



City of El Cajon

Planning Commission Agenda

Tuesday, April 18, 2023 Meeting

7:00 PM

DARRIN MROZ, Chair
REBECCA POLLACK-RUDE, Vice Chair
PAUL CIRCO
SHANNON EDISON
ANTHONY SOTTILE

Meeting Location: City Council Chambers, 200 Civic Center Way, El Cajon, CA, 92020

Please note that, pursuant to State and County Health Orders, in-person meetings have resumed. The public is welcome to attend and participate.

The meeting will be live-streamed through the City website at: <https://www.elcajon.gov/your-government/city-meetings-with-agendas-and-minutes-all>.

To submit written comments on an item on this agenda, or a Public Comment, please e-mail the comments with Planning Commission in the subject line to planning@elcajon.gov before 5 p.m. on Tuesday, April 18, 2023. Comments will be limited to 300 words and will be entered into the official Commission Meeting Record.

The City of El Cajon is endeavoring to be in total compliance with the Americans with Disabilities Act. If you require assistance or auxiliary aids in order to participate at the Commission meeting, please contact our office at 619-441-1742, option 3, as soon as possible.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHAIRPERSON'S WELCOME

PUBLIC COMMENT

This is the opportunity for 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. Non-agenda public comments must be submitted before the end of public comment during the meeting.

CONSENT

Agenda Item:	1
	Planning Commission minutes of April 4, 2023

Decisions and Appeals - A decision of the Planning Commission is final unless appealed within 10 days of the date of the Commission's action. The appeal period for the items on this Agenda will end on Monday, May 1, 2023, at 5:00 p.m. Agenda items which are forwarded to City Council for final action need not be appealed.

PUBLIC HEARINGS

Agenda Item:	2	
Project Name:	Zoning Code Update	
Request:	Zoning Code Amendment	
CEQA Recommendation:	Exempt	
STAFF RECOMMENDATION:	RECOMMEND CITY COUNCIL APPROVAL	
Project Number(s):	Zoning Code Amendment No. ZCA-2023-0001	
Location:	Citywide	
Applicant:	City of El Cajon	
Project Planner:	Noah Alvey; 619-441-1795; nalvey@elcajon.gov	
City Council Hearing Required?	No	
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolution in order recommending City Council approval of the proposed Zoning Code Amendment No. ZCA-2023-0001. 	

Agenda Item:	3	
Project Name:	550 Montrose Court (Motel 6)	
Request:	Consider revocation of deemed approved status for a lodging establishment	
CEQA Recommendation:	Exempt	
STAFF RECOMMENDATION:	Revoke deemed approved status	
Location:	550 Montrose Court	
Applicant:	City of El Cajon	
Project Planner:	Noah Alvey; 619-441-1795; nalvey@elcajon.gov	
City Council Hearing Required?	No	
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolution in order revoking deemed approved status; 3. Direct the operator or property owner to complete certain activities within the next 30 days; and 4. Direct staff to schedule a public hearing to consider an amendment or revocation of CUP No. 1123 within the next 90 days. 	

Decisions and Appeals - A decision of the Planning Commission is final unless appealed within 10 days of the date of the Commission's action. The appeal period for the items on this Agenda will end on Monday, May 1, 2023, at 5:00 p.m. Agenda items which are forwarded to City Council for final action need not be appealed.

3. OTHER ITEMS FOR CONSIDERATION

4. STAFF COMMUNICATIONS

5. COMMISSIONER REPORTS/COMMENTS

6. ADJOURNMENT

This Planning Commission meeting is adjourned to May 2, 2023 at 7 p.m.



MINUTES **PLANNING COMMISSION MEETING** **April 4, 2023**

The meeting of the El Cajon Planning Commission was called to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE.

COMMISSIONERS PRESENT: Darrin MROZ (Chair)
 Rebecca POLLACK-RUDE (Vice Chair)
 Paul CIRCO
 Shannon EDISON
 Anthony SOTTILE

COMMISSIONERS ABSENT: NONE

STAFF PRESENT: Noah ALVEY, Deputy Director of Community Development
 Mario SANCHEZ, Deputy Director of Community Development
 Mike VIGLIONE, Senior Planner
 Spencer HAYES, Associate Planner
 Barbara LUCK, Staff Attorney
 Laura JUSZAK, Administrative Secretary

Chair MROZ opened the Planning Commission meeting explaining the rules of conduct.

PUBLIC COMMENT:

There was no public comment.

CONSENT CALENDAR:

Agenda Item:	1
	Planning Commission minutes of March 7, 2023

Motion was made by CIRCO, seconded by POLLACK-RUDE, to approve the March 7, 2023 minutes; motion carried 5-0.

PUBLIC HEARING ITEM:

Agenda Item:	2	
Project Name:	Palms Residence Single Room Occupancy (SRO)	
Request:	Motel conversion to single-room occupancy residence	
CEQA Recommendation:	Exempt	
STAFF RECOMMENDATION:	APPROVE	
Project Number(s):	Conditional Use Permit (CUP) No. 2022-0014	
Location:	1349 East Main Street	
Applicant:	Mardesich Family Trust; mardesichfamilytrust@gmail.com ; 619-913-6431	
Project Planner:	Spencer Hayes, shayes@elcajon.gov , 619-441-1656	
City Council Hearing Required?	No	
Recommended Actions:	1. Conduct the public hearing; and 2. MOVE to adopt the next resolutions in order approving CUP No. 2022-0014, subject to conditions.	

HAYES summarized the staff report through a PowerPoint presentation.

COMMISSIONERS asked questions with HAYES providing answers.

MROZ opened the public hearing.

Project applicant Kristin BRANTZ spoke in support.

COMMISSIONERS asked questions with BRANTZ providing answers.

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

COMMISSIONERS discussed the item.

Motion was made by CIRCO, seconded by EDISON, to adopt the next resolution in order recommending City Council approval of the proposed CUP-2022-00; motion carried 5-0.

Agenda Item:	3	
Project Name:	Vista de Luna	
Request:	Motel conversion to single-room occupancy	
CEQA Recommendation:	Exempt	
STAFF RECOMMENDATION:	APPROVE	
Project Number(s):	Conditional Use Permit (CUP) No. 2022-0010 and Minor Amendment (MA) No. 2023-0002	
Location:	588 North Mollison Avenue	
Applicant:	Vista International, Inc., Scott Tulk, scott@vistagroup.ca ; 403-973-8300	
Project Planner:	Mike Viglione, mviglione@elcajon.gov , 619-441-1773	
City Council Hearing Required?	No	
Recommended Actions:	1. Conduct the public hearing; and 2. MOVE to adopt the next resolutions in order approving the CEQA determination, CUP No. 2022-0010, and MA No. 2023-0002, subject to conditions.	

VIGLIONE summarized the staff report through a PowerPoint presentation.

COMMISSIONERS asked questions with VIGLIONE providing answers.

MROZ opened the public hearing.

Project applicant Sally SCHIFMAN spoke in support. She requested that a condition be changed to allow the applicant 2 years to complete the project.

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

COMMISSIONERS discussed the item.

Motion was made by CIRCO, seconded by MROZ, to adopt the next resolutions in order approving the CEQA Exemption, CUP-2022-0010 and MA-2023-0002, changing the condition to allow two years to complete the project; motion carried 5-0.

OTHER ITEMS FOR CONSIDERATION:

There were no other items for consideration.

STAFF COMMUNICATIONS:

VIGLIONE told COMMISSIONERS that the April 18, 2023, meeting would happen as scheduled.

COMMISSIONER REPORTS/COMMENTS:

There were no commissioner reports or comments.

ADJOURNMENT:

Motion was made by MROZ, seconded by CIRCO, to adjourn the meeting of the El Cajon Planning Commission at 7:32 p.m. this 4th Day of April, 2023, until 7:00 p.m., Tuesday, April 18, 2023; motion carried 5-0.

Darrin MROZ, Chair

ATTEST:

Noah ALVEY, Secretary



City of El Cajon

Community Development Department
PLANNING COMMISSION AGENDA REPORT

Agenda Item:	2
Project Name:	Zoning Code Update
Request:	Zoning Code Amendment
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	RECOMMEND CITY COUNCIL APPROVAL
Project Number:	Zoning Code Amendment No. ZCA-2023-0001
Location:	Citywide
Applicant:	City of El Cajon
Project Manager(s):	Noah Alvey; nalvey@elcajon.gov ; 619-441-1795
City Council Hearing Required?	Yes May 23, 2023
Recommended Actions:	<ol style="list-style-type: none">1. Conduct the public hearing; and2. MOVE to adopt the next resolution in order recommending City Council approval of proposed Zoning Code Amendment No. ZCA-2023-0001.

PROJECT DESCRIPTION

Each year staff identifies potential technical cleanups during their routine administration of the Zoning Code. A list of cleanups, clarifications and revisions are then brought forward as an amendment to Title 17.

The current Zoning Code Update is primarily related to economic development, lodging establishment performance, and recent housing related State laws. Other minor, non-substantive changes are also included to improve clarity and consistency in the interpretation of the Zoning Code.

BACKGROUND

The Zoning Code was comprehensively revised and reorganized in 2010. Since then, substantive changes and minor technical clean-ups have occurred in the following years. Typically, Zoning Code updates are completed on an annual basis at the end of each calendar year or when circumstances require otherwise.

On November 15, 2022, the Planning Commission received the planned scope of work for the 2022 Zoning Code update. At that meeting the Commissioners discussed some of the basic economic development initiatives and housing related changes that were anticipated. On December 6, 2022, staff brought forward the Zoning Code Update, but indicated that it would be bifurcated into two hearings with the second portion of the update being brought forward in the spring of 2023.

DISCUSSION

The proposed Zoning Code changes are summarized as follows:

Residential

The housing related updates include updated standards for urban lot splits as required by SB 9, which was signed by Governor Newsom in 2021. This item was included in the first portion of the 2022 Zoning Code Update, however, additional updates are proposed to consistently apply height and setback requirements for accessory structures.

The update also proposes increasing the height requirements in the RM-6000 zone and RM-2500 zone from 20 ft. to 25 ft. to allow pitched roofs on two story structures, rather than flat roofs. The proposed change is intended to result in construction efficiencies and improve the quality of the built environment.

Prior to adoption of the accessory dwelling unit (ADU) ordinance, State law allowed a maximum ADU size of 1,200 sq. ft. The 2022 Zoning Code update further restricted the size to 50% of the primary dwelling, while still allowing a State exempt ADU of 800 sq. ft. and a maximum ADU size of 1,200 sq. ft. Staff have observed that this standard applies to a narrow range of primary dwellings between 1,600 sq. ft. and 2,400 sq. ft. In order to address the 50% size standard, property owners have proposed converting an existing primary dwelling into an ADU and building a new primary dwelling behind the former primary dwelling. In order to streamline implementation, the updates propose to allow ADUs within the same building envelope as the primary dwelling, align height requirements with accessory structure height requirements, and increase the maximum size restriction to 1,200 sq. ft. (while still ensuring that the ADU is smaller than the primary dwelling unit). This approach for ADUs also aligns with SB 9 regulations which allow two primary dwellings on a single lot.

Economic Development

In order to adapt to changing business models for automobile sales, staff is proposing a new land use category for new automobile displays. This category is intended to accommodate new automobile displays at the mall and within the C-G and C-R zones within enclosed buildings. As an example, Tesla operates a vehicle display use (showroom) at the University Town Center mall. This category would allow similar uses at Parkway Plaza or other locations in the C-G and C-R zones. The commercial land use table is also proposed to be updated to align veterinary hospital or clinic requirements with other medical uses and to correct the table to reflect outdoor dining as a permitted use.

Lodging Establishments

The Zoning Code update proposes changes to the chapter for deemed approved lodging establishments by adding definitions for "Emergency Housing Placement Program" and "Service Provider", adding standards for training and monthly reporting, and improving

procedures related to the violation of performance standards and adding additional criminal or nuisance activities.

Miscellaneous

A new section is proposed under miscellaneous special uses and regulations to allow fireworks in certain circumstances and subject to noticing criteria while retaining the option for a conditional use permit.

FINDINGS

- 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 changes to the Zoning Code further the goals of the General Plan by implementing reforms to reduce governmental constraints to development. Further, pursuant to Goal 10, the city "shall periodically revise its regulatory codes, ordinances and policies so that they may reflect current, upgraded standards of development and performance." The proposed changes ensure clarity and eliminate existing ambiguities within Zoning Code. They also address the need to enhance performance standards at lodging establishments in order to maintain the City's character, the diversity and vitality of the community's commercial areas, and the quality of life of El Cajon residents.

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

The proposed zoning code amendment is applicable citywide. No zone changes are proposed as part of this project, and thus the proposed changes do not conflict with specific plans.

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

The proposed Zoning Code amendments will not significantly alter the character of the City or cause significant health, safety or welfare concerns, since the amendments are consistent with the General Plan and directly implement City goals and policies to ensure a healthy and safe community by ensuring lodging establishments are compatible with surrounding areas and that these establishments do not preclude the economic revitalization of the entire City. Further, the proposed changes provide clarity, consistency, objective standards for new development, and help streamline development review processes in accordance with State law.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed Zoning Code Amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) according to the common sense exemption (CEQA Guidelines, section 15061(b)(3)). The common sense exemption applies where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed amendment does not result in any development or changes to the physical environment and does not raise this project to a level of significance that warrants CEQA analysis.


PUBLIC NOTICE & INPUT

Notice of this public hearing was published in the East County Gazette on April 6, 2023 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.

RECOMMENDATION


Staff recommends approval of Zoning Code Amendment No. 2023-0001 for economic development, housing, and minor technical changes, revisions, and edits for clarity and consistency.

PREPARED BY:



Noah Alvey
DEPUTY DIRECTOR
OF COMMUNITY
DEVELOPMENT

APPROVED BY:



Anthony Shute
DIRECTOR OF
COMMUNITY
DEVELOPMENT

ATTACHMENTS

1. Proposed Resolution Recommending City Council Approval of Zoning Code Amendment No. 2023-0001
 - Exhibit A: Proposed Draft Zoning Code Excerpts
 - Exhibit B: Proposed Draft Zoning Code Excerpts (strike out)
2. Summary and Description of Zoning Code Revisions
3. Public Hearing Notice
4. Planning Commission Resolution No. 11038 Initiating Zoning Code Amendment

PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF ZONING CODE AMENDMENT NO. 2023-0001 FOR AN AMENDMENT TO TITLE 17 OF THE EL CAJON MUNICIPAL CODE FOR ECONOMIC DEVELOPMENT, HOUSING, AND OTHER MINOR TECHNICAL CHANGES, REVISIONS, AND EDITS

WHEREAS, on November 15, 2022, the Planning Commission adopted Resolution No. 11087 initiating an amendment to the Zoning Code with overall changes for economic development, lodging establishment performance, housing, and minor technical changes, revisions, and edits for clarity and consistency; and,

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on April 18, 2023, to consider an amendment to the Zoning Code with overall changes for economic development, lodging establishment performance, housing, and minor technical changes, revisions, and edits for clarity and consistency; and

WHEREAS, the Zoning Code requires regular maintenance to ensure that it is consistent and effective in regulating the use and development of land in the City, and staff has identified various modifications needed to improve clarity, consistency, and application of the Zoning Code; and,

WHEREAS, the El Cajon Planning Commission considered the proposed CEQA common sense exemption in accordance with the California Environmental Quality Act Guidelines section 15061(b)(3) for the proposed project; and,

WHEREAS, housing related updates will align standards for urban lot splits and accessory dwelling units with accessory structure height and setback standards; as well as increasing the height limit in residential zones with a 20 ft. height limit to 25 ft. in order to allow two story structures to have pitched roofs and improve the quality of the built environment; and

WHEREAS, economic development initiatives include adding veterinary services in a manner than is consistent with other medical uses, allowing vehicle displays (excluding sales) in commercial zones, and allowing fireworks at certain properties; and

WHEREAS, other miscellaneous updates improve consistency throughout the Zoning Code and eliminate ambiguities; 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 changes to the Zoning Code further the goals of the General Plan by implementing reforms to reduce governmental constraints to the development. Further, pursuant to Goal 10, the city “shall periodically revise its regulatory codes, ordinances and policies so that they may reflect current, upgraded standards of development and performance.” The proposed changes ensure clarity and consistency within Zoning Code. They also address the need to enhance performance standards at lodging establishments in order to maintain the City’s character, the diversity and vitality of the community’s commercial areas, and the quality of life of El Cajon residents.
- B. The proposed zoning code amendment is applicable citywide. No zone changes are proposed as part of this project, and thus the proposed changes do not conflict with specific plans.
- C. The proposed Zoning Code amendments will not significantly alter the character of the City or cause significant health, safety or welfare concerns, since the amendments are consistent with the General Plan and directly implement City goals and policies to ensure a healthy and safe community by ensuring lodging establishments are compatible with surrounding areas and that these establishments do not preclude the economic revitalization of the entire City. Further, the proposed changes provide clarity, consistency, objective standards for new development, and help streamline development review processes in accordance with State law.

WHEREAS, after considering such evidence and facts the Planning Commission did consider Zoning Code Amendment No. 2023-0001 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 Zoning Code Amendment No. 2023-0001.

Section 2. That based upon said findings of fact, the El Cajon Planning Commission hereby RECOMMENDS City Council APPROVAL of Zoning Code Amendment No. 2023-0001 included as Exhibit A.

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held April 18, 2023, by the following vote:

AYES:
NOES:
ABSENT:

ATTEST:

Darren MROZ, Chair

Noah ALVEY, Secretary

Exhibit A

Zoning Code Amendment No. ZCA-2023-0001

5.52.020 Community event permit required.

- A. Community event permits are required for each community event. Certain community events require temporary use permits in accordance with Chapter [17.75](#) of the zoning code, including, but not limited to, the following: amusement attractions, carnivals, circuses, and fairs. Fireworks displays are permitted in accordance with Section [17.225.260](#) of the zoning code.
- B. Applications submitted for use permits, use of city parks or recreation facilities, or pursuant to city policies, ordinances or similar existing permit systems shall be deemed equivalent to community event applications for the purposes of this chapter.

17.115.070 Uses and activities permitted by conditional use permit.

In addition to those uses listed in the land use tables as requiring a conditional use permit, outdoor public address systems or loudspeakers shall be permitted in any zone (except as noted), provided a conditional use permit is granted.

17.140.65 Urban lot splits.

D. Unit Standards

- 1. Quantity. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, two-family dwelling, an ADU, or a JADU.
- 2. Parking. One off-street parking space per unit is required, except no off-street parking is required in either of the following instances:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of section 21155 of the Public Resources Code, or a major transit stop as defined in section 21064.3 of the Public Resources Code.
 - b. There is a car share vehicle located within one block of the parcel.
- 3. Setbacks. All setbacks must conform to those objective setbacks that are imposed through the underlying zone, except for the following:
 - a. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - b. Interior setbacks shall comply with Title 15 Buildings and Construction.
 - c. Side and rear property line setbacks shall be a minimum of three feet.

4. Height. Units shall comply with the height restrictions of the underlying zone. Units that are located within the side or rear yard setback for the underlying zone shall be no more than twelve (12) feet in height at a three foot setback, sixteen (16) feet in height at a four-foot setback, and twenty (20) feet at a five-foot setback.
5. The correction of legal nonconforming zoning conditions shall not be required as a condition of approval of an urban lot split parcel map.
6. The Community Development Director may grant administrative relief if the objective unit standards do not allow the construction of two units on each lot of at least 800 square feet in size. Administrative relief will first be considered at a five-foot setback, and if two units on each lot of at least 800 square feet in size remain infeasible, administrative relief will then be considered at a four-foot setback. If two units of at least 800 square feet in size remain infeasible at a four-foot setback, administrative relief will then be considered at a three-foot setback.

17.140.100 Building height.

The following table lists the maximum heights for primary structures in residential zones. The endnotes at the bottom of the table contain information that modifies the information listed in the table's matrix. See Section [17.140.120](#) for accessory structure height requirements.

**Table [17.140.100](#)
Building Height**

O-S	See Chapter 17.155
PRD	See Chapter 17.165
RS-40	35 ft.
RS-20	35 ft.
RS-14	35 ft.
RS-9	35 ft.
RS-6	35 ft.
RM-6000	25 ft.
RM-4300	35 ft.
RM-2500	25 ft.
RM-2200	35 ft.
RM-1450	45 ft.
RM-HR	Subject to the provisions of Specific Plan No. 182, Transit District Specific Plan, and Mixed-Use Overlay Zone

17.140.120 Accessory structures.

Accessory structures, such as detached garages, carports, workshops, game rooms, poolrooms, clubhouses, storage buildings, and sheds, are permitted in residential zones, subject to the following provisions:

- I. Accessory structures may include a bathroom.

17.140.100 Building height.

The following table lists the maximum heights for primary structures in residential zones. The endnotes at the bottom of the table contain information that modifies the information listed in the table's matrix. See Section [17.140.120](#) for accessory structure height requirements.

17.140.180 Accessory and junior accessory dwelling units.

The standards set forth in this section may be applied to any lot in the city permitting single-family or multifamily residential uses. For lots zoned to permit single-family dwelling units these standards are applicable in conjunction with a proposed or existing primary dwelling unit upon such lot. For lots zoned to permit multifamily dwelling units, these standards are applicable in conjunction with an existing or proposed primary multifamily dwelling.

- A. Permit Required. A building permit is required for any new accessory or junior accessory dwelling unit.
- B. Number of ADUs. The following number and types of accessory dwelling units shall be allowed.
 - 1. Lots Zoned to Allow Single-Family Dwelling Units: For each eligible single-family lot, up to one (1) accessory dwelling unit and one (1) junior accessory dwelling unit may be permitted with an existing or proposed single-family dwelling unit.
 - 2. Lots Zoned to Allow Multifamily Dwelling Units: Accessory dwelling units may be permitted with existing or proposed multifamily dwelling units in accordance with the following:
 - a. At least one (1) unit and up to twenty-five percent (25%) of the existing number of multifamily dwelling units may be permitted within portions of an existing multifamily development in those areas that are not used as livable space including (but not limited to storage rooms, basements, garages, attics, or other similar areas that may be converted).
 - b. For an existing or proposed multifamily development, in addition to the provisions of (B)(2)(a), for each eligible multifamily lot, up to two (2) detached accessory units may be constructed, subject to four (4) foot side and rear setbacks and a height limit of sixteen (16) feet and three (3) foot side and rear setbacks and a height of twelve (12) feet.
- C. Size.

1. Each eligible lot, regardless of the size of the primary dwelling unit, maximum lot coverage, or minimum open space requirements may include an attached or detached accessory dwelling unit of up to eight hundred (800) square feet;
2. For each eligible lot, the maximum size of an attached or detached accessory dwelling unit shall be not more than one thousand two hundred (1,200) square feet, but under no circumstances shall the attached or detached accessory dwelling unit be larger than the primary dwelling unit;
3. The unit size for an attached or detached accessory dwelling unit or junior accessory dwelling unit shall, at a minimum, meet the standards for an efficiency unit as defined by the California Health and Safety Code section 17958.1. Minimum standards shall be applied through the building code; and
4. A junior accessory dwelling unit shall not exceed an area of five hundred (500) square feet.

D. Parking.

1. Except as otherwise provided, one (1) additional paved off-street parking space per accessory dwelling unit must be provided. Such parking space may be provided as a tandem space and/or located in the required front yard setback area if in compliance with the paved parking standards listed in section [17.140.160](#). Parking is not required to be provided in any of the following circumstances;
 - a. Unit is located within one-half (½) mile of public transit, including light rail and bus stations;
 - b. Unit is located within an architecturally and historically significant historic district.
 - c. Unit is part of the proposed or existing primary dwelling unit, or an accessory structure as defined in Chapter 17.140.120 Accessory structures.
 - d. Unit is a junior accessory dwelling unit or is part of an existing primary dwelling unit or an existing accessory structure;
 - e. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - f. There is a car share program located within one block of the accessory dwelling unit.

E. Standards of Development.

1. Conversion for an Accessory Dwelling Unit. Existing permitted structures converted to an accessory dwelling unit either attached or detached to the primary dwelling unit such as a garage or other accessory building shall meet the following requirements:
 - a. Building and fire safety codes;

- b. Independent exterior access from the existing primary dwelling unit; and
 - c. Sufficient side and rear setbacks for fire safety.
2. Detached Accessory Dwelling Unit. New detached structures for accessory dwelling units shall meet the following requirements unless such requirements prohibit an accessory dwelling unit of at least eight-hundred (800) square feet in area with three (3) foot rear and side yard setbacks:
- a. Conformity with all requirements of the zone in which the unit is located, except as identified herein. Additionally, detached accessory dwelling units shall be located outside of the front and exterior setback unless this requirement would prohibit an accessory dwelling unit of at least eight-hundred (800) square feet in area;
 - b. Limited to the maximum height of the underlying zone when located within the primary dwelling unit setback requirements. . Height limitations for areas outside of the primary dwelling unit setbacks are as follows:
 - i. Maximum height of twenty feet with a five (5) foot setback, and no more than sixteen (16) feet with four (4) foot setback, and no more than twelve (12) feet with a three (3) foot setback.
 - ii. When the detached accessory dwelling unit is within one-half (1/2) mile walking distance of a major transit stop or a high-quality transit corridor the height is limited to 18 feet with up to two (2) additional feet permitted to accommodate a roof pitch so long as it is aligned with the roof pitch of the primary dwelling.
 - iii. When the detached accessory dwelling unit is located on a lot with an existing or proposed single family or multifamily dwelling that is two (2) stories or greater, the height is limited to 18 feet
 - c. Subject to a minimum three (3) foot rear and side setback;
 - d. In accordance with the California [Health and Safety Code](#) requirement, no fire sprinkler system is required unless provided for the primary dwelling unit;
 - e. Limited in size in accordance with subsection C above;
 - f. Attached covered patios, porches and similar covered areas intended to be used by the occupant of the accessory dwelling unit, except for a garage or carport, shall be limited to a maximum ten percent (10%) of the floor area of the proposed unit; and
 - g. The proposed accessory dwelling unit shall be constructed of similar building materials, colors, and with a similar architectural style to the primary dwelling unit.
3. Attached Accessory Dwelling Unit. New attached accessory dwelling units shall meet the following requirements unless such requirements prohibit an accessory dwelling

unit of at least eight-hundred (800) square feet in area with three (3) foot rear and side setbacks:

- a. Conformity with all requirements of the zone in which the unit is located, except as identified herein;
- b. Limited to the maximum height of the underlying zone when located within the primary dwelling unit setback requirements and to a maximum height of twenty feet with a five (5) foot setback, and no more than sixteen (16) feet with four (4) foot setback, and no more than twelve (12) feet with a three (3) foot setback;
- c. Subject to a minimum three (3) foot rear and side setback;
- d. In accordance with the California Health and Safety Code requirement, no fire sprinkler system is required unless provided for in the primary dwelling unit. If an accessory dwelling unit is attached to the primary single-family dwelling unit, the wall separating units shall be as required by the California Building Code, the California Residential Code or both;
- e. Limited in size in accordance with section C. above;
- f. Attached covered patios, porches and similar covered areas intended to be used by the occupant of the accessory dwelling unit, except for a garage or carport, shall be limited to a maximum ten percent (10%) of the floor area of the proposed unit; and
- g. The proposed accessory dwelling unit shall be constructed of similar building materials, colors, and with a similar architectural style to the primary dwelling unit.

**Table [17.145.150](#)
Commercial Land Use Table**

	O-P	C-N	C-G	C-R	C-M	Notes
Commercial Uses						
Animal grooming services	P	P	P	P	P	
Automobile displays (new) within an enclosed building	X	X	P	P	X	38
Outdoor dining, accessory to authorized restaurant or cocktail lounge	X	P	P	P	P	14
Veterinary and small animal hospital, indoors only	P	P	P	P	P	1

38. No storage of inventory permitted.

Chapter 17.212 DEEMED APPROVED LODGING ESTABLISHMENT

17.212.030 Definitions.

E. “Emergency Housing Placement Program” means a program whereby a city or county contracts with an organization whose scope of work is to serve individuals or families; by providing access to overnight accommodations at a lodging establishment to people experiencing homelessness, at risk of experiencing homelessness, recently homeless, people for whom providing rental assistance will prevent homelessness, or people having a high risk of housing instability.

F. “Service Provider” means an agency that provides outreach services, housing navigation, domestic violence services, rapid rehousing, housing placement, housing retention and other support services for individuals experiencing homelessness or who are at-risk of homelessness.**17.212.070 Deemed Approved Performance Standards.**

I. Emergency housing placement program requirements

1. Prior to participating or continuing to participate in an emergency housing placement program, the caretaker or resident manager shall do the following:

- a. Sign an affidavit acknowledging the requirements and standards contained within this Chapter on a form approved by the Community Development Department.
- b. Complete human trafficking training offered by CSA San Diego County, or similar human trafficking training provider, as approved by the Director of Community Development. Proof of completion shall be submitted to the Community Development Department.

2. The caretaker or resident manager of the emergency housing shall submit a monthly report to the Community Development Department listing the number of individuals participating in the Program, the duration of their stay, and the name(s) of the program service provider(s) implementing the Program.

17.212.090 Violation of Performance Standards.

As a result of an inspection, or upon the city’s receipt of a complaint from the public, police department, city official or any other interested person that a deemed approved lodging establishment activity is in violation of the operational standards set forth in this chapter, the following procedure shall be followed:

- A. An enforcement officer shall assess the nature of the complaint and its validity by conducting an on-site observation and inspection of the premises to assess the activity’s compliance with operational standards and/or conditions of approval.
- B. If the enforcement officer determines that the activity is in violation of the operational standards, the enforcement officer shall give written notice of the violation to the owner and/or operator of the establishment and seek to remedy the violation by 1) requesting a

meeting to discuss the violation, 2) requesting a correction plan detailing the means to remedy, or 3) under the city's administrative citation procedures contained in Chapter [1.14](#) of this code. The first notice of violation shall be given in accordance with section [1.14.040](#) of this code. If, however, the enforcement officer, in his or her sole discretion, determines that the violation is not capable of correction, presents a serious threat to public health or safety, or otherwise warrants expedited action, he or she may, in lieu of following the administrative citation procedure, refer the matter directly to the planning commission for a hearing at which the establishment's deemed approved status may be suspended, modified or revoked.

F. Criminal or nuisance activity

The deemed approved lodging establishment activities shall not result in criminal or nuisance activities on the property or contribute to criminal or nuisance activities in close proximity to the property. Criminal or nuisance activities may include, but are not limited to, disturbance of the peace, illegal drug activity, prostitution, discharging firearms, drinking in public, harassment of passersby, gambling, trafficking in stolen goods, human trafficking, homicide, public urination, theft, assault, battery, vandalism, illegal parking, excessive noise, traffic violations, curfew violations, lewd conduct, or excessive police detentions or arrests.

Criminal or nuisance activities shall not result in more than one call for service to the Police Department and Fire Department per room on an annual basis. The City shall retain the right to recover its costs for all calls for service to the Police Department and Fire Department in excess of one call per room on an annual basis by way of the city's nuisance abatement procedure.

17.225.260 Fireworks

Fireworks displays may be permitted and are subject, but not limited, to the following standards. Fireworks displays that do not conform to the following standards may be permitted in any zone with approval of a conditional use permit.

- A. The display of fireworks shall only occur at educational institutions, religious facilities, or property owned or leased by a government agency.
- B. The fireworks display shall be conducted by a licensed pyro technician.
- C. The operator shall obtain and comply with all requirements of an operational permit issued by Heartland Fire & Rescue.
- D. The types of fireworks authorized shall be based on the location of the display and the safety measures required by Heartland Fire & Rescue.
- E. The maximum shell diameter for the fireworks display shall be three inches and reporters (fireworks primarily used for loud explosive noises) are not allowed.
- F. The operator shall implement best management practices required for storm water quality.
- G. Temporary signage, a minimum of 32 square feet in size, shall be displayed at the subject site in a location easily viewable by the general public informing the community a minimum of 10 days prior to the fireworks display.

- H. The operator shall request a list of addresses for all surrounding property owners, site addresses within three hundred feet of the subject site, and to anyone requesting notification of any fireworks display within the City a minimum of 45 days prior to the fireworks display.
- I. The operator shall mail notices to all surrounding property owners, site addresses within three hundred feet of the subject site, and to anyone requesting notification of any fireworks display within the City a minimum of 30 days prior to the fireworks display.
- J. Properties are limited to a maximum of two fireworks displays per calendar year.

Exhibit B

Zoning Code Amendment No. ZCA-2023-0001

Proposed Strikethrough Changes

5.52.020 Community event permit required.

- A. -Community event permits are required for each community event. Certain community events require temporary use permits in accordance with Chapter [17.75](#) of the zoning code, including, but not limited to, the following: amusement attractions, carnivals, circuses, and fairs. Fireworks displays ~~require a conditional use permit~~ are permitted in accordance with Section ~~17.115.070~~ 17.225.260 of the zoning code.
- B. Applications submitted for use permits, use of city parks or recreation facilities, or pursuant to city policies, ordinances or similar existing permit systems shall be deemed equivalent to community event applications for the purposes of this chapter.

~~(Ord. 5033 § 3, 2015.)~~

17.115.070 Uses and activities permitted by conditional use permit.

In addition to those uses listed in the land use tables as requiring a conditional use permit, ~~outdoor public address systems or loudspeakers~~ the following uses and activities shall be permitted in any zone (except as noted), provided a conditional use permit is granted:

~~A. Outdoor public address systems or loudspeakers;~~

~~B. Pyrotechnic displays (fireworks); or~~

~~C. Flagpoles in excess of 55 feet in height.~~

~~(Ord. 5018 § 24, 2015)~~

17.140.65 Urban lot splits.

D. Unit Standards

1. Quantity. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, two-family dwelling, an ADU, or a JADU.
2. Parking. One off-street parking space per unit is required, except no off-street parking is required in either of the following instances:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of section 21155 of the Public

Resources Code, or a major transit stop as defined in section 21064.3 of the Public Resources Code.

- b. There is a car share vehicle located within one block of the parcel.
3. Setbacks. All setbacks must conform to those objective setbacks that are imposed through the underlying zone, except for the following:
 - a. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - b. Interior setbacks shall comply with Title 15 Buildings and Construction.
 - c. ~~The setbacks imposed by the underlying zone must allow the construction of up to two units on the lot that are at least 800 square feet in floor area; side~~ Side and rear property line setbacks ~~may be reduced to~~ shall be a minimum of four three feet ~~if the setbacks imposed by the underlying zone do not allow the construction of up to two units on the lot that are at least 800 square feet in floor area.~~
4. Height. Units shall comply with the height restrictions of the underlying zone. Units ~~with reduced setbacks, or that portion of a unit extending into the reduced setback as allowed by section 17.140.065.D.3.b~~ that are located within the side or rear yard setback for the underlying zone shall be no more than twelve (12) feet in height at a three foot setback, sixteen (16) feet in height at a four-foot setback, and twenty (20) feet at a five-foot setback.
5. The correction of legal nonconforming zoning conditions shall not be required as a condition of approval of an urban lot split parcel map.
6. The Community Development Director may grant administrative relief if the objective unit standards do not allow the construction of two units on each lot of at least 800 square feet in size. Administrative relief will first be considered at a five-foot setback, and if two units on each lot of at least 800 square feet in size remain infeasible, administrative relief will then be considered at a four-foot setback. If two units of at least 800 square feet in size remain infeasible at a four-foot setback, administrative relief will then be considered at a three-foot setback.

17.140.100 Building height.

The following table lists the maximum heights for primary structures in residential zones. The endnotes at the bottom of the table contain information that modifies the information listed in the table's matrix. See Section [17.140.120](#) for accessory structure height requirements.

**Table [17.140.100](#)
Building Height**

O-S	See Chapter 17.155
PRD	See Chapter 17.165
RS-40	35 ft.
RS-20	35 ft.
RS-14	35 ft.
RS-9	35 ft.
RS-6	35 ft.
RM-6000	20-25 ft.
RM-4300	35 ft.
RM-2500	20-25 ft.
RM-2200	35 ft.
RM-1450	45 ft.
RM-HR	Subject to the provisions of Specific Plan No. 182, Transit District Specific Plan, and Mixed-Use Overlay Zone

17.140.120 Accessory structures.

Accessory structures, such as detached garages, carports, workshops, game rooms, poolrooms, clubhouses, storage buildings, and sheds, are permitted in residential zones, subject to the following provisions:

- I. ~~Except for approved common area buildings in multi-family complexes and common interest developments, accessory structures may not include bathrooms, unless a minor conditional use permit is approved pursuant to Chapter 17.50~~ [Accessory structures may include a bathroom.](#)

17.140.100 Building height.

The following table lists the maximum heights for primary structures in residential zones. The endnotes at the bottom of the table contain information that modifies the information listed in the table's matrix. See Section [17.140.120](#) for accessory structure height requirements.

17.140.180 Accessory and junior accessory dwelling units.

The standards set forth in this section may be applied to any lot in the city permitting single-family or multifamily residential uses. For lots zoned to permit single-family dwelling units these standards are applicable in conjunction with a proposed or existing primary dwelling unit upon such lot. For lots zoned to permit multifamily dwelling units, these standards are applicable in conjunction with an existing or proposed primary multifamily dwelling.

- A. Permit Required. A building permit is required for any new accessory or junior accessory dwelling unit.
- B. Number of ADUs. The following number and types of accessory dwelling units shall be allowed.
1. Lots Zoned to Allow Single-Family Dwelling Units: For each eligible single-family lot, up to one (1) accessory dwelling unit and one (1) junior accessory dwelling unit may be permitted with an existing or proposed single-family dwelling unit.
 2. Lots Zoned to Allow Multifamily Dwelling Units: Accessory dwelling units may be permitted with existing or proposed multifamily dwelling units in accordance with the following:
 - a. At least one (1) unit and up to twenty-five percent (25%) of the existing number of multifamily dwelling units may be permitted within portions of an existing multifamily development in those areas that are not used as livable space including (but not limited to storage rooms, basements, garages, attics, or other similar areas that may be converted.
 - b. For an existing or proposed multifamily development, in addition to the provisions of (B)(2)(a), for each eligible multifamily lot, up to two (2) detached accessory units may be constructed, subject to four (4) foot side and rear setbacks and a height limit of sixteen (16) feet and three (3) foot side and rear setbacks and a height of twelve (12) feet.
- C. Size.
1. Each eligible lot, regardless of the size of the primary dwelling unit, maximum lot coverage, or minimum open space requirements may include an attached or detached accessory dwelling unit of up to eight hundred (800) square feet;
 2. For each eligible lot, the maximum size of an attached or detached accessory dwelling unit shall be not more than ~~fifty percent (50%) of the size of the primary residence (habitable space), and not to exceed a maximum of~~ one thousand two hundred (1,200) square feet, but under no circumstances shall the attached or detached accessory dwelling unit be larger than the primary dwelling unit;
 3. The unit size for an attached or detached accessory dwelling unit or junior accessory dwelling unit shall, at a minimum, meet the standards for an efficiency unit as defined by the California Health and Safety Code section 17958.1. Minimum standards shall be applied through the building code; and
 4. A junior accessory dwelling unit shall not exceed an area of five hundred (500) square feet.

D. Parking.

1. Except as otherwise provided, one (1) additional paved off-street parking space per accessory dwelling unit must be provided. Such parking space may be provided as a tandem space and/or located in the required front yard setback area if in compliance with the paved parking standards listed in section [17.140.160](#). Parking is not required to be provided in any of the following circumstances;
 - a. Unit is located within one-half (½) mile of public transit, including light rail and bus stations;
 - b. Unit is located within an architecturally and historically significant historic district.
 - c. Unit is part of the proposed or existing primary dwelling unit, or an accessory structure as defined in Chapter 17.140.120 Accessory structures.
 - d. Unit is a junior accessory dwelling unit or is part of an existing primary dwelling unit or an existing accessory structure;
 - e. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - f. There is a car share program located within one block of the accessory dwelling unit.

E. Standards of Development.

1. Conversion for an Accessory Dwelling Unit. Existing permitted structures converted to an accessory dwelling unit either attached or detached to the primary dwelling unit such as a garage or other accessory building shall meet the following requirements:
 - a. Building and fire safety codes;
 - b. Independent exterior access from the existing primary dwelling unit; and
 - c. Sufficient side and rear setbacks for fire safety.
2. Detached Accessory Dwelling Unit. New detached structures for accessory dwelling units shall meet the following requirements unless such requirements prohibit an accessory dwelling unit of at least eight-hundred (800) square feet in area with ~~four~~ three (43) foot rear and side yard setbacks:
 - a. Conformance-Conformity with all requirements of the zone in which the unit is located, except as identified herein. Additionally, detached accessory dwelling units shall be located to the rear of the primary dwelling outside of the front and exterior setback unless this requirement would prohibit an accessory dwelling unit of at least eight-hundred (800) square feet in area;

- b. Limited to the maximum height of the underlying zone when located within the primary dwelling unit setback requirements. Limited to sixteen (16) feet in height. Height limitations for areas outside of the primary dwelling unit setbacks are as follows: Additional height is permitted in accordance with the following:
 - i. Maximum height of twenty feet with a five (5) foot setback, and no more than sixteen (16) feet with four (4) foot setback, and no more than twelve (12) feet with a three (3) foot setback.
 - ii. When the detached accessory dwelling unit is within one-half (1/2) mile walking distance of a major transit stop or a high-quality transit corridor the height is limited to 18 feet with up to two (2) additional feet permitted to accommodate a roof pitch so long as it is aligned with the roof pitch of the primary dwelling.
 - iii. When the detached accessory dwelling unit is located on a lot with an existing or proposed single family or multifamily dwelling that is two (2) stories or greater, the height is limited to 18 feet
 - c. Subject to a minimum ~~four~~three (43) foot rear and side setback;
 - d. In accordance with the California [Health and Safety Code](#) requirement, no fire sprinkler system is required unless provided for the primary dwelling unit;
 - e. Limited in size in accordance with subsection C above;
 - f. Attached covered patios, porches and similar covered areas intended to be used by the occupant of the accessory dwelling unit, except for a garage or carport, shall be limited to a maximum ten percent (10%) of the floor area of the proposed unit; and
 - g. The proposed accessory dwelling unit shall be constructed of similar building materials, colors, and with a similar architectural style to the primary dwelling unit.
3. Attached Accessory Dwelling Unit. New attached accessory dwelling units shall meet the following requirements unless such requirements prohibit an accessory dwelling unit of at least eight-hundred (800) square feet in area with ~~four~~three (43) foot rear and side setbacks:
- a. ~~Conformance-Conformity~~ with all requirements of the zone in which the unit is located, except as identified herein;
 - b. Limited to the maximum height of the underlying zone when located within the primary dwelling unit setback requirements and to a maximum height of twenty feet with a five (5) foot setback, and no more than sixteen (16) feet with four (4) foot setback, and no more than twelve (12) feet with a three (3) foot setback~~a maximum height of 25 feet when located outside of the primary dwelling unit setbacks, but in no instance shall the attached accessory dwelling unit be more than two stories;~~

- c. Subject to a minimum ~~four~~three (43) foot rear and side setback;
- d. In accordance with the California Health and Safety Code requirement, no fire sprinkler system is required unless provided for in the primary dwelling unit. If an accessory dwelling unit is attached to the primary single-family dwelling unit, the wall separating units shall be as required by the California Building Code, the California Residential Code or both;
- e. Limited in size in accordance with section C. above;
- f. Attached covered patios, porches and similar covered areas intended to be used by the occupant of the accessory dwelling unit, except for a garage or carport, shall be limited to a maximum ten percent (10%) of the floor area of the proposed unit; and
- g. The proposed accessory dwelling unit shall be constructed of similar building materials, colors, and with a similar architectural style to the primary dwelling unit.

**Table 17.140.210
Residential Land Use Table**

Residential Zones	PRD	RS-40	RS-20	RS-14	RS-9	RS-6	RM-6000	RM-4300	RM-2500	RM-2200	RM-1450	RM-HR	Notes
Primary Residential Uses (subject to density restrictions)													
<u>Accessory structures which include restrooms</u>	X	MC	MC	MC	MC	MC	MC	X	X	X	X	X	5

**Table 17.145.150
Commercial Land Use Table**

	O-P	C-N	C-G	C-R	C-M	Notes
Commercial Uses						
Animal grooming services	<u>X</u> P	P	P	P	<u>X</u> P	
<u>Automobile displays (new) within an enclosed building</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>38</u>
Outdoor dining, accessory to authorized restaurant or cocktail lounge	X	<u>Z</u> P	<u>Z</u> P	<u>Z</u> P	<u>Z</u> P	14
Veterinary and small animal hospital, indoors only	<u>X</u> P	<u>X</u> P	P	P	P	1

38. No storage of inventory permitted.

Chapter 17.212 DEEMED APPROVED LODGING ESTABLISHMENT

17.212.030 Definitions.

E. “Emergency Housing Placement Program” means a program whereby a city or county contracts with an organization whose scope of work is to serve individuals or families; by providing access to overnight accommodations at a lodging establishment to people experiencing homelessness, at risk of experiencing homelessness, recently homeless, people for whom providing rental assistance will prevent homelessness, or people having a high risk of housing instability.

F. “Service Provider” means an agency that provides outreach services, housing navigation, domestic violence services, rapid rehousing, housing placement, housing retention and other support services for individuals experiencing homelessness or who are at-risk of homelessness.

17.212.070 Deemed Approved Performance Standards.

I. Emergency housing placement program requirements

1. Prior to participating or continuing to participate in an emergency housing placement program, the caretaker or resident manager shall do the following:

- a. Sign an affidavit acknowledging the requirements and standards contained within this Chapter on a form approved by the Community Development Department.
- b. Complete human trafficking training offered by CSA San Diego County, or similar human trafficking training provider, as approved by the Director of Community Development. Proof of completion shall be submitted to the Community Development Department.

2. The caretaker or resident manager of the emergency housing shall submit a monthly report to the Community Development Department listing the number of individuals participating in the Program, the duration of their stay, and the name(s) of the program service provider(s) implementing the Program.

17.212.090 Violation of Performance Standards.

As a result of an inspection, or upon the city’s receipt of a complaint from the public, police department, city official or any other interested person that a deemed approved lodging establishment activity is in violation of the operational standards set forth in this chapter, the following procedure shall be followed:

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

B. If the enforcement officer determines that the activity is in violation of the operational standards, the enforcement officer shall give written notice of the violation to the owner and/or operator of the establishment and seek to remedy the violation by 1) requesting a meeting to discuss the violation, 2) requesting a correction plan detailing the means to remedy, or 3) under the city's administrative citation procedures contained in Chapter 1.14 of this code. The first notice of violation shall be given in accordance with section 1.14.040 of this code. If, however, the enforcement officer, in his or her sole discretion, determines that the violation is not capable of correction, presents a serious threat to public health or safety, or otherwise warrants expedited action, he or she may, in lieu of following the administrative citation procedure, refer the matter directly to the planning commission for a hearing at which the establishment's deemed approved status may be suspended, modified or revoked.

F. Criminal or Nuisance activity

The deemed approved lodging establishment activities shall not result in criminal or nuisance activities on the property or contribute to criminal or nuisance activities in close proximity to the property. Criminal or Nuisance activities may include, but are not limited to, disturbance of the peace, illegal drug activity, prostitution, discharging firearms, drinking in public, harassment of passersby, gambling, trafficking in stolen goods, human trafficking, homicide, public urination, theft, assault, battery, vandalism, illegal parking, excessive noise, traffic violations, curfew violations, lewd conduct, or excessive police detentions or arrests.

Criminal or nuisance activities shall not result in more than one call for service to the Police Department and Fire Department per room on an annual basis. The City shall retain the right to recover its costs for all calls for service to the Police Department and Fire Department in excess of one call per room on an annual basis by way of the city's nuisance abatement procedure.

17.225.260 Fireworks

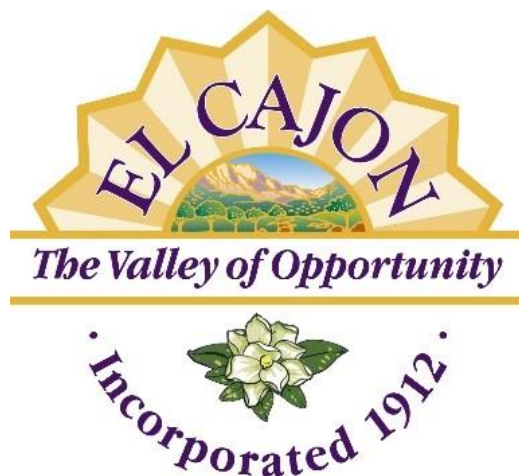
Fireworks displays may be permitted and are subject, but not limited, to the following standards. Fireworks displays that do not conform to the following standards may be permitted in any zone with approval of a conditional use permit.

- A. The display of fireworks shall only occur at educational institutions, religious facilities, or property owned or leased by a government agency.
- B. The fireworks display shall be conducted by a licensed pyro technician.
- C. The operator shall obtain and comply with all requirements of an operational permit issued by Heartland Fire & Rescue.
- D. The types of fireworks authorized shall be based on the location of the display and the safety measures required by Heartland Fire & Rescue.

- E. The maximum shell diameter for the fireworks display shall be three inches and reporters (fireworks primarily used for loud explosive noises) are not allowed.
- F. The operator shall implement best management practices required for storm water quality.
- G. Temporary signage, a minimum of 32 square feet in size, shall be displayed at the subject site in a location easily viewable by the general public informing the community a minimum of 10 days prior to the fireworks display.
- H. The operator shall request a list of addresses for all surrounding property owners, site addresses within three hundred feet of the subject site, and to anyone requesting notification of any fireworks display within the City a minimum of 45 days prior to the fireworks display.
- I. The operator shall mail notices to all surrounding property owners, site addresses within three hundred feet of the subject site, and to anyone requesting notification of any fireworks display within the City a minimum of 30 days prior to the fireworks display.
- J. Properties are limited to a maximum of two fireworks displays per calendar year.

Zoning Code Update Summary of Changes

Chapter – Title	Section	Revisions
Residential Zones		
Urban Lot Splits	17.140.065	Align current standards with accessory structure height requirements.
Residential Building Height	17.140.100	Current height maximum in the RM-6000 zone and RM-2500 zone is 20 ft. An increase to 25 ft. is proposed to allow pitched roofs on two story structures, rather than flat roofs.
Accessory Structures	17.140.120	Allow bathrooms within accessory structures.
Accessory Dwelling Units (ADUs)	17.140.180	Allow ADUs within the same building envelope as the primary dwelling, align height requirements with accessory structure height requirements, and increase maximum size restriction to 1,200 sq. ft.
Commercial Zones		
Commercial Land Use Table	17.145.150	Allow new automobile displays within an enclosed building in the C-G and C-R zones, align veterinary services with other medical uses, and correct the table to reflect outdoor dining is permitted.
Deemed Approved Lodging Establishment		
Definitions	17.212.030	Add definitions for “Emergency Housing Placement Program” and “Service Provider”
Deemed Approved Performance Standards	17.212.070	Add standards for training and monthly reporting
Violation of Performance Standards	17.212.090	Improve procedures related to the violation of performance standards and add additional criminal or nuisance activities.
Miscellaneous Special Uses and Regulations		
Fireworks	17.225.260	Allow fireworks under certain circumstances and subject to noticing criteria while retaining the option for a conditional use permit.



**NOTICE OF PROPOSED
ZONING CODE OMNIBUS UPDATE**

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, April 18, 2023** and the City Council will hold a public hearing at **3:00 p.m., Tuesday, May 23, 2023**, at the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider:

AMENDMENT OF EL CAJON MUNICIPAL CODE – ZONING CODE OMNIBUS UPDATE (CITYWIDE). This is a City-initiated proposal to amend Title 17 (Zoning) of the El Cajon Municipal Code. The proposed amendments are to address the need for minor changes to provide clarification or correct inconsistencies as well as streamline permit processes. No development is authorized with this project. Notable proposed changes to the Zoning Code include revisions for economic development, housing procedures, fireworks, and various other technical and minor changes for consistency. This project is exempt from the California Environmental Quality Act (CEQA).

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

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

If you have any questions, or wish any additional information, please contact **NOAH ALVEY** at 619-441-1795 or via email at nalvey@elcajon.gov and reference "ZCA-2023-0001" in the subject line.

PLANNING COMMISSION RESOLUTION NO. 11038

A RESOLUTION OF INTENT DIRECTING STAFF TO PREPARE FOR CONSIDERATION AN AMENDMENT TO TITLE 17 OF THE EL CAJON MUNICIPAL CODE TO ADDRESS ECONOMIC DEVELOPMENT, HOUSING, AND OTHER MINOR TECHNICAL CHANGES

WHEREAS, Planning administers Title 17 (Zoning) of the El Cajon Municipal Code and in that capacity periodically identifies the need for revisions to address current issues, provide clarification or conform to changes in state law; and

WHEREAS, the Zoning Code requires regular maintenance to ensure that it is consistent and effective in regulating the use and development of land in the City; and

WHEREAS, the Covid-19 Pandemic has resulted in an economic crisis for local businesses and efforts to support existing businesses as well as attract new growth and investment is critical to the economy; and

WHEREAS, the facilitation of high quality housing development is a local and state priority; and

WHEREAS, Planning has identified potential updates and revisions to the Zoning Code to further economic development and housing goals; and

WHEREAS, the Planning Commission considered the scope of work in the agenda report in addition to public testimony; and

WHEREAS, the El Cajon Planning Commission acknowledges that the initiation of these amendments is not a project subject to the California Environmental Quality Act (CEQA) because it is a procedural, administrative step in the process, which only directs staff to study and prepare potential amendments for future consideration.

NOW, THEREFORE, BE IT RESOLVED, that based upon said findings of fact, the El Cajon Planning Commission directs staff to prepare the following:

An amendment to El Cajon Municipal Code Title 17 (Zoning) to consider revisions for economic development, housing, and various technical changes.

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held January 19, 2021, by the following vote:

AYES:	CABRERA, CIRCO, MROZ, POLLACK-RUDE, SOTTILE
NOES:	NONE
ABSTAIN:	NONE



Paul CIRCO, Chair

ATTEST:



Melissa DEVINE, Secretary



Community Development Department
PLANNING COMMISSION AGENDA REPORT

City of El Cajon

Agenda Item:	3	
Project Name:	550 Montrose Court (Motel 6)	
Request:	Consider revocation of deemed approved status for a lodging establishment	
CEQA Recommendation:	Exempt	
STAFF RECOMMENDATION:	Revoke deemed approved status	
Location:	550 Montrose Court	
Applicant:	City of El Cajon	
Project Planner:	Noah Alvey; 619-441-1795; nalvey@elcajon.gov	
City Council Hearing Required?	No	
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; 2. Adopt the next resolution in order revoking deemed approved status; 3. Direct the operator and property owner to complete certain activities within the next 30 days; and 4. Direct staff to schedule a public hearing to consider an amendment or revocation of CUP No. 1123 within the next 90 days. 	

PROJECT DESCRIPTION

This request is to consider revocation of the deemed approved status for a lodging establishment (Motel 6) at 550 Montrose Court. The El Cajon Municipal Code (ECMC) indicates that a lodging establishment's deemed approved status may be suspended, modified or revoked by the Planning Commission after holding a public hearing for failure to comply with performance standards. This is the first location for which the Planning Commission will consider revoking the deemed approved status for a lodging establishment since the adoption of the 2019 Deemed Approved Lodging Establishment Ordinance.

BACKGROUND

General Plan:	General Commercial (GC)
Specific Plan(s):	Specific Plan No. 329
Zone:	Office Professional (O-P)
Other City Plan(s):	N/A
Regional and State Plan(s):	N/A

Project Site & Constraints

The subject site is 3 acres and developed with a 174-unit lodging establishment (Motel 6) and also has one manager unit. The motel building is addressed as 550 Montrose Court and is centrally located on the site and surrounded by parking and drive aisles. The site is accessed from the northerly terminus of Montrose Court and is located on the north side of East Madison Avenue between Compton Street and North Magnolia Avenue.

Surrounding Context

The surrounding area is mixed with residential and commercial uses. Surrounding properties are zoned and developed as follows:

Direction	Zones	Land Uses
North	N/ A	Interstate 8
South	O-P	Law Office
East	O-P	Former restaurant / proposed day care facility (under construction)
West	RM-2200	Apartments

General Plan

The project site is designated Office-Non Retail (O/NR) on the General Plan Land Use Map. The General Plan also previously identified Montrose Court as a special development area, but this designation was removed when Specific Plan No. 329 was approved for the development of the subject site and an adjacent property fronting on Montrose Court.

Specific Plan No. 329

The intent and purpose of Specific Plan No. 329 is to increase development options by allowing additional uses, including but not limited to, motels and restaurants, that wouldn't be allowed by the underlying zoning designation except with the approval of a conditional use permit.

Conditional Use Permit No. 1123

In 1985 the City Council approved Conditional Use Permit (CUP) No. 1123 which authorized the development of a 174-unit motel and a manager unit on the subject site, as well as a restaurant on the adjacent property to the east. The restaurant approval subsequently expired and was superseded by CUP No. 1638. More recently, the restaurant closed and currently a day care facility is proposed to replace the restaurant with building improvements underway.

Deemed Approved Lodging Establishment Ordinance

The deemed approved lodging establishment (hotel and motel) ordinance was approved by the City Council on June 25, 2019 and confers deemed approved status on all existing

lodging establishments, requires compliance with performance standards, and creates a mechanism for the modification or revocation of deemed approved status for problem properties. The purpose of the ordinance is to provide a common set of expectations and standards that all lodging establishments must abide by to provide guests with clean and safe lodging and to minimize nuisance or criminal activity commonly associated with temporary lodging. Nuisance activities may include, but are not limited to, disturbance of the peace, illegal drug activity, prostitution, drinking in public, harassment of passersby, gambling, trafficking in stolen goods, public urination, theft, assault, battery, vandalism, illegal parking, excessive noise, traffic violations, curfew violations, lewd conduct, or excessive police detentions or arrests.

When considering revocation of a deemed approved lodging establishment status, the Planning Commission is asked to determine whether the lodging establishment is in compliance with the operational standards for management operations, registration requirements, guest room security measures (locks, operable windows, and window shades), minimum property standards, maintenance activity, nuisance activity, transient occupancy tax collection, and compliance with all provisions of local, state or federal laws, regulations or orders. Based on this determination, the Planning Commission may suspend, modify or revoke the lodging establishment's deemed approved status. In reaching a determination as to whether the lodging establishment has violated the operational standards, or as to the appropriateness of suspending, modifying, or revoking of a conditional use permit, or the imposition of additional or amended conditions on a use, the Planning Commission may consider the following:

- The length of time the activity has been out of compliance with the operational standards.
- The impact of the violation of the operational standards on the community.
- Any information regarding efforts to remedy the violation of the operational standards.

DISCUSSION

The revocation hearing for the deemed approved lodging status of 550 Montrose Court (Motel 6) has been scheduled due to nuisance activities occurring at the subject site. There are no known other violations of performance standards described in the Deemed Approved Lodging Establishment Ordinance, except for nuisance activities occurring at the site and property maintenance.

On March 17, 2023 the El Cajon Police Department began investigating a possible minor sexual assault on a minor at Motel 6. During the investigation, it was discovered that two registered sex offender were staying at the motel and that both allegedly had sexual contact with a young female under the age of 18. The alleged sexual assault was video recorded and the victim was later identified as a 16 year old female. Both of the registered

sex offenders are currently in custody and facing felony charges related to sexual acts with a juvenile.

On March 23, 2023, the Director of Community Development issued a notice of violation based on the recent alleged sexual assault. In conjunction with the notice of violation, the operator and property owner for Motel 6 were notified that the lodging establishment's deemed approved status and the ability to conduct lodging establishment activities may be suspended, modified, or revoked by the El Cajon Planning Commission at a public hearing on April 18, 2023. Additionally, the Assistant City Manager spoke to the motel general manager via phone on March 29, 2023 and confirmed the date of the April 18, 2023 public hearing. El Cajon Municipal Code section 17.212.090 gives authority to the enforcement officer to refer this matter directly to the planning commission for a hearing at which the establishment's deemed approved status may be suspended, modified or revoked.

On March 26, 2023, staff conducted a site visit and observed a significant amount of trash and debris along the easterly property line of Motel 6. Furthermore, staff confirmed the presence of an unauthorized gate blocking vehicular access between Motel 6 and the former restaurant (planned day care facility).

Staff conducted a review of calls for service at 550 Montrose Court (Motel 6). Over the past 12 months a total of 364 calls for service were received. Of these, 80 calls were for disturbance of the peace, 76 calls for medical reasons, 7 calls for trespassing, 6 calls for drug overdoses, 4 calls for illegal drug activity, 3 calls for vehicle theft, 2 calls for deaths, 2 calls were initiated by the Police Department, 1 call for assault, 1 call for property theft, and the remainder were for activities not related to nuisance activities included in the Deemed Approved Lodging Establishment Ordinance.

At the time of the preparation of this agenda report, a response to the notice of violation has not been received. If the Planning Commission would like to provide the operator or property owner an opportunity to reduce nuisance activities at Motel 6, staff recommends that the Planning Commission require that the operator and property owner comply with the following requirements within the next 30 days:

- Prepare an Operations/Management Plan
- Immediately remove the unauthorized gate blocking the fire lane between Motel 6 and the former restaurant (planned day care facility) or obtain approval from the adjacent property owner and Heartland Fire & Rescue for a gate
- Implement a 24 hour per day security service
- Remove all trash and debris from the parking lot
- That the motel owner, operator, and employees complete the following:
 - Owner/operator - Sign an affidavit acknowledging the requirements and standards of the Deemed Approved Lodging Ordinance

- Owner/operator and employees - Complete human trafficking training offered by CSA San Diego County, or similar human trafficking training provider, as approved by the Director of Community Development and provide proof of completion of the training
- Owner/operator - Provide a monthly report to the Community Development Department listing the number of individuals participating in Emergency Housing Placement Program(s), the duration of their stay, and the name(s) of the program service provider(s) implementing the Emergency Housing Placement Program(s)

Based on the length of time that Motel 6 has been out of compliance with the operational standards, the impact of the violation of the operational standards on the community, and the lack of efforts to remedy the violation of the operational standard, the Planning Commission may suspend, modify, or revoke the lodging establishment's deemed approved status. If the lodging establishment's deemed approved status is revoked, the Planning Commission may choose to impose additional conditions of approval on the use of the establishment such as those listed above by modifying CUP No. 1123 in accordance with El Cajon Municipal Code section 17.35.030. The Planning Commission may also choose to revoke CUP No. 1123 at a future public hearing.

Findings

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

The revocation of the deemed approved status is consistent with General Plan Objective 9-4, that "All commercial development shall be subject to...strict standards of performance." Furthermore, in accordance with General Plan Objective 9-4.11, "removal of outdated, nuisance or incompatible buildings shall be encouraged...to make room for new uses compatible with the General Plan." The revocation of the deemed approved status for 550 Montrose Court (Motel 6) will create an opportunity for redevelopment of the site with a new compatible use.

- B. *The proposed deemed approved status 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 revocation of the deemed approved status for the lodging establishment will reduce the number of nuisance calls relating to lodging establishment guests disturbing the peace, trespassing, drug activity, theft, sexual assault, and other nuisance activities described in the Deemed Approved Lodging Ordinance, if 550 Montrose Court (Motel 6) ceases to operate as a lodging establishment.

- C. *The proposed deemed approved status 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 Deemed Approved Lodging Ordinance. As such, it is in the best interest of public health and safety to revoke the deemed approved status of a lodging establishment where assaults on a juvenile occurred and that is generating a high volume of nuisance calls, greater than one nuisance call per room for the previous year.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed project is not subject to 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 is not a "project" 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.

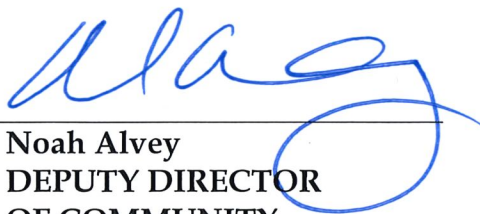
PUBLIC NOTICE & INPUT

Notice of this public hearing was mailed on April 7, 2023, 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.

RECOMMENDATION

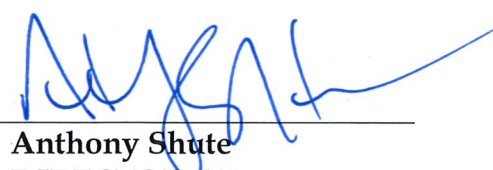
Revoke the lodging establishment's deemed approved status, request that the operator, property owner, and employees complete certain activities within 30 days, and direct staff to schedule a public hearing to consider an amendment or revocation of CUP No. 1123 within the next 90 days.

PREPARED BY:



Noah Alvey
DEPUTY DIRECTOR
OF COMMUNITY
DEVELOPMENT

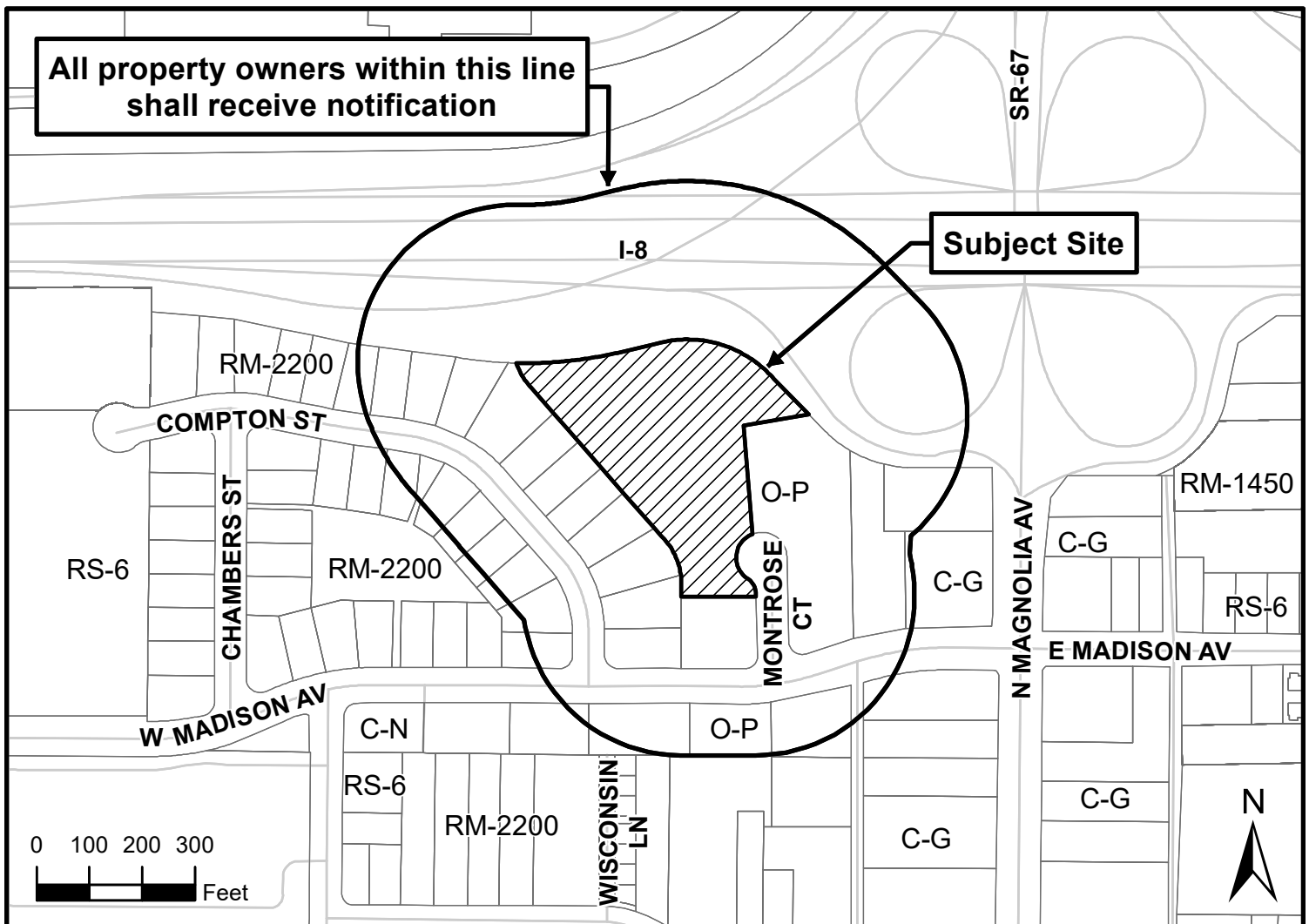
APPROVED BY:



Anthony Shute
DIRECTOR OF
COMMUNITY
DEVELOPMENT

ATTACHMENTS

1. Public Hearing Notice/Location Map
2. Proposed Resolution REVOKING Deemed Approved Status
3. Letter to Property Owners with Attachments dated March 23, 2023
4. Photographs of the 550 Montrose Court
5. El Cajon Municipal Code Chapter 17.212



**NOTICE OF PROPOSED
REVOCATION OF DEEMED APPROVED STATUS
FOR A LODGING ESTABLISHMENT**

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, April 18, 2023**, in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider: **Termination of Deemed Approved Status** for a lodging establishment at the subject property addressed as 550 Montrose Court. This project is exempt from the California Environmental Quality Act (CEQA).

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

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

If you have any questions, or wish any additional information, please contact **NOAH ALVEY** at 619-441-1795 or via email at nalvey@elcajon.gov and reference "550 Montrose Court" in the subject line.

PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION REVOKING THE DEEMED APPROVED STATUS FOR A LODGING ESTABLISHMENT (MOTEL 6) LOCATED AT 550 MONTROSE COURT IN THE O-P (OFFICE PROFESSIONAL) ZONE, APN: 482-301-10, GENERAL PLAN DESIGNATION: OFFICE/NON-RETAIL (O/NR)

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on April 18, 2023, to consider the revocation of deemed approved status of a lodging establishment in the O-P zone, on property located at the northerly terminus of Montrose Court and located on the north side of East Madison Avenue between Compton Street and North Magnolia Avenue, and addressed as 550 Montrose Court; and

WHEREAS, over the past 12 months a total of 364 calls for service were received with 80 calls for disturbance of the peace, 76 calls for medical reasons, 7 calls for trespassing, 6 calls for drug overdoses, 4 calls for illegal drug activity, 3 calls for vehicle theft, 2 calls for deaths, 2 calls were initiated by the Police Department, 1 call for assault, 1 call for property theft, and the remainder were for activities not related to nuisance activities included in the Deemed Approved Lodging Establishment Ordinance; and

WHEREAS, on March 17, 2023 the El Cajon Police Department began investigating a possible sexual assault on a minor at the site and discovered that two registered sex offenders were staying at the motel and that both had sexual contact with a young female under the age of 18 and both of the registered sex offenders are currently in custody and facing felony charges related to sexual acts with a juvenile; and

WHEREAS, on March 23, 2023, the Director of Community Development issued a notice of violation based on the recent sexual assault; and

WHEREAS, on March 26, 2023, staff conducted a site visit and observed a significant amount of trash and debris along the easterly property line of the subject site and the presence of an unauthorized gate blocking vehicular access between Motel 6 and the former restaurant (planned day care facility); and

WHEREAS, the operator and property owner has not responded to the notice of violation and has not made any known efforts to remedy the violations of the deemed approved lodging ordinance; 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 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 the deemed approved status for the lodging establishment 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. The revocation of the deemed approved status is consistent with General Plan Objective 9-4, that "All commercial development shall be subject to... strict standards of performance." Furthermore, in accordance with General Plan Objective 9-4.11, "removal of outdated, nuisance or incompatible buildings shall be encouraged...to make room for new uses compatible with the General Plan." The revocation of the deemed approved status for 550 Montrose Court (Motel 6) will create an opportunity for redevelopment of the site with a new compatible use.
- C. The revocation of the deemed approved status for the lodging establishment will reduce the number of nuisance calls relating to lodging establishment guests disturbing the peace, trespassing, drug activity, theft, sexual assault, and other nuisance activities described in the Deemed Approved Lodging Ordinance, if 550 Montrose Court (Motel 6) ceases to operate as a lodging establishment.
- D. The El Cajon City Council desires to ensure a healthy and safe business environment, consistent with the standards and guidelines of the Deemed Approved Lodging Ordinance and as such, it is in the best interest of public health and safety to revoke the deemed approved status of a lodging establishment that is generating a high volume of nuisance calls, greater than one nuisance call per room for the previous year.

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 the deemed approved status of the lodging establishment (Motel 6) at 550 Montrose Court is the O-P (Office Professional) zone.

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held April 18, 2023, by the following vote:

AYES:

NOES:

ABSENT:

Darren MROZ, Chair

ATTEST:

Noah ALVEY, Secretary



Community Development

March 23, 2023

Sent Via Certified
and First Class Mail

NOTICE OF VIOLATION AND PUBLIC HEARING

Location: 550 Montrose Court, El Cajon, CA 92020

Assessor's Parcel No.: 482-301-10-00

Property Owner: Vertical Holdings LLC
Axton Holdings LLC
G6 Hospitality Property LLC

Addresses: 12301 Wilshire Blvd., #303
Los Angeles, CA 90025

5670 Wilshire Blvd., #1250
Los Angeles, CA 90025

4001 International Pkwy
Carrollton, TX 75007

Business/Tenant: Motel 6

Address: 550 Montrose Court
El Cajon, CA 92020

BACKGROUND

On March 17, 2023, the El Cajon Police Department began investigating allegations of possible child sexual assault occurring at the Motel 6 located at 550 Montrose Court in the City of El Cajon. During the investigation, Police learned that two registered sex offenders were staying at the motel, and one of the men was staying there under an assistance program administered by PATH (People Assisting the Homeless). PATH is

under contract with the County of San Diego. The two sex offenders were identified as 70-year-old Michael Inman and 34-year-old Larry Cantrell. Each of these men allegedly had sexual contact with a young female, they believed to be under the age of 18, in a room at Motel 6. The alleged victim was later identified by detectives to be 16 years old. Moreover, the Police investigation found that these two men allegedly (1) provided marijuana to the minor, (2) used a foreign object during sexual contact, and (3) videoed the incident.

The allegations of criminal activity identified above could support a violation of El Cajon Municipal Code (ECMC) section 17.212.070.F "Deemed approved performance standards for lodging establishments," which stipulates that nuisance activities, including but not limited to assault, lewd conduct, and illegal drug activity are violations of such standards. Furthermore, it has been determined that these activities present a serious threat to public safety and warrants expedited action in order to protect the safety of guests and visitors at Motel 6. Therefore, this matter will be referred directly to the Planning Commission for a public hearing to determine whether evidence support finding that the establishment's deemed approved status should be suspended, modified or revoked.

On June 25, 2019, the El Cajon City Council adopted a new lodging establishment (hotel and motel) ordinance to address community concerns associated with lodging activities. All existing permitted, conditionally permitted, and legal nonconforming motels and hotels were automatically deemed approved as of July 25, 2019, and are no longer considered exempted, permitted, conditionally permitted or legal nonconforming. The deemed approved lodging ordinance requires that all deemed approved establishments must adhere to the deemed approved performance standards, which were sent to the above referenced location by certified mail on August 2, 2019. In summary, the ECMC regulates the land use of the above referenced premises for transient lodging operations.

VIOLATION

ECMC section 17.212.070.F - Nuisance Activity

ECMC section 17.212.070.F - deemed approved lodging establishment activities shall not result in nuisance activities on the property or contribute to nuisance activities in close proximity to the property. Nuisance activities may include, but are not limited to, disturbance of the peace, illegal drug activity, prostitution, drinking in public, harassment of passersby, gambling, trafficking in stolen goods, public urination, theft, assault, battery, vandalism, illegal parking, excessive noise, traffic violations, curfew violations, lewd conduct, or excessive police detentions or arrests.

For failure to comply with the deemed approved performance standards you are hereby notified that your lodging establishment's deemed approved status and the ability to conduct lodging establishment activities may be suspended, modified, or revoked by the El Cajon Planning Commission at a public hearing scheduled on **April 18, 2023 at 7:00**

Notice of Violation & Administrative Hearing

Motel 6

March 23, 2023

p.m. in the City of El Cajon Council Chambers located at 200 Civic Center Way, El Cajon CA 92020. The hearing will be conducted as prescribed in ECMC chapter 17.212.090 (B) and (D) A copy of Chapter 17.212 is enclosed for your review.

Please note that if, following the public hearing, the Planning Commission revokes your lodging establishment's deemed approved status, you will no longer be able to conduct lodging establishment activities at the premises referenced above. Lodging establishment activities may only be re-established with a conditional use permit approved by the Planning Commission after holding a duly advertised public hearing and in accordance with ECMC chapter 17.50.

PENALTIES

Please note that any person violating any of the provisions of ECMC chapter 17.212 or who causes or permits another person to violate any provision of ECMC chapter 17.212 may be charged with either an infraction or a misdemeanor, and shall be subject to the provisions of the general penalty clause in ECMC section 1.24.010. The City may pursue any and all other legal remedies that may be available, including but not limited to civil actions filed by the City Attorney seeking any and all appropriate relief such as civil injunctions and penalties. In addition to the punishment provided by law a violator is liable for such costs expenses and disbursements paid or incurred by the City or any of its contractors in correction, abatement and prosecution of the violation. Re-inspection fees to ascertain compliance with previously noticed or cited violations may be charged against the owner of the establishment conducting the deemed approved activity or owner of the property where the establishment is located.

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



Anthony Shute
Director

cc: Graham Mitchell, City Manager
Morgan Foley, City Attorney
Mike Moulton, Police Chief, El Cajon Police Department

Enclosures and Attachments

1. El Cajon Municipal Code Excerpts
 - a. Chapter 1.24 (General Penalty)
 - b. Applicable sections of Chapter 17.212 (Deemed Approved Lodging Establishment Regulations)

550 Montrose Court



Unauthorized Gate



Trash and Debris

Title 17 ZONING

Chapter 17.212 DEEMED APPROVED LODGING ESTABLISHMENT

17.212.010 Short Title.

17.212.020 Purpose.

17.212.030 Definitions.

17.212.040 Applicability.

17.212.050 Deemed Approved Status.

17.212.060 New, modified, or expanded lodging establishments.

17.212.070 Deemed Approved Performance Standards.

17.212.080 Right of inspection.

17.212.090 Violation of Performance Standards.

17.212.100 Public hearing by planning commission.

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

17.212.120 Deemed approved status revocation.

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

17.212.140 Notification to owners of lodging establishments conducting deemed approved activities.

17.212.150 Violations and Penalties.

17.212.160 Severability.

17.212.010 Short Title.

This chapter shall be known as the “Deemed Approved Lodging Establishment Ordinance.” (Ord. 5083 § 2, 2019.)

17.212.020 Purpose.

The purpose and intent of this chapter is to protect and promote the public health, safety, and welfare of employees and customers of lodging establishments and the community at large by conveying deemed approved status to all existing lodging establishments and requiring adherence to performance standards intended to prevent public nuisance. The objectives of this chapter are as follows:

- A. To improve and maintain the quality of the City's transient lodging through the enforcement of minimum standards and the advancement of responsible operations of these lodging establishments;
- B. To ensure that lodging establishments adhere to public health and safety standards and that guests are provided with safe and sanitary accommodations;
- C. To ensure that each lodging establishment is operated safely in a manner that discourages nuisance and criminal activity;
- D. To provide ongoing monitoring of lodging establishment activities to ensure that the activities do not substantially change over time;
- E. To ensure that the operations of existing lodging establishments are not a source of undue public nuisance or visual blight; and
- F. To protect surrounding residential, commercial, industrial, or civic areas and minimize the negative impact of nonconforming or incompatible uses.

This chapter confers deemed approved status on the effective date of this ordinance to all existing permitted, conditionally permitted, and legal nonconforming, lodging establishments; provides standards for the continued operations of these businesses; establishes grounds for termination of deemed approved status for lodging establishments violating this chapter; and provides a hearing process to review the violations of these standards. (Ord. 5083 § 2, 2019.)

17.212.030 Definitions.

- A. **“Deemed approved activity”** means any existing permitted, conditionally permitted, or legal nonconforming, lodging establishment activity. Such activity shall be considered a deemed approved activity effective date as long as it complies with the deemed approved performance standards established in this chapter.
- B. **“Deemed approved status”** means the permitted use of land for a deemed approved activity. Deemed approved status replaces legal nonconforming status for lodging establishment activities and remains in effect as long as the business complies with the deemed approved provisions and performance standards of this chapter. Lodging establishments having permitted or conditionally permitted status shall retain such status provided, however, that these lodging establishment activities are further subject to the deemed approved performance standards to the extent that these standards are not already included in applicable conditions of approval.
- C. **“Lodging establishment” or “establishment”** means a place of business that provides overnight accommodations regardless of the length of stay. This shall include hotels, motels, bed and breakfast establishments or any other temporary lodging establishments regardless of the length of stay of any guest or tenant. This does not include single-or multi-family residences, single room occupancy hotels, institutional or group care facilities, or group quarters.
- D. **“Lodging establishment activity”** means the provision of overnight accommodations to persons in exchange for the payment of valuable consideration. (Ord. 5083 § 2, 2019.)

17.212.040 Applicability.

A. The deemed approved lodging establishment regulations shall apply to all legal nonconforming, conditionally, or otherwise permitted hotels, motels, or bed and breakfast places of business within the city. This shall apply to all hotels, motels, or businesses established as temporary lodging businesses regardless of the length of stay of any guest or tenant. This does not apply to residences where rooms are rented. This chapter applies to all lodging establishments as defined in section [17.212.030](#).

B. Whenever any regulation or law or condition of approval is more restrictive than these regulations, the more restrictive or higher standard shall control unless otherwise expressly described in this chapter. (Ord. 5083 § 2, 2019.)

17.212.050 Deemed Approved Status.

All lodging establishments that were legal nonconforming activities, conditionally or otherwise permitted immediately prior to the effective date of this chapter shall automatically become deemed approved lodging activities as of the effective date of this chapter and shall no longer be considered legal nonconforming activities. Each such deemed approved lodging activity shall retain its deemed approved status as long as it complies with the standards in section [17.212.070](#). (Ord. 5083 § 2, 2019.)

17.212.060 New, modified, or expanded lodging establishments.

Except as otherwise provided in this chapter, no person shall establish a new lodging establishment, nor shall any person modify or expand an existing lodging establishment without first obtaining or amending a conditional use permit. (Ord. 5083 § 2, 2019.)

17.212.070 Deemed Approved Performance Standards.

A. Management operations

1. A staff person, caretaker or resident manager or other responsible person shall be available in person 24 hours per day at each lodging establishment in which there are twelve (12) or more rooms.
2. A caretaker or resident manager shall be available by phone 24 hours per day at each lodging establishment in which there are eleven (11) or fewer rooms.
3. The name, phone number, and address of the responsible person shall be posted conspicuously in an area that is generally available to the public.
4. The telephone number and address for the City of El Cajon code compliance office shall be posted in a prominent location in the reception area.

B. Registration requirements

Each lodging establishment shall comply with the El Cajon Municipal Code chapter [9.25](#) Hotel, Motel and Lodging House Registration Regulations.

C. Security measures

1. Each guestroom shall be equipped with an operable dead bolt lock on the swinging entry door of the room.
2. Each connected door between two rooms that share a common wall shall be equipped with two dead bolt locks, separately operable without a key on each side of the door; or two separate doors, each with a dead bolt lock only operable without a key from the room-side of the door.
3. All windows designed to be opened shall have an operable window security or locking device.
4. Each room shall have privacy coverings such as shades, draperies, or blinds on all windows.

D. Minimum property standards

1. All common interior and exterior areas shall be maintained in a sanitary condition free of garbage and debris.
2. The property shall be maintained in accordance with El Cajon Municipal Code section [15.16.130](#) Standards of maintenance and repair.
3. Any graffiti shall be removed in accordance with El Cajon Municipal Code chapter [9.70](#).
4. All parking lots, adjacent public sidewalks, walkways, and exterior areas shall be swept or cleaned regularly and maintained free of litter and debris.
5. Exterior lighting shall be provided and maintained in working order to adequately illuminate parking lots, walkways, and areas of public access.
6. All designated landscape areas shall be maintained with properly trimmed, fertilized, and watered living plant materials free of litter or debris.
7. Directional signs shall be posted as necessary to ensure that emergency personnel can find guest rooms.
8. All containers used for the storage of trash, garbage, or recycled materials and placed on the exterior of the building shall be kept locked and maintained in a sanitary condition.

E. Maintenance and Housekeeping

The maintenance and housekeeping provisions shall apply to all lodging establishments which provide shelter, furniture, linens and housekeeping services within guest rooms and throughout the property. These provisions shall not apply to permanent residential facilities wherein the owner is responsible only for shelter but does not provide furniture, linens or housekeeping services.

1. Each guest room shall be maintained by regularly occurring maintenance and routine cleaning to provide a clean and sanitary space free from garbage, rodents, or vermin.
2. Housekeeping and cleaning services shall be provided at a minimum weekly and in between guests. Where housekeeping is provided on a weekly basis, guests must have access to additional clean linens and a dumpster or bin for emptying room trash cans on a daily basis or as needed.
3. Rooms with private bathrooms shall have a functioning toilet, sink, and shower or bathtub.
4. Hot and cold running water shall be provided for all plumbing facilities.

5. Room furnishings including mattresses and furniture shall be free of stains, holes, rips, or odors in excess of normal wear and tear, and shall further be free and clear of bed bugs, fleas, lice, and other similar vermin.
6. Room linens, drapes, or blinds shall be free of stains, holes, rips or odors in excess of normal wear and tear.
7. Bathroom fixtures shall be maintained without significant cracks, chips, or stains. Bathroom facilities must be maintained in working order.
8. Carpeting or flooring, walls, and ceilings shall be free of stains, holes, cracks, chips, or odors in excess of normal wear and tear, and shall further be free and clear of bed bugs, fleas, lice, and other similar vermin.

F. Nuisance activity

The deemed approved lodging establishment activities shall not result in nuisance activities on the property or contribute to nuisance activities in close proximity to the property. Nuisance activities may include, but are not limited to, disturbance of the peace, illegal drug activity, prostitution, drinking in public, harassment of passersby, gambling, trafficking in stolen goods, public urination, theft, assault, battery, vandalism, illegal parking, excessive noise, traffic violations, curfew violations, lewd conduct, or excessive police detentions or arrests.

G. Transient Occupancy Tax

In accordance with Chapter 3.44 of Title 3 of the El Cajon Municipal Code, each establishment must maintain records and remit transient occupancy tax to the city following the close of each calendar quarter.

H. Compliance with laws

Each lodging establishment shall comply with all provisions of local, state or federal laws, regulations or orders, including without limitation, the Uniform Housing Code, Building Code, Fire Code, and all other provisions of the Municipal Code. (Ord. 5083 § 2, 2019.)

17.212.080 Right of inspection.

A. The City shall conduct regular inspections of all businesses subject to the regulations specified in this chapter. The City Manager or designee is authorized to allow the acceptance of satisfactory ratings conferred by recognized, independent agencies in lieu of a City inspection, provided that the independent inspection is based upon performance and facility standards equal to or in excess of the standards set forth in this chapter.

B. The officials responsible for enforcement of the El Cajon Municipal Code or other ordinances of the city or their duly authorized representatives may enter on any site or into any structure open to the public for the purpose of investigation provided they shall do so in a reasonable manner whenever they have cause to suspect a violation of any provision of this ordinance or whenever necessary to the investigation of violations to the conditions of approval, operational standards, or deemed approved performance standards prescribed in these regulations.

C. Upon a showing of probable cause by the officials responsible for enforcement of the El Cajon Municipal Code, the officials responsible for enforcement shall request of the owner or agent and the occupant, permission to inspect the rooms and facilities, and/or the production of guest registers and other records necessary to determine compliance with all applicable regulations, including, but not limited to, building, fire, health, occupancy, and zoning codes, and to verify collection and payment to the City of all taxes owed.

D. If an owner, occupant or agent refuses permission to enter, inspect or investigate, premises, including guest registers, which are not open to the public, the officials or their representatives may seek an inspection warrant under the provisions of California [Code of Civil Procedure](#) section 1822.50 et seq. All such inspections shall be conducted in compliance with the Fourth Amendment to the United States Constitution. (Ord. 5083 § 2, 2019.)

17.212.090 Violation of Performance Standards.

As a result of an inspection or upon the city's receipt of a complaint from the public, police department, city official or any other interested person that a deemed approved lodging establishment activity is in violation of the operational standards set forth in this chapter, the following procedure shall be followed:

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

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

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

D. If a hearing before the planning commission is conducted on a potential violation in the manner prescribed in this chapter, it shall determine whether the activity is in compliance with the operational standards. Based on this determination, the planning commission may suspend, modify or revoke the activity's deemed approved status. In reaching a determination as to whether a use has violated the operational standards, or as to the appropriateness of suspending, modifying, or revoking of a conditional use permit, or the imposition of additional or amended conditions on a use, the planning commission may consider the following:

1. The length of time the activity has been out of compliance with the operational standards.
2. The impact of the violation of the operational standards on the community.
3. Any information regarding efforts to remedy the violation of the operational standards.

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

1. Timely calls to the police department that are placed by the owner or operator of the establishment, or by his or her employees or agents.

2. Requesting that those persons engaging in activities causing violations of the operational standards and/or conditions of approval cease those activities, unless the owner or operator of the activity, or his or her employees or agents feels that their personal safety would be threatened in making that request.
3. Making improvements to the establishment's property or operations to address performance standards.

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

G. The decision of the planning commission shall be final and conclusive, unless appealed in writing to the city council within 10 days of planning commission action.

H. At any time during a violation proceeding or after revocation of a lodging establishment's deemed approved status, the property owner or an applicant with the property owner's consent may apply for a conditional use permit. (Ord. 5083 § 2, 2019.)

17.212.100 Public hearing by planning commission.

The planning commission may conduct public hearings and make determinations on whether lodging establishments are in compliance with conditions of approval or deemed approved performance standards prescribed in these regulations, and may modify, suspend, or revoke an establishment's conditional use permit or deemed approved status in order to obtain the compliance of the particular establishment with the provisions of this chapter. This section is not intended to restrict the powers and duties otherwise pertaining to other city officers or bodies in the field of monitoring and ensuring the harmony of lodging establishment activities in the city. The planning commission shall have the powers and duties assigned to them by the El Cajon Municipal Code and by this chapter. (Ord. 5083 § 2, 2019.)

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

A lodging establishment's deemed approved status may be suspended, 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 17.212.070. 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 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. (Ord. 5083 § 2, 2019.)

17.212.120 Deemed approved status revocation.

Upon revocation of a lodging establishment's deemed approved status, the planning commission may choose to impose additional conditions of approval on the use of the establishment, or may proceed to revoke the conditional use permit in accordance with section 17.35.030. Upon revocation of a lodging establishment's deemed approved status, the lodging establishment activity must cease any and all lodging establishment activity until the property owner has applied for and received approval of a conditional use permit. (Ord. 5083 § 2, 2019.)

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

Any applicant or other person aggrieved by a decision of the planning commission to suspend, modify or revoke a lodging establishment's deemed approved status or conditional use permit pursuant to this chapter may appeal the decision to the city council pursuant to Chapter [17.30](#) of this code. (Ord. 5083 § 2, 2019.)

17.212.140 Notification to owners of lodging establishments conducting deemed approved activities.

The City shall notify the owner and/or operator of a lodging establishment of the activity's deemed approved status. The notice shall be sent by first-class mail and certified mail return receipt requested to the address shown on the city business license and any property owner at the address shown on the county assessor's property tax assessment records and shall include a copy of the performance standards in this chapter. This notice shall also provide that the activity is required to comply with all performance standards, and that the activity is required to comply with all other aspects of the deemed approved regulations. Should the notice be returned, then the notice shall be sent via regular mail. Failure of any person to receive notice given pursuant to this chapter shall not affect the deemed approved status of the activity. (Ord. 5083 § 2, 2019.)

17.212.150 Violations and Penalties.

- A. Any person violating any of the provisions of this chapter or who causes or permits another person to violate any provision of this chapter may be charged with either an infraction or a misdemeanor, and shall be subject to the provisions of the general penalty clause as set forth in section [1.24.010](#) of this code.
- B. In addition to the penalties provided in this section, any use or condition caused or permitted to exist in violation of any of the provisions of these regulations shall be and is declared to be a public nuisance and may be abated as such by the City.
- C. Nothing in this chapter shall be construed to prevent the city of El Cajon from pursuing any and all other legal remedies that may be available, including, but not limited to, civil actions filed by the city attorney seeking any and all appropriate relief such as civil injunctions and penalties. (Ord. 5083 § 2, 2019.)

17.212.160 Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The city council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases may be declared invalid. (Ord. 5083 § 2, 2019.)

Contact:

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