

# City of El Cajon

## Planning Commission Agenda

### Tuesday, June 7, 2016 Meeting

### 7:00 PM. Council Chambers

ANTHONY SOTTILE, Chairman  
 DARRIN MROZ, Vice Chairman  
 PAUL CIRCO  
 JERRY TURCHIN  
 VERONICA LONGORIA

Meeting Location: City Council Chambers, 200 Civic Center Way, El Cajon, CA  
[www.cityofelcajon.us/your-government/departments/community-development/planning-division](http://www.cityofelcajon.us/your-government/departments/community-development/planning-division)

#### 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

<b>Agenda Item:</b>	<b>1</b>
	<b>Planning Commission minutes of May 17, 2016</b>

#### PUBLIC HEARINGS

<b>Agenda Item:</b>	<b>2</b>
<b>Project Name:</b>	<b>Skyridge Project</b>
<b>Request:</b>	<b>Rezone subject property from RS-6 to RM-2200 and develop 19 single-family rowhomes</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>RECOMMEND CITY COUNCIL APPROVAL</b>
<b>Project Number(s):</b>	Zone Reclassification No. 2319, Planned Unit Development No. 345 and Tentative Subdivision Map No. 666
<b>Location:</b>	1044 South Mollison Avenue
<b>Applicant:</b>	Skyridge Partners LLC (Asher Burke); <a href="mailto:asher.burke@gmail.com">asher.burke@gmail.com</a> ; 858.735.8074
<b>Project Planner:</b>	Eric Craig; <a href="mailto:ecraig@cityofelcajon.us">ecraig@cityofelcajon.us</a> ; 619.441.1782
<b>City Council Hearing Required?</b>	Yes   June 28, 2016
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolutions in order recommending City Council approval of proposed Zone Reclassification No. 2319, Planned Unit Development No. 345 and Tentative Subdivision Map No. 666, subject to conditions</li> </ol>

*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, June 20, 2016 at 5:30 p.m., except that Agenda items which are forwarded to City Council for final action need not be appealed.

<b>Agenda Item:</b>	<b>3</b>
<b>Project Name:</b>	<b>927 Broadway Off-Sale Alcohol Sales</b>
<b>Request:</b>	<b>Terminate Deemed Approved Status and CUP No. 1498 for off-sale beer and wine sales</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVE</b>
<b>Project Number(s):</b>	Conditional Use Permit No. 1498
<b>Location:</b>	927 Broadway
<b>Applicant:</b>	Iverson 2002 Family Trust
<b>Project Planner:</b>	Eric Craig; ecraig@cityofelcajon.us; 619.441.1782
<b>City Council Hearing Required?</b>	No
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolutions in order terminating Deemed Approved Status and Conditional Use Permit No. 1498 at 927 Broadway</li> </ol>

4. OTHER ITEMS FOR CONSIDERATION

None

5. STAFF COMMUNICATIONS

Update on the three off-sale alcohol outlets that came before the Commission in 2015 for non-compliance with the Deemed Approved Ordinance.

Transit-Supportive land Use & Mobility Plan Project Overview

6. COMMISSIONER REPORTS/COMMENTS

7. ADJOURNMENT

This Planning Commission meeting is adjourned to June 21, 2016 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, June 20, 2016 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  
May 17, 2016**

*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:** Anthony SOTTILE, Chairman  
Darrin MROZ, Vice Chairman  
Veronica LONGORIA  
Paul CIRCO  
Jerry TURCHIN

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Anthony SHUTE, Deputy Director / Planning Commission Secretary  
Yasmin Arellano, City Engineer and Deputy Director of Public Works.  
Barbara LUCK, Assistant City Attorney  
Patricia Hamilton, Secretary

SOTTILE explained the mission of the Planning Commission.

**CONSENT CALENDAR**

<b>Agenda Item:</b>	<b>1</b>
	<b>Planning Commission minutes of April 19, 2016</b>

Motion was made by CIRCO, seconded by MROZ, to adopt the minutes of the Planning Commission meeting of April 19, 2016; carried 5-0.

**PUBLIC HEARING ITEMS**

<b>Agenda Item:</b>	<b>2</b>
<b>Project Name:</b>	<b>Car 1234 Caretaker Unit</b>
<b>Request:</b>	<b>Second story addition to an existing used auto dealership</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVE</b>
<b>Project Number(s):</b>	<b>Amendment of Conditional Use Permit (CUP) No. 2128</b>
<b>Location:</b>	<b>982 Broadway</b>
<b>Applicant:</b>	<b>Manochehr Karimi; 619.602.5606</b>
<b>Project Planner:</b>	<b>Lorena Cordova; <a href="mailto:lcordova@cityofelcajon.us">lcordova@cityofelcajon.us</a>; 619.441.1539</b>
<b>City Council Hearing Required?</b>	<b>No</b>



<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolution in order approving proposed Amendment of Conditional Use Permit No. 2128, subject to conditions</li> </ol>
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SHUTE summarized the agenda report in a PowerPoint presentation. He displayed a revised site plan and added that staff had worked with the applicant to satisfy Commissioner’s concerns relative to parking, vehicle storage/display, and emergency access.

MROZ asked staff to have Code Enforcement conduct periodic reviews of the site.

KARIMI, applicant approached the podium and agreed to all conditions of approval.

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

Motion was made by SOTTILE, seconded by TURCHIN, to adopt the next resolution in order approving proposed Amendment of Conditional Use Permit No. 2128, subject to conditions; carried 5-0.

**OTHER ITEMS FOR CONSIDERATION**

**STAFF COMMUNICATIONS**

**COMMISSIONER REPORTS/COMMENTS**

CIRCO shared his notes from his attendance at the League of California Cities Planning Commissioner’s Academy.

TURCHIN requested a report at the next meeting on the three off-sale alcohol outlets that were brought before the Commission last year.

**ADJOURNMENT**

Motion was made by MROZ, seconded by TURCHIN, to adjourn the meeting of the El Cajon Planning Commission at 7:50 p.m. this 17th day of May until June 7, 2016; carried 5-0.

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Anthony SOTTILE, Chairman

ATTEST:

\_\_\_\_\_  
Anthony SHUTE, AICP, Secretary



<b>Agenda Item:</b>	<b>2</b>
<b>Project Name:</b>	<b>Skyridge</b>
<b>Request:</b>	<b>A 19-unit common-interest residential development</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>RECOMMEND CITY COUNCIL APPROVAL</b>
<b>Project Number(s):</b>	Zone Reclassification No. 2319; Planned Unit Development No. 345; Tentative Subdivision Map No. 666
<b>Location:</b>	1044 South Mollison Avenue
<b>Applicant:</b>	Skyridge Partners, LLC (Asher Burke); 858.735.8074
<b>Project Planner:</b>	Eric Craig, 619.441.1782, ecraig@cityofelcajon.us
<b>City Council Hearing Required?</b>	Yes   June 28, 2016
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolutions in order recommending City Council approval of proposed Categorical Exemption Class 32; Zoning Reclassification No. 2319; Planned Unit Development No. 345; and Tentative Subdivision Map No. 666, subject to conditions</li> </ol>

**PROJECT DESCRIPTION**

The proposed project includes a rezone of the subject property from the RS-6 zone to the RM-2200 zone, a planned unit development for a 19-unit common-interest residential project, and a tentative subdivision map for 19 residential lots and 1 common interest lot.

**BACKGROUND**

<b>General Plan:</b>	Medium Density Residential (18-20 dwelling units per acre)
<b>Specific Plan:</b>	N/A
<b>Zone:</b>	Residential, Single-Family, 6,000 square feet (RS-6)
<b>Other City Plan(s):</b>	N/A
<b>Regional and State Plan(s):</b>	N/A
<b>Notable State Law(s):</b>	Subdivision Map Act

### Project Site & Constraints

The .98-acre subject property is located on the west side of South Mollison Avenue between Portland Street and East Chase Avenue. The site has frontage on both South Mollison Avenue and Billings Street. It is currently developed with a single family home and a fire-damaged duplex.

### Surrounding Context

Surrounding land uses are predominantly multi-family residential developments. Properties surrounding the project site are developed and zoned as follows:

Direction	Zones	Land Uses
North	RM-2200	Condominiums
South	RS-6, and RM-2500	A single-family residence, condominiums and apartments
East	RM-2500	Apartments
West (across S. Mollison)	RM-2500	Condominiums

### General Plan

The General Plan land use designation for the subject property is Medium Density Residential (MR), which supports residential density of 18-20 units/acre. The proposed project density is 19.39 units/acre, and is therefore, consistent with the MR designation.

The current zoning designation for the subject property is RS-6, and this project proposes to rezone the property to RM-2200, which is consistent with the MR General Plan designation as indicated on the attached zoning consistency chart. The General Plan designates residential land use classifications intended to accommodate various densities of residential development within the city. It is the intent of every residential zone to implement the goals and objectives of the General Plan by regulating residential development with specific development standards.

Goal 5 of the General Plan and its supporting objectives and policies support the provision of new housing in the City. Specifically, Goal 5 states that a broad range of housing types will be made available to meet the housing needs of various age and income groups. General Plan Objective 5-6 is to ensure that new housing is compatible with existing development and sensitive to environmental needs.

### Municipal Code

The intent of the proposed RM-2200 zone is to implement the MR designation of the General Plan, as well as the General Plan goals and objectives related to the provision of housing to meet the needs of the community. The development standards for a PUD are contained within El Cajon Municipal Code (ECMC) Chapter 17.60. The intent of the PUD process is to create imaginative and comprehensively planned projects with

design elements that specifically relate to the topography and the natural characteristics of the site, as well as the scale, density, and type of development in the surrounding area. Greater flexibility in design and building relationships may be permitted in a PUD than would otherwise be permitted within the usual requirements of the zoning and subdivision titles of the municipal code. A PUD may be approved in any zone. However, the requirements of the underlying zone shall be satisfied, except as specifically modified by Chapter 17.60. A more detailed discussion of applicable Municipal Code requirements is included below in the section of this report titled "Discussion."

#### Subdivision Ordinance/ Subdivision Map Act

A tentative subdivision map is proposed to subdivide the subject property into 19 lots for residential purposes and one common lot. The authority and procedures for the processing of a tentative subdivision map are found in the California Subdivision Map Act, and the City of El Cajon Subdivision Ordinance (Title 16 of the El Cajon Municipal Code.) The Planning Commission's role in analyzing and making a decision regarding a proposed subdivision map is described in Section 16.12.080 of the El Cajon Municipal Code (ECMC). Section 16.12.080 requires the Planning Commission to make a report to the City Council regarding the design of the proposed subdivision and the nature and extent of the proposed improvements. In this context, "improvements" mean public or private, street and/or drainage improvements.

#### **DISCUSSION**

The proposed project includes 19 units in three separate buildings. The proposed structures are three-story, single-family row homes, with three-car garages and private patios on the ground floor. A tot-lot is proposed on the north side of the lot in an area between two of the structures, and a landscaped drainage feature with two decomposed granite pads and picnic tables is proposed along the southern property line. Vehicular access and additional parking would be provided by a private street/driveway with connections to both South Mollison Avenue and Billings Street.

#### *Rezone*

The proposal to rezone the property from RS-6 to RM-2200 is consistent with the existing MR land use designation of the General Plan. It is also consistent with the goals and policies of the General Plan, which call for a broad range of housing types, and the fulfillment of regional housing needs. Moreover, the proposal to rezone the property to RM-2200 is consistent with the multi-family zoning designations of surrounding properties.

#### *Building Design and Architecture*

The project features attached three-story row homes with four different exterior color/trim schemes. The homes range in size from 1,475 square feet to 1,999 square feet,

exclusive of the garages. Each floor plan provides a three car garage with laundry hookups, a storage closet, and a foyer on the ground floor. The second floor consists of the kitchen, dining room, living room, and a half-bathroom. The third floor has three bedrooms, a master bathroom, and another full bathroom. The proposed structures feature tile roofs, decorative stone wainscoting, stucco walls, large windows with decorative trim elements. Attached trellises will cover private patios on the ground floor. The exterior color palette includes blended shades of muted red, brown, and tope for the roof tiles. Exterior stucco walls would be painted in various muted shades of green, gold, orange, and tan. The fascia boards along the roof would be light brown, and window frames, window trim, doors, and garage doors would be white. The building design is attractive, and provides architectural interest through variations in building materials, wall planes, and fenestration.

#### *Building Height*

The building height limit in the RM-2200 zone is 35 feet from finished grade. The project elevations indicate a height of 35'-6" from the top of the finished floor elevation. Therefore, a condition of approval is recommended in the attached resolution requiring that the elevations in the building permit set indicate a maximum height of 35 feet from grade.

#### *Exterior Lighting*

Wall-mounted LED lights are proposed for the exterior illumination of the tot-lot, the parking areas, and pedestrian pathways. The wall mounted lights will be directed downward to prevent casting light or glare on to adjacent properties and will be architecturally compatible with the overall project theme.

#### *Pedestrian Access*

Pedestrian access to the units would be provided via walkways leading from the public sidewalks on South Mollison Avenue and Billings Street. The walkways would provide connectivity between the public sidewalks, the proposed tot-lot and picnic tables, the common street/driveway, and the unit entrances. The project site is within easy walking distance (2,000 feet) of neighborhood commercial services and shopping located at the intersection of East Chase and Avocado Avenues.

#### *Transportation, Parking and Circulation*

Vehicle access would be provided by driveways on South Mollison Avenue and Billings Street. Based upon San Diego Association of Governments (SANDAG) trip generation rates, the project is expected to generate approximately 152 average daily trips (ADT), based on a trip generation of eight trips per unit. South Mollison Avenue between East Chase and East Washington Avenues had an average weekday traffic volume of 11,300 trips per day in 2015. South Mollison Avenue is classified as a minor arterial road with one lane in each direction and a continuous left turn lane. Acceptable operating conditions for South Mollison Avenue are maintained with traffic volumes of less than



13,000 ADT. South Mollison Avenue is currently operating at Level of Service (LOS) D. The addition of 152 ADTs would not adversely affect the operating conditions on South Mollison Avenue, as it would continue to operate at LOS D. Moreover, Class II bicycle lanes are located on South Mollison Avenue, and the nearest bus stop is at the Intersection of East Chase and Avocado Avenues.

Off-street parking at the site would consist of private three-car garages for each of the units, and additional parking spaces would be provided along the private street/driveway. The private three-car garages include two side-by-side spaces with a third tandem stall for visitors to park inside the private garage. A condition of approval is included in the attached resolution requiring the three garaged parking spaces be maintained at all times for vehicle parking. See the table below in the section of this report titled "Development Standards" for a numerical listing of the parking requirements for this PUD.

The private garage entrances would be located directly on the proposed private street/driveway. The Zoning Code requires a 20 foot setback from the edge of a private street or driveway to a garage entrance, but permits a reduction of the setback with a finding intended to ensure proper on-site circulation. Specifically, the finding requires a determination that the reduced setback will not result in unauthorized parking behind the garages which would block or hamper vehicular movement or unnecessarily affect visibility on the private street/driveway. In making this determination the Commission and Council must consider the following issues:

1. The length of the private street/driveway;
2. The overall project density and design;
3. Whether the private street/driveway provides a direct connection between public streets or high traffic volume private streets;
4. The provision for automatic garage door openers; and
5. The provision of adequate space for the collection of individual trash and recycling containers that does not obstruct private streets, driveways, or garage entrances.

The Zoning Code also requires 24 feet of unobstructed backup distance for parking spaces in a garage. A minimum width of eight and one half feet is required for an outdoor parking space, and ten feet for an indoor parking space. The additional width for an indoor space is required to facilitate entering and exiting a vehicle when there are walls that obstruct the movement of the vehicle doors.

The project site plan indicates six parallel parking spaces adjacent to a required masonry wall along the south property line. The proposed project design meets the minimum required backup distance from the private garages (24 feet), and the minimum required width for an outdoor parking space (8.5 feet). See the attached diagram prepared by staff as a visual aide. However, the location of these parallel

spaces next to a wall, and directly behind the private garage entrances may result in constrained vehicle movement, making it difficult to enter and exit the garages, especially on trash collection days when there would be up to 38 individual trash and recycling bins placed in the private street/driveway.

The parallel parking spaces located adjacent to the block wall may result in drivers parking farther away from the wall than they would from a curbed sidewalk or landscaped area, which would provide additional space for vehicle doors to swing outward over the curb. For this reason, a condition of approval is recommended requiring the structure at the east end of the site (Building 3 on the site plan) be moved at least six inches north to provide additional space for parking and improved vehicle maneuverability. The end result would be nine foot wide parallel parking spaces.

#### *Open Space, Recreation Areas, and Landscaping*

Landscaping is proposed along the South Mollison Avenue and Billings Street frontages. Additional landscaping is proposed around the perimeter of a 962 square foot tot-lot, and within a storm water retention feature located along the south property line. The project plans indicate four foot wide paved walkways leading through the required exterior yards. These walkways are not necessary, as there are public sidewalks located along both the South Mollison and Billings Street frontages which provide a path from the private street/driveway to the unit entrances. Therefore, a condition of approval is recommended requiring removal of the walkways through these landscaped areas.

In addition to the tot-lot, two picnic tables would be placed on decomposed granite pads within the storm water retention feature. Each unit would also have its own private patio located on the ground floor between the pedestrian pathways and the front entrances to the units. The areas of the patios range from 84 to 96 square feet.

A condition of approval is recommended in the attached resolution requiring staff approval of the tot-lot equipment and picnic tables, prior to their installation and prior to building permit final for the proposed residential units. Staff will ensure that the equipment and the tables are constructed of durable, high-quality materials which complement the overall project design.

Landscaping for the project will require approval of a Landscape Documentation Package, to ensure compliance with the water efficiency standards contained in Chapters 17.195 and 17.60 of the Zoning Code, and the State's revised Model Water Efficient Landscape Ordinance.

#### *Trash and Recycling*

The proposed project includes individual trash and recycling collection service. The site plan indicates that the collection bins would be kept inside the private garages and would be placed in the private street/driveway outside the garage entrances on

collection day. The Park Row Townhomes and the Magnolia Row Home developments in the downtown area are configured similarly.

*Development Standards*

The table below provides a comparison of the applicable development standards for a PUD in the RM-2200 zone, and the proposed project. Some of the standards discussed elsewhere in this report are not included in the table.

<b>Development Standard</b>	<b>PUD/RM-2200 Zone</b>	<b>Proposed Project</b>
Building setbacks from a public street	10 feet (minimum)	10 feet
Garage setbacks from a private street/ driveway	20 feet minimum unless special findings are made	No setback provided
Placement of Buildings	10 feet separation (minimum)	27 feet
Density	Maximum 20 dwelling units per acre	19.39 dwelling units per acre
Lot coverage	55%	55%
Covered Parking	2 spaces per unit = 38	38 (located in private garages)
Visitor Parking	1 per unit = 19	19 (located in private garages)
Supplemental Parking	0.5 per unit = 9.5 (10 spaces)	10
Project Boundary Walls	6 foot decorative masonry wall	6 foot decorative masonry wall
Open & recreational space	225 sq. ft. / unit = 4,275 sq. ft.	Approximately 8,450 sq. ft. including landscaping and tot-lot
Private Street/Driveway Width	24 feet (minimum)	24 feet

*Covenants, Conditions, and Restrictions (CC&Rs)*

A common interest residential project, such as a PUD, requires the formation of a homeowner’s association with CC&Rs to ensure the maintenance of common areas. Common areas for the proposed project include the private driveway, the tot-lot, common area landscaping, utilities, and the lighting. The covenants, conditions and restrictions will run with the land and clearly set forth both the privileges and responsibilities involved in the common ownership and/or maintenance. A condition of approval is recommended in the attached resolution for the CC&Rs to include a requirement that the attached three car garages be maintained for the parking of three vehicles at all times.

## FINDINGS

### Zone Reclassification No. 2316

- 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 rezoning to the RM-2200 zone is consistent with the Medium Density Residential land use designation as indicated in the General Plan Zoning Consistency Chart. Furthermore, the RM-2200 zone would provide for residential uses and development standards compatible with the surrounding neighborhood. The rezone would facilitate the development of the site for residential uses in conformance with Housing Element policies to increase the number of housing units available to all income levels.

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

There are no applicable specific plans governing the subject property.

- 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 an underutilized property with housing, which will also assist the City in meeting its share of regional housing needs. The creation of additional housing units for various age and income groups is in the interest of public necessity, convenience, and general welfare.

### Planned Unit Development No. 345

- A. *The density of the proposed PUD is consistent with the general plan.*

The proposed project density is consistent with the MR designation of the General Plan. Furthermore, the project would facilitate the development of the site for residential uses in conformance with Housing Element policies to increase the number of housing units available to all income levels.

- B. *The approval of any alternative development standards to the proposed PUD is in the public interest.*

The approval of a reduced setback from the private street will be in the public interest if the buildings on the north side of the proposed PUD are shifted north to provide additional backup space, adequate space for parallel parking along the private street/driveway, and adequate space for the placement of trash and recycling bins on collection day. These modifications will result in improved vehicle circulation and facilitate development of the site with new housing units, which is in the public interest.



*C. The proposed PUD is compatible with surrounding development.*

The proposed project satisfies the minimum development standards of the RM-2200 zone. Surrounding properties are developed with multi-family developments with similar densities and development standards. Therefore, the proposed project will be compatible with surrounding development.

*D. The location of structures, private streets, driveways, and parking spaces on the proposed PUD site plan will not result in unauthorized parking which would block or hamper vehicular movement or unnecessarily affect visibility on the private street or driveway.*

The proposed project design will not result in unauthorized parking or restricted vehicle movement if the structures on the north side of the development are shifted north to provide additional backup space, adequate space for parallel parking along the private street/driveway, and adequate space for the placement of trash and recycling bins on collection day. CC&Rs will include a provision requiring that the three car garages be maintained at all times for the purposes of parking three vehicles, and shall not be used for storage or any other purposes besides parking.

Tentative Subdivision Map No. 666

Section 66474 of the Subdivision Map Act and Section 16.12.080.B.2 of the ECMC state that the City shall deny approval of a subdivision map if the city's legislative body makes any of the following findings:

*A. The proposed map is not consistent with the General Plan and any applicable specific plan.*

The proposed map is consistent with the General Plan and the General Plan goals related to housing that seek to provide a variety of residential development opportunities in the City to fulfill regional housing needs. There are no applicable specific plans.

*B. The design or improvement of the proposed subdivision is not consistent with the General Plan, and the site is not physically suitable for the type of development and proposed density.*

The proposed subdivision map design results in 19 residential lots and one common lot for a 19-unit residential project, which is consistent with the goals and objectives of the General Plan. Furthermore, the site is generally level and physically suited for the type of development as well as the density of the development that is proposed for this property.

*C. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed project site has no habitat value and is located in an urbanized area. Furthermore, the subject property is in a disturbed condition, surrounded by urban development, not environmentally sensitive, and there are no fish or wildlife populations that would be harmed by the residential development of the subject

property. The residential development does not pose any potential environmental impacts.

- D. The design of the subdivision or type of improvements is likely to cause serious health problems.*

The design of the subdivision and type of improvements are required to incorporate storm water management improvements that will contribute to healthier streams, rivers, bays and the ocean. Furthermore, the design of the proposed subdivision will accommodate passive heating and cooling opportunities because the proposed homes are designed with windows that open and would allow occupants to take advantage of the prevailing winds. The units are separated to allow air flow through and around the units.

- E. The design of the subdivision or type of improvements will conflict with easements acquired by the public at large for access through or use of property within the subdivision.*

The proposed map will not conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of property within the proposed map, and there are no existing easements that will be affected by the proposed construction because the map will establish new easements for public utilities, private road access, the private storm drain, and landscape maintenance.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The proposed residential development project is exempt from the provisions of the California Environmental Quality Act (CEQA) according to Section 15332 of the CEQA Guidelines. Section 15332 provides an exemption for in-fill projects that are characterized by a site that occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses; has no value as habitat for endangered, rare or threatened species; the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and, that can be adequately served by all required utilities and public services. The project proposes to authorize a residential development in an area that has already been developed with similar uses and infrastructure. Therefore, Section 15332 is an appropriate exemption for the proposed project.

#### **PUBLIC NOTICE & INPUT**

Notice of this public hearing was mailed and published in the East County Gazette on May 26, 2016, 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

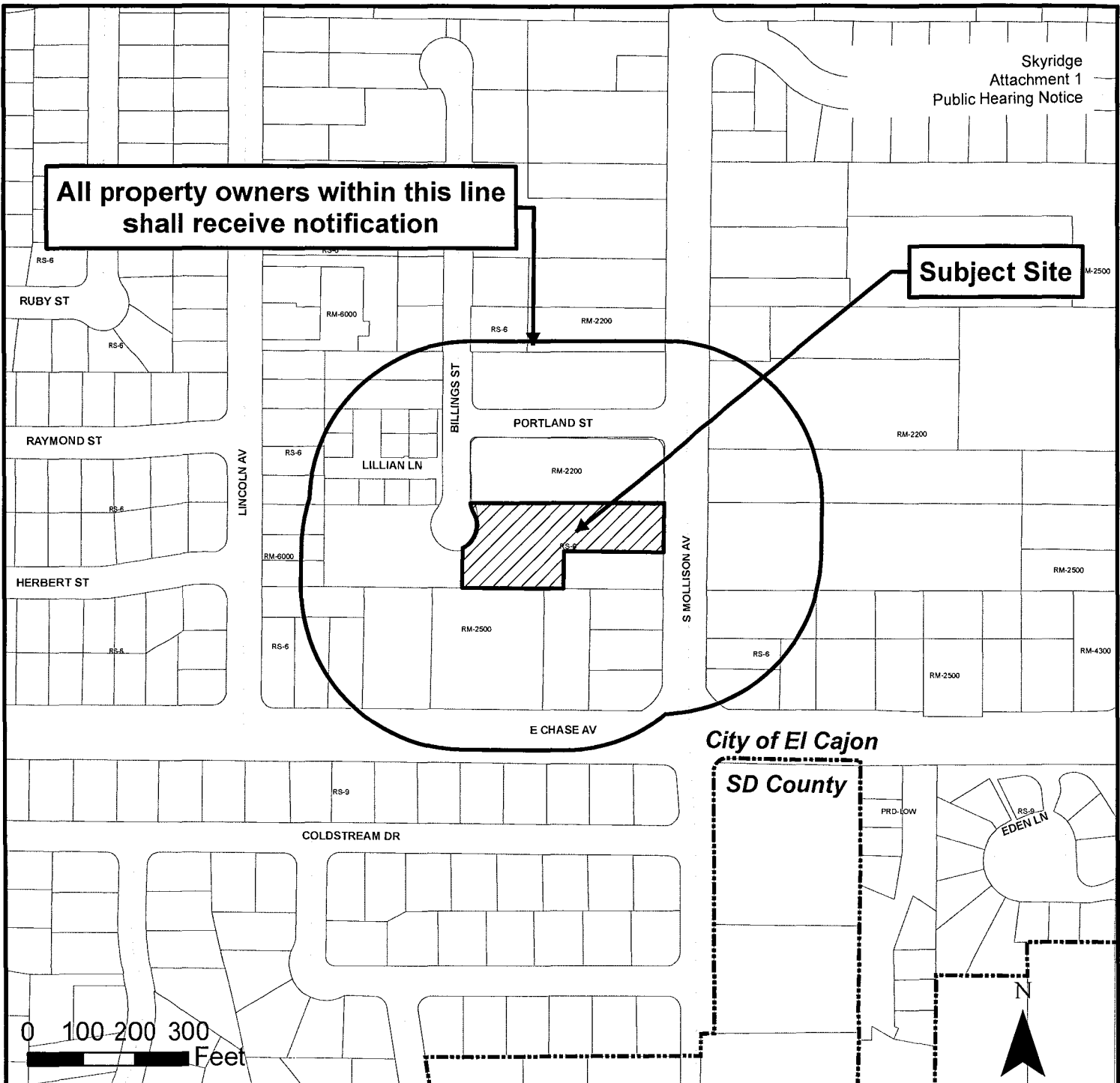
Hearings/Public Notices.” The notice was also mailed to the two public libraries in the City of El Cajon, located at 201 East Douglas Avenue and 576 Garfield Avenue.

## **ATTACHMENTS**

1. Public Hearing Notice/Location Map
2. Proposed Resolution Recommending Approval of the Class 32 CEQA Exemption
3. Proposed Resolution Recommending Approval of the ZR No. 2319
4. Proposed Resolution Recommending Approval of PUD No. 345  
Exhibit A: Helix Water District comments dated March 30, 2016
5. Proposed Resolution Recommending Approval of TSM No. 666
6. Reduced Landscape Site Plan
7. Aerial Photograph of Subject Site
8. General Plan Zoning Consistency Chart
9. Staff Exhibit; Back-Up Distance and Stall Width
10. Application & Disclosure statement
11. Reduced Plans and Elevations (in Commissioner’s Binders)
12. Full-Size Site Plan (in Commissioner’s Binders)
13. Full-Size Tentative Subdivision Map (in Commissioner’s Binders)

All property owners within this line shall receive notification

Subject Site



**NOTICE OF PROPOSED  
ZONE RECLASSIFICATION, PLANNED UNIT DEVELOPMENT,  
AND TENTATIVE SUBDIVISION MAP**

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, June 7, 2016**, and the El Cajon City Council will hold a public hearing at **7:00 p.m., June 28, 2016**, in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider:

**ZONE RECLASSIFICATION NO. 2319, PLANNED UNIT DEVELOPMENT NO. 345, AND TENTATIVE SUBDIVISION MAP NO. 666**, as submitted by Skyridge Partners LLC (Asher Burke), requesting a zone change from RS-6 to RM-2200, a planned unit development and tentative subdivision map for 19 single family homes, with one common lot consisting of a private street, a park, and common area landscaping. The subject property is addressed as 1044 South Mollison Avenue. This project is exempt from the California Environmental Quality Act (CEQA).

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 and City Council at <http://www.cityofelcajon.us/your-government/calendar-meetings-list>. 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 Planning at 619.441.1742. More information about planning and zoning in El Cajon is available at <http://www.cityofelcajon.us/your-government/departments/community-development/planning-division>.

If you have any questions, or wish any additional information, please contact **ERIC CRAIG** at 619.441.1782 or via email at [ecraig@cityofelcajon.us](mailto:ecraig@cityofelcajon.us) and reference "Skyridge" in the subject line.



## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION 15332 (IN-FILL DEVELOPMENT) FOR ZONE RECLASSIFICATION NO. 2319, PLANNED UNIT DEVELOPMENT NO. 345, & TENTATIVE SUBDIVISION MAP NO. 666

WHEREAS, the El Cajon Planning Commission held a duly advertised public hearing on June 7, 2016, to consider Zone Reclassification No. 2319, Planned Unit Development No. 345, and Tentative Subdivision Map No. 666 for the rezoning of property at 1044 South Mollison Avenue and the development of a 19 unit common-interest residential development in the proposed RM-2200 zone; and

WHEREAS, in accordance with CEQA Guidelines Section 15061(b)(2), and prior to making a recommendation to the City Council, the Planning Commission reviewed and considered the information contained in the project staff report; and

WHEREAS, it is proposed that the project is exempt from CEQA under Section 15332 (*In-fill Development*) of CEQA Guidelines, which allows for in-fill development in urbanized areas, because the following conditions are satisfied: 1) The project and the adjacent properties are designated MR (Medium Density Residential) on the General Plan Land Use Map. Furthermore, the proposed zone, RM-2200 (Residential, Multi-Family, 2200 sq. ft.), is consistent with the General Plan designation. The project implements General Plan policies that support the provision of housing for all income levels. Moreover, the project satisfies Zoning Code regulations and development standards; 2) the subject site is located within the city limits, is .98 acres, and is surrounded by urban uses; and 3) the subject site and the surrounding area have historically been used for residential uses, and have no habitat value. Furthermore, there is no record of endangered, rare, or threatened species in the general vicinity and staff observed no protected or mitigable wildlife habitat on the subject site or in the general vicinity; and 4) the public circulation system has sufficient capacity to accommodate multiple modes of transportation, including bicycles, pedestrians and vehicles; the proposed development is in accordance with governing standards and regulations and is not expected to substantially increase vehicle trips beyond the designed capacities of the surrounding existing streets, nor would it compromise the safety of other modal users; the adjacent roadways and intersections will operate at acceptable levels of service; and the proposed development will be designed to satisfy all applicable storm water regulations established by the El Cajon Municipal Code Chapter 16.60; and 5) all required utilities and public services are currently serving the subject site as well as the surrounding area.

WHEREAS, none of the conditions in Section 15300.2, which provide exceptions for categorical exemptions exist; and

WHEREAS, after considering evidence and facts, the Planning Commission did consider the proposed Categorical Exemption, Section 15332 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 the proposed Categorical Exemption Section 15332 for the Skyridge common-interest residential project.

Section 2. That based upon said findings of fact, the El Cajon Planning Commission hereby RECOMMENDS City Council APPROVAL of the proposed Categorical Exemption Section 15332 for Zone Reclassification No. 2319, Planned Unit Development No. 345, and Tentative Subdivision Map No. 666.

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held June 7, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Anthony SOTTILE, Chairperson

ATTEST:

\_\_\_\_\_  
Anthony SHUTE, AICP, Secretary

## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF ZONE RECLASSIFICATION NO. 2319 FOR THE REZONING OF PROPERTY LOCATED ON THE WEST SIDE OF SOUTH MOLLISON AVENUE BETWEEN PORTLAND STREET AND EAST CHASE AVENUE FROM THE RS-6 (RESIDENTIAL, SINGLE-FAMILY, 6000 SQ. FT) ZONE TO THE RM-2200 (RESIDENTIAL, MULTI-FAMILY, 2200 SQ. FT) ZONE; APN: 493-225-25-00; GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL (MR).

WHEREAS, the El Cajon Planning Commission held a duly advertised public hearing on June 7, 2016, to consider Zone Reclassification No. 2319, for a change in the zoning designation of the subject property from the RS-6 zone to the RM-2200 zone, as submitted by Skyridge Partners, LLC for the subject; and

WHEREAS, in accordance with CEQA Guidelines Section 15061(b)(2), and prior to making a recommendation to the City Council, the Planning Commission reviewed and considered the information contained in the project staff report; and

WHEREAS, the El Cajon Planning Commission adopted the next resolution in order recommending to the El Cajon City Council approval of the proposed categorical exemption for the project under Section 15332 (*In-fill Development*) of CEQA Guidelines, which allows for in-fill development in urbanized areas, as the record of proceedings contains evidence to support the determination of the Class 32 Categorical Exemption applies; 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 rezoning to the RM-2200 zone is consistent with the Medium Density Residential land use designation as indicated in the General Plan Zoning Consistency Chart. Furthermore, the RM-2200 zone would provide for residential uses and development standards compatible with the surrounding neighborhood. The rezone would facilitate the development of the site for residential uses in conformance with Housing Element policies to increase the number of housing units available to all income levels.
- B. There are no applicable specific plans governing the subject property.
- C. The proposed zone change will facilitate the development of an underutilized property with housing, which will also assist the City in meeting its share of regional housing needs. The creation of additional housing units for various age and

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income groups is in the interest of public necessity, convenience, and general welfare.

WHEREAS, after considering such evidence and facts the Planning Commission did consider Zone Reclassification No. 2319 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 Zone Reclassification No. 2319.

Section 2. That based upon said findings of fact, the El Cajon Planning Commission hereby RECOMMENDS City Council APPROVAL of Zone Reclassification No. 2319 to rezone the subject property from the Rs-6 zone to the RM-2200 zone.

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held June 7, 2016 by the following vote:

AYES:  
NOES:  
ABSENT:

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Anthony SOTTILE, Chairperson

ATTEST:

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Anthony SHUTE, AICP, Secretary



## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF PLANNED UNIT DEVELOPMENT NO. 345 FOR A 19 UNIT COMMON-INTEREST DEVELOPMENT IN THE PENDING RM-2200 (RESIDENTIAL, MULTI-FAMILY, 2200 SQ. FT.) ZONE; APN: 493-225-25-00; GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL (MR)

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on June 7, 2016, to consider Planned Unit Development (PUD) No. 345, as submitted by Skyridge Partners, LLC, requesting approval of a 19-unit PUD in the pending RM-2200 zone, on property located on the west side of South Mollison Avenue between Portland Street and East Chase Avenue; and

WHEREAS, the El Cajon Planning Commission determined that the proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines; and

WHEREAS, the El Cajon Planning Commission adopted the next resolution in order, recommending to the El Cajon City Council the approval of proposed Zone Reclassification No. 2316 rezoning the subject site from RS-6 to the RM-2200 zone; 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 project density is consistent with the MR designation of the General Plan. Furthermore, the project would facilitate the development of the site for residential uses in conformance with Housing Element policies to increase the number of housing units available to all income levels.
- B. The approval of a reduced setback from the private street will be in the public interest if the buildings on the north side of the proposed PUD are shifted north to provide additional backup space, adequate space for parallel parking along the private street/driveway, and adequate space for the placement of trash and recycling bins on collection day. These modifications will result in improved vehicle circulation and facilitate development of the site with new housing units, which is in the public interest.
- C. The proposed project satisfies the minimum development standards of the RM-2200 zone. Surrounding properties are developed with multi-family developments with similar densities and development standards. Therefore, the proposed project will be compatible with surrounding development.

- D. The proposed project design will not result in unauthorized parking or restricted vehicle movement if the structures on the north side of the development are shifted north to provide additional backup space, adequate space for parallel parking along the private street/driveway, and adequate space for the placement of trash and recycling bins on collection day. CC&Rs will include a provision requiring that the three car garages be maintained at all times for the purposes of parking three vehicles, and shall not be used for storage or any other purposes besides parking.

NOW, THEREFORE, BE IT RESOLVED that based upon said findings of fact stated above, the El Cajon Planning Commission hereby RECOMMENDS CITY COUNCIL APPROVAL of PUD No. 345 for a 19-unit common-interest residential development in the pending RM-2200 zone on the above described property, subject to the following conditions:

**Planning**

1. Prior to the issuance of building permits, or as otherwise determined by the Deputy Director of Community Development, the applicant shall submit and obtain approval of a revised, one-page, 24" by 36" mylar site plan for Planned Unit Development No. 345 that reflects the following specific notes and changes:
  - a. The revised site plan shall be consistent with the final map and landscape plans approved for the project.
  - b. Shift Building 3 at least six inches to the north to provide additional space for parking and improved vehicle maneuverability.
  - c. Remove the pedestrian paths leading through the landscaped areas along South Mollison Avenue and Billings Street.
  - d. Include the following note: "Trash/recycling bins shall not be permitted to obstruct the approved private street/driveway, the on-site parking spaces, or access to the private garages."
  - e. Include the following note: "The private garages shall be maintained as available for the parking of three automobiles at all times."
  - f. Include the following note: "This project shall comply with the Standard Conditions of Development from Planning Commission Resolution No. 10649, as applicable, which are incorporated herein by reference."
  - g. The revised site plan shall reflect the applicable comments and include all of the required notes from the Public Works Department in the comments dated 3-31-16.
  - h. The revised site plan shall reflect the applicable comments from the Helix Water District attached to this resolution as "Exhibit A" and dated 3-30-16.

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2. Building permits are required for this project. Prior to the issuance of building permits, or as otherwise determined by the Deputy Director of Community Development, the applicant shall complete the following:
  - a. Record the final map for TPM No. 666.
  - b. Revise the building elevations to indicate a maximum building height of 35 feet measure from finished grade.
  - c. Submit a letter indicating proof of trash and recycling collection services from the City's solid waste collection contractor (Waste Management, Inc.).
  - d. Comply with the Public Works Department comments dated 3-31-16, to the satisfaction of the Deputy Director of Public Works and the Deputy Director of Community Development.
  - e. Comply with the comments from the Helix Water District attached to this resolution as "Exhibit A" and dated 3-30-16.
  - f. Comply with the currently adopted editions of the California Building Code, the California Fire Code, the California Mechanical Code, the California Plumbing Code, the California Electrical Code, and the Green Building Standard Code.
  - g. Title 24 energy efficiency compliance and documentation is required.
  - h. A soils report will be required for this project.
  - i. An automatic sprinkler system is required by California Building Code or local ordinance.
  - j. Undergrounding of all on-site utilities is required.
  - k. An all-weather fire access road shall be available on the job site before start of construction.
  - l. Residential address numbers shall be visible from the street, contrasting in color from the wall surface, and minimum 5 inches in size.
  - m. Install a fire hydrant on the South Mollison side of the project, adjacent to the street entry point per Fire Department requirements.
  - n. If electronic vehicle gates are installed, they will require an optical device and Knox key override. Pedestrian gates require a Knox box. Contact the Fire Department for the application.
  - o. A demolition permit and bond are required for the structures being removed.
  - p. Maintain a 20 ft. wide fire lane by red curb or signage.
3. Prior to building permit final, or as otherwise determined by the Deputy Director of Community Development, the applicant shall complete the following:
  - a. Obtain approval of a Landscape Documentation Package (LDP) and Certificate of Completion in conformance with the requirements of Chapter 17.195 and Section 17.60.180 of the Zoning Code, and the State's revised

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Model Water Efficient Landscape Ordinance, and consistent with the guidelines provided in the City of El Cajon Landscape Design Manual. The LDP plans shall be consistent with the approved PUD site plan and TSM. Indicate a dedicated water meter for the irrigation of common area landscaping.

- b. Obtain staff approval of the tot-lot equipment and the picnic tables, then install those improvements in the common areas of the development.
4. Submit one electronic copy of the draft CC&Rs for the common ownership and maintenance of the project for approval by Planning, Storm Water, and the City Attorney. Prior to the granting of a certificate of occupancy of any units the applicant shall record the CC&Rs and submit one electronic copy (PDF format) of the recorded document to Planning on a compact disc. The CC&Rs shall include the maintenance of the private street, sidewalks, driveways, common lighting, common fencing, storm water facilities, and required landscape areas including street yards and the common recreation lot, and shall contain the following language:

"A. This entire project and property shall be subject to all of the conditions and restrictions contained within the resolution adopted by the City of El Cajon which approved the tentative subdivision map for the project, as well as, being subject to all the conditions and restrictions contained in any permits issued for the project which were approved by the City of El Cajon, along with accompanying site plans, elevations and landscape plans."

"B. The City of El Cajon is hereby given supervisory jurisdiction over the enforcement of the provisions of this Declaration dealing with maintenance, cleanliness and repair of the landscape and pavement maintenance easement, and exterior appearance of the project. In the event of breach of any duty pertaining to such maintenance, cleanliness, repair or exterior appearance, the City of El Cajon may give written notice of such breach to the Association or Owners, together with a demand upon them to remedy such breach. If they refuse to do so, or fail to take appropriate action within 30 days of the receipt of such notice, the City of El Cajon shall have the standing and the right (but not the obligation) to both bring an action in a court of proper jurisdiction to enforce the provisions of this Declaration and/or initiate abatement proceedings pursuant to the ordinances of the City of El Cajon. Nothing contained herein shall limit any other right or remedy which the City may exercise by virtue of authority contained in ordinance or state law."

"C. The City Attorney of El Cajon must give prior approval to any amendments to this Declaration of Covenants, Conditions and Restrictions which deal with any of the following topics:

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1. Amendments with regard to the fundamental purpose for which the project was created (such as a change from residential use to a different use), and amendments which would affect the ability of the City of El Cajon to approve or disapprove external modifications to the project.
2. Amendments with regard to the supervisory jurisdiction for enforcement granted to the City of El Cajon by this Declaration.
3. Property maintenance obligations, including maintenance of landscaping, sidewalks, and driveways, and cleanliness or repair of the project."

"D. No alteration or modification shall be made to the landscape and pavement maintenance easement which is contrary to the development plan approved by and on file with the City of El Cajon without the approval of the City."

"E. Parking shall only occur in the approved parking spaces and individual private garages depicted on the final approved PUD No. 345 site plan. No on-site parking is permitted outside designated parking spaces.

"F. A minimum of three garage parking spaces at each unit shall be maintained and available for parking."

5. Prior to the granting of occupancy for any unit, or as otherwise determined by the Deputy Director of Community Development, all on-site improvements shall be completed or guaranteed in accordance with the approved PUD No. 345 site plan. In addition, the following items shall be completed and/or inspected:
  - a. Record the CC&Rs, and submit one electronic copy of the recorded document (PDF format) to Planning on a compact disc.
  - b. Complete the installation of the approved landscaping and irrigation system and obtain approval of a Certificate of Completion.
  - c. Satisfy all requirements of the Public Works Department in the comments dated 3-31-16, and the Helix Water District as indicated in the comments dated 3-30-16 and attached to this resolution as Exhibit A.
6. All advertising for unit sales shall comply with the City's sign ordinance.

## Engineering

A Final Map must be prepared by a registered civil engineer or a licensed land surveyor in accordance with Title 16 of the Municipal Code and the Subdivision Map Act. In order to complete the process of subdividing the property, the owner is responsible for having a Final Map recorded with the County Recorder within two (2) years after approval of the Tentative Subdivision Map by the City Council or within the time limits of an extension granted in accordance with Title 16 of the Municipal Code.

The following conditions must be completed prior to recording of the Final Map:

7. Provide a public sewer easement along the private street (or where necessary) to provide a public sewer easement of 15-ft and 15-ft beyond the sewer termination point.
8. Improve the streets shown on the tentative map as private streets in accordance with Chapter 17.165 of the City Municipal Code, since the streets do not meet City Standards for public streets. A detailed scaled drawing showing the plan and profile of the private street, curbs and gutters, drainage features, and typical section shall be prepared by a Civil Engineer registered in the State of California and shall be submitted to the City for review. **Private Street Improvement Plans may be included with the Grading and Drainage Plans (optional).**
9. Close the existing northerly driveway on South Mollison Avenue and replace with full height, curb and gutter and sidewalk per San Diego Area Regional Standard Drawings (SDRSD) G-2, G-7, G-9, G-10 and G-11.
10. The proposed southerly driveway on South Mollison Avenue shall be reconstructed per San Diego Area Regional Standard Drawings (SDRSD) G-26, with 2:1 sidewalk transitions per G-14A for ADA compliance. Include 2-foot transitions on both sides of the driveway for 8" to 6" curb transitions. A minimum of 2' transition may be required at back of driveway to accommodate the elevation change that might be caused due to new driveway grade. Edge of driveway shall be a minimum of 3-feet from the property line and all obstructions. The driveway shall be a minimum 24'/36' curb cut. Repair all damaged concrete curb and gutter and sidewalk.
11. Remove and replace the existing driveway on Billings Street per San Diego Area Regional Standard Drawings (SDRSD) G-14A, with 2:1 sidewalk transitions for ADA compliance. A minimum of 2' transition may be required at back of driveway to accommodate the elevation change that might be caused due to new driveway grade. Edge of driveway shall be a minimum of 3-feet from the property line and all obstructions. The driveway shall be a minimum 24'/30' curb cut. Repair all damaged concrete curb and gutter and sidewalk.
12. Prior to issuance of Building Permit and Encroachment Permit (Encroachment Permit is a separate permit that must be obtained for any required improvements in the right-of-way), the applicant or contractor shall prepare an Engineer's scaled detailed drawing with dimensions of the required driveway and sidewalk installations showing the location of the public street right-of-way, property lines, face of curb, all physical obstructions, including but not limited to, all block walls, utility poles, telephone and cable TV equipment, fencing, etc. along with any required offsets in accordance with SDRSD G-15 and G-16.

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13. These details shall be shown on a separate Driveway Detail Plan, but may also be included with the Building Permit Plan Set. An Engineer's scale shall be used for all drawings submitted to the Public Works department for review.

REQUIREMENTS FOR THE ENCROACHMENT PERMIT:

14. Submittal of a detailed drawing described above, a traffic control plan, an insurance certificate and (non-blanket) endorsement per policy D-3, and the review fees. Contact the Public Works Department for additional information.
15. Install separate gravity sewer services, water services (including meters) and other utilities to each parcel with a building unit in accordance with the Municipal Code. Wet-tap fees are required. The proposed sewer and water laterals serving the parcel shall be private and shall be approved by the Building Division. A double cleanout is required at the property line for all sewer laterals. Maintenance of the private sewer and water laterals shall be the responsibility of the homeowners. Connections to the City sewer system and payment of connection fees are required with Building Permits.
16. The proposed sewer main to serve the subdivision shall be public. A detailed scaled drawing showing the plan and profile of the sewer main, manhole locations, and laterals shall be prepared by a Civil Engineer registered in the State of California. The sewer main shall be designed and built in accordance with the City of El Cajon Improvement Standards for Public Sewer Mains and submitted to the City for review. Maintenance of the public sewer main shall be the responsibility of the City. Maintenance of the sewer laterals shall be the responsibility of the homeowners. Connections to the City sewer system and payment of connection fees are required with Building Permits. **Public Sewer Main Improvement Plans may be included with the Grading and Drainage Plans (optional).**
17. Stub any new underground utility services out at the property line.
18. Repair all damaged curb and gutter, and sidewalk.
19. Add the following notes to the PRD Site Plan:

"All operations must be in compliance with the City's Storm Water Ordinance (Municipal Code 13.10 and 16.60) to minimize or eliminate pollutant discharges to the storm drain system.

For Public Works requirements on this Planning Action, please refer to the Conditions of Approval. This Site Plan may not clearly show existing or proposed improvements in the public right-of-way and should not be used for public improvement construction purposes."



20. Comply with the following Storm Water requirements:

a. In accordance with the City of El Cajon Municipal Code Section 16.60, this project falls into a Priority Development Project (PDP) category and is subject to the Standard Urban Storm Water Mitigation Plan (SUSMP) requirements. To fulfill SUSMP requirements, a Storm Water Mitigation Plan (SWMitP) needs to be prepared by a Registered Civil Engineer in the State of California. A Storm Water Conceptual Plan must be submitted to the Storm Water Division prior to the approval of any Planning Action (Storm Water Conceptual guidelines can be obtained from Public Works Storm Water Division on the fourth floor of City Hall). Amongst other things, the SWMitP shall include the following:

i. Incorporation of New Development Best Management Practices (BMPs) per the City of El Cajon Best Management Practices (BMP) Design Manual – February 2016 standards, a copy of the manual can be found at:

<http://www.cityofelcajon.us/i-want-to/view/documents-forms-library/-folder-137>

ii. Runoff calculations for water quality. A specific designed volume or flow of storm water runoff must be captured and treated with an approved (series of) storm water treatment control device(s); the BMP design size is calculated using either: a) the 85th percentile hourly precipitation (County Hydrology Manual isopluvial map) for volume based BMPs, or b) using a rain fall intensity of 0.2 inches per hour (Storm Water Attachment No. 4) for flow based BMPs.

iii. Runoff calculations for water quantity in compliance with the approved Hydromodification Management Plan (HMP) requirements. Calculate pre- and post-construction peak flow runoff rates (calculated to the nearest 0.1 CFS using % imperviousness). The post-construction flows must not exceed the pre-construction flows.

iv. Incorporation of Low Impact Development (LID) BMPs for compliance with the California Regional Water Quality Control Board (San Diego Region) Order No. R9-2013-0001 as amended by Order No. R9-2015-0001 and R9-2015-0100; located at:

[http://www.swrcb.ca.gov/rwqcb9/water\\_issues/programs/storm\\_water/docs/2015-1118\\_AmendedOrder\\_R9-2013-0001\\_COMPLETE.pdf](http://www.swrcb.ca.gov/rwqcb9/water_issues/programs/storm_water/docs/2015-1118_AmendedOrder_R9-2013-0001_COMPLETE.pdf)

v. LID BMPs must be included as a separate section of the SWMitP. The LID section must include a comprehensive review and consideration of LID BMPs and a determination of feasibility and practicality for all

mandatory LID BMPs. The LID section must include implementation of Source Control BMPs, Treatment Control BMPs and other LID BMPs where practical and feasible. An electronic copy of the County of San Diego Low Impact Development Handbook can be found online at:

<http://www.co.san-diego.ca.us/dplu/docs/LID-Handbook.pdf>

- vi. A Maintenance Plan per Storm Water Attachment No. 3 to ensure perpetual maintenance of BMPs (Available to the public through Public Works on the fourth floor of City Hall).
- vii. Landscaping Plans that comply with SUSMP requirements (submitted to the Planning Department).
- viii. Details of any proposed and existing trash enclosures. Any and all enclosures must be designed to be secured, constructed with a grade-break or berm across the entire enclosure entrance, and covered with an impervious, fire-resistant roof in accordance with the requirements of Public Works Storm Water Attachment No. 2.

Note: Contact the City of El Cajon Public Works Department to request a sample of the SWMitP document.

- b. The plans shall show that all new roof drains, driveways, parking areas, sidewalks and other impervious areas will drain to sufficiently sized and designed landscaped areas so as to incorporate Low Impact Development (LID) BMPs for compliance with the California Regional Water Quality Control Board (San Diego Region) Order No. R9-2013-0001 as amended by Order No. R9-2015-0001 and R9-2015-0100; located at:

[http://www.swrcb.ca.gov/rwqcb9/water\\_issues/programs/stormwater/docs/2015-1118\\_AmendedOrder\\_R9-2013-0001\\_COMPLETE.pdf](http://www.swrcb.ca.gov/rwqcb9/water_issues/programs/stormwater/docs/2015-1118_AmendedOrder_R9-2013-0001_COMPLETE.pdf)

LID BMP details must be included as a separate section of the Building Permit Plan Set. The project must include a comprehensive review and consideration of LID BMPs and a determination of feasibility and practicality for all mandatory LID BMPs. The LID section must include implementation of Source Control BMPs, Treatment Control BMPs and other LID BMPs where practical and feasible. Incorporate all cross sections of proposed BMPS on the site plan. An electronic copy of the County of San Diego Low Impact Development Handbook can be found online at:

<http://www.co.san-diego.ca.us/dplu/docs/LID-Handbook.pdf>

- c. Prepare and submit a Storm Water Maintenance and Operations Plan to ensure compliance with City of El Cajon's storm water regulations.

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- d. Submit a signed and executed Storm Water Facilities Maintenance Agreement with Easement and Covenants. An electronic copy of the Storm Water Facilities Maintenance Agreement with Easement and Covenants can be obtained at the City of El Cajon Public Works Department.
  - e. Submit copies of the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) from the California Regional Water Quality Control Board.
  - f. Submit a copy of the Conditions, Covenants, and Restrictions (CC&R's) for the property, per Storm Water Attachment No. 3, which address residential compliance with City of El Cajon Municipal Code section 13.10.080. Please refer to the updated Agreement for changes and updates to language that should be incorporated into the CC&Rs.
21. Submit a current Preliminary Title Report and a Subdivision Guarantee, no older than 60 days, at the time the map is ready to record.
  22. Submit a County Tax Certificate valid at the time of map recordation.
  23. Set survey monuments and guarantee setting of any deferred monuments.
  24. Submit Will-Serve letters from Water Company, Gas and Electric Company, Phone Company and Cable TV Company.
  25. Submit signature omission letters from all public easement holders who do not have a signature block on the map.
  26. Submit a preliminary soils report prepared by a Civil or Geotechnical Engineer registered in the state of California, along with adequate test borings.
  27. Submit a Drainage Study and a Grading and Drainage Plan along with an Erosion Control Plan prepared by a Civil Engineer, registered in the State of California. No grading or soil disturbance, including clearing of vegetative matter, shall be done until all necessary environmental clearances are secured and the Grading and Drainage Plan and Erosion Control Plan have been reviewed by the City:
    - a. These Plans shall be based on the preliminary soils report and in conformance with the City of El Cajon Jurisdictional Runoff Management Program (JRMP) and Standard Urban Storm Water Mitigation Plan Ordinance (SUSMP) which require additional water quality management measures and future ongoing maintenance even after completion of the project to prevent, treat, or limit the amount of storm water runoff and pollution from the property.
    - b. The Erosion Control Plan shall show measures to ensure that pollutants and runoff from the development are reduced to the maximum extent practicable and will not cause or contribute to an exceedance of receiving water quality objectives throughout project construction.

Proposed Planning Commission Resolution

- c. The Drainage Study shall include all related tributary areas and adequately address the impacts to the surrounding properties and to the City drainage system. The developer shall provide any needed public and private drainage facilities, including off site drainage facilities (as determined by the study). If public drainage facilities are required, the required improvements need to be included in improvement plans, prepared by a Civil Engineer, registered in the State of California, and submitted to the City for approval. Note: If the Drainage Study indicates the existing downstream drainage system is inadequate for the proposed density of the subdivision, a reduction in density and/or hard surface coverage of the subdivision may be required.
28. Submit a letter stating if the required public improvements listed in 3 thru 6 above will be completed prior to recording the Map or deferred by a Subdivision Agreement.
29. The lot without a building unit is to be designated as a non-buildable lot for ingress and egress, water, sewer, and other utility purposes, for the common use and benefit of the other lots.
30. An Encroachment Permit or Subdivision Agreement is required prior to any work within the public right-of-way:
  - a. Municipal Code Section 16.16.060 provides that, in lieu of constructing the required improvements prior to recording of the final map, the subdivider may enter into an agreement which guarantees construction within one year. Such agreement shall be accompanied by improvement security in accordance with Municipal Code Section 16.16.080 and a certificate of insurance provided by the subdivider in accordance with City Council Policy D-3.
  - b. The school districts in the City have developer fee assessment policies. These fees are collected at the time of issuance of building permits.
  - c. Existing streets shall be kept free of dirt and debris and maintained in good condition. Dust shall be controlled so that it does not become a nuisance. The developer shall be responsible for the repair of any streets or private property damaged as a result of the construction of the subdivision.
  - d. Landscaping at the entrance of the driveways shall be kept low to provide adequate sight distance.

## **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 Planning Commission or City 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 Planning Manager 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 Planning Manager.

### **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 Deputy Director of Public Works. The approved method may include six-inch high curb segments, wheel stops, decorative rock bands, or other methods determined to be acceptable by the Deputy Director of Public Works.
- 3) Environmental and engineering studies, as directed by the Planning Manager, 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.

Proposed Planning Commission Resolution

- 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 Storm Water) 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 sound wall shall be approved by the Planning Division. Such walls shall match or be architecturally compatible with existing sound walls 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 Storm Water Division requirement
- 4) Required roofs shall match elements of the primary building and shall include a fascia trim.
- 5) 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.
- 6) 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.
- 7) Finish quality of approved exterior design elements shall be subject to approval of the Planning Division prior to issuance of Certificate of Occupancy.
- 8) 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.
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.



Proposed Planning Commission Resolution

6. Water backflow protection for new residential and modified residential projects shall include a protection device at the fire service point of connection, or an internal passive purge system. Annual testing is required for protection devices. Contact Helix Water District at 619.466.0585 for additional information.
7. 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.
8. 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.
9. 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.

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Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held June 7, 2016 by the following vote:

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Anthony SOTTILE, Chairman

ATTEST:

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Anthony SHUTE, AICP, Secretary

# Exhibit A



**Helix Water District**

Setting standards of excellence in public service

7811 University Avenue  
La Mesa, CA 91942-0427

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

March 30, 2016

Eric Craig  
Project Manager  
City of El Cajon  
200 Civic Center Way  
El Cajon, CA 92020

Subject: Planned Residential Development No. 71 and Tentative Subdivision Map No. 666  
APN: 493-225-25, 1044 Mollison Ave., El Cajon, CA 92020

Dear Mr. Craig:

Thank you for the opportunity to comment on the subject project. Helix Water District serves parcel with APN 493-225-25. Water pressure in the area is approximately 74 psi.

Because this development will require a water main extension with individual meters and fire protection; Improvement plans, grading plans and appropriate fees will need to be submitted to the District for review and approval.

Any finished surface improvement other than asphalt above the pipeline or underground facilities, will require an encroachment removal agreement. **Permeable finished service improvements are prohibited within Helix Water District water main easement.**

Easements for the onsite water main, meters, and fire hydrants will be dedicated to Helix Water District with a 20 foot minimum width or the width of the driveway, whichever is greater.

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](mailto: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  
[ecraig@cityofelcajon.us](mailto:ecraig@cityofelcajon.us)



## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE SUBDIVISION MAP NO. 666 FOR A 20-LOT SUBDIVISION ON THE WEST SIDE OF SOUTH MOLLISON AVENUE BETWEEN PORTLAND STREET AND EAST CHASE AVENUE, APN: 493-225-25-00; GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL (MR).

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on June 7, 2016, to consider Tentative Subdivision Map (TSM) No. 666, as submitted by Skyridge Partners, LLC, requesting a 20-lot residential subdivision in the proposed RM-2200 (Residential, Multi-Family, 2200 sq. ft.) zone; and

WHEREAS, the El Cajon Planning Commission determined that the proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) according to Section 15332 of the CEQA Guidelines; and

WHEREAS, the El Cajon Planning Commission adopted the next resolution in order, recommending to the El Cajon City Council the approval of proposed Zone Reclassification No. 2319 rezoning the subject site from RS-6 zone to the RM-2200 zone; 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 Planned Unit Development No. 345 for a 19-unit common-interest residential project; 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 map is consistent with the General Plan and the General Plan goals related to housing that seek to provide a variety of residential development opportunities in the City to fulfill regional housing needs. There are no applicable specific plans.
- B. The proposed subdivision map design results in 19 residential lots and one common lot for a 19-unit residential project, which is consistent with the goals and objectives of the General Plan. Furthermore, the site is generally level and physically suited for the type of development as well as the density of the development that is proposed for this property.

## Proposed Planning Commission Resolution

- C. The proposed project site has no habitat value and is located in an urbanized area. Furthermore, the subject property is in a disturbed condition, surrounded by urban development, not environmentally sensitive, and there are no fish or wildlife populations that would be harmed by the residential development of the subject property. The residential development does not pose any potential environmental impacts.
- D. The design of the subdivision and type of improvements are required to incorporate storm water management improvements that will contribute to healthier streams, rivers, bays and the ocean. Furthermore, the design of the proposed subdivision will accommodate passive heating and cooling opportunities because the proposed homes are designed with windows that open and would allow occupants to take advantage of the prevailing winds. The units are separated to allow air flow through and around the units.
- E. The proposed map will not conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of property within the proposed map, and there are no existing easements that will be affected by the proposed construction because the map will establish new easements for public utilities, private road access, the private storm drain, and landscape maintenance.

NOW, THEREFORE, BE IT RESOLVED that based upon said findings of fact stated above, the El Cajon Planning Commission hereby RECOMMENDS that the City Council APPROVES Tentative Subdivision Map No. 666 for a 20-lot subdivision, including one common lot, in the proposed RM-2200 zone on the above described property, subject to the following conditions:

1. The applicant shall comply with all requirements of the Public Works Department as indicated in the comments attached to the resolution recommending City Council approval of the PUD No. 345 as "Exhibit B."
2. Prior to the issuance of building permits for PUD No. 345, or as otherwise determined by the Planning Manager, the final map for TSM No. 666 shall be recorded and the appropriate number of copies returned to the City.
3. The final map shall be in substantial conformance with the approved site plan for PUD No. 345 and TSM No. 666, except as modified by this resolution.

## Proposed Planning Commission Resolution

4. Prior to acceptance of the final map by the City Council, a landscape and pavement maintenance easement shall be depicted on the map. The landscape and pavement maintenance easement shall be depicted over all of the landscaped areas and the common lot at the site.
5. The final map shall be accepted by the City Council and prepared for recordation in accordance with El Cajon Municipal Code Chapter 16.20.
6. The recordation of the final map shall be in accordance with the time limits permitted in Government Code §66452.6 et seq.

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Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held June 7, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:

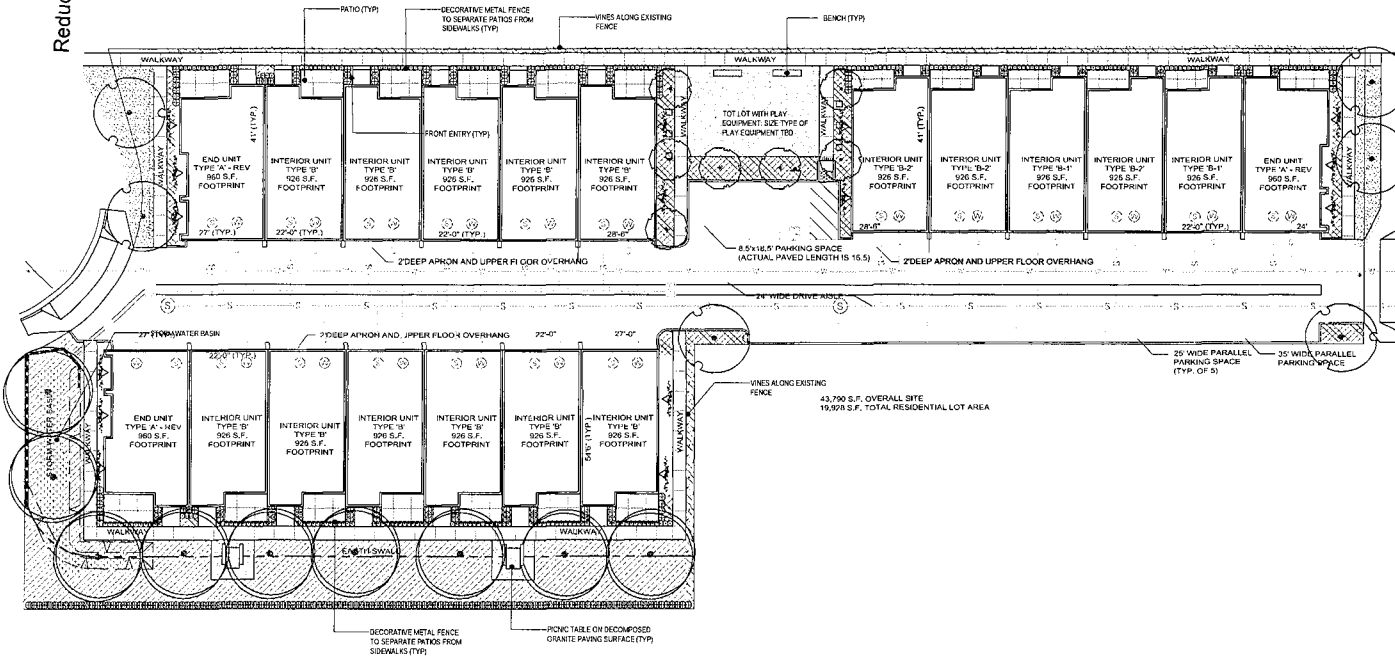
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Anthony SOTTILE, Chairman

ATTEST:

---

Anthony SHUTE, AICP, Secretary



**NOTE:**

THE SPECIFIC LOCATION(S), SIZES AND QUANTITIES OF ALL THE PLANT MATERIAL WILL BE DETERMINED AND INDICATED DURING THE CONSTRUCTION DOCUMENT PHASE OF THE PROJECT

**CONCEPT NOTES:**

1. ALL NEW LANDSCAPE AND IRRIGATION SHALL BE IN CONFORMANCE WITH THE CITY OF EL CAJON LANDSCAPE ORDINANCE AND REQUIREMENTS
2. ALL LANDSCAPE AREAS ARE TO BE IRRIGATED BY A COMPLETELY AUTOMATED IRRIGATION SYSTEM - UTILIZING AN AUTOMATIC CONTROLLER, REMOTE CONTROL VALVES, LOW PRESSURIZATION HEADS AND UNDERGROUND PIPING THE DOMESTIC SYSTEM WILL BE PROTECTED BY A REDUCED PRESSURE BACKFLOW PREVENTER
3. THE SYSTEM WILL BE PROGRAMMED AND OPERATED TO MAXIMIZE THE EFFICIENCY OF THE SYSTEM AND LIMIT WATER CONSUMPTION THE SYSTEM WILL BE DESIGNED TO ACHIEVE 100% COVERAGE
4. PLANTING AREAS TO RECEIVE A 3" MULCH LAYER OF 'FOREST FINES' AGRI-SERVICE PRODUCTS OR EQUAL
5. THE PROPERTY OWNERS WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PROJECT LANDSCAPE AND IRRIGATION SYSTEM(S)
6. EVERGREEN PLANTS SHALL BE USED TO SCREEN UNSIGHTLY ELEMENTS AND SHALL BE SPACED TO PROVIDE 100% SCREENING WITHIN TWO (2) YEARS OF INSTALLATION
7. TREES SHALL NOT BE PLANTED WITHIN A PUBLIC UTILITY EASEMENT UNLESS OTHERWISE APPROVED BY THE CITY. AVOID PLANTING TREES AND LARGE SHRUBS ABOVE OR NEAR SEWER LATERALS, WATER MAINS, METER BOXES AND OTHER UTILITIES.

**PLANT SCHEDULE**

TREES	BOTANICAL NAME / COMMON NAME	CONT	QTY	GROUND COVERS	BOTANICAL NAME / COMMON NAME	CONT	SPACING
	LAGERSTROEMIA INDICA X FAJURE / NATCHEZ / NATCHEZ GRAPE MYRTLE	24"BOX	7		TRACHELOSPERMUM JASMINOIDES / STAR JASMINE	1 GAL	10'oc
	PLATANUS RACEMOSA / CALIFORNIA SYCAMORE / MULTI	24"BOX	9		JUNCUS EFFUSUS / CARWAM'S JAPANESE / COMMON RUSH	1 GAL	48'oc
	TRISTANIA CONFERTA / BRISBANE BOX	24"BOX	6		LEYMUS CONDENSATUS / CANYON PRINCE / CANYON PRINCE BLUE RYE	1 GAL	42'oc
SHRUBS	BOTANICAL NAME / COMMON NAME	SIZE			SENECO MANDRALISCAE / KLEINIA	1 GAL	24'oc
	GREWIA OCCIDENTALIS / ESPALIER / LAVENDER STARFLOWER	15 GAL		<b>ORN GRASS MIX</b>	<b>BOTANICAL NAME / COMMON NAME</b>	<b>%</b>	<b>CONT</b> <b>SPACING</b>
	NANDINA DOMESTICA / HEAVENLY BAMBOO	5 GAL			CAREX TUMUCUOLA / BERKLEY SEDGE	70%	1 GAL 30'oc
	PODOCARPUS MACROPHYLUS / YEW PODOCARPUS	5 GAL			LEYMUS CONDENSATUS / CANYON PRINCE / NATIVE BLUE RYE	15%	1 GAL 42'oc
					MULLENBERGIA CAPILLARIS / WHITE CLOUD / WHITE MILKY GRASS	15%	1 GAL 42'oc

SCALE: 1" = 16'



04.08.2016

L-1

**CITY OF EL CAJON**

APPLICANT: SKYRIDGE PARTNERS, LLC

700 W. E. STREET #3801

SAN DIEGO, CA 92101

ASSESSOR PARCEL NUMBER: 493-225-25

REQUEST:

DRAWN BY: NASLAND ENGINEERING

ADDRESS: 4740 RUFFNER STREET

SAN DIEGO, CA 92111

PHONE: (858) 292-7770

APPROVED BY:

DATE:

**ENVIRONS**  
LANDSCAPE ARCHITECTURE

R.L.A. Since 1978  
1909 S. Street  
San Diego, CA 92101  
Phone 619.232.7007  
Fax 619.232.7008



Skyridge  
A 19-Unit Common-Interest Development  
ZR No. 2319, PUD No. 345, & TSM No. 666  
1040 South Mollison Avenue



Subject Property

## City of El Cajon Zoning Consistency Chart – Adopted by City Council on July 13, 2010 – Resolution No. 94-10

	O-S	PRD	RS-40	RS-20	RS-14	RS-9	RS-6	RM - 6000	RM-4300	RM-2500	RM-2200	RM-1500	M-HR	M-U	O-P	P	C-N	C-G	C-R	C-M	M	H <sup>A</sup>
Industrial Park																X				■	X	■
Light Industrial																X				X	■ <sup>C</sup>	■
Regional Commercial														X		X	■		X			■
General Commercial														X		X	■	X				■
Neighborhood Commercial														X	X	X	X	■				■
Office/ Non-Retail														■	X	X						■
Low Low Residential	■ <sup>B</sup>	X	X	X	■																	■
Low Residential		X		■ <sup>B</sup>	X	X	X	■	■													■
Low Medium Residential		X					■ <sup>B</sup>	■	X	X												■
Medium Residential		■							■ <sup>B</sup>	■ <sup>B</sup>	X			■								■
High Residential		■								■ <sup>B</sup>	■ <sup>B</sup>	X	■	X								■
Open Space	X	■	■																			■

**LEGEND:** X – Consistent with General Plan  
 ■ – May be found consistent with applicable general plan land use designation

**Footnotes:**

- A. Rezoning to add hillside overlay may be found consistent, if at least 50% of the lot has an average natural slope of 10% or more.
- B. May be found consistent with applicable General Plan land use designation, if property owner makes such a request and there is no public purpose in requiring a more intense use.
- C. May be found consistent with Light Industrial land use designation under unique and unusual circumstances – such finding enables the property to be used for all purposes and uses authorized by the M zoning district.

**General Notes:**

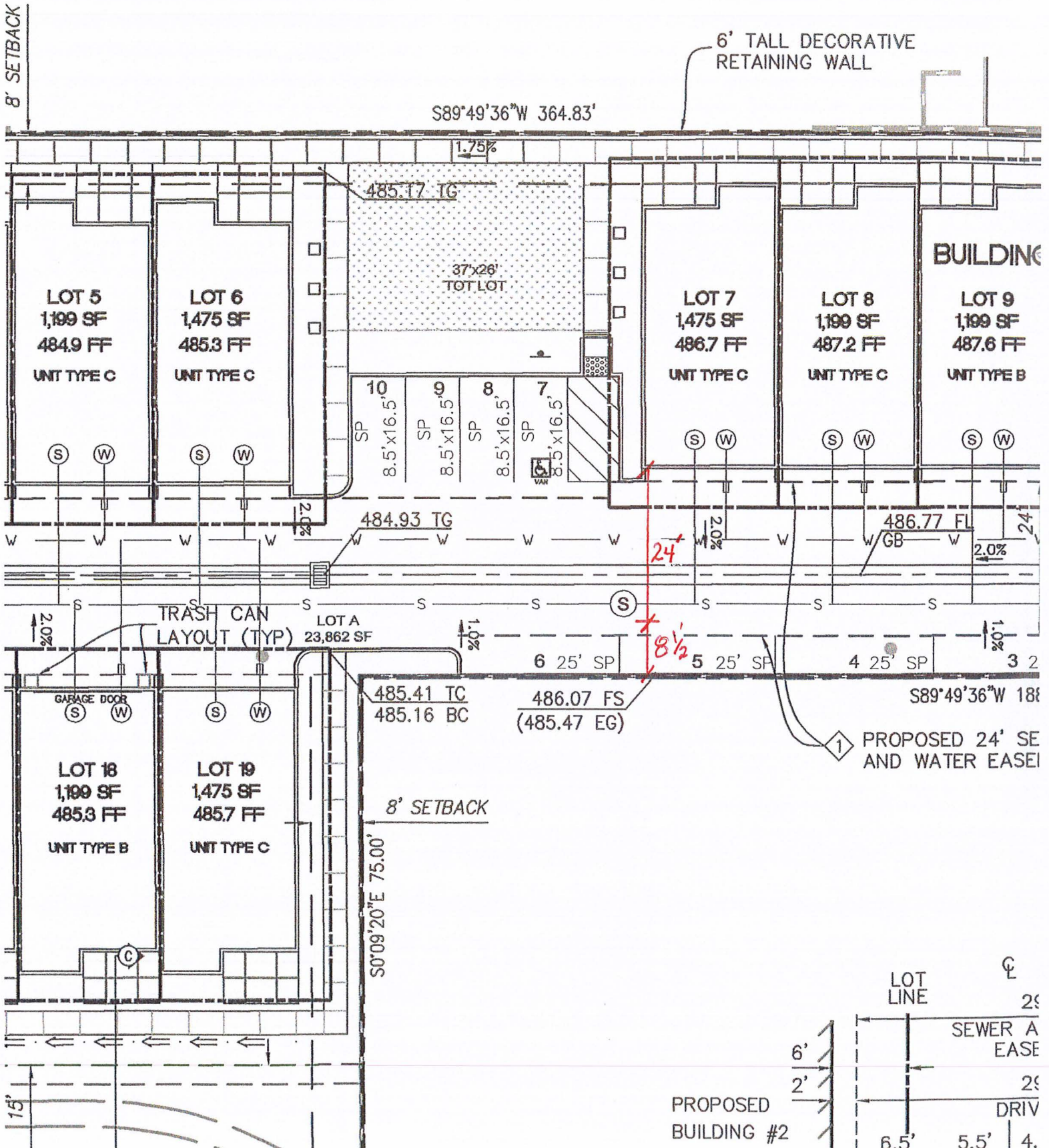
1. All zones may be found consistent with General Plan public institution, school, and park land use designations.
2. All zones may be found consistent with special development areas, if found to further the provisions of the particular special development area.

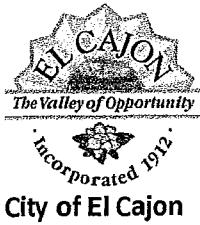


Staff Exhibit  
 Skyridge - PUD No. 345  
 Back-Up Distance and Stall  
 Width

Skyridge  
 Attachment 9  
 Staff Exhibit

# PUD SITE PLAN





Project Assistance Center  
Planning Group  
**PLANNING PERMIT APPLICATION**

PUD 345 ZR 2319  
TSM 666

**Type of Planning Permit(s) Requested**

- |                              |                              |                              |   |   |  |
|------------------------------|------------------------------|------------------------------|---|---|--|
| <input type="checkbox"/> AZP | <input type="checkbox"/> CUP | <input type="checkbox"/> LLA | <input type="checkbox"/> PRD            | <input checked="" type="checkbox"/> PUD | <input type="checkbox"/> SDP           |
| <input type="checkbox"/> SP  | <input type="checkbox"/> SCR | <input type="checkbox"/> TPM | <input checked="" type="checkbox"/> TSM | <input type="checkbox"/> VAR            | <input checked="" type="checkbox"/> ZR |

Other: \_\_\_\_\_

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

Company Name: \* Skyridge Partners LLC

Contact Name: Asher Burke

Address: 700 W. E St., #3801, San Diego, CA 92101

Phone: (858) 735-8074 Email: asher.burke@gmail.com

Interest in Property:  Own  Lease  Option

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

Company Name: See applicant information.

Contact Name: \_\_\_\_\_ License: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Property Owner Information** (if different than applicant)

Company Name: See applicant information.

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Project Location**

Parcel Number (APN): 493-225-25

Address: 1044 S Mollison Ave.

Nearest Intersection: Portland St

**Project Description (or attach separate narrative)**

A 19-unit PUD, with a 20-lot tentative  
Subdivision Map and a Zone reclassification from the  
RS-6 zone to the RM-2200 zone. Visitor parking  
to be provided in tandem within attached 3-car garages.

**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/corteselst/>. 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 Signature<sup>1</sup>:  \_\_\_\_\_ Date: Nov 30, 2015

Property Owner Signature<sup>2</sup>: SAME AS Applicant \_\_\_\_\_ Date: \_\_\_\_\_

- 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.
- 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.

Skyridge Partners LLC

\_\_\_\_\_

700 W. E St., #3801, San Diego, CA 92101

\_\_\_\_\_

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

Skyridge Partners LLC

\_\_\_\_\_

700 W. E St., #3801, San Diego, CA 92101

\_\_\_\_\_

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.

Brad Burke

\_\_\_\_\_

PO Box 1514, Poway, CA 92074

\_\_\_\_\_

Asher Burke

\_\_\_\_\_

700 W. E St., #3801, San Diego, CA 92101

\_\_\_\_\_

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.

\_\_\_\_\_

\_\_\_\_\_

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 x

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

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

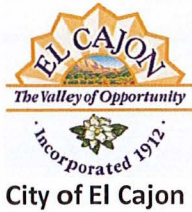
  
\_\_\_\_\_  
Signature of applicant / date

\_\_\_\_\_  
Print or type name of applicant

NOTE: Attach appropriate names on additional pages as necessary.

  
\_\_\_\_\_  
Nov 30, 2015

Asher Burke



<b>Agenda Item:</b>	<b>3</b>
<b>Project Name:</b>	<b>927 Broadway Off-Sale Alcohol Sales</b>
<b>Request:</b>	<b>Terminate deemed approved status and revoke conditional use permit for off-sale beer and wine at an existing market</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>Terminate deemed approved status and revoke Conditional Use Permit No. 1498 for off-sale beer and wine</b>
<b>Project Number(s):</b>	Conditional Use Permit (CUP) No. 1498
<b>Location:</b>	927 Broadway
<b>Applicant:</b>	City of El Cajon - Planning
<b>Project Planner:</b>	Eric Craig, AICP, 619.441.1782, ecraig@cityofelcajon.us
<b>City Council Hearing Required?</b>	No
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolutions in order, terminating deemed approve status and revoking CUP No. 1498</li> </ol>

**PROJECT DESCRIPTION**

This request seeks to terminate deemed approved status and revoke a conditional use permit for off-sale beer and wine at a former retail market on property located at 927 Broadway. El Cajon Municipal Code (ECMC) section 17.35.010 indicates that if a use authorized by a CUP is discontinued, then the CUP shall be determined inactive and shall be subject to revocation. Furthermore, ECMC section 17.210.170 indicates that a CUP for alcohol sales activity shall cease to apply when its operation has ceased for 180 days or more, and where the applicable license is no longer active. Moreover the establishment’s deemed approved status shall be terminated when the off-sale activity is voluntarily discontinued for more than 180 consecutive days or ceases to be licensed by the Department of Alcoholic Beverage Control.

**BACKGROUND**

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

Project Site & Constraints

The subject property is located on the south side of Broadway between North Mollison Avenue and North First Street. It is developed with a retail market, a small restaurant (The Yogurt Mill), and associated parking.

Surrounding Context

Surrounding properties are developed and zoned as follows:

Direction	Zones	Land Uses
North (across Broadway)	C-G	An automotive fueling station and a retail shopping center
South	RM-2200	Multi-Family Residential
East	C-G	A retail shopping center
West	C-G	A retail shopping center

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 Objective 5-9 directs the City to improve public safety for all residents.

Alcoholic 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

The subject site is zoned General Commercial (C-G). The off-sale of alcohol is a conditionally permitted use in the C-G zone and subject to the Alcohol Sales and Deemed Approved Alcohol Sales Regulations. The CUP process is intended to ensure compliance with applicable development standards, use restrictions, and also to ensure compatibility with surrounding properties and land uses.

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. Furthermore, the ordinance instituted new spatial and operational standards applicable to new, modified or redeveloped alcohol sales outlets.

In summary, the El Cajon Municipal Code and Conditional Use Permit No. 1498 both 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.

The El Cajon Municipal Code provides for the revocation of conditional use permits, when the uses approved by those permits are discontinued for a period of one year or more. In the event that a permit is revoked, the use allowed under the permit may not be resumed without first obtaining a new conditional use permit.

## **DISCUSSION**

### Background

CUP No. 1498 was approved in 1992 authorizing the off-sale of beer and wine from the market on the subject property. City and Department of Alcoholic Beverage Control (the “ABC”) records indicate that in 2012 and 2013, the off-sale beer and wine license for the market was sold, and transferred to a 7-Eleven store located at 393 East Chase Avenue. Therefore, the market located on the subject property stopped conducting alcohol sales at least four years ago. ECMC section 17.35.010(B) states that if a use established by conditional use permit is discontinued for any reason, for a period of 12 consecutive months or more, the permit shall be deemed abandoned by the owner and given inactive status by the Director of Community Development, thus making it subject to revocation by reason of such inactivity. Furthermore, ECMC section 17.210.250(B)(3)(d) states that an off-sale alcohol establishment shall be subject to deemed approved status revocation when the off-sale alcoholic beverage sales activity voluntarily discontinues active operation for more than 180 consecutive days or ceases to be licensed by the ABC.

Accordingly, the Director of Community Development determined that CUP No. 1498 was inactive. The attached letter dated May 4, 2016 was sent via certified and first class mail to the property owners of record, notifying the property owners that the CUP was determined to be inactive, and that a public hearing was pending to terminate the former alcohol establishment’s deemed approved status and revoke CUP No. 1498. No response to the letter has been received to date.

### Current Status

The subject property is located in a census tract designated by the ABC as having an undue concentration of off-sale licenses. In other words, the number of licenses issued in the census tract exceeds capacity. See the map depicting the census tracts and

concentration levels of off-sale establishments, and the other attachments to the attached letter, which was sent to the owners of the subject property on May 4, 2016. Although the map is dated 2013, the status of the census tract in which the subject property is located has not changed since the map was created.

### Public Health and Safety

The El Cajon City Council has routinely made it clear that it desires to ensure a healthy and safe business environment, consistent with the standards and guidelines of the ABC for alcohol sales. As such, it is in the best interest of public health and safety to reduce the number of off-sale alcoholic beverage establishments in census tracts with an undue concentration.

### Appeal Process

Pursuant to ECMC Section 17.210.190, any applicant or other person aggrieved by a decision of the Planning Commission from a suspension, modification or revocation of a conditional use permit may appeal the decision to the City Council pursuant to Chapter 17.30 of the El Cajon Municipal Code. Such an appeal shall be filed with the City Clerk and the filing of an appeal shall stay the effective date of the Planning Commission action, until such time as the council has acted on the appeal.

## **FINDINGS**

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

The termination of the deemed approved status and the CUP revocation is consistent with General Plan Objective 5-9, which directs the City to improve public safety for all residents.

- B. *The proposed deemed approved status termination and CUP revocation will ensure the establishment will be operated in a manner that is compatible with existing and planned land uses in the vicinity of the proposed use.*

The termination of deemed approved status and CUP revocation for off-sale alcohol sales reduces the potential to aggravate existing problems in neighborhoods created by the sale of alcohol, such as loitering, public drunkenness, alcoholic beverage sales to minors, noise and littering.

- C. *The proposed deemed approved status termination and CUP revocation is in the best interest of public convenience and necessity.*

The El Cajon City Council desires to ensure a healthy and safe business environment, consistent with the standards and guidelines of the ABC for alcohol sales. As such, it is in the best interest of public health and safety to reduce the number of off-sale alcoholic beverage establishments in census tracts with an undue concentration.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The proposed project is exempt from the California Environmental Quality Act (CEQA) subject to a Section 15060(c)(3) of the CEQA Guidelines, which states that CEQA does not apply to actions that do not meet the definition of a “project”. In this instance, the termination of the subject property’s deemed approved status, and the termination of CUP No. 1498 are not “projects” because the actions to terminate have no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. None of the exemption exceptions listed under CEQA Guidelines Section 15300.2 exists.

## **PUBLIC NOTICE & INPUT**

Notice of this public hearing was mailed on May 26, 2016 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.

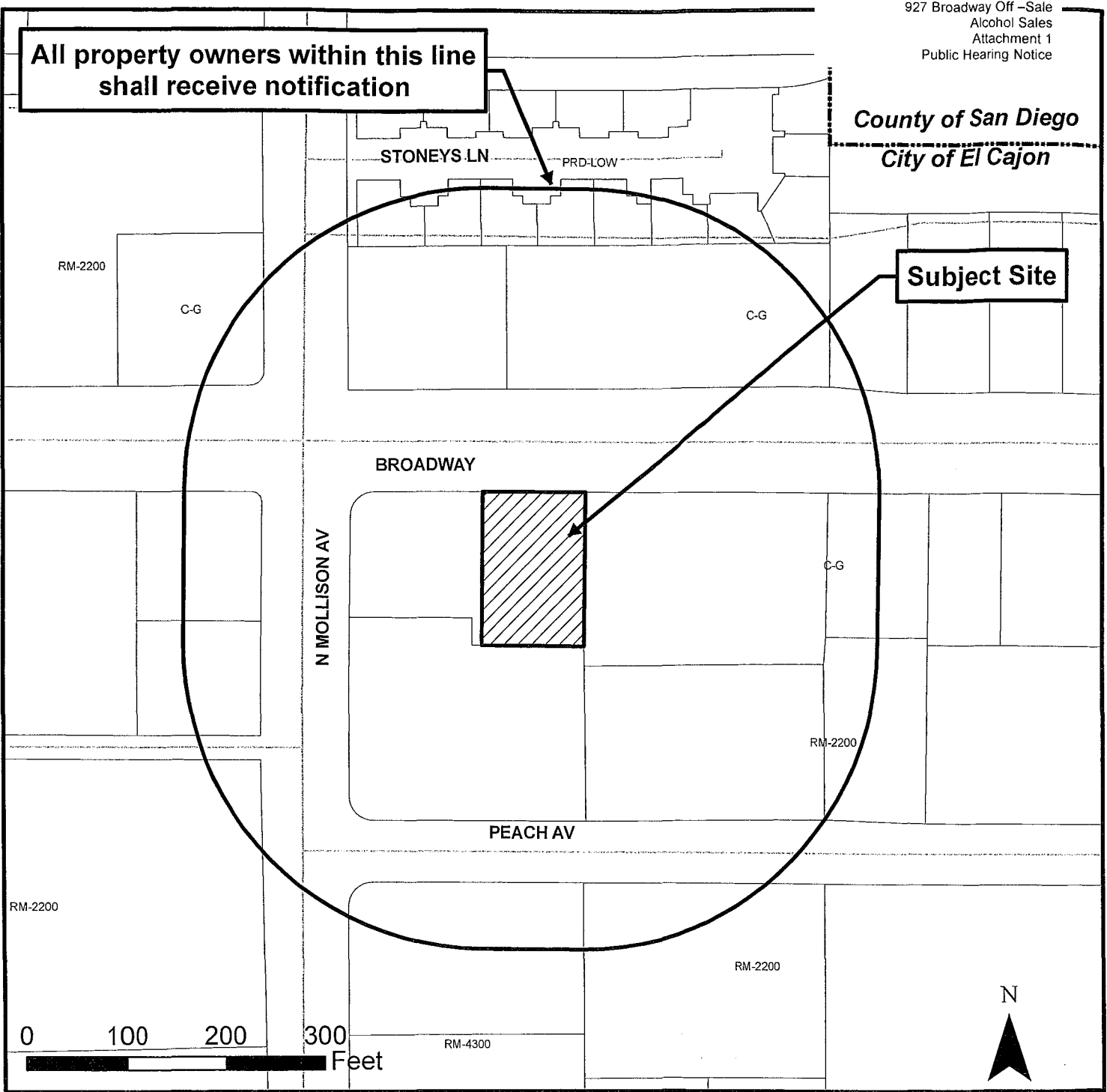
## **ATTACHMENTS**

1. Public Hearing Notice and Location Map
2. Letter to Property Owner dated 05-04-16
3. Proposed Resolution TERMINATING Deemed Approved Status
4. Proposed Resolution REVOKING CUP No. 1498
5. ECMC sections 17.35.010, 17.210.170, and 17.210.250

County of San Diego  
City of El Cajon

All property owners within this line  
shall receive notification

Subject Site



**NOTICE OF PROPOSED  
TERMINATION OF DEEMED APPROVED STATUS AND CONDITIONAL USE PERMIT  
FOR OFF-SALE BEER AND WINE**

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, June 7, 2016**, in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider: **TERMINATION OF DEEMED APPROVED STATUS AND CONDITIONAL USE PERMIT NO. 1498**, for the off-sale of beer and wine. The subject property is addressed as 927 Broadway. 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 <http://cityofelcajon.us/your-government/calendar-meetings-list>. 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 <http://www.cityofelcajon.us/your-government/departments/community-development/planning-division>.

If you have any questions, or wish any additional information, please contact **ERIC CRAIG** at 619.441.1782 or via email at [ecraig@cityofelcajon.us](mailto:ecraig@cityofelcajon.us) and reference "CUP 1498" in the subject line.





## Community Development

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*Sent Via Certified and First Class Mail*

May 4, 2016

Iverson 2002 Family Trust  
10460 Gretler Place  
La Mesa, CA 91941

**Subject: Notice of inactive status and pending revocation of Conditional Use Permit (CUP) No. 1498 and Deemed Approved Status; authorizing off-sale beer and wine at 927 Broadway, El Cajon, California**

Mr. and Mrs. Iverson:

### Purpose

This letter is to inform the owner(s) of the subject property (the "Property") that in accordance with sections 17.35.010(B) and 17.210.250(B)(3)(d) of the El Cajon Municipal Code (the "ECMC"), the Director of the El Cajon Community Development Department has determined the activity of off-sale alcohol sales has ceased, and that CUP No. 1498 is inactive. Moreover, we have scheduled a public hearing on June 7, 2016, before the El Cajon Planning Commission to consider the revocation of CUP No. 1498, which authorizes the sale of beer and wine for off-site consumption (off-sale), as well as the Property's deemed approved status.

### Background

CUP No. 1498 was approved in 1992, authorizing the off-sale of beer and wine from the market on the subject property. 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 became effective on November 1, 2013, and applied deemed approved status to all existing off-sale alcohol establishments that were not required to obtain a conditional use permit, and all permitted or conditionally permitted stores (including the Property), and all legal nonconforming stores as of November 1, 2013.

City and the Department of Alcoholic Beverage Control (the "ABC") records indicate that in 2012 and 2013, the off-sale beer and wine license for the market was sold, and

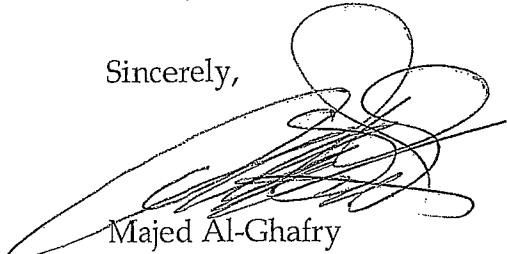
transferred to a 7-Eleven store located at 393 East Chase Avenue. Therefore, the market located on the subject property stopped conducting alcohol sales at least four years ago. ECMC section 17.35.010(B) states that if a use established by conditional use permit is discontinued for any reason, for a period of 12 consecutive months or more, the permit shall be deemed abandoned by the owner and given inactive status by the Director of Community Development, thus making it subject to revocation by reason of such inactivity. Furthermore, ECMC section 17.210.250(B)(3)(d) states that an off-sale alcohol establishment shall be subject to deemed approved status revocation when the off-sale alcoholic beverage sales activity voluntarily discontinues active operation for more than 180 consecutive days or ceases to be licensed by the ABC.

#### Current Status

Please be advised that the subject property is located in a census tract designated by the ABC as having an undue concentration of off-sale licenses. In other words, the number of licenses issued in the census tract exceeds capacity. The El Cajon City Council desires to ensure a healthy and safe business environment, consistent with the standards and guidelines of the ABC for alcohol sales. As such, it is in the best interest of public health and safety to reduce the number of off-sale alcoholic beverage establishments in census tracts with an undue concentration.

City Staff is available to answer any questions you may have regarding this matter. Please contact Eric Craig, Assistant Planner, at 619.441.1782, or [ecraig@cityofelcajon.us](mailto:ecraig@cityofelcajon.us) if you have questions or would like to schedule a meeting with staff.

Sincerely,



Majed Al-Ghafry  
Assistant City Manager

#### Attachments:

1. ECMC § 17.35.010
2. ECMC § 17.210.250
3. ABC license information for 927 Broadway and 393 E. Chase Ave.
4. Concentration map

**El Cajon Municipal Code**[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Chapter 17.35 EXPIRATIONS, TIME EXTENSIONS, AND PERMIT REVOCATION](#)**17.35.010 Permit expiration.**

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A. Any approved discretionary permit becomes null and void, if not legally exercised within the time specified in the approving letter or resolution or, if no specific expiration date is given in the approving letter or resolution, one (1) year from the date of the approving letter or resolution.

A discretionary permit is considered to be legally exercised, if a building permit necessary to construct the approved development, or establish the approved use has been issued prior to the expiration date, and work has progressed diligently toward the completion of the improvements authorized by the building permit and towards the establishment of the approved use. If no building permit is required, "legally exercised" shall mean that the approved use has been established and is operational and all required conditions of project approval are satisfied. Discretionary legislative actions, as defined in Chapter 17.105, are distinct from discretionary permits. The time limits established above for the timely implementation of approved discretionary permits do not apply to discretionary legislative actions.

B. If a use is legally established under an administrative zoning permit, conditional use permit, minor conditional use permit, or adult entertainment permit, and the use is discontinued for any reason for a period of 12 consecutive months or more, the permit shall be deemed abandoned by the owner and given inactive status by the director, making it subject to revocation by reason of such inactivity. In the event that the permit is revoked, the use allowed under the permit may not be resumed without first obtaining a new administrative zoning permit, conditional use permit, minor conditional use permit, or adult entertainment permit, as applicable.

C. Any specific plan or zone reclassification approved by the city council becomes null and void, if the conditions or requirements of approval are not met within the time specified in the approving ordinance or resolution, or, if no date is specified in the approving ordinance or resolution, within one (1) year from the date of approval by the city council. (Ord. 5018 § 5, 2015; Ord. 4984 § 12, 2013)

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View the [mobile version](#).

## El Cajon Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Chapter 17.210 ALCOHOL SALES AND DEEMED APPROVED ALCOHOL SALES REGULATIONS](#)**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)

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View the [mobile version](#).



**California Department of Alcoholic  
 Beverage Control**  
*License Query System Summary  
 as of 5/2/2016*

<b>License Information</b>
<b>License Number:</b> 375470
<b>Primary Owner:</b> RODEOS MARKET SEXTO INC
<b>ABC Office of Application:</b> 10 - SAN DIEGO
<b>Business Name</b>
<b>Doing Business As:</b> RODEOS MEAT MARKET
<b>Business Address</b>
<b>Address:</b> 927 BROADWAY <b>Census Tract:</b> 0163.02
<b>City:</b> EL CAJON <b>County:</b> SAN DIEGO
<b>State:</b> CA <b>Zip Code:</b> 92021
<b>Licensee Information</b>
<b>Licensee:</b> RODEOS MARKET SEXTO INC
<b><i>Company Information</i></b>
OFFICER: LINARES, SALVADOR (CHIEF FINANCIAL OFFICER)
OFFICER: LINARES, SALVADOR (PRESIDENT)
OFFICER: LINARES, ALEJANDRA (SECRETARY/ASST SEC)
STOCKHOLDER: LINARES, ALEJANDRA
STOCKHOLDER: LINARES, SALVADOR
<b>License Types</b>
1) <b>License Type:</b> 20 - OFF-SALE BEER AND WINE
<b>License Type Status:</b> CANCELED
<b>Status Date:</b> 02-JUL-2013 <b>Term:</b> 12 Month(s)

<b>Original Issue Date:</b> 25-SEP-2001	<b>Expiration Date:</b> 31-AUG-2013
<b>Master:</b> Y	<b>Duplicate:</b> 0
<b>Fee Code:</b> P40	
<b>License Type was Transferred On:</b> 25-SEP-2001	
<b>FROM:</b> <u>20-364721</u>	
<b>License Type was Transferred On:</b> TO: <u>20-529557</u>	
<b>2) License Type:</b> TEMPORARY PERMIT	
<b>License Type Status:</b> EXPIRED	
<b>Status Date:</b> 24-MAY-2001	<b>Term:</b> 4 Month(s)
<b>Original Issue Date:</b> 24-MAY-2001	<b>Expiration Date:</b> 20-SEP-2001
<b>Master:</b>	<b>Duplicate:</b>
<b>Fee Code:</b>	
<b>License Type was Transferred On:</b> 25-SEP-2001	
<b>FROM:</b> <u>20-364721</u>	
<b>License Type was Transferred On:</b> TO: <u>20-529557</u>	
<b>3) License Type:</b> TEMPORARY PERMIT	
<b>License Type Status:</b> EXPIRED	
<b>Status Date:</b> 24-JUL-2001	<b>Term:</b> 4 Month(s)
<b>Original Issue Date:</b> 24-JUL-2001	<b>Expiration Date:</b> 20-NOV-2001
<b>Master:</b>	<b>Duplicate:</b>
<b>Fee Code:</b>	
<b>License Type was Transferred On:</b> 25-SEP-2001	
<b>FROM:</b> <u>20-364721</u>	
<b>License Type was Transferred On:</b> TO: <u>20-529557</u>	
<b>Current Disciplinary Action</b>	
... <i>No Active Disciplinary Action found</i> ...	
<b>Disciplinary History</b>	
... <i>No Disciplinary History found</i> ...	
<b>Hold Information</b>	
... <i>No Active Holds found</i> ...	
<b>Escrow</b>	
... <i>No Escrow found</i> ...	

--- End of Report ---

For a definition of codes, view our [glossary](#).



**California Department of Alcoholic  
Beverage Control**  
*License Query System Summary  
as of 5/2/2016*

<b>License Information</b>
<b>License Number:</b> 529557
<b>Primary Owner:</b> 7 ELEVEN INC
<b>ABC Office of Application:</b> 10 - SAN DIEGO
<b>Business Name</b>
<b>Doing Business As:</b> 7 ELEVEN STORE 35674
<b>Business Address</b>
<b>Address:</b> 393 E CHASE AVE <b>Census Tract:</b> 0153.02
<b>City:</b> EL CAJON <b>County:</b> SAN DIEGO
<b>State:</b> CA <b>Zip Code:</b> 92020
<b>Licensee Information</b>
<b>Licensee:</b> 7 ELEVEN INC
<b><i>Company Information</i></b>
OFFICER: DEPINTO, JOSEPH (CHIEF EXECUTIVE OFFICER)
OFFICER: DEPINTO, JOSEPH (CHIEF EXECUTIVE OFFICER)
OFFICER: DEPINTO, JOSEPH (PRESIDENT)
OFFICER: DEPINTO, JOSEPH (PRESIDENT)
OFFICER: AUSTIN, MICHAEL DON (SECRETARY/ASST SEC)
OFFICER: BONNVILLE, STEVEN R (SECRETARY/ASST SEC)
OFFICER: EDWARDS, SEAN MCKINNON



(SECRETARY/ASST SEC)
OFFICER: FENTON, DAVID (SECRETARY/ASST SEC)
OFFICER: GRIFFITH, GARY (SECRETARY/ASST SEC)
OFFICER: GULFIN, ERIK STEVEN (SECRETARY/ASST SEC)
OFFICER: HALVERSON, WILLIAM (SECRETARY/ASST SEC)
OFFICER: HOUANG, SILVER SCOTT (SECRETARY/ASST SEC)
OFFICER: HUGHES, LAWRENCE G (SECRETARY/ASST SEC)
OFFICER: KRUEGER, MONICA ESPITIA (SECRETARY/ASST SEC)
OFFICER: MINERO, JANET (SECRETARY/ASST SEC)
OFFICER: PICHININO, CRAIG (SECRETARY/ASST SEC)
OFFICER: SHEARER, SHAWN E (SECRETARY/ASST SEC)
OFFICER: SHUBERT, KRISTEN ANN (SECRETARY/ASST SEC)
OFFICER: VARELA, ANTONIO ENRIQUE (SECRETARY/ASST SEC)
OFFICER: WILLIAMS, GREGORY (SECRETARY/ASST SEC)
OFFICER: YOW, SHAWNTEL (SECRETARY/ASST SEC)
OFFICER: ABE, SHINJI (VICE PRESIDENT)
OFFICER: ABE, SHINJI (VICE PRESIDENT)
OFFICER: COZENS, ROBERT J (VICE PRESIDENT)
OFFICER: DONEGAN, W TIMOTHY (VICE PRESIDENT)
OFFICER: ELLIOTT, KEVIN E (VICE PRESIDENT)
OFFICER: GAMBINA, FRANK S (VICE PRESIDENT)
OFFICER: HARGROVE, WESLEY M (VICE PRESIDENT)
OFFICER: HEDRICK, JOHN (VICE PRESIDENT)
OFFICER: HOWER, NORMAN MICHAEL (VICE PRESIDENT)
OFFICER: JENKINS, C BRAD (VICE PRESIDENT)
OFFICER: KAPOOR, RAJNEESH (VICE PRESIDENT)
OFFICER: KOSCHEL, ENA WILLIAMS (VICE PRESIDENT)
OFFICER: MITCHELL, KRYSTIN E (VICE PRESIDENT)
OFFICER: OZEKI, SHIRO (VICE PRESIDENT)

OFFICER: PACK, ALLEN P (VICE PRESIDENT)
OFFICER: REBELEZ, DARREN M (VICE PRESIDENT)
OFFICER: SAKAI, RYOJI (VICE PRESIDENT)
OFFICER: SCHENCK, JEFF (VICE PRESIDENT)
OFFICER: SELTZER, DAVID (VICE PRESIDENT)
OFFICER: SMITH, NANCY A (VICE PRESIDENT)
OFFICER: SOPER, DANIEL MARK (VICE PRESIDENT)
OFFICER: STRONG, JOSEPH M (VICE PRESIDENT)
OFFICER: THOMAS, DONALD E (VICE PRESIDENT)
OFFICER: REYNOLDS, STANLEY W (VICE PRESIDENT/TREASURER)
<b>License Types</b>
<b>1) License Type: 20 - OFF-SALE BEER AND WINE</b>
<b>License Type Status: ACTIVE</b>
<b>Status Date: 02-JUL-2013                      Term: 12 Month(s)</b>
<b>Original Issue Date: 01-JUL-2013                      Expiration Date:</b> 30-JUN-2016
<b>Master: Y                      Duplicate: 0                      Fee Code: P40</b>
<b>Condition: OPERATING RESTRICTIONS</b>
<b>License Type was Transferred On: 01-JUL-2013                      FROM:</b> <u>20-375470</u>
<b>Current Disciplinary Action</b>
<i>... No Active Disciplinary Action found ...</i>
<b>Disciplinary History</b>
<i>... No Disciplinary History found ...</i>
<b>Hold Information</b>
<i>... No Active Holds found ...</i>
<b>Escrow</b>
<i>... No Escrow found ...</i>

- - - End of Report - - -

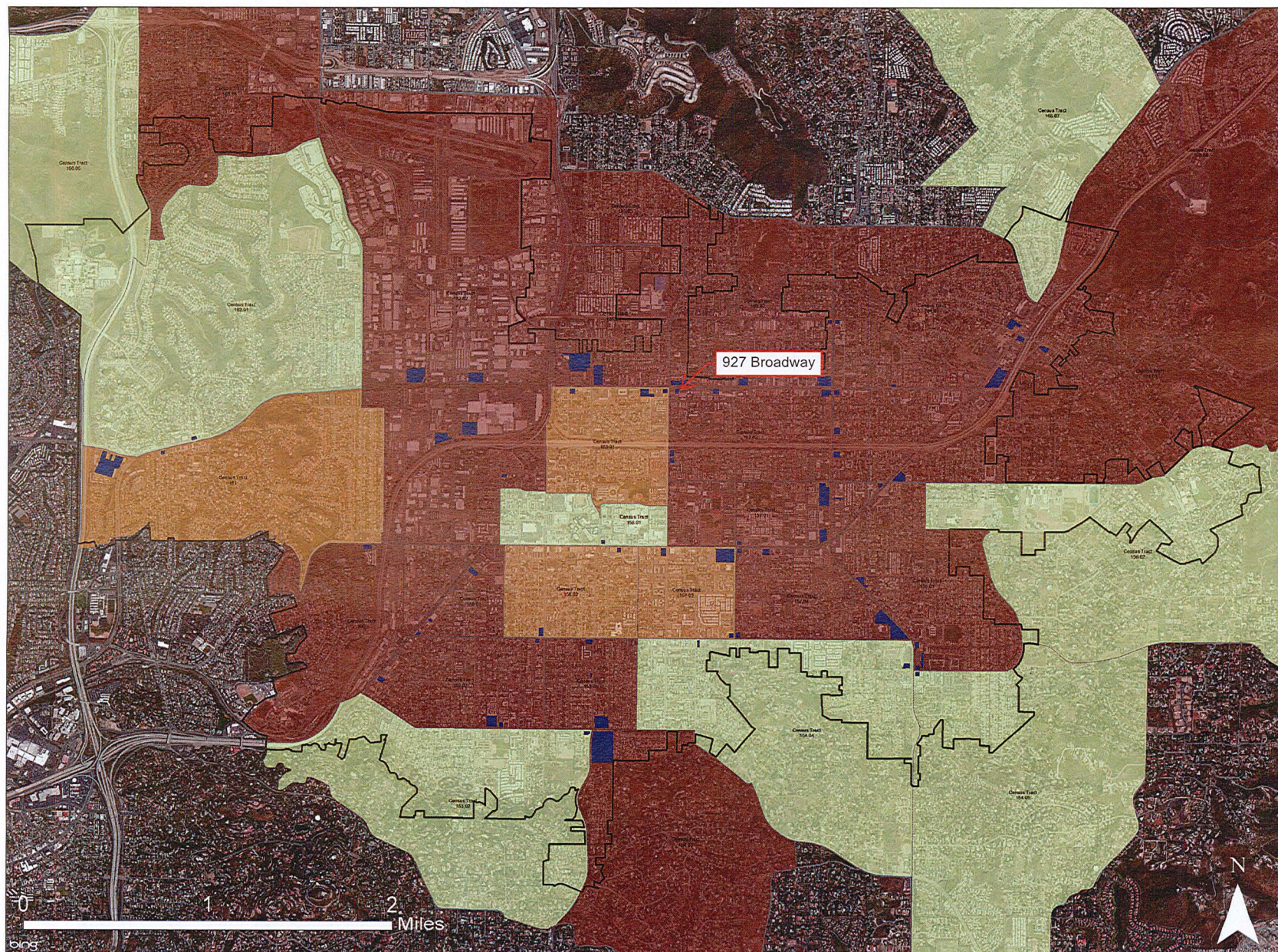
For a definition of codes, view our [glossary](#).





**Planning Division**  
**2013 Alcohol Strategy Study**  
**Off-Sale Alcohol Outlet**  
**Concentration**  
**by Census Tract**

- Off-Sale Alcohol Outlet Concentration
- Under concentrated Census tract
- Census tract at maximum concentration
- Over concentrated Census tract
- Off-Sale Alcohol Outlets



Source: City of El Cajon Planning Division  
Date: November 25, 2013  
Updated by: David Welch



## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION TERMINATING DEEMED APPROVED STATUS FOR OFF-SALE BEER AND WINE SALES AT 927 BROADWAY IN THE C-G (GENERAL COMMERCIAL) ZONE, APN: 484-282-30-00, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (GC).

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on June 7, 2016, to consider the termination of deemed approved status for a former off-sale alcohol sales establishment in the C-G zone, on property located on the south side of Broadway between North Mollison Avenue and North First Street, and addressed 927 Broadway; and

WHEREAS, Conditional Use Permit No. 1498 was approved in 1992 by the El Cajon Planning Commission authorizing off-sale beer and wine from the subject property; and

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

WHEREAS, City of El Cajon and the Department of Alcoholic Beverage Control records indicate that in 2012 and 2013, the applicable off-sale beer and wine license was sold and transferred to a 7-Eleven store located at 393 East Chase Avenue; and

WHEREAS, the alcohol beverage sales establishment governed by Conditional Use Permit No. 1498 ceased conducting alcohol sales at least four years ago; and

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

WHEREAS, on May 4, 2016, the Community Development Director notified the subject property owner of inactive alcohol beverage sales status and pending revocation of Conditional Use Permit No. 1498; and

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

Proposed Planning Commission Resolution

- A. In determining whether the proposed actions are categorically exempt from environmental review in accordance with Section 15060(c)(3) of the CEQA Guidelines, which states that CEQA does not apply to actions that do not meet the definition of a “project”. The deemed approved status termination is not a “project” because the action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.
- B. General Plan Object 5-9 directs the City to improve public safety for all residents. The termination of deemed approved status is consistent with General Plan Objective 5-9.
- C. The termination of deemed approved status for off-sale alcohol sales reduces the potential to aggravate existing problems in neighborhoods created by the sale of alcohol, such as loitering, public drunkenness, alcoholic beverage sales to minors, noise and littering.
- E. The El Cajon City Council desires to ensure a healthy and safe business environment, consistent with the standards and guidelines of the ABC for alcohol sales. As such, it is in the best interest of public health and safety to reduce the number of off-sale alcoholic beverage establishments in census tracts with an undue concentration.

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

1. The foregoing recitals are true and correct and include the findings of the Planning Commission.
2. The El Cajon Planning Commission here finds that the Section 15060(c)(3) of the CEQA Guidelines is an appropriate exemption for the proposed project.
3. The El Cajon Planning Commission hereby TERMINATES Deemed Approved Status for off-sale beer and wine sales for a former retail market in the C-G zone on property located at 927 Broadway.

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held June 7, 2016, by the following vote:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
Anthony SOTTILE, Chairperson

ATTEST:

\_\_\_\_\_  
Anthony SHUTE, AICP, Secretary

## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION REVOKING CONDITIONAL USE PERMIT NO. 1498 FOR OFF-SALE BEER AND WINE SALES AT 927 BROADWAY IN THE C-G (GENERAL COMMERCIAL) ZONE, APN: 484-282-30-00, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (GC).

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on June 7, 2016, to consider the revocation of Conditional Use Permit No. 1498 for a former off-sale alcohol sales establishment in the C-G zone, on property located on the south side of Broadway between North Mollison Avenue and North First Street, and addressed 927 Broadway; and

WHEREAS, Conditional Use Permit No. 1498 was approved in 1992 by the El Cajon Planning Commission authorizing off-sale beer and wine from the subject property; and

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

WHEREAS, City of El Cajon and the Department of Alcoholic Beverage Control records indicate that in 2012 and 2013, the applicable off-sale beer and wine license was sold and transferred to a 7-Eleven store located at 393 East Chase Avenue; and

WHEREAS, the alcohol beverage sales establishment governed by Conditional Use Permit No. 1498 ceased conducting alcohol sales at least four years ago and is therefore subject to El Cajon Municipal Code Section 17.210.170(B); and

WHEREAS, pursuant to El Cajon Municipal Code Sections 17.35.010(B), if a use established by conditional use permit is discontinued for any reason, for a period of 12 consecutive months or more, the permit shall be deemed abandoned by the owner and given inactive status by the Director of Community Development, thus making it subject to revocation by reason of such inactivity; and

WHEREAS, on May 4, 2016, the Community Development Director notified the subject property owner of inactive alcohol beverage sales status and pending revocation of Conditional Use Permit No. 1498; and

WHEREAS, the El Cajon Planning Commission adopted the next resolution in order, terminating the former alcohol sales activity establishment's deemed approved status; and

Proposed Planning Commission Resolution

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

- A. In determining whether the proposed action is categorically exempt from environmental review in accordance with Section 15060(c)(3) of the CEQA Guidelines, which states that CEQA does not apply to actions that do not meet the definition of a “project”. The revocation of Conditional Use Permit No. 1498 is not a “project” because the action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.
- B. General Plan Object 5-9 directs the City to improve public safety for all residents. The revocation of Conditional Use Permit No. 1498 is consistent with General Plan Objective 5-9.
- C. The revocation of Conditional Use Permit No. 1498 for off-sale alcohol sales reduces the potential to aggravate existing problems in neighborhoods created by the sale of alcohol, such as loitering, public drunkenness, alcoholic beverage sales to minors, noise and littering.
- D. The El Cajon City Council desires to ensure a healthy and safe business environment, consistent with the standards and guidelines of the ABC for alcohol sales. As such, it is in the best interest of public health and safety to reduce the number of off-sale alcoholic beverage establishments in census tracts with an undue concentration.

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

1. The foregoing recitals are true and correct and include the findings of the Planning Commission.
2. The El Cajon Planning Commission here finds that the Section 15060(c)(3) of the CEQA Guidelines is an appropriate exemption for the proposed project.
3. The El Cajon Planning Commission hereby REVOKES Conditional Use Permit No. 1498 for off-sale beer and wine sales for a former retail market in the C-G zone on property located at 927 Broadway.



Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held June 7, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:

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Anthony SOTTILE, Chairperson

ATTEST:

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Anthony SHUTE, AICP, Secretary

## El Cajon Municipal Code

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[Title 17 ZONING](#)

[Chapter 17.35 EXPIRATIONS, TIME EXTENSIONS, AND PERMIT REVOCATION](#)

**17.35.010 Permit expiration.**

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A. Any approved discretionary permit becomes null and void, if not legally exercised within the time specified in the approving letter or resolution or, if no specific expiration date is given in the approving letter or resolution, one (1) year from the date of the approving letter or resolution.

A discretionary permit is considered to be legally exercised, if a building permit necessary to construct the approved development, or establish the approved use has been issued prior to the expiration date, and work has progressed diligently toward the completion of the improvements authorized by the building permit and towards the establishment of the approved use. If no building permit is required, "legally exercised" shall mean that the approved use has been established and is operational and all required conditions of project approval are satisfied. Discretionary legislative actions, as defined in Chapter 17.105, are distinct from discretionary permits. The time limits established above for the timely implementation of approved discretionary permits do not apply to discretionary legislative actions.

B. If a use is legally established under an administrative zoning permit, conditional use permit, minor conditional use permit, or adult entertainment permit, and the use is discontinued for any reason for a period of 12 consecutive months or more, the permit shall be deemed abandoned by the owner and given inactive status by the director, making it subject to revocation by reason of such inactivity. In the event that the permit is revoked, the use allowed under the permit may not be resumed without first obtaining a new administrative zoning permit, conditional use permit, minor conditional use permit, or adult entertainment permit, as applicable.

C. Any specific plan or zone reclassification approved by the city council becomes null and void, if the conditions or requirements of approval are not met within the time specified in the approving ordinance or resolution, or, if no date is specified in the approving ordinance or resolution, within one (1) year from the date of approval by the city council. (Ord. 5018 § 5, 2015; Ord. 4984 § 12, 2013)

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## El Cajon Municipal Code

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Title 17 ZONING

Chapter 17.210 ALCOHOL SALES AND DEEMED APPROVED ALCOHOL SALES REGULATIONS

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

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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)

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## El Cajon Municipal Code

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Title 17 ZONING

Chapter 17.210 ALCOHOL SALES AND DEEMED APPROVED ALCOHOL SALES REGULATIONS

### **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)

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<b>Agenda Item:</b>	<b>5</b>
<b>Project Name:</b>	<b>Alcohol Sales Ordinance Enforcement Actions Report</b>
<b>STAFF RECOMMENDATION:</b>	<b>INFORMATION ONLY</b>
<b>Recommended Actions:</b>	None

**DESCRIPTION**

On September 10, 2013, the City Council adopted the 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. 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.

**COMPLIANCE**

In support of the adopted alcohol sales ordinance, Minor Decoy Program operations were initiated by the El Cajon Police Department in early 2014. The goal of the Minor Decoy Program is to reduce youth access to alcohol thereby suppressing a community danger of underage drinking, and if needed, reduce the number of licensees who sell alcohol to minors. 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.

Through 2015, the Minor Decoy Program inspected all of the 79 off-sale locations. The results are as follows:

1. 21 of the 79 stores sold to a minor
2. Three of the 21 stores sold to a minor twice

The three off-sale alcohol establishments that sold to a minor twice were brought before the Planning Commission for failure to comply with the City's Alcohol Sales Ordinance. The three establishments were Sky Fuel located at 1699 East Main Street, Tyke's Liquor at 807 Jamacha Road, and Arnele Liquor at 735 Arnele Avenue. The Planning Commission revoked each establishment's deemed approved status, imposed new operating conditions on Sky Fuel's existing conditional use permit, and approved new conditional use permits with conditions for Tyke's Liquor and Arnele Liquor. Each establishment's ability to sell alcohol was suspended until applicable conditions of approval were satisfied. Each off-sale establishment appealed to the City Council where the Planning Commission's decisions were upheld. Immediately following the Council's actions, City staff worked with the establishments to ensure conditions were satisfied before resuming alcohol sales. To date, each establishment has been in compliance with the Alcohol Sales Ordinance and their respective conditional use permits. Compliance inspections for 2016 are expected to begin this summer.