAJON	\$13,781.23	Water/Sewer Charges
TREASURER	508360	9/23/2011	CITY OF EL CAJON	\$7,838.41	Water/Sewer Charges

Total Water/Sewer \$168,347.39

CEQA APPENDIX H:
ENVIRONMENTAL INFORMATION FORM

(To be Completed by Applicant)

Date Filed _____

General Information

1. Name and address of developer or project sponsor: Cajon Valley Union School District
2. Address of project: East Park Avenue, El Cajon, CA
Assessor's Block and Lot Number: Block 310 Lot 16
3. Name, address, and telephone number of person to be contacted concerning this project:
William L. Fischbeck, Attorney
5464 Grossmont Center Dr., El Cajon, CA 91942
4. Indicate number of the permit application for the project to which this form pertains: _____
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:
Rezone and General Plan Amendment - none
6. Existing zoning district: RS-6 - Residential Single Family
7. Proposed use of site (Project for which this form is filed): Neighborhood Commercial
uses: office, retail

Project Description - Rezone and General Plan Amendment

(see site plan with one possible design)

8. Site size.
9. Square footage.
10. Number of floors of construction.
11. Amount of off-street parking provided.
12. Attach plans.
13. Proposed scheduling.
14. Associated projects.
15. Anticipated incremental development.
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected.
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.
18. If industrial, indicate type, estimated employment per shift, and loading facilities.

Governing Board
of Cajon Valley Union School District

Phone: (619) 588-3005
Fax: (619) 588-7653



Office Address:
750 E. Main Street, El Cajon, CA 92020
Mailing Address:
PO Box 1007, El Cajon, CA 92022-1007
www.cajonvalley.net

EXCERPT OF BOARD MINUTES

The following is an excerpt of the Minutes of the Regular Governing Board meeting held on August 28, 2012.

V. BUSINESS SESSION

D. Business Services Division

7. Approval of Authorization Language to Pursue the Rezoning of the Cajon Valley Middle School Surplus Property Parcel

By consent, Authorization Language to Pursue the Rezoning of the Cajon Valley Middle School Surplus Property Parcel was approved as presented.

I certify the above to be a true and correct copy of the excerpt as indicated.

Lisa Arreola
Executive Assistant to the Superintendent

#507-13/la



Zoning Reclass

City of El Cajon

Community Development Department
Planning Division
DISCRETIONARY PERMIT APPLICATION

Type of Discretionary Permit(s) Requested

- AZP CUP LLA PRD PUD
- Specific Plan TPM TSM VAR ZR

Other: ZR 2311

Applicant Information (the individual or entity proposing to carry out the project; not for consultants)

Company Name: Cajon Valley Union School District

Contact Name: Scott A. Buxbaum, Assistant Superintendant

Address: c/o Business Services
PO BOX 1007, El Cajon, CA 92022-1007

Phone: (619) 588-3060 Email: buxbaums@cajonvalley.net

Interest in Property: Own Lease Option

ATTORNEY

Project Representative Information (if different than applicant; consultant information here)

Company Name: Fischbeck & Oberndorfer, A.P.C.

Contact Name: William L. Fischbeck License: Bar #068883

Address: 5464 Grossmont Center Dr., La Mesa, CA 91942

Phone: (619) 464-1200 Email: wlf@lamesalaw.com

Property Owner's Project Manager:

Property Owner Information (if different than applicant)

Company Name: G. Wayne Oetken & Associates

Contact Name: Wayne Oetken

Address: PO BOX 1161, La Mesa, CA 91944-1161

Phone: (619) 825-6502 Email: gwoassociates@cox.net

Project Location

Parcel Number (APN): A portion of 483-310-16
Address: East Park Avenue, El Cajon, CA
Nearest Intersection: Park Avenue and Ballantyne Street

Project Description (or attach separate narrative)

To allow Neighborhood Commercial zoning for a portion of the Cajon Valley Middle School site described as approximately the southerly 490 feet of the westerly 265 feet of the property of which consists of approx. 2.57 acre lot.

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:

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

Authorization

Applicant Signature¹: Scott A. Buxbaum Date: 10/18/12
Scott A. Buxbaum, Asst. Superintendent
Property Owner Signature²: Scott A. Buxbaum Date: 10/18/12
Scott A. Buxbaum, Asst. Superintendent

- 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.
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City of El Cajon

Community Development Department
Planning Division
DISCLOSURE STATEMENT

Disclosure Statement - Zoning Reclass

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Cajon Valley Union School District
PO BOX 1007, El Cajon, CA 92022-1007

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

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Scott A. Buxbaum 10/18/12 Scott A. Buxbaum, Asst. Superintendant
Signature of applicant / date Print or type name of applicant

NOTE: Attach appropriate names on additional pages as necessary.

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Community Development Department
Planning Division
PLANNING PERMIT APPLICATION

Type of Planning Permit(s) Requested

- AZP CUP LLA PRD PUD
 Specific Plan TPM TSM VAR ZR
 Other: _____

Applicant Information (the individual or entity proposing to carry out the project; not for consultants)

Company Name: Cajon Valley Union School District
Contact Name: Scott A. Buxbaum, Assistant Superintendant
Address: c/o Business Services
PO BOX 1007, El Cajon, CA 92022-1007
Phone: (619) 588-3060 Email: buxbaums@cajonvalley.net
Interest in Property: Own Lease Option

ATTORNEY:

Project Representative Information (if different than applicant; consultant information here)

Company Name: Fischbeck & Oberndorfer, A.P.C.C.
Contact Name: William L. Fischbeck License: Bar #068883
Address: 5464 Grossmont Center Dr., 3rd Flr. La Mesa CA 91942
Phone: (619) 464-1200 Email: wlf@lamesalaw.com

Project Manager:

Property Owner Information (if different than applicant) - *Same as applicant*

Company Name: G. Wayne Oetken & Associates
Contact Name: Wayne Oetken
Address: PO BOX 1161, La Mesa, CA 91944-1161
Phone: (619) 825-6502 Email: gwoassociates@cox.net

Project Location

Parcel Number (APN): A portion of APN: 483-310-16

Address: East Park Avenue, El Cajon, CA

Nearest Intersection: Park Avenue and Ballantyne Street

Project Description (or attach separate narrative)

The additional action of a Specific Plan is needed to allow for a mixture of uses in the development of a portion of the Cajon Valley Middle School described as approximately the southerly 490 feet of the westerly 265 feet of the property which consists of an approximately 2.57 acre lot.

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: Scott A. Buxbaum Date: 3/10/15
Scott A. Buxbaum, Asst. Superintendent

Property Owner Signature²: Scott A. Buxbaum Date: 3/10/15
Scott A. Buxbaum, Asst. Superintendent

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.



Disclosure Statement

This statement is intended to identify and avoid potential conflicts of interest that may exist between the project proponents and the decision makers; including City staff, Planning Commissioners, and City Council members.

The following information must be disclosed:

- 1. List the names and addresses of all persons having a financial interest in the application.

Cajon Valley Union School District
PO BOX 1007, El Cajon, CA 92022-1007

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

Cajon Valley Union School District
PO BOX 1007, El Cajon, CA 92022-1007

- 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.

N/A

- 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.

N/A

4. Have you or your agents transacted more than \$500.00 worth of business with any member of City staff, Boards, Commissions, Committees and Council within the past 12 months or \$1,000.00 with the spouse of any such person? Yes _____ No

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

"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.

Scott A. Buxbaum 3/10/15 Scott A. Buxbaum, Asst. Superintendant
Signature of applicant / date Print or type name of applicant

NOTE: Attach appropriate names on additional pages as necessary.



Agenda Item:	3
Project Name:	Main Street Residences
Request:	Mixed-Use Development Project with Reduced Parking, Setbacks, and Increased Building Height
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	CONTINUE TO APRIL 21, 2015
Project Number(s):	Conditional Use Permit No. 2216
Location:	925-939 West Main Street
Applicant:	Affirmed Housing Group, Inc. – Jimmy Silverwood; 858.386.5178; james@affirmedhousing.com
Project Planner:	Lorena Cordova; 619.441.1539; lcordova@cityofelcajon.us
City Council Hearing Required?	Yes Noticed for April 14, 2015
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. Receive public testimony; and 3. Continue the public hearing to April 21, 2015

STAFF RECOMMENDATION

Staff requests that the Planning Commission continue the public hearing for this project to April 21, 2015.

This request seeks to demolish all existing on-site improvements then construct a new a four-story mixed-use development project to be located on the south side of West Main Street between Millar and Richfield Avenues. The development is proposed to include 50 apartment units, 1,500 square-foot of ground-floor commercial space, 3,450 square feet of common recreation area, 8,000 square feet of landscaping, and 60 parking spaces. The development is comprised of two separate buildings, one of which is proposed to house seniors and the other building is proposed to house families. Included in this application is a request to: 1) construct a mixed-use development; 2) allow an increase in building height; 3) allow a reduction in parking; and, 4) allow a reduction in building setbacks at the street frontage.

During a recent review of the proposed project, staff determined that additional information was needed regarding the request for a parking reduction. Therefore, a continuance is requested in order to give the applicant additional time to provide.



Agenda Item:	4
Project Name:	Sky Fuel – Deemed Approved Administrative Hearing - Review
Request:	Determine if the off-sale establishment has violated deemed approved performance standards
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	REVOKE DEEMED APPROVED STATUS AND IMPOSE NEW ALCOHOL SALES CONDITIONS
Project Number(s):	Conditional Use Permit (CUP) No. 526
Location:	1699 East Main Street
Applicant:	Planning Commission; 619-441-1742
Project Planner:	Anthony Shute; 619.441.1742; tonys@cityofelcajon.us
City Council Hearing Required?	No
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolution in order REVOKING Sky Fuel’s Deemed Approved Status and adding new alcohol sales conditions to CUP No. 526

PROJECT DESCRIPTION

This is an administrative hearing before the Planning Commission for Alcohol Sales Ordinance violations by Sky Fuel. When the City Council adopted the new alcohol sales regulations in September 2013, it was made clear that the proposed regulations allow the City to bypass typical administrative citation steps and go directly to a Planning Commission hearing **if** a violation is;

1. Not capable of correction,
2. Presents a serious threat to public health or safety, or
3. Otherwise warrants expedited action (El Cajon Municipal Code Section 17.210.260 B.).

The City believes that the sale of alcohol to minors warrants expedited action. The alcohol sales ordinance allows the Planning Commission to suspend for up to one year, modify or revoke Sky Fuel’s deemed approved status, and the ability to sell alcohol under CUP No. 526, or impose additional alcohol sales conditions.

ADMINISTRATIVE HEARING

Under the City's Municipal Code, this type of proceeding is known as "Administrative Hearing." Under the Zoning Code the procedures for revocation or modification of a

discretionary permit (such as CUP No. 526) is by conducting a public hearing in the manner prescribed by Chapter 17.25 of the Zoning Code and consistent with Chapter 1.36 of the El Cajon Municipal Code. All oral testimony must be taken either under oath or affirmation. The City Attorney will swear in all witnesses at the time of the hearing. The procedure to be followed will be explained by the City Attorney at the time of the hearing.

In general, the Planning Commission will first receive testimony and evidence from City representatives, as the City bears the burden of proving grounds for the action taken by the Planning Commission. Sky Fuel’s owner, Nash Maroki, or representative is then allowed to present his evidence in support of his position. Each party will then be allowed the right to present evidence in explanation or rebuttal. Each party may question the other party, generally to be conducted through the Chairman, although the Chairman may allow the question to be presented directly.

The hearing is not conducted according to the technical rules of evidence and any relevant evidence, including hearsay, shall be allowed and admitted. The Planning Commission will give the evidence the weight it deserves.

Upon the conclusion of the submission of evidence, only the presenting officer of the City and an authorized representative of the business owner may present arguments to support their respective positions. Thereafter, applying laws, ordinances, rules and regulations to the evidence presented, the Planning Commission shall make an adjudicatory decision regarding Sky Fuel’s deemed approved status and the imposition of additional conditions to sell alcohol. The decision may direct that certain action be taken as deemed necessary by the Planning Commission. Such deliberations and discussions will be conducted in the public meeting.

BACKGROUND

General Plan:	General Commercial (GC)
Specific Plan(s):	N/A
Zone:	General Commercial (C-G)
Other City Plan(s):	N/A
Regional and State Plan(s):	N/A
Notable State Law(s):	Alcoholic Beverage Control Act

Sky Fuel - Conditional Use Permit No. 526

City building permit records indicate that the project site was developed with an automotive fueling station in 1969. In 1973, the City approved CUP No. 526 as part of an effort to make existing service stations comply with new city-wide service station regulations. CUP No. 526 was first amended in March 1982 for off-sale of beer and wine. In May 1991, a second amendment was approved allowing off-sale liquor sales however the applicant at the time did not complete the conditions of approval.

Consequently, the City did not release its protest of the off-sale license so no ABC license was issued to sell packaged liquor.

Sky Fuel's existing alcohol products include packaged beer and wine in six wall coolers. Packaged products include beer in single-serve cans and bottles, and in the 6-, 12- and 24pack categories. Besides the typical "beer" products found in single-serve cans, there are also strawberry and margarita flavored beers available. Wine coolers are sold in the 4-pack variety. There are also two atypical products available, e.g., "Joose" (a margarita style beverage with a variety of fruit flavors) and "Four Loko" (an energy drink that contains 12% alcohol by volume, caffeine, sugar, guarana, and taurine). These products are sold in a 23.5 oz. can and come in a number of different flavors that mask the taste of alcohol.

Project Site & Constraints

The 0.75-acre subject property has approximately 150 feet of frontage on East Main Street and approximately 150 feet of frontage on Greenfield Drive. The easterly side of the property is adjacent to the Interstate-8 westbound on-ramp.

The property is developed with a 2,044-square foot building consisting of a 1,624-square foot convenience market and an attached 420-square foot automated car wash. There are two fuel pump islands located under a 2,000-square foot canopy, and each island contains two fuel pumps. Accessory features include two large propane tanks near Greenfield Drive, a fuel vapor recovery system located behind the convenience market, a masonry trash and recycling enclosure, a coin-operated air and water station, and coin-operated vacuum cleaner.

Landscaping at the site is minimal, and has not been maintained according to City standards, and as required by CUP No. 526 conditions of approval.

Surrounding Context

Surrounding properties are developed and zoned as follows:

Direction	Zones	Land Uses
North	C-G	Automotive Fueling Station
South	C-G	Office
East	C-G	Interstate-8
West	C-G	Vacant

General Plan

The project site is designated GC (General Commercial) on the General Plan Land Use Map. As described in the General Plan, GC designated areas are intended for general shopping or service needs and for uses not typically found in shopping centers. General Plan Policy 5-9.1 directs the City to improve public safety for all residents through community policing efforts and crime prevention measures.

Alcohol Beverage Control Act

The sale of alcohol is regulated by the Alcoholic Beverage Control Act (Business & Professions Code §§ 23000-25762). Accordingly, the Department of Alcoholic Beverage Control (ABC) was established to oversee the licensing process. ABC has specific criteria to issue and revoke licenses, which allows for local participation that can impose regulations pursuant to both its valid police powers and land use authority.

Municipal Code

On September 10, 2013, the El Cajon City Council adopted a new alcohol sales ordinance to address community concerns associated with unlawful alcohol sales and related nuisances. The ordinance stipulated that all authorized off-sale alcohol establishments that were not required to obtain a conditional use permit, and all permitted or conditionally permitted stores, and all legal nonconforming stores, were automatically deemed approved as of November 1, 2013, and are no longer considered exempted, permitted, conditionally permitted or legal nonconforming. These establishments are subject to all “deemed approved” regulations and performance standards which are designed to reduce nuisances and criminal activity in the surrounding areas. This includes Responsible Beverage Service (RBS) training which is designed to give retailers of off-sale alcohol establishments the knowledge and skills to help them sell alcohol responsibly and fulfill legal requirements. Once the training has been fulfilled the retailer is required to submit proof of RBS completion to the Community Development Department. To date, 11 stores have not submitted proof that all employees, including owners involved in the sale of alcohol, have completed the required training. These stores are currently under code enforcement action.

The alcohol sales ordinance also requires that all deemed approved stores post the deemed approved performance standards, which were sent to all off-sale alcohol establishments on October 14, 2013.

In summary, the El Cajon Municipal Code and Conditional Use Permit No. 526 regulate the land use of the above referenced premises for the sale of alcohol. The provisions of the alcohol sales ordinance complement the state of California alcohol-related laws. They do not replace, usurp or conflict with any powers vested in the ABC.

El Cajon Police Minor Decoy Program

An important crime-prevention program conducted by the El Cajon Police Department is its periodic minor decoy program (Minor Decoy Program). The goal of the Minor Decoy Program is to reduce the number of licensees who sell alcohol to minors and reduce youth access to alcohol thereby suppressing a community danger of underage drinking. Specifically, the program enforces the City’s Alcohol Sales and Deemed Approved Alcohol Sales Regulations and requires full compliance with all federal, state and local laws pertaining to the sale of alcohol. Moreover, this program is administered at the local level where the City has land use authority over an establishment’s ability to

sell alcohol. The program does not infringe upon ABC's authority to enforce state issued licenses to sell alcohol.

It is noteworthy to mention that the City presented its program procedures to the County District Attorney's office (DA) to confirm the procedures would satisfy the DA's guidelines for issuing charges against violators, and that they were independent of ABC's. The DA's office accepted the decoy procedures, including the ability for a decoy to not disclose the actual age, even if asked. This is to ensure the store clerk fulfills their responsibility to ask for physical identification (i.e. driver's license).

The Minor Decoy Program is conducted with the following standards:

1. The decoy must be under 21 years of age
2. The decoy must either provide their real California ID *or* not carry any ID
3. If asked their age, the decoy may say they are OVER 21 years old
4. The decoy will attempt to purchase an alcoholic beverage
5. The purchase will be witnessed by an undercover sworn peace officer in the establishment
6. The clerk will be arrested after the decoy has left the store with the alcohol
7. After arrest, the sale will be reversed and the alcohol returned
8. The decoy, purchase money, alcohol purchased, and arrestee will all be photographed for evidence

DISCUSSION

Unlawful Alcohol Sales

In support of the newly adopted alcohol sales ordinance, Minor Decoy Program operations were initiated by the El Cajon Police Department in early 2014, and to date were carried out on 66 of the 79 off-sale locations. This includes grocery, pharmacy and convenience stores that sell alcohol. The program results to date are as follows:

1. 66 off-sale alcohol retailers inspected
2. Fifteen of the 66 stores have sold to a minor
3. Three of the 15 stores have sold twice

One of the three stores is Sky Fuel and on March 5, 2014, the El Cajon Police Department conducted its Minor Decoy Program, which included Sky Fuel (among others) as a location to be visited. At that first visit the Department verified an unlawful sale of alcohol to a minor. As a result, the attending clerk was cited for selling alcohol to a minor and the operator was notified of the violation. In this case, the decoy was not asked their age or for identification.

On June 18, 2014, during a follow-up visit under the Minor Decoy Program the Department verified a second unlawful sale of alcohol to a minor. Again, the attending clerk was cited for selling alcohol to a minor. In this case, the decoy was not asked their age, however the clerk did ask for identification at which point the decoy gave their driver's license. Each time the clerk sold alcohol to a minor. These unlawful sales are violations of ECMC Section 17.210.230 "Deemed approved performance standards for off-sale alcohol establishments."

Sky Fuel's Deemed Approved Status and Imposition of Conditions

Pursuant to ECMC Section 17.210.260, the Planning Commission must determine if Sky Fuel's violations (alcohol sales to minors) are in compliance with the deemed approved performance standards (ECMC Section 17.210.230). Based on this determination, the Planning Commission may suspend, modify or revoke Sky Fuel's deemed approved status, or impose additional or amended conditions aimed at correcting or preventing the violation. Applicable conditions may include those listed in ECMC Section 17.210.120, and the operational standards listed in ECMC Section 17.210.100.

In reaching a determination as to whether Sky Fuel has violated the performance standards, or as to the appropriateness of suspending, modifying or revoking Sky Fuel's deemed approved status, or imposing additional or amended conditions, the Planning Commission may consider:

- Length of time of non-compliance with the performance standards
- Impact of the performance standard violation on the community
- Any information regarding the business owner's efforts to remedy the performance standard violation

Based on the same or similar violation occurring only 3 months after the first, and that the City has not received documentation that RBS training has been completed by Sky Fuel employees, there does not appear to be evidence that the owner has taken the necessary steps to prevent future violations or, if steps were taken that the owner's "efforts to remedy" the performance standard initially violated were effective.

The Planning Commission's determinations, decisions, and conditions made or imposed regarding the sale of alcohol run with the land, and are final and conclusive, unless appealed to the City Council. Furthermore, if at any time after the Planning Commission's decision there are verified alcohol related violations, CUP No. 526 will be brought before the Planning Commission for potential revocation of alcohol sales.

Penalties & Fines

The Planning Commission may also levy penalties and fines, if warranted, to any alcohol establishment, and are a means to ensure compliance. The maximum fine that can be levied is \$1,000 for each violation per day.

RECOMMENDATION

The City recommends that the Planning Commission take the following actions:

1. Revoke Sky Fuel's deemed approved status for failure to comply with the deemed approved performance standards set forth in ECMC Section 17.210.230.
2. Suspend all off-sale alcohol sales from Sky Fuel located at 1699 East Main Street until all operational standards and conditions are fully implemented to the satisfaction of the City.
3. Through the modification of CUP No. 526, impose the following operational standards and conditions on the off-sale alcohol establishment related to correcting and preventing alcohol sales to minors:
 - a. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
 - b. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
 - c. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
 - d. That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
 - e. That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
 - f. That it complies with the following alcohol sale limitations:
 - i. No wine shall be displayed, sold or given away in containers of less than 750 milliliters, except multipack containers of wine, and multipack wine coolers containing no more than six percent alcohol by volume.

- ii. No wine shall be displayed, sold or given away with an alcoholic content greater than 15 percent by volume unless in corked bottles and aged at least two years.
 - iii. No beer, ale or malt liquor shall be offered for sale in a container with a volume greater than 23.5 ounces.
 - iv. No alcoholic energy drinks, or fruit flavored beer, ale or malt liquor shall be offered for sale.
 - v. No display, sale or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel or similar container.
 - vi. All display of alcoholic beverages shall be no closer than five feet from the store entrance.
 - vii. No alcohol shall be sold between the hours of 10 p.m. and 6 a.m.
 - viii. Install a driver's license card reader and use to validate the customer is of legal age to purchase alcohol.
- g. That it complies with the following public nuisance prevention measures:
- i. Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcohol establishment patrons while not spilling onto surrounding residential and commercial properties.
 - ii. Adequate litter receptacles shall be provided on site and in the building. The premises shall be kept free of the accumulation of litter and shall be removed no less frequently than once each day the business is open.
 - iii. No fixtures or furnishings that encourage loitering and nuisance behavior are permitted on the premises. This includes, but is not limited to chairs, seats, stools, benches, tables, crates, etc.
 - iv. The establishment's operators or employees shall be required to discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so. The operator shall provide the El Cajon Police with a "no-trespass" letter to implement this condition.
 - v. No video or other electronic games shall be located in an off-sale alcoholic beverage establishment.
 - vi. No pay phones are permitted outside of the off-sale establishment.

- vii. The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.
- viii. There shall be no exterior advertising of alcoholic products, or tobacco and paraphernalia or similarly controlled products as defined in Section 8.33.010 of this Municipal Code.
- h. The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish, Arabic and the predominant language of the patrons:
 - i. "California State Law prohibits the sale of alcoholic beverages to persons younger than 21 years of age."
 - ii. "No Loitering or Public Drinking."
 - iii. "It is illegal to possess an open container of alcohol in the vicinity of this establishment."

The signs shall include references to the appropriate state and local laws used to enforce the prohibitions.

- i. A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license shall be required to be kept on the premises and presented to any enforcement officer or authorized state or county official upon request.
- j. The establishment shall be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including but not limited to sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.
- k. The establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with California Health and Safety Code section 11000.

- l. To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than 15% of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc.
 - m. Each employee and owner involved in the sale of alcohol shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Community Development Department.
4. Levy appropriate penalties and fines.
 5. If the Planning Commission does not revoke the alcohol establishment's deemed approved status, it may suspend the establishment's ability to sell alcohol, or modify its deemed approved status.

FINDINGS

- A. *The proposed deemed approved status revocation and imposition of conditions are consistent with applicable goals, policies, and programs of the General Plan and applicable Specific Plans.*

General Plan Policy 5-9.1 directs the City to improve public safety for all residents through community policing efforts and crime prevention measures. The City's Minor Decoy Program assists City efforts to improve public safety by suppressing the community danger of underage drinking thereby ensuring alcohol establishments remain compatible with adjacent properties and developments. New and updated conditions specific to the prevention of alcohol sales to minors are necessary to ensure public safety.

- B. *The proposed deemed approved status revocation and imposition of conditions are consistent with all applicable use and development standards.*

The existing site and building design are not consistent with all applicable use and development standards. Conditions of approval, including the removal of an unauthorized pre-fabricated metal container, and the rehabilitation of all landscape areas will make the alcohol establishment consistent with all applicable use and development standards.

- C. *The proposed deemed approved status revocation and imposition of conditions will ensure the off-sale alcohol establishment will be operated in a manner that is compatible with existing and planned land uses in the vicinity of the proposed use.*

Proposed conditions will ensure the existing off-sale alcohol establishment will operate in a manner compatible with surrounding uses.

- D. The proposed deemed approved status revocation and imposition of conditions 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.*

The proposed conditions will assist in improved public health, safety, and general welfare. They are designed to reduce and not compound existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, and alcoholic beverage sales to minors, noise and littering.

- E. The proposed deemed approved status revocation and imposition of conditions is in the best interest of public convenience and necessity.*

The proposed conditions will directly implement City goals and policies to ensure a healthy and safe community by reducing public nuisances and alcohol related crimes.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) subject to Section 15321 (Enforcement Actions by Regulatory Agencies) of the CEQA Guidelines, which states that actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency are categorically exempt. The proposal to revoke the establishment's deemed approve status and impose conditions to eliminate alcohol sales to minors has no potential to cause an effect on the environment.

PUBLIC NOTICE & INPUT

Notice of this public hearing was mailed on March 5, 2015, 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 under "Public Hearings/Public Notices." The notice was also mailed to the two public libraries in the City of El Cajon, located at 201 East Douglas Avenue and 576 Garfield Avenue.

ATTACHMENTS

1. Proposed Resolution Recommending REVOCATION of Sky Fuel's Deemed Approved Status
2. Proposed Resolution Recommending APPROVAL of New CUP No. 526 Conditions
3. ECMC Chapter 17.210
4. Notice of Violation letter to Sky Fuel dated 02-02-15
5. Certified mail receipt copy
6. Business and Professions Code Section 25658
7. Planning Commission Resolution No. 6033
8. Planning Commission Resolution No. 8193
9. Sky Fuel photographs
10. LaSalle University Four Loko Fact Sheet
11. Aerial Photograph of Subject Site
12. Public Hearing Notice
13. Full-sized site plan (*Commissioner's Binders*)

PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION REVOKING SKY FUEL'S DEEMED APPROVED STATUS FOR OFF-SALE BEER AND WINE SALES WITH A SERVICE STATION AND CONVENIENCE STORE IN THE C-G (GENERAL COMMERCIAL) ZONE, APN: 507-200-41-00, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (GC).

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on March 17, 2015, to consider Sky Fuel's non-compliance with deemed approved performance standards and the ability to continue alcohol sales from a service station and convenience store in the C-G zone, on property located on the east side of East Main Street between Greenfield Drive and Broadway, and addressed 1699 East Main Street; and

WHEREAS, on March 5, 2014 and on June 18, 2014, the El Cajon Police Department conducted a minor decoy operation of the above referenced premises and verified an unlawful sale of alcohol to a minor; and

WHEREAS, unlawful alcohol sales to minors are violations of El Cajon Municipal Code (ECMC) Section 17.210.230 "Deemed approved performance standards for off-sale alcohol establishments", which regulates the sale of alcohol from the above reference location; and

WHEREAS, ECMC Section 17.210.230.D requires off-sale alcohol establishments to comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders; and

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

- A. In determining whether the proposed actions are categorically exempt from environmental review in accordance with Section 15321, Class 21 (Enforcement Actions by Regulatory Agencies) of the California Environmental Quality Act (CEQA) Guidelines, evidence presented to the Planning Commission shows that actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency are categorically exempt. The proposal to revoke the establishment's deemed approve status has no potential to cause an effect on the environment.

Proposed Planning Commission Resolution

- B. General Plan Policy 5-9.1 directs the City to improve public safety for all residents through community policing efforts and crime prevention measures. The City's Minor Decoy Program assists City efforts to improve public safety by suppressing the community danger of underage drinking. The program ensures alcohol establishments remain compatible with adjacent properties and developments.
- C. The existing site and building design are not consistent with all applicable use and development standards because there is an un-authorized prefabricated metal container, and the landscape planters contain weeds, lack maintenance and do not meet the City's Water Efficient Landscape Ordinance standards.
- D. The existing off-sale alcohol establishment has operated in a manner that is not compatible with surrounding uses.
- E. The sale of alcohol to a minor is a community danger and is contrary to public health, safety, and general welfare, and not in the best interest of public convenience and necessity.

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 here finds that the Section 15321 of the CEQA Guidelines is an appropriate exemption for the proposed project.
3. The El Cajon Planning Commission hereby REVOKES Sky Fuel's Deemed Approved Status for off-sale beer and wine sales at a service station and convenience store in the C-G zone located at 1699 East Main Street.

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Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held March 17, 2015, by the following vote:

AYES:
NOES:
ABSENT:

Darrin Mroz, Chairperson

ATTEST:

Anthony SHUTE, AICP, Secretary

PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION ADDING OFF-SALE ALCOHOL CONDITIONS TO CONDITIONAL USE PERMIT NO. 526 FOR THE CONTINUANCE OF OFF-SALE BEER AND WINE SALES WITH A SERVICE STATION AND CONVENIENCE STORE IN THE C-G (GENERAL COMMERCIAL) ZONE, APN: 507-200-41-00, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (GC).

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on March 17, 2015, to consider Sky Fuel's non-compliance with deemed approved performance standards and the ability to continue alcohol sales from a service station and convenience store in the C-G zone, on property located on the east side of East Main Street between Greenfield Drive and Broadway, and addressed 1699 East Main Street; and

WHEREAS, the Planning Commission adopted the next resolution in order revoking Sky Fuel's deemed approved status for an off-sale alcoholic beverage sales establishment located at 1699 East Main Street; and

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

- A. In determining whether the proposed actions are categorically exempt from environmental review in accordance with Section 15321, Class 21 (Enforcement Actions by Regulatory Agencies) of the California Environmental Quality Act (CEQA) Guidelines, evidence presented to the Planning Commission shows that actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency are categorically exempt. The proposal to revoke the establishment's deemed approve status and impose conditions to eliminate alcohol sales to minors has no potential to cause an effect on the environment.
- B. General Plan Policy 5-9.1 directs the City to improve public safety for all residents through community policing efforts and crime prevention measures. The City's Minor Decoy Program assists City efforts to improve public safety by suppressing the community danger of underage drinking thereby ensuring alcohol establishments remain compatible with adjacent properties and developments. New and updated conditions specific to the prevention of alcohol sales to minors are necessary to further ensure public safety.
- C. The existing site and building design are not consistent with all applicable use and development standards. Conditions of approval, including the removal of an

Proposed Planning Commission Resolution

unauthorized pre-fabricated metal container, and the rehabilitation of all landscape areas will ensure the alcohol establishment is consistent with all applicable use and development standards.

- D. Proposed conditions will ensure the existing off-sale alcohol establishment will operate in a manner compatible with surrounding uses.
- E. The proposed conditions will assist in improved public health, safety, and general welfare. They are designed to reduce and not compound existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, and alcoholic beverage sales to minors, noise and littering.
- F. The proposed conditions will directly implement City goals and policies to ensure a healthy and safe community by reducing public nuisances and alcohol related crimes.

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 here finds that the Section 15321 of the CEQA Guidelines is an appropriate exemption for the proposed project.
3. The El Cajon Planning Commission hereby suspends all off-sale alcohol sales from Sky Fuel located at 1699 East Main Street until all operational standards and conditions are fully implemented to the satisfaction of the City.
4. The El Cajon Planning Commission hereby modifies Conditional Use Permit No. 526 and imposes the following operational standards and conditions related to correcting and preventing alcohol sales to minors and for the continuance of off-sale beer and wine sales with a service station and convenience store in the C-G zone located at 1699 East Main Street.
5. The off-sale alcohol establishment located at 1699 East Main Street shall implement the following operational standards and conditions:
 - a. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
 - b. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
 - c. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering,

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graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

- d. That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
- e. That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- f. That it complies with the following alcohol sale limitations:
 - i. No wine shall be displayed, sold or given away in containers of less than 750 milliliters, except multipack containers of wine, and multipack wine coolers containing no more than six percent alcohol by volume.
 - ii. No wine shall be displayed, sold or given away with an alcoholic content greater than 15 percent by volume unless in corked bottles and aged at least two years.
 - iii. No beer, ale or malt liquor shall be offered for sale in a container with a volume greater than 23.5 ounces.
 - iv. No alcoholic energy drinks, or fruit flavored beer, ale or malt liquor shall be offered for sale.
 - v. No display, sale or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel or similar container.
 - vi. All display of alcoholic beverages shall be no closer than five feet from the store entrance.
 - vii. No alcohol shall be sold between the hours of 10 p.m. and 6 a.m.
 - viii. Install a driver's license card reader and use to validate the customer is of legal age to purchase alcohol.
- g. That it complies with the following public nuisance prevention measures:
 - i. Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcohol establishment patrons while not spilling onto surrounding residential and commercial properties.
 - ii. Adequate litter receptacles shall be provided on site and in the

building. The premises shall be kept free of the accumulation of litter and shall be removed no less frequently than once each day the business is open.

- iii. No fixtures or furnishings that encourage loitering and nuisance behavior are permitted on the premises. This includes, but is not limited to chairs, seats, stools, benches, tables, crates, etc.
 - iv. The establishment's operators or employees shall be required to discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so. The operator shall provide the El Cajon Police with a "no-trespass" letter to implement this condition.
 - v. No video or other electronic games shall be located in an off-sale alcoholic beverage establishment.
 - vi. No pay phones are permitted outside of the off-sale establishment.
 - vii. The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.
 - viii. There shall be no exterior advertising of alcoholic products, or tobacco and paraphernalia or similarly controlled products as defined in Section 8.33.010 of this Municipal Code.
- h. The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish, Arabic and the predominant language of the patrons:
- i. "California State Law prohibits the sale of alcoholic beverages to persons younger than 21 years of age."
 - ii. "No Loitering or Public Drinking."
 - iii. "It is illegal to possess an open container of alcohol in the vicinity of this establishment."

The signs shall include references to the appropriate state and local laws used to enforce the prohibitions.

- i. A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license shall be required to be kept on the premises and presented to any enforcement officer or authorized state or county official upon request.
- j. The establishment shall be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including but not limited to sales to

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minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.

- k. The establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with California Health and Safety Code section 11000.
 - l. To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than 15% of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc.
 - m. Each employee and owner involved in the sale of alcohol shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the Community Development Department.
6. Failure to comply with these requirements shall constitute grounds for revocation of this conditional use permit.
 7. The existence of this conditional use permit shall be recorded with the County Recorder.
 8. The Planning Commission may at any time during the life of this use permit, after holding a properly noticed public hearing, at which time the applicant may appear and object under applicable law to any potential revocation or modification of the conditions of approval, and after considering testimony as to the operation of the approved use, revoke the permit, or modify the permit with any additional conditions as it deems necessary, to ensure that the approved use continues to be compatible with surrounding properties and continues to be operated in a manner that is in the best interest of public convenience and necessity and will not be contrary to the public health, safety or welfare.

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held March 17, 2015, by the following vote:

AYES:
NOES:
ABSENT:

Darrin Mroz, Chairperson

ATTEST:

Anthony SHUTE, AICP, Secretary

Chapter 17.210 ALCOHOL SALES AND DEEMED APPROVED ALCOHOL SALES REGULATIONS*

* CodeAlert: This topic has been affected by [5018](#). To view amendments and newly added provisions, please refer to the [CodeAlert Amendment List](#).

17.210.010 Short title.

This chapter shall be known as the “Alcohol Sales and Deemed Approved Alcohol Sales Regulations Ordinance.” (Ord. 4994 § 3, 2013)

17.210.020 Purpose.

The purpose of this chapter is to list regulations pertaining to the establishment and conduct of alcohol sales in the city under simplified headings.

This chapter requires land use permits for newly established alcoholic beverage sales activities, confers deemed approved status for all existing permitted, conditionally permitted and legal nonconforming off-sale alcoholic beverage sales activities, provides standards for the continued operation of alcoholic beverage sales establishments, sets forth grounds for the modification, revocation and termination of conditional use permits and deemed approved status for establishments violating this chapter, and provides a hearing process to review violations of the standards contained in this chapter in order to protect the general health, safety, and welfare of the residents of the city of El Cajon and to prevent nuisance activities where alcoholic beverage sales occur.

Specific purposes for enacting this chapter are as follows:

- A. To protect residential, commercial, industrial and civic areas from the harmful effects attributable to the sale of alcoholic beverages and minimize the adverse impacts of nonconforming and incompatible uses;
- B. 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;
- C. To provide mechanisms to address problems associated with the public consumption of alcoholic beverages such as litter, loitering, graffiti, unruly behavior, violence, vandalism, and escalated noise levels;
- D. To provide that alcoholic beverage sales establishments are not to become the source of undue public nuisances in the community;
- E. To provide for properly maintained alcoholic beverage sales establishments so that the secondary effects of negative impacts generated by these activities on the surrounding environment are mitigated;
- F. To monitor deemed approved establishments to ensure they do not substantially change in mode or character of operation; and
- G. 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.

This chapter alone does not allow or permit alcoholic beverage sales activities, but only applies to these activities where otherwise allowed or permitted within an involved applicable zoning district. The provisions of this ordinance are intended to complement the state of California alcohol-related laws. The city does not intend to replace or usurp any powers vested in the California Department of Alcoholic Beverage Control. (Ord. 4994 §

17.210.030 Applicability.

- A. The provisions of this chapter shall apply to the extent permissible under other laws to all alcoholic beverage sales establishments, as defined in Section 17.210.040, located in the city of El Cajon that sell alcoholic beverages for on- or off-site consumption.
- B. Whenever any provision of the alcohol sales and deemed approved alcoholic beverage sales regulations, and any other provision of law, whether set forth in these regulations, in an existing conditional use permit, or in any other law, ordinance, or regulations of any kind, imposes overlapping or contradictory regulations, or contain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the alcohol sales and deemed approved alcohol sales regulations. (Ord. 4994 § 3, 2013)

17.210.040 Definitions.

The meaning and construction of these words and phrases, as set forth below, shall apply throughout, except where the context clearly indicates a different meaning or construction.

- A. “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and any liquid or solid containing alcohol, spirits, wine, or beer, that contains one-half of one percent or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed or combined with other substances, the sale of which requires an ABC license.
- B. “Alcoholic beverage sales activity” means the retail sale of alcoholic beverages for on-site or off-site consumption.
- C. “Alcoholic beverage sales establishment” means an establishment where an alcoholic beverage sales activity occurs. Alcoholic beverage sales establishments include but are not limited to the following recognized types of establishments: liquor stores, beer and wine stores, convenience markets, markets, neighborhood specialty food markets, retail sales establishments, wine shops, service stations, taverns, clubs, cocktail lounges, ballrooms, cabarets, dance bars, piano bars, billiard or game parlors, bowling alleys, nightclubs, dance halls, cafés, bars, restaurants with bars, full-service restaurants, fast food establishments, and breweries. For purposes of this chapter, an “alcoholic beverage sales establishment” also includes a general retail store, a grocery store and a retail pharmacy that devotes any percentage of its gross floor area to the sale and display of alcoholic beverages.
- D. “California Department of Alcoholic Beverage Control” or “ABC” refers to the department of the state of California empowered to act pursuant to Article 20, section 22, of the California Constitution and authorized to administer the provisions of the Alcoholic Beverage Control Act.
- E. “Conditions of approval” means all requirements that must be carried out by the owners engaged in the activity of: (1) a new alcoholic beverage sales activity to exercise a land use permit; or (2) an existing permitted, conditionally permitted, or legal nonconforming alcoholic beverage sales activity in order to comply with deemed approved performance standards and to retain its deemed approved status.
- F. “Deemed approved activity” means any existing permitted or conditionally permitted alcoholic beverage sales activity (as defined in subsection (P), below), or any legal nonconforming alcoholic beverage sales commercial activity (as defined in subsection (J), below). Such activity shall be considered a deemed approved activity effective November 1, 2013 as long as it complies with the deemed approved performance standards set forth in Section 17.210.230.
- G. “Deemed approved status” means the permitted use of land for a deemed approved activity. Deemed approved status replaces permitted and conditionally permitted status (to the extent the establishment is not already required to meet all of the operational standards established in this chapter), and legal

nonconforming status for off-sale alcohol establishments with respect to alcoholic beverage sales commercial activity and remains in effect as long as it complies with the deemed approved provisions and performance standards.

H. “Enforcement officer” means the city manager or designee, and chief of police or designee.

I. “Illegal activity” means an activity, which has been finally determined to be in noncompliance with local, state or federal laws, the conditions of any applicable permits, or the deemed approved provisions and performance standards in this chapter. Such an activity may lose its deemed approved status and if it does it shall no longer be considered a deemed approved activity.

J. “Legal nonconforming alcoholic beverage sales commercial activity” or “legal nonconforming activity” means an off-sale alcoholic beverage sales commercial activity which was a nonconforming use pursuant to Chapter 17.120, and for which a valid state of California Alcoholic Beverage Control license had been issued and used in the exercise of the rights and privileges conferred by the license at a time immediately prior to November 1, 2013. A “legal nonconforming alcoholic beverage sales commercial activity” or “legal nonconforming activity” includes all beverage sales activities of existing off-sale alcoholic beverage establishments that are not in conformance with the regulations applicable to new off-sale alcoholic beverage establishments contained in this chapter, regardless of whether such activities were allowed as part of a conditional use permit granted prior to November 1, 2013. Such an activity shall be considered a deemed approved activity and shall no longer be considered a legal nonconforming activity.

K. “Modify” or “modified” as used in Sections 17.210.070, 17.210.100 and 17.210.130 of this chapter, means the expansion or increase in intensity or substantial change of a use, as these terms are used in Chapter 17.120 of this title.

L. “Off-sale alcoholic beverage establishment” means an establishment that conducts retail sales of alcoholic beverages for consumption off the premises where sold. For purposes of this chapter, an “off-sale alcoholic beverage establishment” does not include a lawfully established winery, brewery or micro-brewery that sells beer for off-site consumption as an ancillary use to a restaurant.

M. “On-sale alcoholic beverage establishment” means an establishment that conducts retail sales of alcoholic beverages for consumption on the premises where sold.

N. “Operational standards” means regulations for the business practice activities and land use for locations with a conditional use permit issued in conformance with the regulations in this chapter on or after November 1, 2013 or those further requirements imposed on off-sale alcoholic beverage establishments to achieve the purposes of this chapter. Operational standards constitute requirements which must be complied with by an establishment in order to maintain its conditional use permit or deemed approved status.

O. “Performance standards” means regulations for the business practice activities and land use for locations with deemed approved status, in whole or in part, or those further requirements imposed to achieve the purposes of this chapter. Performance standards constitute requirements which must be complied with by an off-sale alcoholic beverage establishment in order to retain its deemed approved status.

P. “Permitted or conditionally permitted alcoholic beverage sales commercial activity” or “permitted or conditionally permitted activity” means an off-sale alcoholic beverage sales commercial activity which is a permitted or conditionally permitted activity pursuant to Chapter 17.210 and other applicable provisions of the El Cajon Municipal Code prior to November 1, 2013, and for which a valid state of Cali-

fornia Alcoholic Beverage Control license has been issued and was used in the exercise of the rights and privileges conferred by the license at a time immediately prior to November 1, 2013. A “permitted or conditionally permitted alcoholic beverage sales commercial activity” or “permitted or conditionally permitted activity” includes all alcoholic beverage sales activities of any existing off-sale alcoholic beverage establishment that are not in conformance with the regulations applicable to new off-sale

alcoholic beverage establishments contained in this chapter, regardless of whether such activities were allowed as part of a conditional use permit granted by the planning commission or otherwise allowed as permissible activities associated with the establishment's permitted use, prior to November 1, 2013. To the extent that the activity is not in conformance with this chapter it shall be considered a deemed approved activity.

Q. "Premises" means the actual space in a building devoted to alcoholic beverage sales.

R. "Redeveloped" means the demolition of an existing off-sale alcoholic beverage establishment (whether conducting permitted or conditionally permitted activities or deemed approved activities) followed by the immediate reconstruction and operation of a replacement off-sale alcoholic beverage establishment.

S. "Restaurant" means a bona fide eating place whose predominant function is the service of food and where on-sale of alcoholic beverages is incidental or secondary. (Ord. 4994 § 3, 2013)

17.210.050 Public hearing by planning commission.

The planning commission may conduct public hearings and make determinations on whether alcoholic beverage sale establishments are in compliance with conditions of approval, operational standards, or deemed approved performance standards prescribed in these regulations, and may modify, suspend or revoke an establishment's conditional use permit or deemed approved status in order to obtain the compliance of the particular establishment with the provisions of this chapter. This section is not intended to restrict the powers and duties otherwise pertaining to other city officers or bodies in the field of monitoring and ensuring the harmony of alcoholic beverage sale activities in the city. The planning commission shall have the powers and duties assigned to them by the El Cajon Municipal Code and by this chapter. (Ord. 4994 § 3, 2013)

17.210.060 Inspection and right of entry.

The sale of alcoholic beverages is a closely regulated industry. The officials responsible for enforcement of the El Cajon Municipal Code or other ordinances of the city or their duly authorized representatives may enter on any site or into any structure open to the public for the purpose of investigation provided they shall do so in a reasonable manner whenever they have cause to suspect a violation of any provision of this ordinance or whenever necessary to the investigation of violations to the conditions of approval, operational standards, or deemed approved performance standards prescribed in these regulations. If an owner, occupant or agent refuses permission to enter, inspect or investigate, premises which are not open to the public, the officials or their representatives may seek an inspection warrant under the provisions of California Code of Civil Procedure section 1822.50 et seq. All such inspections shall be conducted in compliance with the Fourth Amendment to the United States Constitution. (Ord. 4994 § 3, 2013)

17.210.070 New, modified, or redeveloped off-sale alcohol establishment standards.

Except as otherwise provided in this chapter, no person shall establish a new off-sale alcoholic beverage establishment, nor shall any person modify or redevelop an existing off-sale alcoholic beverage establishment, in violation of Section 17.120.030 of this title or an applicable conditional use permit without first obtaining a conditional use permit in the manner provided by this chapter. Furthermore, the standards contained in Sections 17.210.080 through 17.210.120 require new off-sale alcoholic beverage establishments, as defined in this chapter, to secure a conditional use permit in the manner provided in this chapter in order to lawfully engage in the sale of alcoholic beverages from premises located in the city of El Cajon; and require such establishments to manage such premises in accordance with the requirements of such permit, including operational standards and any conditions of approval incorporated as conditions of the permit. (Ord. 4994 § 3, 2013)

17.210.080 Conditional use permit required.

A. Except as provided in subsection B, below, all alcoholic beverage establishments to which this chapter is applicable shall obtain a conditional use permit pursuant to Chapter 17.50 of this title and satisfy all pertinent conditions prior to engaging in any alcoholic beverage sales activity.

B. Unless otherwise required by this chapter, a conditional use permit shall not be required of an alcoholic beverage establishment consisting of a general retail store, a grocery store, or a retail pharmacy, which has (1) at least 10,000 square feet of gross floor space, and (2) a maximum of 10 percent of the gross floor area devoted to the sales and display of alcoholic beverages. An alcoholic beverage establishment exempt from the requirement of a conditional use permit pursuant to this subsection is deemed to have been approved to conduct alcoholic beverage sales commercial activity subject to the terms and conditions of a conditional use permit required under this chapter provided, however, that if it is found to be in violation of this chapter such an exempt establishment may lose its exemption and be required to obtain a conditional use permit as set forth in Section 17.210.260. (Ord. 4994 § 3, 2013)

17.210.090 Distance requirements—applicable to new off-sale alcoholic beverage sales activities.

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)

17.210.100 Operational standards—applicable to new, modified, or redeveloped off-sale alcoholic beverage sales activities.

A. All new, modified, or redeveloped off-sale alcoholic beverage sales activities shall be designed, constructed, and operated to conform to all of the following operational standards:

1. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
3. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
4. That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to

applicable laws, regulations or orders. This includes compliance with annual city business license fees.

5. That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

6. That it complies with the following alcohol sale limitations:

a. No wine shall be displayed, sold or given away in containers of less than 750 milliliters, except multipack containers of wine, and multipack wine coolers containing no more than six percent alcohol by volume.

b. No wine shall be displayed, sold or given away with an alcoholic content greater than 15 percent by volume unless in corked bottles and aged at least two years.

c. No distilled spirits shall be displayed, sold or given away in containers of less than 375 milliliters, except pre-mixed cocktails.

d. The display, sale or distribution of 50 milliliters "airline bottles" and 375 milliliters "hip flask" containers is prohibited.

e. No beer, ale or malt liquor shall be offered for sale in a container with a volume greater than 32 ounces. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, with a volume of two or more gallons, which are clearly designed to dispense multiple servings.

f. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.

g. No display, sale or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel or similar container.

h. All display of alcoholic beverages shall be no closer than five feet from the store entrance.

7. That it complies with the following public nuisance prevention measures:

a. Lighting: Exterior areas of the premises and adjacent parking lots shall be provided with sufficient lighting in a manner that provides adequate illumination for alcohol establishment patrons while not spilling onto surrounding residential and commercial properties. A photometric study may be required to demonstrate compliance.

b. Litter: Adequate litter receptacles shall be provided on site and in the building. The premises shall be kept free of the accumulation of litter and shall be removed no less frequently than once each day the business is open.

c. Loitering: The following measures may be required:

i. No fixtures or furnishings that encourage loitering and nuisance behavior are permitted on the premises. This includes, but is not limited to chairs, seats, stools, benches, tables, crates, etc.

ii. The establishment's operators or employees shall be required to discourage loiterers and to ask persons loitering longer than fifteen minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.

iii. No video or other electronic games shall be located in an off-sale alcoholic beverage establishment.

iv. No pay phones are permitted outside of the off-sale establishment.

d. Cups: The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.

e. Signage: There shall be no exterior advertising of alcoholic products, or tobacco and

paraphernalia or similarly controlled products as defined in Section 8.33.010 of this Municipal Code.

f. Signs: The following signs shall be required to be prominently posted in a readily visible manner on an interior wall or fixture, and not on windows, in English, Spanish, Arabic and the predominant language of the patrons:

i. "California State Law prohibits the sale of alcoholic beverages to persons younger than 21 years of age."

ii. "No Loitering or Public Drinking."

iii. "It is illegal to possess an open container of alcohol in the vicinity of this establishment."

g. Presentation of Documents: A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license shall be required to be kept on the premises and presented to any enforcement officer or authorized state or county official upon request.

h. Mitigating Alcohol Related Problems: The establishment shall be required to operate in a manner appropriate with mitigating alcohol related problems that negatively impact those individuals living or working in the neighborhood including but not limited to sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, drug use, loud noise and litter.

i. Drug Paraphernalia: An off-sale alcohol establishment shall be prohibited from selling drug/tobacco paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment products and materials of any kind that are used intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act commencing with California Health and Safety Code section 11000.

j. Prohibited Vegetation: Exterior vegetation shall not be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.

k. Window Obstructions: To ensure a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance, no more than 15% of windows and entry doors shall be blocked by signs, vending machines, shelves, racks, storage, etc.

l. Training: Each off-sale operator and their employees shall complete the Responsible Beverage Service (RBS) Training component. To satisfy this requirement, a certified program must meet the standards of the Alcohol Beverage Control Responsible Beverage Service Advisory Board or other certifying/licensing body designated by the state of California. Proof of completion shall be submitted to the El Cajon police department.

m. Posting of Documents: A copy of these operational standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.

B. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit. (Ord. 5012 § 5, 2014)

17.210.110 Required findings—new off-sale alcoholic beverage sales activities.

In addition to the findings listed in Section 17.50.060, the planning commission shall approve issuance of a conditional use permit to allow a new off-sale alcoholic beverage sales activity upon making the following findings:

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

17.210.120 Conditions of approval—new off-sale alcoholic beverage sales activities.

- A. 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.
- B. Conditions of approval that may be imposed as necessary to make required findings include but are not limited to the following:
 1. Program: A “complaint response community relations” program adopted and maintained by the establishment conducting the alcoholic beverage sales activity may be required. The program may include the following:
 - a. Posting at the entry of the establishment providing the telephone number for the watch commander of the police department to any requesting individual.
 - b. Coordinating efforts with the police department to monitor community complaints about the establishment activities.
 - c. Having a representative of the establishment meet with neighbors or the applicable neighborhood association on a regular basis and at their request attempt to resolve any neighborhood complaints regarding the establishment.
 2. Hours of Operation: In an off-sale alcohol establishment, the sale of alcoholic beverages may be restricted to certain hours of each day of the week unless limited further by the State of California Department of Alcoholic Beverage Control.
 3. Security Cameras: At least two high definition 24-hour time lapse security cameras may be required to be installed and properly maintained on the exterior of the building at locations recommended by the police department capable of color recording and storing a minimum of 30 days of continuous video. All criminal and suspicious activities recorded on this surveillance equipment must be reported to local law enforcement. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the police department.
 4. Security Guards: An establishment may be required to retain a specified number of security guards. The number of security guards shall vary based upon the specific facts and circumstances of

each establishment site and operation. All security guards shall have all required state and city permits and licenses. (Ord. 4994 § 3, 2013)

17.210.130 New and modified on-sale alcohol establishment standards.

Except as otherwise provided in this chapter, no person shall establish a new on-sale alcoholic beverage establishment or modify an existing on-sale alcoholic beverage establishment in violation of Section 17.120.030 of this title or an applicable conditional use permit without first obtaining a conditional use permit in the manner provided by this chapter. Furthermore, the standards contained in Sections 17.210.140 through 17.210.160 require on-sale alcoholic beverage establishments to secure a conditional use permit in the manner provided in this chapter in order to lawfully engage in the sale of alcoholic beverages from premises located in the city of El Cajon; and require such establishments to manage such premises in accordance with the requirements of such permit, including operational standards and any conditions of approval incorporated as conditions of the permit. (Ord. 4994 § 3, 2013)

⚠ 17.210.140 Distance requirements—applicable to new on-sale alcoholic beverage establishments.

A. No new on-sale alcoholic beverage establishment shall be located within 1,000 feet of an existing on-sale alcoholic beverage establishment and/or within 600 feet of residentially zoned property, public or private schools, health care facilities, religious facilities, parks or playgrounds, and off-sale alcoholic beverage establishments, except:

1. A restaurant with an ancillary bar with less total square footage than the restaurant eating area; or
2. On-sale alcoholic beverage establishment with alcohol sales secondary and incidental to an approved, complementary, principal use within the boundaries of Specific Plan No. 182; or
3. A craft brewery with an ancillary full service restaurant.

B. For purposes of this section, distances shall be measured between the closest property lines of the affected locations.

C. For the purposes of this section, “secondary and incidental,” shall mean that the sales of alcoholic beverage shall be limited to not more than 25 percent of the gross annual retail receipts generated by the use on the site, which shall be calculated on a quarterly basis, for the prior 12-month period ending on the last day of the then concluding quarter of year, and shall further mean that sales of alcoholic beverages are not promoted or advertised in any signs, or the name of the business establishment.

D. For the purposes of this section, “principal use,” may include, but is not limited to, live entertainment, participatory sporting activities, museums, theaters, performing arts center owned by a public agency, hotels, or other, similar uses approved by the city council, so long as the location of the sales of alcoholic beverages occurs on the same premises as the principal use, and the owner of the principal use is the owner of the liquor license. (Ord. 4994 § 3, 2013)

17.210.150 Operational standards—applicable to new on-sale alcoholic beverage sales activities.

A. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.

B. That it does not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.

C. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination,

theft, assaults, batteries, acts of vandalism, littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.

D. That it complies with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code §§ 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.

E. That its upkeep and operating characteristics are compatible with, and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. (Ord. 4994 § 3, 2013)

17.210.160 Required findings—new on-sale alcoholic beverage sales activities.

In addition to the findings listed in Section 17.50.060, the planning commission shall approve issuance of a conditional use permit to allow a new on-sale alcoholic beverage sales activity upon making the following findings:

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

B. The proposed alcoholic beverage sales 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.

C. The proposed alcoholic beverage sales establishment is not located in what has been determined to be a high-crime area or where a disproportionate number of police service calls occur. In the alternative, if the proposed alcoholic beverage sales establishment is proposed to be located in a high-crime area or where a disproportionate number of police service calls occur, the establishment has or will adopt appropriate safeguards, to be set forth in conditions of approval, reasonably intended to prevent any increase in criminal activities and calls for service. (Ord. 4994 § 3, 2013)

17.210.170 Grounds for conditional use permit suspension, revocation or termination.

A. In addition to the grounds for revocation or modification of a conditional use permit contained in Section 17.35.030 of this title, an alcoholic beverage sales establishment's conditional use permit may be suspended for up to one year, modified or revoked by the planning commission after holding a public hearing in the manner prescribed in Chapter 17.25, for failure to comply with operational standards, training requirements or conditions of approval imposed through their conditional use permit. Notice of such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment's conditional use permit shall be in writing and shall state the grounds therefore. Notice shall be mailed by first-class mail and certified mail return receipt requested at least 10 days before the date of the hearing.

B. Any conditional use permit issued pursuant to the provisions of this chapter shall be subject to the condition, in addition to any and all other conditions, that it shall terminate and cease to apply to any establishment which:

1. Shall have ceased its operation for a period of 180 or more calendar days, and
 - a. If there is thereafter filed any application or requested transaction with the California Department of Alcoholic Beverage Control, whereby the laws of the state of California require

notice thereof to be filed with the city, and allow the filing of a protest thereon by the city (including person-to-person transfer of existing licenses); or

b. Where after such 180-calendar-day period, the existing license shall have ceased to apply to such establishment; or

2. Where the existing license shall have been surrendered to the California Department of Alcoholic Beverage Control for a period exceeding 180 calendar days. (Ord. 4994 § 3, 2013)

17.210.180 Investigative procedures of potential violation of conditions of approval and operational standards.

Upon the city's receipt of a complaint from the public, police department, city official or any other interested person that a conditional use permit activity is in violation of the operational standards and/or conditions of approval set forth in this chapter, the following procedure shall be followed:

A. An enforcement officer shall assess the nature of the complaint and its validity by conducting an on-site observation and inspection of the premises to assess the activity's compliance with operational standards and/or conditions of approval.

B. If the enforcement officer determines that the activity is in violation of the operational standards and/or conditions of approval, the enforcement officer shall give written notice of the violation to the owner and/or operator of the establishment and seek to remedy the violation under the city's administrative citation procedures contained in Chapter 1.14 of this code. The first notice of violation shall be given in accordance with Section 1.14.040 of this code. If, however, the enforcement officer, in his or her sole discretion, determines that the violation is not capable of correction, presents a serious threat to public health or safety, or otherwise warrants expedited action, he or she may in lieu of following the administrative citation procedure, refer the matter directly to the planning commission for a hearing at which the establishment's conditional use permit may be suspended, modified or revoked.

C. Any administrative citation issued under this section shall be issued, processed, and enforced in compliance with all of the provisions of Chapter 1.14 of this code, unless otherwise expressly provided by this chapter. If the owner or operator receiving an administrative citation contests the citation and a hearing is held pursuant to Chapter 1.14, the hearing officer may, in addition to exercising all powers designated in Chapter 1.14, make a recommendation to the planning commission to suspend, modify or revoke the establishment's conditional use permit if in the judgment of the hearing officer, based upon information then before him or her, such action is necessary to ensure compliance with this chapter. Such recommendation may include the suggestion of additional or amended reasonable conditions on the use, including but not limited to, the conditions listed in Section 17.210.120, and the operational standards listed in Section 17.210.100 of this chapter.

D. If a hearing before the planning commission is conducted on a potential violation in the manner prescribed in Chapter 17.25, it shall determine whether the activity is in compliance with the operational standards and/or conditions of approval. Based on this determination, the planning commission may suspend, modify or revoke the activity's conditional use permit or impose additional or amended conditions on the use, including but not limited to the conditions listed in Section 17.210.120, and the operational standards listed in Section 17.210.100, of this chapter, based upon the information then before it. In reaching a determination as to whether a use has violated the operational standards or conditions of approval, or as to the appropriateness of suspending, modifying, or revoking of a conditional use permit, or the imposition of additional or amended conditions on a use, the planning commission may consider the following:

1. The length of time the activity has been out of compliance with the operational standards and/or conditions of approval.
2. The impact of the violation of the operational standards and/or conditions of approval on the community.

3. Any information regarding the owner of the activity's efforts to remedy the violation of the operational standards and/or conditions of approval.
- E. "Efforts to Remedy" shall include, but are not limited to:
1. Timely calls to the police department that are placed by the owner and/or operator of the establishment, his or her employees, or agents.
 2. Requesting that those persons engaging in activities causing violations of the operational standards and or conditions of approval cease those activities, unless the owner or operator of the activity, or his or her employees or agents feels that their personal safety would be threatened in making that request.
 3. Making improvements to the establishment's property or operations, including but not limited to the installation of lighting sufficient to illuminate the area within the use's property line, the installation of security cameras, the clearing of window obstructions, the cleaning of sidewalks and the abatement of graffiti within three days.
- F. If in the judgment of the planning commission, the operations of the owner or operator of the establishment constitute a nuisance, the owner or operator is unable or unwilling to abate the nuisance and the nuisance is shown to be a threat to the public health and safety of the surrounding neighborhood, the planning commission may suspend, modify or revoke the activity's conditional use permit. All determinations, decisions, and conditions made or imposed regarding the use of an activity shall run with the land.
- G. The decision of the planning commission shall be final and conclusive, unless appealed in writing to the city council within 10 days of planning commission action. (Ord. 4994 § 3, 2013)

17.210.190 Appeal from suspension, modification or revocation of conditional use permit.

Any applicant or other person aggrieved by a decision of the planning commission from a suspension, modification or revocation of a conditional use permit pursuant to this chapter may appeal the decision to the city council pursuant to Chapter 17.30 of this code. (Ord. 4994 § 3, 2013)

17.210.200 Deemed approved alcoholic beverage sales regulations.

Except as otherwise provided in this chapter, any permitted or conditionally permitted off-sale alcoholic beverage establishment, and legal nonconforming off-sale alcoholic beverage establishment lawfully operating prior to November 1, 2013 pursuant to an ABC license that authorizes the retail sale of alcoholic beverages for off-site consumption shall thereafter be an establishment with deemed approved status in accordance with Section 17.210.220. In addition, any alcoholic beverage establishment exempt from the requirement to obtain a conditional use permit pursuant to subsection (B) of Section 17.210.080 that lawfully commences operations on or after November 1, 2013 shall be an establishment with deemed approved status for purposes of this chapter. Such establishment may continue to lawfully operate provided the operation is conducted in compliance with the performance standards contained in Section 17.210.230, has satisfied the applicable training requirement and paid the annual permit fee required by this chapter. (Ord. 4994 § 3, 2013)

17.210.210 Applicability of deemed approved alcoholic beverage sales regulations.

The deemed approved alcoholic beverage sales regulations shall apply to all permitted or conditionally permitted off-sale alcoholic beverage sales activities and legal nonconforming alcoholic beverage sales activities for off-site consumption existing and operating within the City on November 1, 2013 and to all alcoholic beverage sales establishments exempt from the requirement to obtain a conditional use permit pursuant to subsection (B) of Section 17.210.080 that lawfully commence operations on or after November 1, 2013. (Ord. 4994 § 3, 2013)

17.210.220 Automatic deemed approved status.

All alcoholic beverage sales commercial activities not consistent with the standards and regulations set forth in this chapter that were conducted by permitted or conditionally permitted activities, and all legal nonconforming activities for off-sale alcohol establishments, on November 1, 2013, shall automatically become deemed approved activities as of November 1, 2013, and shall no longer be considered permitted, conditionally permitted or legal nonconforming activities. In addition, all alcoholic beverage sales commercial activities of an alcoholic beverage sales establishment exempt from the requirement to obtain a conditional use permit pursuant to subsection (B) of Section 17.210.080 that lawfully commence operations on or after November 1, 2013 that are not consistent with the standards and regulations set forth in this chapter are deemed approved activities. Each deemed approved activity shall retain its deemed approved status as long as it complies with the performance standards of this ordinance. (Ord. 4994 § 3, 2013)

17.210.230 Deemed approved performance standards for off-sale alcohol establishments.

The provisions of this section shall be known as the deemed approved performance standards. The purpose of these standards is to control dangerous or objectionable environmental effects of alcoholic beverage sales activities. These standards shall apply to all deemed approved alcoholic beverage sales activities that hold deemed approved status pursuant to this chapter. An off-sale alcoholic beverage sales activity shall retain its deemed approved status only if it conforms to all of the following deemed approved performance standards:

- A. The off-sale alcohol establishment shall not cause adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
- B. The off-sale alcohol establishment shall not jeopardize or endanger the public health or safety of persons residing or working in the surrounding area.
- C. The off-sale alcohol establishment shall not allow repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, or lewd conduct.
- D. The off-sale alcohol establishment shall comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. This includes compliance with annual city business license fees.
- E. The off-sale alcohol establishment's upkeep and operating characteristics shall be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- F. A copy of these performance standards, any applicable ABC or city operating conditions, and any training requirements shall be posted in at least one prominent place within the interior of the establishment where it will be readily visible and legible to the employees and patrons of the establishment.
- G. The owners and all employees of the alcohol beverage sales establishment involved in the sale of alcoholic beverages shall complete an approved course in "Responsible Beverage Sales" (RBS) within 60 days of hire for employees hired after the passage of this ordinance or within six months of the passage of this ordinance for existing employees. To satisfy this requirement, a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying/licensing body designated by the state of California. (Ord. 4994 § 3, 2013)

17.210.240 Notification to owners of off-sale establishments conducting deemed approved activities.

The city's community development department shall notify the owner and/or operator of an off-sale alcohol establishment of each deemed approved activity as shown on their city business license, and also, if not the same, any property owner at the address shown on the county assessor's property tax assessment records, of the activity's deemed approved status. The notice shall be sent by first-class mail and certified mail return receipt requested and shall include a copy of the performance standards in this chapter with the requirement that they be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review. This notice shall also provide that the activity is required to comply with all performance standards, and that the activity is required to comply with all other aspects of the deemed approved regulations. Should the notice be returned, then the notice shall be sent via regular mail. Failure of any person to receive notice given pursuant to this chapter shall not affect the deemed approved status of the activity. (Ord. 4994 § 3, 2013)

17.210.250 Grounds for deemed approved status suspension, revocation or termination.

A. An alcoholic beverage sales establishment's deemed approved status may be suspended for up to one year, modified or revoked by the planning commission after holding a public hearing in the manner prescribed in Chapter 17.25, for failure to comply with the performance standards set forth in Section 17.210.230. Notice of such hearing by the planning commission at which it will consider the modification, suspension or revocation of an establishment's deemed approved status shall be in writing and shall state the grounds therefore. Notice shall be mailed by first-class mail and certified mail return receipt requested at least 10 days before the date of the hearing.

B. The occurrence of any of the following shall terminate the deemed approved status of the alcoholic beverage sales activity after notice and a hearing in front of the planning commission in accordance with Chapter 17.25, and require the issuance of a conditional use permit in order to continue the alcoholic beverage sales activity:

1. An existing alcoholic beverage sales activity changes its activity so that ABC requires a different type of license.
2. There is a substantial modification to the mode or character of operation.
3. As used herein, the phrase "substantial modification to the mode or character of operation" includes but is not be limited to the following:
 - a. The off-sale alcoholic beverage sales activity establishment increases the floor or land area or shelf space devoted to the display or sales of any alcoholic beverage.
 - b. The off-sale alcoholic beverage sales activity establishment extends the hours of operation.
 - c. The off-sale alcoholic beverage sales activity establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period 180 days or greater by ABC.
 - d. The off-sale alcoholic beverage sales activity voluntarily discontinues active operation for more than 180 consecutive days or ceases to be licensed by the ABC.
4. A "substantial change in the mode of character of operation" shall not include:
 - a. Re-establishment, restoration or repair of an existing off-sale alcoholic beverage sales activity on the same premises after the premises have been rendered totally or partially inaccessible by a riot, insurrection, toxic accident or act of God, provided that the re-establishment, restoration or repair does not extend the hours of operation of any establishment or add to the capacity, floor or land area or shelf space devoted to alcoholic beverages of any

establishment that sells any alcoholic beverages for off-site consumption.

b. Temporary closure for not more than 180 days in cases of vacation or illness or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change the nature of the premises and does not extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment that sells any alcoholic beverages for off-site consumption, provided notice is provided to the City. The planning commission may, upon request of an owner of an alcoholic beverage sales establishment made prior to the expiration of 180 days, grant one or more extensions to the period of temporary closure, none of which may exceed 60 days, and together not to exceed 180 days.

5. Once it is determined by the City that there has been a discontinuance of active operation for 180 consecutive days or a cessation of ABC licensing, it may be resumed only upon the granting of a conditional use permit as provided in Sections 17.210.070 to 17.210.120 of this chapter. In the event that any active operation is discontinued on a property for a period of 180 consecutive days, such discontinuance shall be presumed to be abandonment of the use by the property owner. At any time after any active operation is discontinued for a period of 180 consecutive days or more, the City Manager's designee shall notify the property owner in writing of the determination of presumed abandonment of the active operation. Pursuant to Chapter 17.30 of this title, the property owner may appeal the determination to the planning commission, which may overturn the determination only upon making a finding that the evidence supports the property owner's position that the nonconforming use was not discontinued for a period of 180 consecutive days or more. The property owner shall be notified by the city of the termination of the deemed approved status and shall be informed of the property owner's right to appeal the City's decision to the planning commission. (Ord. 4994 § 3, 2013)

17.210.260 Investigative procedures of potential violation of performance standards by establishment with deemed approved status.

Upon the City's receipt of a complaint from the public, police department, city official or any other interested person that a deemed approved use is in violation of the performance standards set forth in this chapter, the following procedure shall be followed:

A. An enforcement officer shall assess the nature of the complaint and its validity by conducting an on-site observation and inspection of the premises to assess the activity's compliance with performance standards.

B. If the enforcement officer determines that the deemed approved activity is in violation of the performance standards, the enforcement officer shall give written notice of the violation to the owner and/or operator of the establishment and seek to remedy the violation under the city's administrative citation procedures contained in Chapter 1.14 of this code. The first notice of violation shall be given in accordance with Section 1.14.040 of this code. If, however, the city manager, in his or her sole discretion, determines that the violation is not capable of correction, presents a serious threat to public health or safety, or otherwise warrants expedited action, he or she may in lieu of following the administrative citation procedure, refer the matter directly to the planning commission for a hearing at which the deemed approved activity's deemed approved status may be suspended, modified or revoked.

C. Any administrative citation issued under this section shall be issued, processed, and enforced in compliance with all of the provisions of Chapter 1.14 of this code, unless otherwise expressly provided by this chapter. If, the owner or operator receiving an administrative citation contests the citation and a hearing is held pursuant to Chapter 1.14, the hearing officer may, in addition to exercising all powers designated in Chapter 1.14, make a recommendation to the planning commission to suspend, modify or revoke the deemed approved activity's deemed approved status if in the judgment of the hearing officer, based upon information then before him or her, such action is necessary to ensure compliance with this

chapter. Such recommendation may include the suggestion of additional or amended reasonable conditions on the use, including but not limited to, the conditions listed in Section 17.210.120 and the operational standards listed in Section 17.210.100, of this chapter.

D. If a hearing is conducted on a potential violation in the manner prescribed in Chapter 17.25, the planning commission shall determine whether the deemed approved activity is in compliance with the performance standards. Based on this determination, the planning commission may suspend, modify or revoke the deemed approved activity's deemed approved status or impose additional or amended conditions on the use, including but not limited to the conditions listed in Section 17.210.120, and the operational standards listed in Section 17.210.100, of this chapter, based on information then before it. In reaching a determination as to whether a use has violated the performance standards, or as to the appropriateness of suspending, modifying or revoking a deemed approved activity's deemed approved status, or imposing additional or amended conditions on the use, the planning commission may consider:

1. The length of time the deemed approved activity has been out of compliance with the performance standards.
2. The impact of the violation of the performance standard(s) on the community.
3. Any information regarding the owner of the deemed approved activity's efforts to remedy the violation of the performance standard(s).

E. "Efforts to Remedy" shall include, but are not limited to:

1. Timely calls to the police department that are placed by the owner and/or operator of the deemed approved activity, his or her employees, or agents.
2. Requesting that those persons engaging in activities causing violations of the performance standard(s) cease those activities, unless the owner of the deemed approved activity, or his or her employees or agents feels that their personal safety would be threatened in making that request.
3. Making improvements to the deemed approved activity's property or operations, including but not limited to the installation of lighting sufficient to illuminate the area within the use's property line, the installation of security cameras, clear unobstructed windows, clean sidewalks and graffiti abated within three days.

F. If in the judgment of the planning commission, the operations of the owner or operator of the deemed approved activity constitute a nuisance, the owner is unable or unwilling to abate the nuisance and the nuisance is shown to be a threat to the public health and safety of the surrounding neighborhood, the planning commission may suspend, modify or revoke the activity's deemed approved status. If suspended, any continued operation of the business shall require a conditional use permit approved by the planning commission. All determinations, decisions, and conditions made or imposed regarding the use of a deemed approved activity shall run with the land.

G. The decision of the planning commission shall be final and conclusive, unless appealed in accordance with the provisions of Chapter 17.30 of this title.

H. All hearings held pursuant to this section shall be conducted in the manner set forth in Chapter 1.36. (Ord. 4994 § 3, 2013)

17.210.270 Appeal from suspension, modification or revocation of deemed approved status.

Any applicant or other person aggrieved by a decision of the planning commission from a suspension, modification or revocation of an establishment's deemed approved status pursuant to this chapter may appeal the decision to the city council pursuant to Chapter 17.30 of this code. All hearings held pursuant to this section shall be conducted in the manner set forth in Chapter 1.36. (Ord. 4994 § 3, 2013)

17.210.280 Alcoholic beverage sales activity penalties.

- A. Any person violating any of the provisions of this chapter or who causes or permits another person to violate any provision of this chapter may be charged with either an infraction or a misdemeanor, and shall be subject to the provisions of the general penalty clause as set forth in Section 1.24.010 of this code.
- B. In addition to the penalties provided in this section, any use or condition caused or permitted to exist in violation of any of the provisions of these regulations shall be and is declared to be a public nuisance and may be abated as such by the City.
- C. Nothing in this chapter shall be construed to prevent the city of El Cajon from pursuing any and all other legal remedies that may be available, including but not limited to civil actions filed by the city attorney seeking any and all appropriate relief such as civil injunctions and penalties.
- D. Notwithstanding Chapter 1.24 General Penalty, Chapter 1.16 Nuisance, Chapter 1.14 Administrative Citation Procedures, or any other section of this code to the contrary, any person, entity, or organization that violates the provisions of this chapter may be subject to civil penalties up to \$1,000 for each day said violation is in existence.
- E. Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of these regulations is committed, continued, permitted, or caused by such violator and shall be punishable accordingly.
- F. In addition to the punishment provided by law a violator is liable for such costs expenses and disbursements paid or incurred by the City or any of its contractors in correction, abatement and prosecution of the violation. Re-inspection fees to ascertain compliance with previously noticed or cited violations may be charged against the owner of the establishment conducting the deemed approved activity or owner of the property where the establishment is located. The enforcement officer shall give the owner or other responsible party of such affected premises a written notice showing the itemized cost of such chargeable service and requesting payment thereof. Should the bill not be paid in the required time, the charges shall be placed as a lien against the property. (Ord. 4994 § 3, 2013)

17.210.290 Annual alcohol sales regulatory fee.

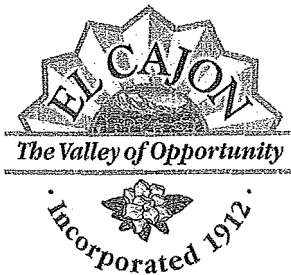
- A. The intent and purpose of this section is to impose a regulatory fee upon all off-sale alcohol establishments that either hold deemed approved status pursuant to this chapter or obtained a conditional use permit after November 1, 2013. This fee shall provide for the enforcement and regulation of the conditions of approval, operational standards, performance standards and other applicable regulations set forth in this chapter with regard to off-sale alcohol establishments.
- B. The annual alcohol sales regulatory fee shall be established by resolution of the city council. The fee shall be calculated so as to recover the total cost of both administration and enforcement of the performance standards and other applicable regulations set forth under this chapter upon all off-sale alcohol establishments that either hold deemed approved status pursuant to this chapter or obtained a conditional use permit after the November 1, 2013, including, for example, notifying establishments of their deemed approved status, administering the program, establishment inspection and compliance checks, documentation of violations, conducting hearings and prosecution of violators, but shall not exceed the cost of the total program. All fees shall be used to fund the program. Fees are nonrefundable except as may be required by law. (Ord. 4994 § 3, 2013)

17.210.300 Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections subsections, sentences, clauses or phrases

may be declared invalid. (Ord. 4994 § 3, 2013)

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Community Development

February 2, 2015

Sent Via Certified
and First Class Mail

NOTICE OF VIOLATION AND ADMINISTRATIVE HEARING

Location: 1699 East Main Street, El Cajon, CA 92021

Assessor's Parcel No.: 507-200-41-00

Owner: United Auto Gallery, Inc.

Address: Attn: Nash Maroki
6011 Mission Gorge
San Diego, CA 92120

Business/Tenant: Sky Fuel

Address: 1699 East Main Street
El Cajon, CA 92021

Attn: Nash Maroki - Agent for Service of Process
1814 McDougal Way
El Cajon, CA 92021

BACKGROUND

On March 5, 2014 and on June 18, 2014, the El Cajon Police Department conducted a minor decoy operation of the above referenced premises and verified an unlawful sale of alcohol to a minor. As a result, the attending clerk was cited for selling alcohol to a minor. These unlawful sales are also violations of El Cajon Municipal Code (ECMC) Section 17.210.230 "Deemed approved performance standards for off-sale alcohol establishments", which regulates the sale of alcohol from the above reference location. The land use authorization to sell alcohol from the premises is under Conditional Use Permit No. 526, which specifically allows the sale of beer and wine from the fueling station's convenience store.

On September 10, 2013, the El Cajon City Council adopted a new alcohol sales ordinance to address community concerns associated with unlawful alcohol sales and related nuisances. The ordinance stipulated that all authorized off-sale alcohol establishments that were not required to obtain a conditional use permit, and all permitted or conditionally permitted stores, and all legal nonconforming stores were automatically deemed approved as of November 1, 2013, and are no longer considered exempted, permitted, conditionally permitted or legal nonconforming. The alcohol sales ordinance also required that all deemed approved stores must adhere to and post the deemed approved performance standards, which were sent to you by certified mail on October 14, 2013. In summary, the El Cajon Municipal Code and Conditional Use Permit No. 526 regulate the land use of the above referenced premises for the sale of alcohol.

VIOLATION

ECMC Section 17.210.230 - Deemed approved performance standards for off-sale alcohol establishments.

ECMC Section 17.210.230.D requires off-sale alcohol establishments to comply with all provisions of local, state or federal laws, regulations or orders, including but not limited to those of the ABC, California Business and Professions Code sections 24200, 24200.6, and 25612.5, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders. The sale of alcohol to a minor is a violation of this code section.

NOTICE OF ADMINISTRATIVE HEARING

For failure to comply with the deemed approved performance standards you are hereby notified that your alcoholic beverage sales establishment's deemed approved status and the ability to sell alcohol by Conditional Use Permit No. 526 may be suspended for up to one year, modified or revoked by the El Cajon Planning Commission at a public hearing scheduled on **March 17, 2015 at 7:00 p.m. in the City of El Cajon Council Chambers located at 200 Civic Center Way, El Cajon CA 92020.** The public hearing will be conducted as prescribed in ECMC Chapter 1.32 "Judicial Review." A copy of Chapter 1.32 is enclosed for your review.

PENALTIES

Please note that any person violating any of the provisions of ECMC Chapter 17.210 or who causes or permits another person to violate any provision of ECMC Chapter 17.210 may be charged with either an infraction or a misdemeanor, and shall be subject to the provisions of the general penalty clause in ECMC Section 1.24.010. Furthermore, ECMC Section 17.210.280 provides for the issuance of penalties up to \$1,000 for each day said violation is in existence, and authorizes the levy of fines. The City may pursue any and

all other legal remedies that may be available, including but not limited to civil actions filed by the City Attorney seeking any and all appropriate relief such as civil injunctions and penalties. In addition to the punishment provided by law a violator is liable for such costs expenses and disbursements paid or incurred by the City or any of its contractors in correction, abatement and prosecution of the violation. Re-inspection fees to ascertain compliance with previously noticed or cited violations may be charged against the owner of the establishment conducting the deemed approved activity or owner of the property where the establishment is located.

If you have any questions, please call the City of El Cajon at 619-441-1742.



Anthony Shute, AICP
Planning Manager

cc: Morgan Foley, City Attorney
Majed Al-Ghafry, Assistant City Manager
Captain Jeff Davis, El Cajon Police Department
Lieutenant Randy Soulard, El Cajon Police Department

Enclosures and Attachments

1. El Cajon Municipal Code Excerpts
 - a. Chapter 1.24 (General Penalty)
 - b. Chapter 1.32 (Judicial Review)
 - c. Chapter 1.36 (Administrative Hearings)
 - d. Applicable sections of Chapter 17.210 (Alcohol Sales and Deemed Approved Alcohol Sales Regulations)

Chapter 1.24 GENERAL PENALTY

Note

- * For state law authorizing cities to impose fines for violations of ordinances, see Gov. Code § 36901. For provisions declaring violation of ordinance to be an infraction, see Gov. Code § 36900.
-

1.24.010 Designated violations-Misdemeanors and infractions.

- A. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this code. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this code shall constitute a misdemeanor except that notwithstanding any other provisions of this code, any such violation constituting a misdemeanor under this code may, in the discretion of the attorney having prosecutorial functions, be charged and prosecuted as an infraction; and with the further exception that any violation of the provisions relating to parking, operation of bicycles, operation of motor vehicles, and use of freeways, highways and streets by animals, bicycles, motor vehicles or pedestrians shall constitute an infraction.
- B. Any person convicted of a misdemeanor under the provisions of this code, unless provision is otherwise made in this code, shall be punishable by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than six months, or by both fine and imprisonment.
- C. Any person convicted of an infraction under the provisions of this code, unless provision is otherwise made in this code, shall be punishable by fine only as follows:
1. A fine not exceeding one hundred dollars for a first violation;
 2. A fine not exceeding two hundred dollars for a second violation of the same ordinance within one year;
 3. A fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.
- D. Each such person shall be charged with a separate offense for each and every day during any portion of which a violation of any provision of this code is committed, continued or permitted by such person, and shall, upon conviction, be punishable accordingly.
- E. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance, and may be summarily abated as such by this city, and each day that such condition continues shall be regarded as a new and separate offense.

(Ord. 3804 § 1, 1984; Ord. 3636 § 1, 1982; Ord. 2893 § 2, 1975; prior code § 1-7.)

1.24.020 Civil penalties—Procedures.

- A. Any person or organization violating any land use ordinance as defined in Chapter 15.18, or rules and regulations adopted thereunder, or the conditions of any permit issued pursuant to such ordinance, rule or regulation, or by any act of commission or omission procures, aids or abets such violation, shall be subject to civil penalties as provided in this chapter.
- B. Civil penalties may be directly assessed by means of a Notice and Order issued pursuant to Chapter 15.18, or may be recovered by legal action.

C. Civil penalties assessed by means of a Notice and Order shall be collected in accordance with the lien, personal obligation and other procedures specified in this code. Civil penalties assessed in a legal action shall be collected in the same manner as judgments in civil actions.

D. Where the conduct constituting a violation is of a continuing nature, each day of such conduct is a separate and distinct violation. Civil penalties for failure to obtain any required permit shall begin to accrue on the first day activity subject to the permit requirement is commenced, and shall cease to accrue on the day the permit is obtained. Civil penalties for violation of any Order to Cease Violation or Notice and Order to Correct shall begin to accrue on the first day the said Order or Notice is posted, and shall cease on the day the violation is actually stopped.

E.1. A civil penalty for a violation of any land use ordinance, rule or regulation by a person engaged in a noncommercial venture shall be assessed at the rate of fifty dollars per day per violation.

2. A civil penalty for a violation of any land use ordinance, rule or regulation by a person engaged in a commercial venture shall be assessed at the rate of one hundred dollars per day per violation.

F. Penalties for the second separate violation of a like nature by the same person shall be double the rates identified in subsection E of this section. Penalties for any separate violation of a like nature beyond a second violation by the same person shall be triple the rates identified in subsection E of this section.

(Ord. 4056 § 1, 1987.)

1.24.030 Sworn statements under penalty of perjury.

Every person who testifies, declares, deposes, or certifies under penalty of perjury, where such is required to comply with the provisions of this code or by direction of the officers of the city of El Cajon, who willfully states as true any material matter which such person knows to be false, is guilty of perjury. Any person guilty of perjury under this section shall be subject to the laws of the state of California for the crime of perjury. (Ord. 4056 § 2, 1987; Ord. 3814 § 1, 1984.)

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Chapter 1.32 JUDICIAL REVIEW PROCEDURE

1.32.010 Purpose.

It is the declared purpose of this chapter to make the provisions of Section 1094.6 of the California Code of Civil Procedure applicable to decisions of the city, or of any commission, board, officer or agent thereof. The provisions of this chapter shall prevail over any conflicting provision in any otherwise applicable law, ordinance, or rule relating to the subject matter. (Ord. 3708 § 1, 1983.)

1.32.020 Definitions.

For the purposes of this chapter:

A. "Decision" means a decision subject to review pursuant to Section 1094.5 of the Code of Civil Procedure, suspending, demoting, or dismissing an officer or employee, revoking or denying an application for a permit, license or other entitlement, or denying an application for any retirement benefit or allowance.

B. "Party" means an officer or employee who has been suspended, demoted, or dismissed; a person whose permit or license has been revoked or whose application for a permit or license has been denied; or a person whose application for a retirement benefit or allowance has been denied.

C. "Petitioner" means a person who has filed for a petition for writ of mandate pursuant to Section 1094.5 of the California Code of Civil Procedure.

(Ord. 3733 § 1, 1984; Ord. 3708 § 1, 1983.)

1.32.030 Judicial review of final decisions.

Judicial review of any decision of the city, or of any commission, board, officer, or agent thereof, may be had pursuant to Section 1094.5 of the California Code of Civil Procedure only if the petition for writ of mandate authorized by said section is filed within the time limits specified in this chapter. (Ord. 3708 § 1, 1983.)

1.32.040 Judicial review—Time limits.

Any petition for writ of mandate authorized by Section 1094.5 of the California Code of Civil Procedure must be filed no later than the ninetieth day following the date on which the decision becomes final. If there is no provision for reconsideration of the decision in any applicable provision of any statute, ordinance, or rule, for the purposes of this chapter, the decision is final on the date it is made. If there is such provision for reconsideration, the decision is final for the purposes of this chapter upon the expiration of the period during which such reconsideration can be sought; provided, that if reconsideration is sought pursuant to any such provision the decision is final for the purposes of this chapter on the date that reconsideration is rejected. (Ord. 3708 § 1, 1983.)

1.32.050 Record of proceedings.

The complete record of the proceedings at which the decision was reached shall be prepared by the city or its commission, board, officer or agent making the decision and shall be delivered to the petitioner within one

hundred ninety days after the filing of a written request therefor. The city may recover its actual costs for transcribing or otherwise preparing the record. Such record shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decision by a hearing officer, the final decision, all admitted exhibits in the possession of the city or its commission, board, officer or agent, all written evidence, and any other papers in the case. (Ord. 4852 § 2, 2006.)

1.32.060 Judicial review—Extension of time limit.

If the petitioner files a request for the record as specified in Section 1.32.050 of this chapter within ten days after the date the decision becomes final as provided in Section 1.32.040 of this chapter, the time within which a petition pursuant to Section 1094.5 of the California Code of Civil Procedure may be filed shall be extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the petitioner or the attorney of record. (Ord. 3708 § 1, 1983.)

1.32.070 Notice of final decision.

In making a decision as defined in Section 1.32.020(A) of this chapter, the city shall provide notice to the party that the time within which judicial review must be sought is governed by this chapter and Section 1094.6 of the California Code of Civil Procedure. (Ord. 3708 § 1, 1983.)

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Chapter 1.36 ADMINISTRATIVE HEARINGS

1.36.010 Purpose.

Unless otherwise provided by law, ordinance, rule or regulation, when the council is to render an adjudicatory decision after consideration of evidence, an “administrative hearing” will be conducted in accordance with this chapter. This chapter does not apply whenever a public hearing is required by law. This chapter does not apply when a hearing is required for matters such as subdivisions, variances, conditional use permits, and planned developments. The administrative hearing shall be labeled by the city clerk for council action to indicate the type of matter involved, as exemplified by, but not limited to, the types of administrative hearings described in this chapter. (Ord. 3727 § 1, 1983.)

1.36.020 Administrative hearing—Appeal.

Where an appeal is filed with the city clerk requesting the council to review a final, determinative action of a city committee, commission, or employee, an “administrative hearing: appeal” shall be set for hearing by the city clerk, and the parties shall be designated as follows:

- A. The “appellant” who files the appeal;
- B. The “real party in interest,” if not the appellant, whose interest is affected by the action.

(Ord. 3727 § 1, 1983.)

1.36.030 Administrative hearing—Application.

Where an application is filed with the city clerk seeking a right or entitlement, an “administrative hearing: application” shall be set for hearing by the city clerk, and the party who is seeking the right or entitlement shall be designated the “applicant”. (Ord. 3727 § 1, 1983.)

1.36.035 Administrative hearing—Inquiry.

Where a notice of code violation is issued by the city seeking to determine whether a person’s conduct is in conflict with applicable laws, ordinances, rules or regulations, an “administrative hearing: inquiry” shall be set for hearing by the city clerk, and the party whose conduct is in question shall be designated the “respondent”. (Ord. 3727 § 1, 1983.)

1.36.040 Administrative hearing—Review.

Where the council seeks to determine whether a right, authority, permit, license or privilege should be revoked, suspended, limited or conditioned, an “administrative hearing: review” shall be set for hearing by the city clerk, and the party whose entitlement is in question shall be designated the “respondent”. (Ord. 3727 § 1, 1983.)

1.36.050 Representation.

In proceedings under this chapter, an individual party may appear in person, or be represented by an agent

with written authorization. A corporate party may be represented by an authorized officer or employee. A partnership or joint venture may be represented by an authorized member or employee. Any party may be represented by a member of the State Bar of California. (Ord. 3727 § 1, 1983.)

1.36.060 Presenting officer.

The city manager or his designated representative shall present the pre-hearing position of the city and shall be designated the "presenting officer". (Ord. 3727 § 1, 1983.)

1.36.070 Notice.

The parties shall be given reasonable notice of the date set for hearing. (Ord. 3727 § 1, 1983.)

1.36.080 Exchange of information.

A. No later than five p.m., six days prior to the date set for hearing, each party and the presenting officer shall file with the city clerk a list of all witnesses to be presented by such person and ten copies of each document such person intends to offer into evidence during the hearing.

B. In a like manner, the presenting officer shall file a proposed decision with proposed findings.
(Ord. 3727 § 1, 1983.)

1.36.090 Continuances.

Continuances or extensions of time may be granted by the council for good cause, or upon agreement of all parties and the presenting officer. (Ord. 3727 § 1, 1983.)

1.36.100 Oral evidence.

A. Only a party, the presenting officer, or a person whose name appears on a filed witness list may present oral evidence during the hearing.

B. Oral evidence shall be taken only under oath or affirmation.
(Ord. 3727 § 1, 1983.)

1.36.110 Documentary evidence.

Only those documents filed with the city clerk in accordance with Section 1.36.080 of this chapter shall be considered for admission into evidence. (Ord. 3727 § 1, 1983.)

1.36.120 Subpoena.

For good cause the council or the mayor may cause a subpoena to be issued. The mayor shall sign the subpoena, attested to by the city clerk. (Ord. 3727 § 1, 1983.)

1.36.130 Evidence.

A. Each party and the presenting officer shall have the right to fully present evidence in accordance with this chapter.

B. Each party and the presenting officer shall have the right to present evidence in explanation or rebuttal.

C. The hearing shall not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence, including hearsay, shall be admitted if it is evidence on which reasonable persons are accustomed to relying in the conduct of serious affairs. The presiding member of the council may set reasonable time limitations on the presentation of evidence.

D. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized by law.

E. Irrelevant and unduly repetitious evidence shall be excluded.

F. Each party and the presenting officer may propound questions through the presiding member of the council to the opposing side.

(Ord. 3727 § 1, 1983.)

1.36.140 Argument.

Upon the submission of evidence, only the presenting officer, a party, or an authorized representative of a party may present argument. The presiding member of the council may limit the time for the argument. (Ord. 3727 § 1, 1983.)

1.36.150 Determination.

Applying laws, ordinances, rules, and regulations to the specific evidence presented during the hearing, the council shall make an adjudicatory decision regarding the rights, duties, and entitlements of interested persons, and may make such decision or direct that such action be taken as the council deems necessary. (Ord. 3727 § 1, 1983.)

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>[Signature]</i></p>
<p>1. Article Addressed to:</p> <div data-bbox="349 832 850 1030" style="border: 1px solid black; padding: 5px;"><p>Sky Fuel 1699 East Main Street El Cajon, CA 92021</p></div>	<p>B. Received by (Printed Name) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>Raw</i></p> <p>C. Date of Delivery</p> <p><i>2-4-15</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7014 0510 0001 5937 4865</p>	

SECTION 25658 BUSINESS & PROFESSIONS CODE

25658. (a) Except as otherwise provided in subdivision (c), every person who sells, furnishes, gives, or causes to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.

(b) Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor.

(c) Any person who violates subdivision (a) by purchasing any alcoholic beverage for, or furnishing, giving, or giving away any alcoholic beverage to, a person under the age of 21 years, and the person under the age of 21 years thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to himself, herself, or any other person, is guilty of a misdemeanor.

(d) Any on-sale licensee who knowingly permits a person under the age of 21 years to consume any alcoholic beverage in the on-sale premises, whether or not the licensee has knowledge that the person is under the age of 21 years, is guilty of a misdemeanor.

(e) (1) Except as otherwise provided in paragraph (2) or (3), any person who violates this section shall be punished by a fine of two hundred fifty dollars (\$250), no part of which shall be suspended, or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed and is not attending school, or a combination of a fine and community service as determined by the court. A second or subsequent violation of subdivision (b) shall be punished by a fine of not more than five hundred dollars (\$500), or the person shall be required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed and is not attending school, or a combination of a fine and community service as determined by the court. It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides.

(2) Except as provided in paragraph (3), any person who violates subdivision (a) by furnishing an alcoholic beverage, or causing an alcoholic beverage to be furnished, to a minor shall be punished by a fine of one thousand dollars (\$1,000), no part of which shall be suspended, and the person shall be required to perform not less than 24 hours of community service during hours when the person is not employed and is not attending school.

(3) Any person who violates subdivision (c) shall be punished by imprisonment in a county jail for a minimum term of six months not to exceed one year, by a fine of one thousand dollars (\$1,000), or by both imprisonment and fine.

(f) Persons under the age of 21 years may be used by peace officers in the enforcement of this section to apprehend licensees, or employees or agents of

licensees, or other persons who sell or furnish alcoholic beverages to minors. Notwithstanding subdivision (b), any person under the age of 21 years who purchases or attempts to purchase any alcoholic beverage while under the direction of a peace officer is immune from prosecution for that purchase or attempt to purchase an alcoholic beverage. Guidelines with respect to the use of persons under the age of 21 years as decoys shall be adopted and published by the department in accordance with the rulemaking portion of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). Law enforcement-initiated minor decoy programs in operation prior to the effective date of regulatory guidelines adopted by the department shall be authorized as long as the minor decoy displays to the seller of alcoholic beverages the appearance of a person under the age of 21 years. This subdivision shall not be construed to prevent the department from taking disciplinary action against a licensee who sells alcoholic beverages to a minor decoy prior to the department's final adoption of regulatory guidelines. After the completion of every minor decoy program performed under this subdivision, the law enforcement agency using the decoy shall notify licensees within 72 hours of the results of the program. When the use of a minor decoy results in the issuance of a citation, the notification required shall be given to licensees and the department within 72 hours of the issuance of the citation. A law enforcement agency may comply with this requirement by leaving a written notice at the licensed premises addressed to the licensee, or by mailing a notice addressed to the licensee.

(g) The penalties imposed by this section do not preclude prosecution or the imposition of penalties under any other provision of law, including, but not limited to, Section 272 of the Penal Code and Section 13202.5 of the Vehicle Code.

RESOLUTION NO. 6033

A RESOLUTION GRANTING AMENDMENT OF CONDITIONAL USE PERMIT 526 TO ALLOW OFF-SALE BEER AND OTHER COLD BEVERAGES IN CONJUNCTION WITH AN EXISTING SERVICE STATION IN THE C-2 (HIGHWAY ORIENTED COMMERCIAL) ZONE ON PORTION OF LOT 2, BLOCK 31, RESUBDIVISION OF TRACT NO. 1, RANCHO EL CAJON, MAP 355.

WHEREAS, the El Cajon City Planning Commission duly advertised and held a public hearing March 1, 1982 to consider Amendment of Conditional Use Permit 526 as submitted by Rogers, requesting off-sale beer in conjunction with an existing service station in the C-2 (highway oriented commercial) zone on Portion of Lot 2, Block 31, Resubdivision of Tract No. 1, Rancho El Cajon, Map 355, located at the southeast corner of Greenfield Drive and E. Main Street and addressed as 1699 E. Main Street; and

WHEREAS, the following findings of fact have been made in regard to said Amendment to Conditional Use Permit:

1. The applicant spoke in favor of the amendment and no one spoke in opposition as recorded in the Planning Commission Minutes.
2. The General Plan indicates "Highway Oriented Commercial".
3. A negative declaration was not required.
4. The Planning Commission felt the minor extent of change to the uses on this property did not warrant the improvement of sidewalks on Greenfield.
5. The Planning Commission determined that said Amendment of Conditional Use Permit should be granted, subject to certain conditions and for the following reasons:
 - A. The proposed use is consistent with the C-2 zone and would be compatible with surrounding properties.
 - B. The proposed use is consistent with the General Plan.

NOW, THEREFORE, BE IT RESOLVED that based upon said findings of fact, the El Cajon City Planning Commission hereby GRANTS Amendment of Conditional Use Permit 526 to allow off-sale beer and other cold beverages in conjunction with an existing service station in the C-2 (highway oriented commercial) zone on the above described property, subject to the following conditions:

1. All food or beverage sales shall be confined to the 144 sq. ft. office area as designated on the amended plan.
2. All conditions of previous Planning Commission Resolution No. 3494 shall remain in full force and effect.

PASSED AND ADOPTED by the El Cajon City Planning Commission at a regular meeting held March 8, 1982, by the following vote:

AYES: RAMOS, GABRIELSON, MASSEE, SMITH, SHOEMAKER
NOES: NONE
ABSENT: NONE

ATTEST:


Virgil R. HENSON, Secretary


Joan SHOEMAKER, Chairman

APPROVED AS

MAR 8 1982

PRESENTED

RESOLUTION NO. 8193

A RESOLUTION GRANTING AMENDMENT OF CONDITIONAL USE PERMIT 526 FOR OFF-SALE LIQUOR SALES IN CONJUNCTION WITH AN EXISTING SERVICE STATION AND MINI-MARKET IN THE C-2 (HIGHWAY COMMERCIAL) ZONE ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF E. MAIN STREET AND GREENFIELD DRIVE AND ADDRESSED AS 1699 E. MAIN STREET, APN 507-200-41, LUC 5531, GENERAL PLAN DESIGNATION: HIGHWAY ORIENTED RETAIL COMMERCIAL.

WHEREAS, the El Cajon City Planning Commission duly advertised and held a public hearing May 13, 1991 to consider Amendment of Conditional Use Permit 526 as submitted by Rogers for Shell Oil Co., requesting off-sale liquor sales in conjunction with an existing service station and mini-market in the C-2 (highway commercial) zone on property located on the southeast corner of E. Main Street and Greenfield Drive and addressed as 1699 E. Main Street; and

WHEREAS, the following findings of fact have been made in regard to said amendment of conditional use permit:

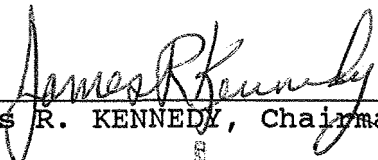
1. The applicant spoke in favor and one person spoke in opposition, as recorded in the Planning Commission Minutes.
2. The proposed project is exempt from environmental review in accordance with Section 15301, Class 1(a) of CEQA Guidelines.
3. The Planning Commission determined that said amendment of conditional use permit should be granted subject to certain conditions and for the following reasons:
 - A. The proposed use will be compatible with the surrounding land uses.
 - B. The proposed use will not adversely affect the operation of the existing service station.
 - C. The site is large enough to accommodate all of the existing and proposed activities.

NOW, THEREFORE, BE IT RESOLVED that based upon said findings of fact, the El Cajon City Planning Commission hereby GRANTS Amendment of Conditional Use Permit 526 for off-sale liquor sales in conjunction with an existing service station and mini-market in the C-2 (highway commercial) zone on the above described property, subject to the following conditions:

1. Prior to the release of the City's protest of the ABC license, the applicant shall:
 - a. Submit a revised site plan, in a reproducible format, which accurately reflects the development of the property, including the location of nine parking space areas meeting the Ordinance development standards.
 - b. Dedicate a 25-ft. radius property line return at the intersection of E. Main and Greenfield as required by the Public Works comments dated 4-15-91.
3. All repair work shall be conducted within the enclosed building.
4. All food and beverage sales shall be confined to the existing 144-sq. ft. office area. Any further expansion of the sales area will require an amendment of this permit.
5. All conditions of approval from previous Planning Commission Resolutions No. 6033 and 3494 shall remain in effect.
6. The existence of this conditional use permit shall be recorded with the County Recorder.
7. This permit, by law must have a stated time limit. Therefore, this conditional use permit shall have a life of 10 years and expire on May 13, 2001.
8. This permit may be revoked or modified at any time pursuant to El Cajon Municipal Code, Section 17.78.010.
9. Any new signs shall be shown on a sign program and approved by the Planning Department prior to installation.

PASSED AND ADOPTED by the El Cajon City Planning Commission at a regular meeting held May 20, 1991, by the following vote:

AYES: AMBROSE, BROWNING, KENNEDY
 NOES: BUTCHER, CONNER,
 ABSENT: NONE



 James R. KENNEDY, Chairman

ATTEST:

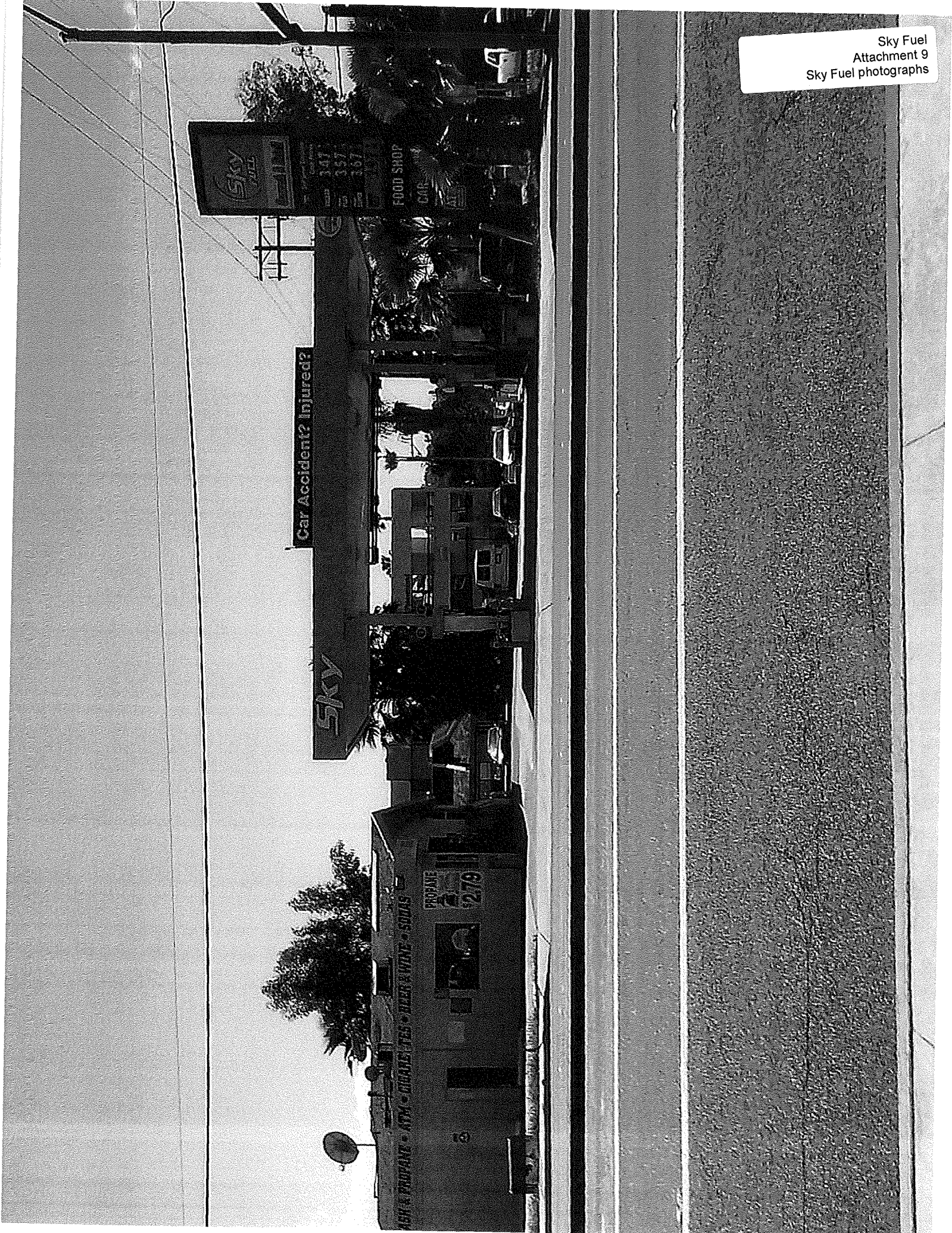


 James S. GRIFFIN, Acting Secretary

APPROVED AS

MAY 20 1991

PRESENTED





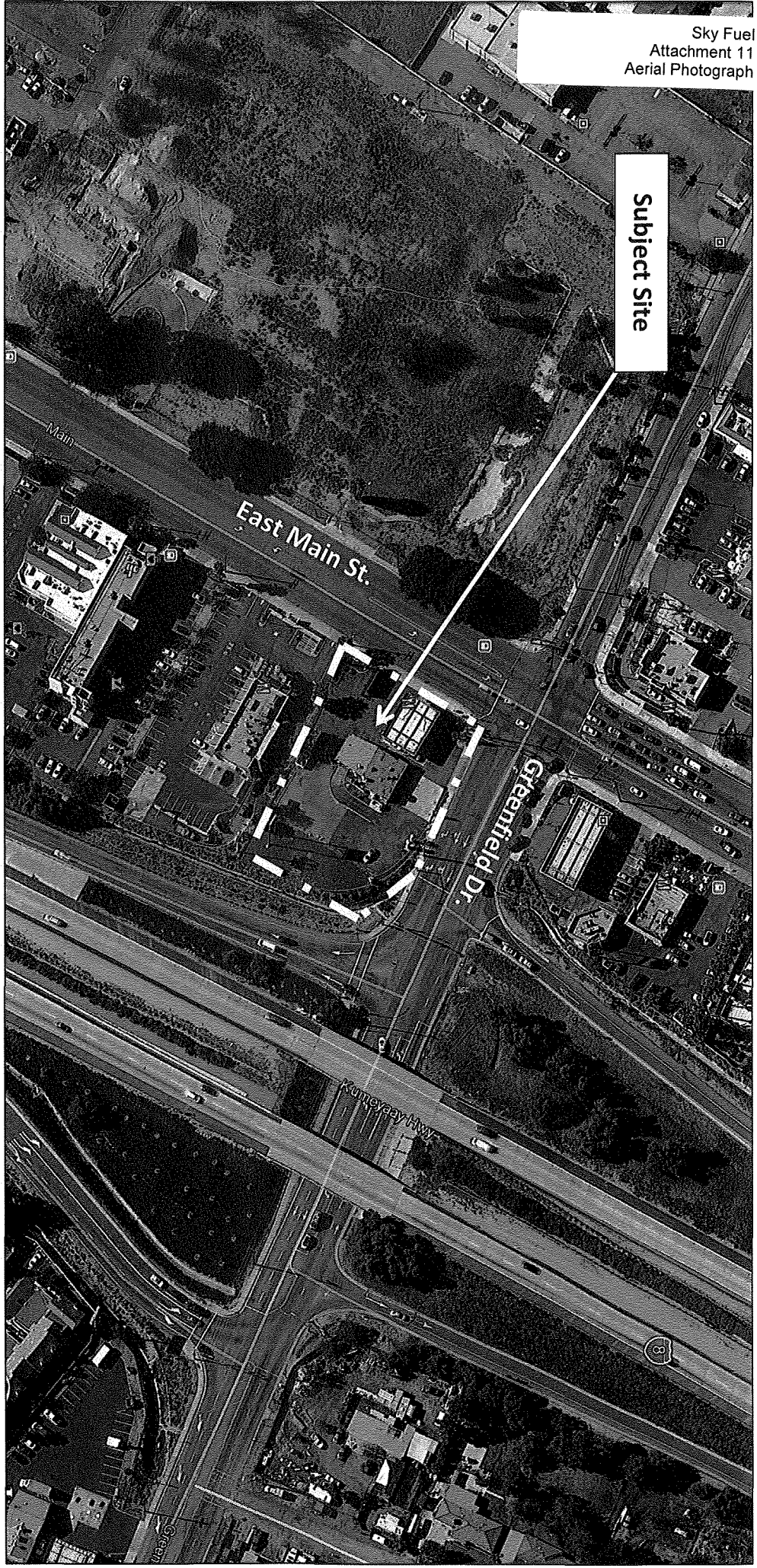




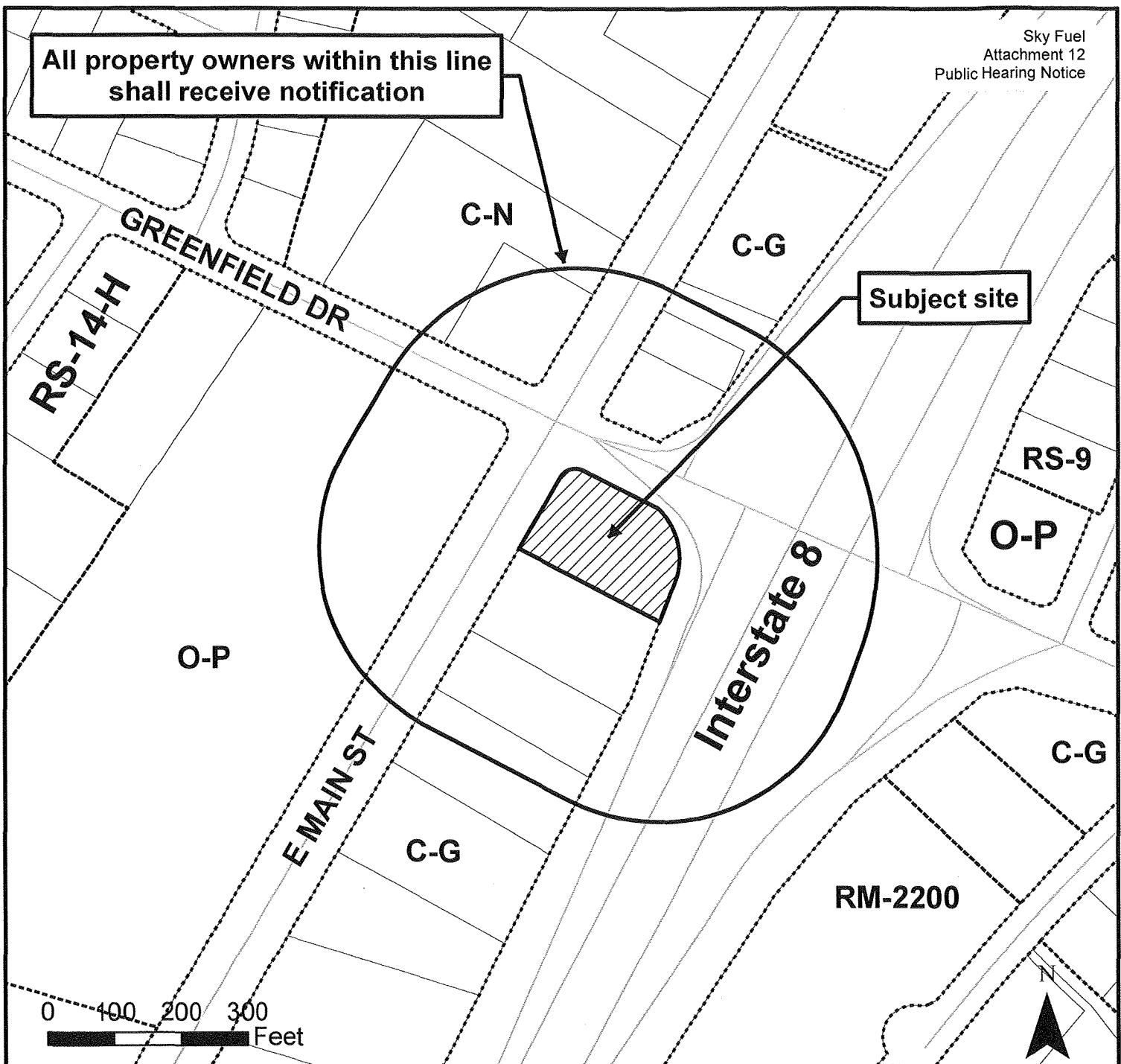
Fact Sheet

- ◆ Four Loko is an alcohol energy drink that is receiving local and national media attention.
- ◆ Ingredients include: 12% alcohol by volume, caffeine, carbonation, sugar, guarana, and taurine.
- ◆ Four Loko is sold in a 23.5 oz can and comes in a number of different flavors that mask the taste of alcohol in these drinks, flavors include: grape, fruit punch and watermelon.
- ◆ Drinking 1 Four Loko is equal to approximately 4-5 standard drinks (e.g., 12 oz beer, 5 oz wine, 1 oz liquor), the caffeine in 3-4 cans of Coke, and has an estimated 600-800 calories per can.
- ◆ Four Loko has caused students to experience: Walking Blackouts, Hyper-Vigilance, Anxiety, Heart Palpitations, Psychosis-like Episodes, Extreme Mood Swings, Alcohol Poisoning and other dangerous consequences.
- ◆ A study by Wake Forest University found that students who combine alcohol and caffeine are more likely to experience alcohol related injuries than students who drink only alcohol.
- ◆ While alcohol is a depressant and slows down respiration and heart rate, caffeine's stimulating effects can mask the effects of the alcohol consumed, making it more likely that a student will drink more than a student who drinks only alcohol.
- ◆ Alcohol poisoning from drinks like Four Loko may be exhibited in similar and dissimilar ways to alcohol poisoning from other types of alcohol.

Subject Site



All property owners within this line shall receive notification



NOTICE OF PROPOSED
AMENDMENT OF CONDITIONAL USE PERMIT
FOR SKY FUEL

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, March 17, 2015**, in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider: **SKY FUEL - AMENDMENT OF CONDITIONAL USE PERMIT NO. 526**. This is a City initiated Administrative Hearing to determine if the alcohol beverage establishment's ability to sell alcohol should be suspended, modified or revoked, or if additional operating conditions should be applied due to non-compliance with El Cajon's alcohol sales regulations. 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 meeting at www.ci-el-cajon.ca.us/dept/cpmm/planning_agendas.aspx. To download a copy, click the *current agenda* link, then the agenda item. In an effort to reduce the City's carbon footprint, paper copies will not be at the public hearing, but will be available at the Project Assistance Center counter 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 at, 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 the Planning Division at 619.441.1742. More information about planning and zoning in El Cajon is available at www.ci-el-cajon.ca.us/dept/comm/planning.html.

If you have any questions, or wish any additional information, please contact **ANTHONY SHUTE** at 619.441.1742 or via email at tonys@cityofelcajon.us and reference "Sky Fuel" in the subject line.