



# City of El Cajon

## Planning Commission Agenda Tuesday, January 16, 2018 Meeting 7:00 PM, Council Chambers

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

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

[www.cityofelcajon.us/your-government/departments/community-development/planning-division](http://www.cityofelcajon.us/your-government/departments/community-development/planning-division)

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CHAIRPERSON'S WELCOME

### PUBLIC COMMENT

This is the opportunity 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.

### CONSENT

Agenda Item:	1
	Planning Commission minutes of December 5, 2017

### PUBLIC HEARINGS

Agenda Item:	2
Project Name:	Avocado Market Off-Sale Alcohol Sales
Request:	Terminate deemed approved status and revoke conditional use permit for off-sale alcohol sales
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	Terminate deemed approved status and revoke Conditional Use Permit No. 1501 for off-sale alcohol sales
Project Number(s):	Amendment to Conditional Use Permit (CUP) No. 1501
Location:	852 Avocado Avenue
Applicant:	City of El Cajon - Planning
Project Planner:	Lorena Cordova, <a href="mailto:lcordova@cityofelcajon.us">lcordova@cityofelcajon.us</a> , 619.441.1539
City Council Hearing Required?	No
Recommended Actions:	1. Conduct the public hearing; and 2. MOVE to adopt the next resolutions in order, terminating deemed approve status and revoking CUP No. 1501

*Decisions and Appeals - A decision of the Planning Commission is not final until the appeal period expires 10 days from the date of transmittal of the Commission's resolution to the City Clerk. The appeal period for the items on this Agenda will end on Monday, January 29, 2018 at 5:00 p.m., except that Agenda items which are forwarded to City Council for final action need not be appealed.*

<b>Agenda Item:</b>	<b>3</b>
<b>Project Name:</b>	<b>Zoning Code Update</b>
<b>Request:</b>	<b>Initiate Zoning Code Amendment</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVE</b>
<b>Project Number(s):</b>	Zoning Code Update No. 433
<b>Location:</b>	Citywide
<b>Applicant:</b>	El Cajon Planning Commission
<b>Project Planner:</b>	Lorena Cordova, <a href="mailto:lcordova@cityofelcajon.us">lcordova@cityofelcajon.us</a> , 619.441.1539
<b>City Council Hearing Required?</b>	No
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolution in order initiating an Amendment to the El Cajon Zoning Code</li> </ol>

4. OTHER ITEMS FOR CONSIDERATION

5. STAFF COMMUNICATIONS

Director's Report

6. COMMISSIONER REPORTS/COMMENTS

7. ADJOURNMENT

This Planning Commission meeting is adjourned to February 6, 2018 at 7 p.m.

*Decisions and Appeals - A decision of the Planning Commission is not final until the appeal period expires 10 days from the date of transmittal of the Commission's resolution to the City Clerk. The appeal period for the items on this Agenda will end on Monday, January 29, 2018 at 5:00 p.m., except that Agenda items which are forwarded to City Council for final action need not be appealed.*



**DRAFT MINUTES**  
**PLANNING COMMISSION MEETING**  
**December 5, 2017**

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

**PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE.**

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

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Anthony SHUTE, Director / Planning Commission Secretary  
Lorena CORDOVA, Associate Planner  
Alfonso CAMACHO, Assistant Planner  
Barbara LUCK, City Attorney  
Ron Luis VALLES, Administrative Secretary

Chair MROZ explained the mission of the Planning Commission.

**PUBLIC COMMENT:**

No one spoke.

**CONSENT CALENDAR:**

<b>Agenda Item:</b>	<b>1</b>
	<b>Planning Commission minutes of November 7, 2017</b>

Motion was made by SOTTILE, seconded by CIRCO, to approve the November 7, 2017 minutes; carried 4-0. (MROZ, abstained due to absence at the meeting).

**PUBLIC HEARING ITEMS:**

<b>Agenda Item:</b>	<b>2</b>
<b>Project Name:</b>	<b>Vista Pines</b>
<b>Request:</b>	<b>Motel conversion to single-room occupancy</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>

<b>STAFF RECOMMENDATION:</b>	<b>APPROVE</b>
<b>Project Number(s):</b>	Conditional Use Permit (CUP) No. 2240
<b>Location:</b>	East side of East Main Street between Broadway and 3 <sup>rd</sup> Street, and addressed as 1549 East Main Street.
<b>Applicant:</b>	Dominick Veliko-Shapko, <a href="mailto:dvs011@gmail.com">dvs011@gmail.com</a> , 619-756-5858
<b>Project Planner:</b>	Lorena Cordova, <a href="mailto:lcordova@cityofelcajon.us">lcordova@cityofelcajon.us</a> , 619.441.1539
<b>City Council Hearing Required?</b>	No
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolution in order approving CUP No. 2240, subject to conditions.</li> </ol>

CORDOVA summarized the agenda report in a Power Point presentation.

Mr. Patrick ZABROCKI, the applicant, thanked the Planning Commission and noted that have been working with staff and Police to transform the property.

Mr. Scott TULK, the owner’s representation, responded that they don’t have an intention to flip the property.

Ms. Stephanie SHROT, the on-site property manager, responded to questions on the procedure for screening new tenants.

Sergeant Greg ROBERTSON, representing the El Cajon Police Department, informed that service calls have dropped substantially since new owners took over.

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

Commissioners lauded improvements at the property. LONGORIA encouraged the applicants to be diligent. SOTTILE mentioned that it’s a difficult decision to approve this project. A recommendation was made to add a condition of having a six-month, and also a one-year review. Additionally, a condition will be added that outdoor storage shall be prohibited including residents’ personal items.

Motion was made by CIRCO, seconded by TURCHIN, to adopt the next REVISED Resolution in order APPROVING Conditional Use Permit No. 2240, subject to conditions, and adding a condition of a six-month and one-year review after operation begins; carried 5-0.

<b>Agenda Item:</b>	<b>3</b>
<b>Project Name:</b>	<b>Weld Industrial</b>
<b>Request:</b>	<b>Amend specific plan for new building</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>RECOMMEND CITY COUNCIL APPROVAL</b>
<b>Project Number(s):</b>	Amendment to Specific Plan (SP) No. 246
<b>Location:</b>	North side of Weld Boulevard between Gillespie Way and Windmill View, and addressed 1900 Weld Boulevard

Applicant:	Jason Khoury, <a href="mailto:jason@mychecklight.com">jason@mychecklight.com</a> , 619-277-8701
Project Planner:	Lorena Cordova, 619.441.1539, <a href="mailto:lcordova@cityofelcajon.us">lcordova@cityofelcajon.us</a>
City Council Hearing Required?	Yes   January 23, 2018
Recommended Actions:	1. Conduct the public hearing; and 2. MOVE to adopt the next resolutions in order recommending City Council approval the amendment to SP No. 246, subject to conditions.

CORDOVA summarized the agenda report in a PowerPoint presentation.

Mr. Ken SMITH, the project architect, explained that they are working on neighboring residents' concerns of lighting and noise of current operations.

Mr. Jason KHOURY, the project applicant, also indicated they will continue to work with the current tenant on alleviating concerns.

No one spoke in opposition.

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

Commissioners liked the project and commended applicants for working on neighbors' concerns.

Motion was made by TURCHIN, seconded by MROZ, to adopt the next Resolution in order RECOMMENDING CITY COUNCIL APPROVAL of Amendment of Specific Plan No. 246, subject to conditions; carried 5-0.

[A recess was called at 8:34 p.m. and meeting resumed at 8:39 p.m.]

<b>Agenda Item:</b>	<b>4</b>
<b>Project Name:</b>	<b>The Palms Change of Hours</b>
<b>Request:</b>	<b>Reduce hours for primary use (restaurant)</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>DENY</b>
<b>Project Number(s):</b>	Minor Amendment of Conditional Use Permit No. 2115
<b>Location:</b>	143 East Main Street
<b>Applicant:</b>	Loaloa Shamoun, <a href="mailto:loaloakarana@yahoo.com">loaloakarana@yahoo.com</a> , 248-819-1422
<b>Project Planner:</b>	Alfonso Camacho; <a href="mailto:acamacho@cityofelcajon.us">acamacho@cityofelcajon.us</a> ; 619.441.1782
<b>City Council Hearing Required?</b>	No
<b>Recommended Actions:</b>	3. Conduct the public hearing; and 4. MOVE to adopt the next resolution in order DENYING the request to reduce operating time of the required primary use.

CAMACHO summarized the agenda report in a Power Point presentation.

Mr. Faris STEPHAN, representing The Palms, spoke in favor.

No one spoke in opposition.

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

Commissioners noted that the downtown area should have more retail stores and eating establishments. They also emphasized that with the upcoming agreement with Live Nation and having more concerts and events in the East County Performing Arts Center, there will be a need for restaurants.

Motion was made by MROZ, seconded by SOTTILE, to adopt the next Resolution in order DENYING the Conditional Use Permit No. 2115; carried 5-0.

The appeal deadline is Monday, December 18, 2017 at 5:00 p.m.

**STAFF COMMUNICATIONS:**

SHUTE provided updates on the Cornerstone Place groundbreaking, Courtyard by Marriott, Hampton Inn, Jaguar/Land Rover dealership, Transit District Specific Plan, and Dunkin Donuts.

**ADJOURNMENT:**

Motion was made by CIRCO, seconded by TURCHIN, to adjourn the meeting of the El Cajon Planning Commission at 9:01 p.m. this 5th day of December until January 2, 2018; carried 5-0.

{REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK}

---

Darrin MROZ, Chairperson

ATTEST:

---

Anthony SHUTE, AICP, Secretary



Community Development Department  
**PLANNING COMMISSION AGENDA REPORT**

City of El Cajon

<b>Agenda Item:</b>	<b>2</b>
<b>Project Name:</b>	<b>Avocado Market Off-Sale Alcohol Sales</b>
<b>Request:</b>	<b>Terminate deemed approved status and revoke conditional use permit for off-sale alcohol sales</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>Terminate deemed approved status and revoke Conditional Use Permit No. 1501 for off-sale alcohol sales</b>
<b>Project Number(s):</b>	Amendment to Conditional Use Permit (CUP) No. 1501
<b>Location:</b>	852 Avocado Avenue
<b>Applicant:</b>	City of El Cajon - Planning
<b>Project Planner:</b>	Lorena Cordova, 619.441.1539, lcordova@cityofelcajon.us
<b>City Council Hearing Required?</b>	No
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolutions in order, terminating deemed approve status and revoking CUP No. 1501</li> </ol>

**PROJECT DESCRIPTION**

This request seeks to terminate the deemed approved status and a conditional use permit for off-sale beer and wine for an abandoned market on the subject property. The El Cajon Municipal Code (ECMC) indicates that if a use authorized by a CUP is discontinued, then the CUP shall be determined inactive and be subject to termination. The ECMC also indicates that a property’s deemed approved status shall be terminated when the off-sale activity is voluntarily discontinued for more than 180 consecutive days or ceases to be licensed by the Department of Alcoholic Beverage Control. This is the third location for which the City seeks to terminate deemed approved status and CUP revocation since the adoption of the 2013 Alcohol Sales and Deemed Approved Alcohol Sales Regulations (aka “Deemed Approved” Ordinance).

**BACKGROUND**

<b>General Plan:</b>	RS-6 (Residential, Single-Family, 6,000 square feet)
<b>Specific Plan(s):</b>	N/A
<b>Zone:</b>	LR (Low Density Residential)
<b>Other City Plan(s):</b>	N/A



<b>Regional and State Plan(s):</b>	N/A
<b>Notable State Law(s):</b>	Alcoholic Beverage Control Act

Building permits were issued in 1950 for a neighborhood market. Subsequently, the market engaged in the sale of beer and wine for off-site consumption. On February 28, 1992, the City Council adopted a Zoning Code Amendment (“Amendment”) to require a Conditional Use Permit (CUP) for off-premise alcohol sales. The Amendment required a CUP for all new as well as any existing establishments conducting alcohol sales. On May 4, 1992, CUP No. 1501 was approved for the off-site sales of beer and wine for the existing convenience store.

Project Site & Constraints

The subject property is located on the southwest corner of Avocado and Minnesota Avenues. The property is a rectangular shaped lot with an alley that provides access to the site on along the southern property line. The property includes a single-family residence and a single-story 1,118 square-foot commercial building to the south, with three on-site parking spaces.

Surrounding Context

Surrounding properties are primarily developed as residential and zoned as follows:

Direction	Zones	Land Uses
North	RS-6	Single family residences
South	RS-6	Single family residences
East	RS-6	Single family residences
West	RS-6	Single family residences

General Plan

The project site is designated Low Density Residential (LR) on the General Plan Land Use Map. As described in the General Plan, LR designated areas are intended for residential uses with a density of three to ten dwelling units per net acre. General Plan Objective 5-1 states that the City must “Maintain and enhance the quality of residential neighborhoods in El Cajon.” Additionally, Objective 5-9 directs the City to improve public safety for all residents.

Alcoholic Beverage Control Act

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

### Zoning Code – Deemed Approved Ordinance

The subject site is zoned Residential, Single-Family, 6,000 square feet (RS-6). A retail store is not a permitted use within the RS-6 zone and, furthermore, a CUP is required for the sale of alcoholic beverages for off-site consumption in commercial zones.

The convenience store was established prior to the RS-6 zone and is considered a legal nonconforming use. The sale of alcoholic beverages for off-site consumption was also a legal nonconforming use until the approval of CUP No. 1501 which is when it was brought into conformance. The Planning Commission at that time felt it was necessary to grant CUP No. 1501 to establish a governing permit for the off-sale of alcohol.

On September 10, 2013, the El Cajon City Council adopted a new alcohol sales ordinance to address community concerns associated with unlawful alcohol sales and related nuisances. The ordinance stipulated that all authorized off-sale alcohol establishments that were not required to obtain a conditional use permit, all permitted or conditionally permitted stores, and all legal nonconforming stores, were automatically deemed approved as of November 1, 2013, and are no longer considered exempted, permitted, conditionally permitted or legal nonconforming. These establishments are subject to all “deemed approved” regulations and performance standards which are designed to reduce nuisances and criminal activity in the surrounding areas. Furthermore, the ordinance instituted new location and operation standards applicable to new, modified or redeveloped alcohol sales outlets.

In summary, the Zoning Code and Conditional Use Permit No. 1501 both regulate the land use of the above referenced premises for the sale of alcohol. The provisions of the alcohol sales ordinance complement the state of California alcohol-related laws. They do not replace, usurp or conflict with any powers vested in the ABC.

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

### **DISCUSSION**

#### *Background*

CUP No. 1501 was originally approved in 1992 authorizing the off-sale of beer and wine from the convenience market on the subject property. The ordinance became effective on November 1, 2013, and applied deemed approved status to all existing off-sale alcohol establishments that were not required to obtain a conditional use permit, and all permitted or conditionally permitted stores (including the Property), and all legal nonconforming stores as of November 1, 2013.

The City and the ABC records indicate that since October 2016, the establishment has ceased operations. ECMC section 17.35.010(B) states that if a use established by a conditional use permit is discontinued for any reason, for a period of 12 consecutive months or more, the permit shall be deemed abandoned by the owner and given inactive status by the Director of Community Development, thus making it subject to revocation by reason of such inactivity. Furthermore, ECMC section 17.210.250(B)(3)(d) states that an off-sale alcohol establishment shall be subject to deemed approved status revocation when the off-sale alcoholic beverage sales activity voluntarily discontinues active operation for more than 180 consecutive days or ceases to be licensed by the ABC.

On December 8, 2017, the Director of Community Development determined that CUP No. 1501 was inactive. The attached letter was sent via certified and first class mail to the property owners of record, notifying the property owners that the CUP was determined to be inactive, and that a public hearing was pending to terminate the property's deemed approved status and CUP No. 1501. No response to the letter was received.

#### *Current Status*

The subject property is zoned residential and is located in a census tract designated by the ABC as having an undue concentration of off-sale licenses. In other words, the number of licenses issued in the census tract (four) exceeds the number allowed by ABC (one). The El Cajon City Council has continued to voice its desire to ensure a healthy and safe business environment, consistent with the standards and guidelines of the ABC for alcohol sales. As such, it is in the best interest of public health and safety to reduce the number of off-sale alcoholic beverage establishments in census tracts with an undue concentration. See the map depicting the census tracts and concentration levels of off-sale establishments.

#### *Appeals Process*

Pursuant to ECMC section 17.210.090, any applicant or other person aggrieved by a decision of the Planning Commission from a suspension, modification or revocation of a conditional use permit pursuant to this chapter may appeal the decision to the City Council pursuant to Chapter 17.30 of the El Cajon Municipal Code. Such an appeal shall be filed with the City Clerk and the filing of an appeal shall stay the effective date of the Planning Commission action, until such time as the council has acted on the appeal.

#### Findings

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

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

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

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

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

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

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

The proposed project is exempt from the California Environmental Quality Act (CEQA) subject to a section 15060(c)(3) of the CEQA Guidelines, which states that CEQA does not apply to actions that do not meet the definition of a “project”. In this instance, the termination of the subject property’s deemed approved status, and the termination of CUP No. 1501 are not “projects” because the actions to terminate have no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

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

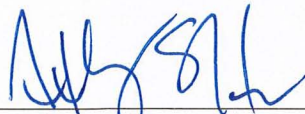
Notice of this public hearing was mailed on December 21, 2017, to all property owners within 300 feet of the project site and to anyone who requested such notice in writing, in compliance with Government Code sections 65090, 65091, and 65092, as applicable. Additionally, as a public service, the notice 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**

The termination of the establishment's deemed approved status and revocation of the CUP for off-site alcohol sales will reduce the number of off-sale ABC licenses in the census tract to bring it closer to its capacity based on its corresponding population.

**PREPARED BY:**

**APPROVED BY:**



---

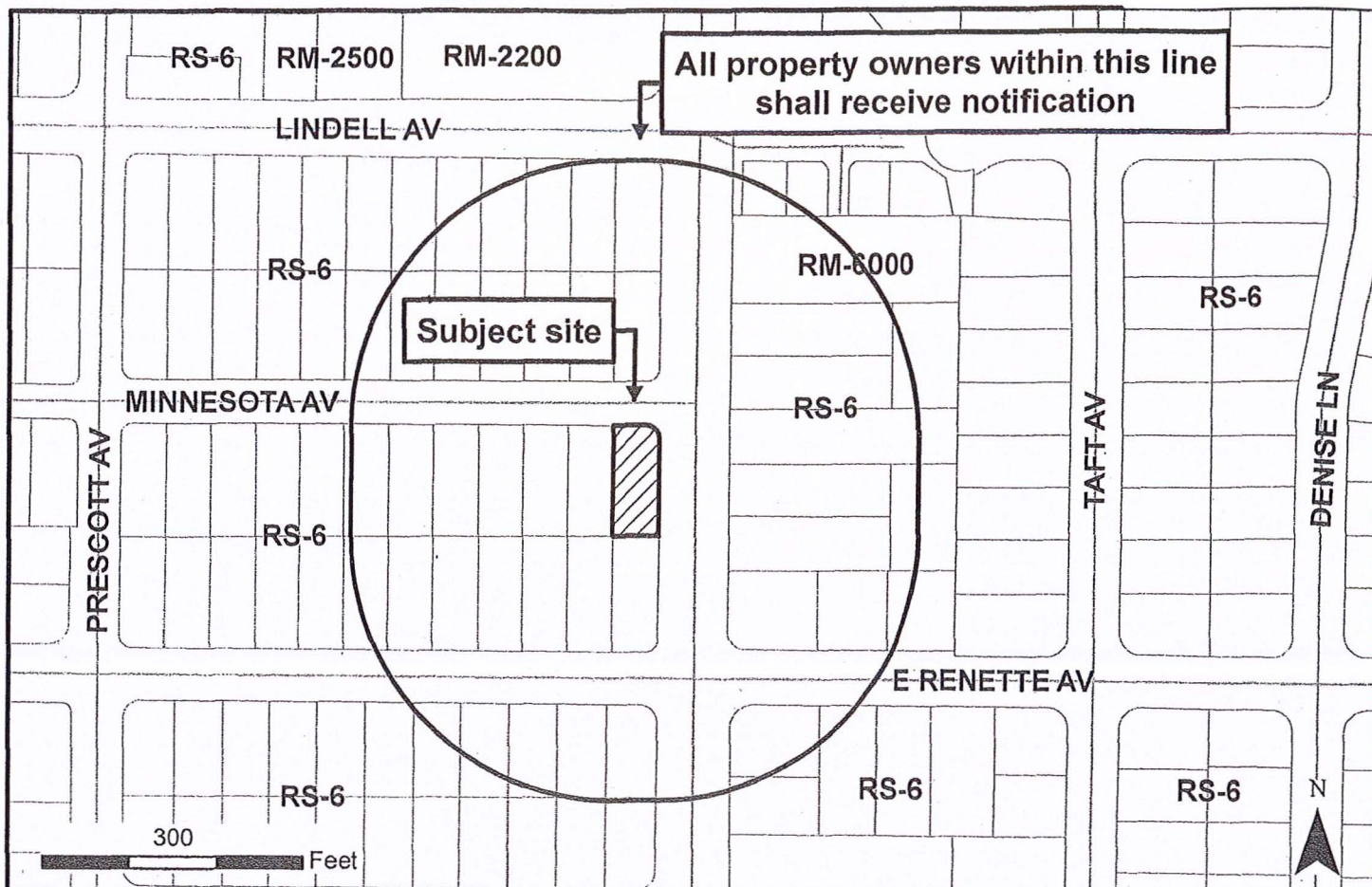
**Lorena Cordova**  
**ASSOCIATE PLANNER**

---

**Anthony Shute**  
**DIRECTOR OF COMMUNITY**  
**DEVELOPMENT**

## **ATTACHMENTS**

1. Location Map/Public Hearing Notice
2. Proposed Resolution TERMINATING Deemed Approved Status
3. Proposed Resolution REVOKING CUP No. 1501
4. CUP No. 1501 Resolution No. 8385
5. Letter to Property Owners, dated December 8, 2017
6. Map of off-sale establishment census tracts and concentration levels
7. ECMC sections 17.35.010, 17.210.170, and 17.210.250



**NOTICE OF PROPOSED  
REVOCATION OF CONDITIONAL USE PERMIT  
FOR ALCOHOL BEVERAGE OUTLET**

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, January 16, 2018**, in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider: **Termination of Deemed Approved Status and Revocation of Conditional Use Permit No. 1501 – Avocado Market**, for the off-sale of beer and wine. The subject property is addressed as 852 Avocado. 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 <http://www.cityofelcajon.us/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 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.cityofelcajon.us/your-government/departments/community-development/planning-division>.

If you have any questions, or wish any additional information, please contact **LORENA CORDOVA** at 619.441.1539 or via email at [lcordova@cityofelcajon.us](mailto:lcordova@cityofelcajon.us) and reference "Avocado Market Revocation" in the subject line.

## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION TERMINATING DEEMED APPROVED STATUS FOR OFF-SALE ALCOHOL SALES AT 852 AVOCADO AVENUE IN THE RS-6 (RESIDENTIAL, SINGLE-FAMILY, 6,000 SQUARE FEET) ZONE, APN: 493-032-12, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (LR).

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on January 16, 2018, to consider the termination of deemed approved status for a former off-sale alcohol sales establishment in the RS-6 zone, on property located on the southwest corner of Avocado and Minnesota Avenues, and addressed as 852 Avocado Avenue; and

WHEREAS, Conditional Use Permit No. 1501 was approved in 1992 by the El Cajon Planning Commission authorizing off-sale beer and wine from the subject property; and

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

WHEREAS, the alcohol beverage sales establishment governed by Conditional Use Permit No. 1501 ceased conducting alcohol sales more than a year ago; and

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

WHEREAS, on December 8, 2017, the Community Development Director notified the subject property owner of inactive alcohol beverage sales status and pending revocation of Conditional Use Permit No. 1501; and

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

- A. In determining whether the proposed actions are categorically exempt from environmental review in accordance with section 15060(c)(3) of the CEQA Guidelines, which states that CEQA does not apply to actions that do not meet the



Proposed Planning Commission Resolution

definition of a “project”. The deemed approved status termination is not a “project” because the action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

- B. General Plan Objective 5-9 directs the City to improve public safety for all residents. The termination of deemed approved status is consistent with General Plan Objective 5-9.
- C. The termination of deemed approved status for off-sale alcohol sales reduces the potential to aggravate existing problems in neighborhoods created by the sale of alcohol, such as loitering, public drunkenness, alcoholic beverage sales to minors, noise and littering.
- E. The El Cajon City Council desires to ensure a healthy and safe business environment, consistent with the standards and guidelines of the ABC for alcohol sales. As such, it is in the best interest of public health and safety to reduce the number of off-sale alcoholic beverage establishments in census tracts with an undue concentration.

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

1. The foregoing recitals are true and correct and include the findings of the Planning Commission.
2. The El Cajon Planning Commission here finds that the section 15060(c)(3) of the CEQA Guidelines is an appropriate exemption for the proposed project.
3. The El Cajon Planning Commission hereby TERMINATES Deemed Approved Status for off-sale alcohol sales for a former off-sale outlet in the RS-6 zone on property located at 852 Avocado.

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held January 16, 2018, by the following vote:

- AYES:
- NOES:
- ABSENT:

\_\_\_\_\_  
Darrin MROZ, Chair

ATTEST:

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

## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION REVOKING CONDITIONAL USE PERMIT NO. 1501 FOR OFF-SALE ALCOHOL SALES AT 852 AVOCADO IN THE RS-6 (RESIDENTIAL, SINGLE-FAMILY, 6,000 SQUARE FEET) ZONE, APN: 493-032-12, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (LR).

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on January 16, 2018, to consider the revocation of Conditional Use Permit No. 1501 for a former off-sale alcohol sales establishment in the RS-6 zone, on property located on the southwest corner of Minnesota Avenue and Avocado Avenue, and addressed 852 Avocado; and

WHEREAS, Conditional Use Permit No. 1501 was approved in 1992 by the El Cajon Planning Commission authorizing off-sale alcohol sales from the subject property; and

WHEREAS, the Amendment to Conditional Use Permit No. 1501 was approved in 1995 by the El Cajon Planning Commission authorizing off-sale alcohol sales from the subject property; and

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

WHEREAS, the alcohol beverage sales establishment governed by Conditional Use Permit No. 1501 ceased conducting alcohol sales for at least one year and is therefore subject to El Cajon Municipal Code section 17.210.170(B); and

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

WHEREAS, on December 8, 2017, the Community Development Director notified the subject property owner of inactive alcohol beverage sales status and pending revocation of Conditional Use Permit No. 1501; and

Proposed Planning Commission Resolution

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

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

- A. In determining whether the proposed action is categorically exempt from environmental review in accordance with section 15060(c)(3) of the CEQA Guidelines, which states that CEQA does not apply to actions that do not meet the definition of a "project". The revocation of Conditional Use Permit No. 1501 is not a "project" because the action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.
- B. General Plan Objective 5-9 directs the City to improve public safety for all residents. The revocation of Conditional Use Permit No. 1501 is consistent with General Plan Objective 5-9.
- C. The revocation of Conditional Use Permit No. 1501 for off-sale alcohol sales reduces the potential to aggravate existing problems in neighborhoods created by the sale of alcohol, such as loitering, public drunkenness, alcoholic beverage sales to minors, noise and littering.
- D. The El Cajon City Council desires to ensure a healthy and safe business environment, consistent with the standards and guidelines of the ABC for alcohol sales. As such, it is in the best interest of public health and safety to reduce the number of off-sale alcoholic beverage establishments in census tracts with an undue concentration.

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

1. The foregoing recitals are true and correct and include the findings of the Planning Commission.
2. The El Cajon Planning Commission here finds that the section 15060(c)(3) of the CEQA Guidelines is an appropriate exemption for the proposed project.
3. The El Cajon Planning Commission hereby REVOKES Conditional Use Permit No. 1501 for off-sale alcohol sales for a former convenience store in the RS-6 zone on property located at 852 Avocado.

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held January 16, 2018, by the following vote:

AYES:  
NOES:  
ABSENT:

---

Darrin MROZ, Chairperson

ATTEST:

---

Anthony SHUTE, AICP, Secretary

RESOLUTION NO. 8385

A RESOLUTION GRANTING CONDITIONAL USE PERMIT 1501 FOR OFF-SALE BEER AND WINE IN CONJUNCTION WITH AN EXISTING FOOD STORE IN THE R-1-6 (RESIDENTIAL ONE-FAMILY; 6000 SQ. FT.) ZONE, APN 493-032-12, LUC 5411, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL.

WHEREAS, the El Cajon City Planning Commission duly advertised and held a public hearing May 4, 1992 to consider Conditional Use Permit 1501 as submitted by Avocado Food Market, requesting off-sale beer and wine in conjunction with an existing food store in the R-1-6 (residential one-family; 6000 sq. ft.) zone on property located on the southwest corner of Avocado and Minnesota Avenues and addressed as 852 Avocado Avenue; and

WHEREAS, the following findings of fact have been made in regard to said conditional use permit:

1. The applicant and two other persons spoke and a letter was submitted in favor and one person spoke in opposition, as recorded in the Planning Commission minutes.
2. The proposed project is exempt from environmental review in accordance with Section 15061(b)(3) of CEQA Guidelines.
3. The Planning Commission determined that said conditional use permit should be granted subject to certain conditions and for the following reasons:
  - A. The granting of this amendment will eliminate the legal nonconforming status of the existing off-premise sale of beer and wine on the subject property.
  - B. The subject location has previously been involved in the off-premise sale of beer and wine for some time without complaint or incident and remains compatible with the surrounding area.

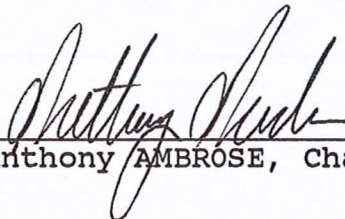
NOW, THEREFORE, BE IT RESOLVED that based upon said findings of fact, the El Cajon City Planning Commission hereby GRANTS Conditional Use Permit 1501 for off-sale beer and wine in conjunction with an existing food store in the R-1-6 (residential one-family; 6000 sq. ft.) zone on the above described property, subject to the following conditions:

1. The existence of this conditional use permit shall be recorded with the County Recorder.
2. This permit, by law, must have a stated time limit; therefore, this conditional use permit shall have a life of ten years and expire on May 4, 2002.

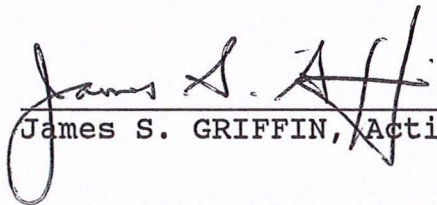
3. This permit may be revoked or modified at any time pursuant to El Cajon Municipal Code, Section 17.78.010.
4. This use shall be operated in a manner that is compatible at all times with surrounding properties and uses.
5. The existing market will remain a nonconforming use.

PASSED AND ADOPTED by the El Cajon City Planning Commission at a regular meeting held May 11, 1992, by the following vote:

AYES: KENNEDY, SANTOS, BUTCHER, BROWNING, AMBROSE  
NOES: NONE  
ABSENT: NONE

  
\_\_\_\_\_  
Anthony AMBROSE, Chairman

ATTEST:

  
\_\_\_\_\_  
James S. GRIFFIN, Acting Secretary

APPROVED AS  
MAY 11 1992  
PRESENTED



## Community Development

December 8, 2017

*Sent Via Certified and First Class Mail*

Richard and Colleen White  
11963 Navaja Lane  
El Cajon, CA 92020

**Subject: Notice of inactive status and pending revocation of Conditional Use Permit (CUP) No. 1501 and Termination of Deemed Approved Status; authorizing off-sale beer and wine at 852 Avocado, El Cajon, California**

Mr. and Mrs. White:

### Purpose

This letter is to inform the owner(s) of the subject property (the "Property") that in accordance with sections 17.35.010(B) and 17.210.250(B)(3)(d) of the El Cajon Municipal Code (the "ECMC"), the Director of the El Cajon Community Development Department has determined the activity of off-sale alcohol sales has ceased, and that CUP No. 1501 is inactive. Moreover, we have scheduled a public hearing on January 16, 2018, before the El Cajon Planning Commission to consider the revocation of CUP No. 1501, which authorizes the sale of beer and wine for off-site consumption (off-sale), as well as the Property's deemed approved status.

### Background

CUP No. 1501 was approved in 1992, authorizing the off-sale of beer and wine from the food market on the subject property. On September 10, 2013, the El Cajon City Council adopted a new alcohol sales ordinance to address community concerns associated with unlawful alcohol sales and related nuisances. The ordinance became effective on November 1, 2013, and applied deemed approved status to all existing off-sale alcohol establishments that were not required to obtain a conditional use permit, and all permitted or conditionally permitted stores (including the Property), and all legal nonconforming stores as of November 1, 2013.

The City and the Department of Alcoholic Beverage Control (the "ABC") records indicate that the food market located on the subject property stopped conducting alcohol sales of beer and wine since October 2016. ECMC section 17.35.010(B) states that if a use established by conditional use permit is discontinued for any reason, for a period of 12 consecutive months or more, the permit shall be deemed abandoned by the owner and given inactive status by the Director of Community Development, thus making it subject to revocation by reason of such inactivity. Furthermore, ECMC section 17.210.250(B)(3)(d) states that an off-sale alcohol establishment shall be subject to deemed approved status revocation when the off-sale alcoholic beverage sales

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

Planning (619) 441-1741 • Building and Fire Safety (619) 441-1726 • Housing (619) 441-1710

[www.cityofelcajon.us](http://www.cityofelcajon.us)



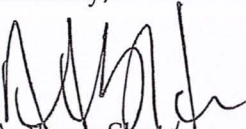
activity voluntarily discontinues active operation for more than 180 consecutive days or ceases to be licensed by the ABC.

Current Status

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

City Staff is available to answer any questions you may have regarding this matter. Please contact Lorena Cordova, Associate Planner, at 619.441.1539, or [lcordova@cityofelcajon.us](mailto:lcordova@cityofelcajon.us) if you have questions or would like to schedule a meeting with staff.

Sincerely,



Anthony Shute  
Director

Attachments:

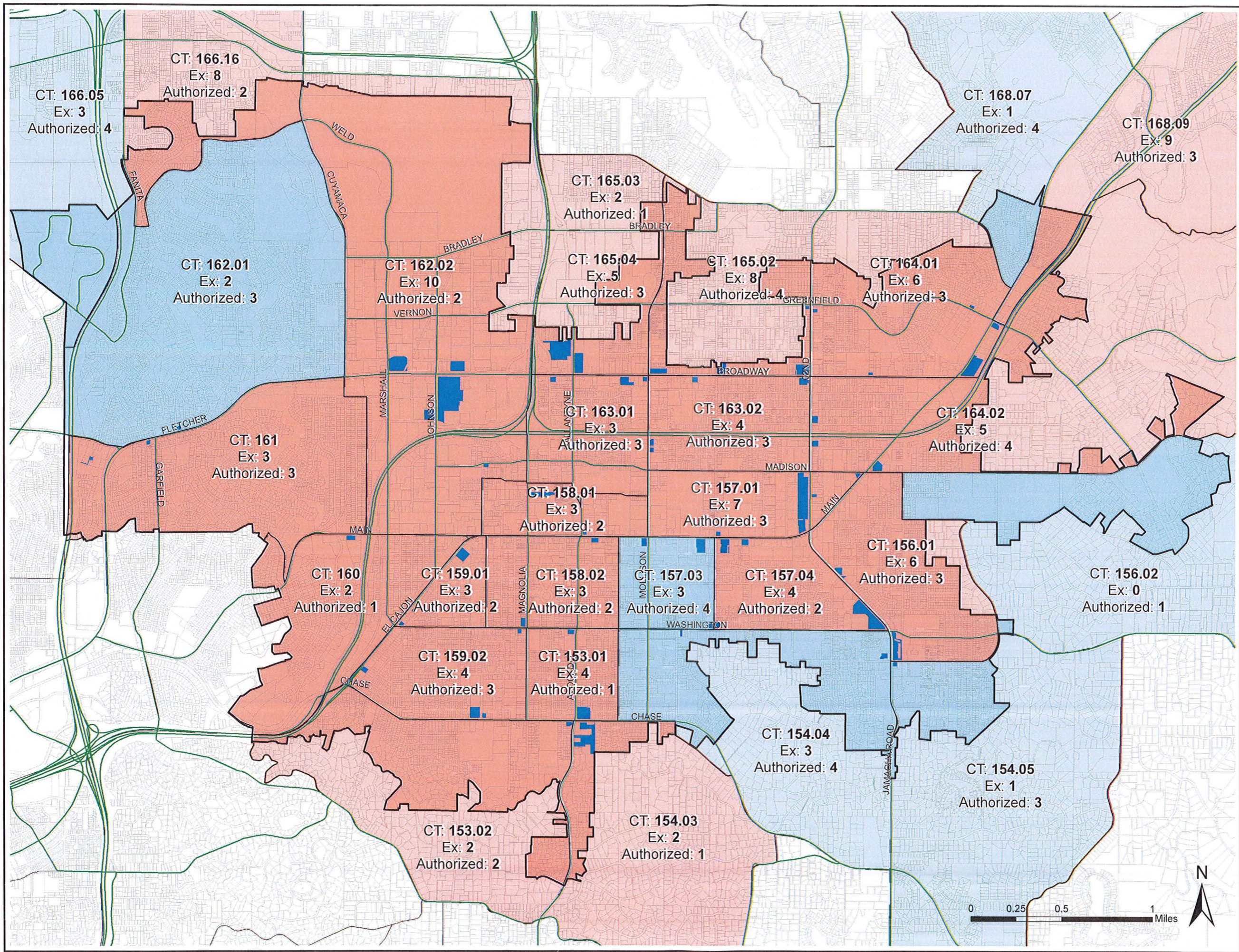
1. ECMC § 17.35.010
2. ECMC § 17.210.250
3. ABC license information for 852 Avocado



**Alcohol Ordinance**

Department of Alcoholic  
Beverage Control:  
Licenses Authorized by  
Census Tract

- Off Sale Locations
- Locations in City: 77
- Total in Census Tracts: 115
- At or Above Capacity
- Available Capacity

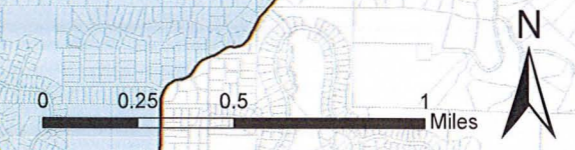


MAP CREATED FROM SOURCES DEEMED RELIABLE  
BY THE CITY OF EL CAJON, INCLUDING SOME DATA  
PROVIDED BY



EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE  
THE ACCURACY OF THIS MAP. HOWEVER, THE CITY OF EL  
CAJON DOES NOT ASSUME ANY LIABILITY ARISING FROM  
ITS USE. THIS MAP IS PROVIDED WITHOUT WARRANTY OF  
ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT  
NOT LIMITED TO, THE IMPLIED WARRANTIES OF  
MERCHANTABILITY AND FITNESS FOR A PARTICULAR  
PURPOSE. PROPRIETARY INFORMATION: THE USE OF THIS  
INFORMATION IS PURSUANT TO SUBLICENSING AGREEMENT  
ONLY. ANY RESALE OR RELICENSING OF THIS  
INFORMATION IS PROHIBITED, EXCEPT IN ACCORDANCE  
WITH SUCH SUBLICENSING AGREEMENTS.

Source: SanGIS 2016  
Alcoholic Beverage Control  
Created by: Spencer Hayes  
Date: 03.20.2017



**El Cajon Municipal Code**

[Up](#)      [Previous](#)      [Next](#)      [Main](#)      [Search](#)      [Print](#)      [No Frames](#)

[Title 17 ZONING](#)

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

**17.35.010 Permit expiration.**

---

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

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

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

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

---

View the [mobile version](#).

**El Cajon Municipal Code**[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Chapter 17.210 ALCOHOL SALES AND DEEMED APPROVED ALCOHOL SALES REGULATIONS](#)**17.210.170 Grounds for conditional use permit suspension, revocation or termination.**

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

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

1. Shall have ceased its operation for a period of 180 or more calendar days, and
  - a. If there is thereafter filed any application or requested transaction with the California Department of Alcoholic Beverage Control, whereby the laws of the state of California require notice thereof to be filed with the city, and allow the filing of a protest thereon by the city (including person-to-person transfer of existing licenses); or
  - b. Where after such 180-calendar-day period, the existing license shall have ceased to apply to such establishment; or
2. Where the existing license shall have been surrendered to the California Department of Alcoholic Beverage Control for a period exceeding 180 calendar days. (Ord. 4994 § 3, 2013)

View the [mobile version](#).

**El Cajon Municipal Code**[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Chapter 17.210 ALCOHOL SALES AND DEEMED APPROVED ALCOHOL SALES REGULATIONS](#)**17.210.250 Grounds for deemed approved status suspension, revocation or termination.**

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

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

1. An existing alcoholic beverage sales activity changes its activity so that ABC requires a different type of license.
2. There is a substantial modification to the mode or character of operation.
3. As used herein, the phrase "substantial modification to the mode or character of operation" includes but is not be limited to the following:
  - a. The off-sale alcoholic beverage sales activity establishment increases the floor or land area or shelf space devoted to the display or sales of any alcoholic beverage.
  - b. The off-sale alcoholic beverage sales activity establishment extends the hours of operation.
  - c. The off-sale alcoholic beverage sales activity establishment proposes to reinstate alcohol sales after the ABC license has been either revoked or suspended for a period 180 days or greater by ABC.
  - d. The off-sale alcoholic beverage sales activity voluntarily discontinues active operation for more than 180 consecutive days or ceases to be licensed by the ABC.
4. A "substantial change in the mode of character of operation" shall not include:
  - a. Re-establishment, restoration or repair of an existing off-sale alcoholic beverage sales activity on the same premises after the premises have been rendered totally or partially inaccessible by a riot, insurrection, toxic accident or act of God, provided that the re-establishment, restoration or repair does not extend the hours of operation of any establishment or add to the capacity, floor or land area or shelf space devoted to alcoholic beverages of any establishment that sells any alcoholic beverages for off-site consumption.
  - b. Temporary closure for not more than 180 days in cases of vacation or illness or for purposes of repair, renovation, or remodeling if that repair, renovation, or remodeling does not change the nature of the premises and does not extend the hours of operation of any establishment, or add to the capacity, floor or land area, or shelf space devoted to alcoholic beverages of any establishment that sells any alcoholic beverages for off-site consumption, provided notice is provided to the City. The planning commission may, upon request of an owner of an alcoholic beverage sales establishment made prior to the expiration of 180 days, grant one or more extensions to the period of temporary closure, none of which may exceed 60 days, and together not to exceed 180 days.
5. Once it is determined by the City that there has been a discontinuance of active operation for 180 consecutive days or a cessation of ABC licensing, it may be resumed only upon the granting of a conditional use permit as provided in Sections 17.210.070 to 17.210.120 of this chapter. In the event that any active operation is discontinued on a property for a period of 180 consecutive days, such discontinuance shall be presumed to be abandonment of the use by the property owner. At any time after any active operation is discontinued for a period of 180 consecutive days or more, the City Manager's designee shall notify the property owner in writing of the determination of presumed abandonment of the active operation. Pursuant to

Chapter 17.30 of this title, the property owner may appeal the determination to the planning commission, which may overturn the determination only upon making a finding that the evidence supports the property owner's position that the nonconforming use was not discontinued for a period of 180 consecutive days or more. The property owner shall be notified by the city of the termination of the deemed approved status and shall be informed of the property owner's right to appeal the City's decision to the planning commission. (Ord. 4994 § 3, 2013)

---

View the [mobile version](#).



<b>Agenda Item:</b>	<b>3</b>
<b>Project Name:</b>	<b>Zoning Code Update</b>
<b>Request:</b>	<b>Initiate Zoning Code Amendment</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVE</b>
<b>Project Number(s):</b>	Zoning Code Update No. 433
<b>Location:</b>	Citywide
<b>Applicant:</b>	El Cajon Planning Commission
<b>Project Planner:</b>	Lorena Cordova, 619-441-1539
<b>City Council Hearing Required?</b>	No
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolution in order initiating an amendment to the El Cajon Zoning Code</li> </ol>

**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. Most are non-substantive technical cleanups, with a few minor substantive changes that staff has tentatively identified to fill gaps in current regulations, including recently enacted State statutes from the previous year. At this time, staff is proposing a list of changes compiled through the course of last year as well as specific changes to the water efficient landscaping, massage establishments and accessory dwelling unit regulations.

**BACKGROUND**

El Cajon Municipal Code (ECMC) section 17.20.020 provides that amendments to the Zoning Code may be initiated by the Planning Commission or City Council. Staff is requesting the Planning Commission formally initiate an amendment to the Zoning Code.

*Zoning Code Cleanup, Clarifications and Revisions*

The Zoning Code was comprehensively revised and reorganized in 2010. The first technical cleanup occurred in 2011 and included substantive changes to regulations for nonconforming uses and structures. The second amendment was completed in January, 2013, the third was completed in December, 2014 and the fourth was completed in 2015.

However, throughout the course of 2016 and 2017, there have been changes to the Zoning Code addressing newly enacted legislation such as the accessory dwelling units and the marijuana commercial enterprises. Additionally, changes have been made for consistency with the General Plan, the application of a Mixed-Use Overlay and to establish standards for common interest developments. Staff has brought forward changes incrementally and as needed.

#### *Water Efficient Landscaping*

The State Water Resources Control Board adopted Chapter 2.7 Model Water Efficient Landscape Ordinance (MWELo) Barclays California Code of Regulations in 1992 to establish standards for water efficient landscaping throughout the State. In September 2015, Governor's Executive Order No. B-29-15 was signed establishing water conservation standards for implementation of existing, new and redeveloped properties. Staff is proposing changes to the El Cajon Municipal Code (ECMC) Chapter 17.195 Water Efficient Landscaping Ordinance, which was last updated in 2013, for minor changes and compliance with the updated MWELo. Changes include clean ups, clarification and compliance with the executive order.

#### *Accessory Dwelling Units*

On January 1, 2017, Senate Bill 1069 was approved to allow ADUs through a ministerial process if the unit complied with certain requirements. Additionally, companion item Assembly Bill 2299 was enacted to allow for the provision of junior accessory dwelling units (JADU). In May 2017, the Planning Commission recommended approval and City Council adopted changes to the Zoning Code to align it with the new State statutes. Staff is proposing changes to further clarify the regulations and eliminate ambiguity.

#### *Massage Establishments*

On January 1, 2015, Assembly Bill 1147 went into effect that restored broad control over land use to local governments in regulating massage establishments in the best interests of the individual community. The bill is referred to as the Massage Therapy Act. On September 21, 2016, the Governor approved Assembly Bill 2194 which extended the provisions of the Act to January 1, 2021. The Municipal Code currently regulates massage establishments under Title 5 Business Licenses and Regulations and Title 17 Zoning. Staff is proposing to bring forward changes that are in alignment with the new legislation and tailored to El Cajon.

#### *Other*

If there are any particular areas of concern the Planning Commission has pertaining to the Zoning Code (Title 17) that the Commission would like staff to review as part of this process, staff requests the Commission identify issues prior to adoption of the Resolution of Intent so that staff may incorporate it into the proposed Zoning Code amendment.



**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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.

**RECOMMENDATION**

That the Planning Commission approve the initiation of the Zoning Code Amendments.

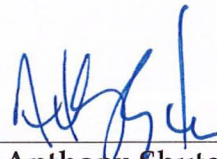
**PREPARED BY:**



---

Lorena Cordova  
ASSOCIATE PLANNER

**APPROVED BY:**



---

Anthony Shute  
DIRECTOR OF COMMUNITY  
DEVELOPMENT

**ATTACHMENTS**

1. Proposed Resolution to Initiate Amendments to the Zoning Code

## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION OF INTENT DIRECTING STAFF TO PREPARE FOR CONSIDERATION AN AMENDMENT TO TITLE 17 OF THE EL CAJON MUNICIPAL CODE FOR WATER EFFICIENT LANDSCAPING, MASSAGE ESTABLISHMENTS, AND ACCESSORY DWELLING UNITS TO COMPLY WITH NEW LEGISLATION AS WELL AS VARIOUS TECHNICAL CLEANUPS, REVISIONS, AND EDITS.

WHEREAS, Planning administers Title 17 (Zoning) of the El Cajon Municipal Code and in that capacity, tracks technical cleanups and identifies regulatory gaps for inclusion in an annual omnibus amendment of the Zoning Code; 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 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 water efficient landscaping, massage establishments, accessory dwelling units, and technical cleanups, clarifications and revisions thereto.

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held January 16, 2018, by the following vote:

AYES:

NOES:

ABSENT:

---

Darrin MROZ, Chair

ATTEST:

---

Anthony SHUTE, AICP, Secretary