



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

Council Chamber
200 Civic Center Way
El Cajon, CA 92020

Agenda

AUGUST 9, 2022, 7:00 p.m.

Bill Wells, Mayor
Michelle Metschel, Deputy Mayor
Steve Goble, Councilmember
Gary Kendrick, Councilmember
Phil Ortiz, Councilmember

Graham Mitchell, City Manager
Vince DiMaggio, Assistant City Manager
Morgan Foley, City Attorney
Angela Cortez, City Clerk

CALL TO ORDER: Mayor Bill Wells

ROLL CALL: City Clerk Angela Cortez

PLEDGE OF ALLEGIANCE TO FLAG AND MOMENT OF SILENCE

AGENDA CHANGES:

PUBLIC COMMENT:

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

PUBLIC HEARINGS:

100. Planned Unit Development and Tentative Parcel Map for the Naranca 3-Unit Development

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony;
2. Closes the Public Hearing;
3. Moves to adopt the next Resolution, in order, approving the CEQA Exemption;
4. Moves to adopt the next Resolution, in order, approving Planned Unit Development No. 2020-0001, subject to conditions; and
5. Moves to adopt the next Resolution, in order, approving Tentative Parcel Map No. 2021-0002, subject to conditions.

ADMINISTRATIVE REPORTS:

101. El Cajon Public Safety and Essential Services Measure

RECOMMENDATION:

That the City Council:

1. Adopts the next Resolution, in order, authorizing the placement of a one-cent sales tax measure on the November 8, 2022 ballot.
2. Conducts first reading, by title only, of an Ordinance repealing Ordinance No. 4919 and imposing a transactions and use tax to be administered by the State Department of Tax and Fee Administration.
3. Adopts the next Resolution, in order, establishing the City Council's priorities for expending any new sales tax funds generated from the measure, if approved.
4. Allocates up to \$150,000 in General Reserves for information sharing efforts.

ADJOURNMENT: The Adjourned Regular Joint Meeting of the El Cajon City Council/ El Cajon Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 9th day of August 2022, is adjourned to Tuesday, September 13, 2022, at 3:00 p.m.



City Council
Agenda Report

DATE: 08/09/2022
TO: Honorable Mayor and City Councilmembers
FROM: Noah Alvey, Deputy Director of Community Development
SUBJECT: Planned Unit Development and Tentative Parcel Map for the Naranca 3-Unit Development

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony;
2. Closes the Public Hearing;
3. Moves to adopt the next Resolution, in order, approving the CEQA Exemption;
4. Moves to adopt the next Resolution, in order, approving Planned Unit Development No. 2020-0001, subject to conditions; and
5. Moves to adopt the next Resolution, in order, approving Tentative Parcel Map No. 2021-0002, subject to conditions.

PROJECT DESCRIPTION:

This project proposes a common interest development of three single-family detached residences intended for home ownership on a .43-acre site, currently vacant, and addressed as 1325 Naranca Avenue. In addition to the proposed residences, the project includes a four-lot subdivision with three residential parcels and one common parcel including a private driveway and parking, landscaping, and other public and private improvements. The El Cajon Municipal Code requires the City Council to approve, conditionally approve or deny planned unit developments.

BACKGROUND:

General Plan:	Low Density Residential (LR)
Specific Plan:	None
Zone:	Residential, Multi-family, 6,000 sq. ft. (RM-6000)
Other City Plan(s):	N/A
Regional and State Plan(s):	N/A
Notable State Law(s):	Subdivision Map Act
Applicant:	Rabie Mikha; rabie.mikha@gmail.com; 619-729-5953

Project Site & Constraints

The subject property is 18,808 square feet (.43 acres) and located on the south side of Naranca Avenue between North Second and Grape Streets. Recently, a dilapidated single-family dwelling and detached accessory structure were demolished at the site.

The property includes a sizable easement for Forester Creek, represented as a hatched line on project plans. Project plans also display the 1% Annual Flood Hazard area according to the Federal Emergency Management Agency (FEMA). The base flood elevation at this location is 482 feet and project plans show building pads above base flood elevation (486 and 487 feet).

Surrounding Context

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

Direction	Zones	Land Uses
North	RM-6000	Mixed residential
South	Interstate 8	Interstate freeway
East	RM-6000	Mixed Residential
West	C-G	Single-family residences

General Plan

The subject property is designated Low Density Residential ("LR") on the General Plan Land Use Map. The LR designation is intended for residential density between three to ten dwelling units per acre.

Goal 5 of the General Plan calls for a broad range of housing types to be made available to meet the housing needs of various age and income groups. The Housing Element identifies the need to accommodate residential units at all income levels. The proposed project will include market rate for sale of housing units that will contribute to meeting the goal of fulfilling regional housing needs. The subject site is not listed in the Housing Element site inventory.

Municipal Code

The subject property is within the RM-6000 (Residential, Multi-family, 6,000 square foot) zone, which is consistent with the LR General Plan designation. This allows for one single-family residence per 6,000 square feet of lot area; the RM-6000 zone also requires detached units.

The Planned Unit Development ("PUD") ordinance allows for comprehensively planned development and provides flexibility in order to encourage imaginative design and planning. Specific development standards apply to PUD developments and include parking, recreation and landscaped areas, building construction, utility systems, trash collection and Covenants, Conditions and Restrictions ("CC&Rs").

Subdivision Ordinance/ Subdivision Map Act

A tentative parcel map is proposed to create real property. The four-lot subdivision proposes one common lot and three residential lots. The authority and procedures for the processing of a tentative parcel map are found in the California Subdivision Map Act, and the City of El Cajon Subdivision Ordinance (Title 16 of the El Cajon Municipal Code).

Flood Damage Prevention Ordinance

El Cajon Municipal Code Chapter 15.14 provides standards to minimize public and private losses due to flood conditions in specific areas. In areas within Zone X, and where base flood elevation is known, new residential developments are required to either: 1) construct the first floor one foot above base flood elevation and provide certification by a registered professional engineer or surveyor, verified by the building inspector, or 2) utilize construction methods and design which would equalize hydrostatic flood forced (openings in the foundation system). In this case, building pads are shown above base flood elevation and elevation certificates are required in the conditions of approval.

DISCUSSION

Land Use

The proposed project consists of three two-story, single-family, detached residences with attached two-car garages. The proposed residential project is in character with the surrounding neighborhood and will provide additional for sale housing options. The project will result in a density of approximately seven dwellings units per acre (du/acre), which is well within the density expected in the LR (3-10 du/acre) General Plan designation. There are quite a few similar PUD developments in the Bostonia area along Naranca, Marline, and Peach Avenues—all within the same RM-6000 zone and each yielding three units.

Site Design

Two of the three proposed single-family residences front on a private driveway; the third is oriented towards Naranca Avenue with a garage opening towards the private driveway. Each residence will have a two-car garage, uncovered visitor parking along the private driveway, and a private back yard. Concrete sidewalks are required to connect parking with building entrances. Due to the size of the project and the location of guest parking, staff is recommending that the proposed driveway provides access to the guest parking spaces, rather than a separate sidewalk. The findings for the PUD require that the elimination of the interior project sidewalk be approved as an alternative development standard.

Recreational open space requirements are met with private rear yards and exterior yard landscaped areas. Trash and recycling will be individual containers stored on concrete pads within the private yard areas. A common interest development—such as a PUD—requires the formation of a homeowner's association ("HOA") with CC&Rs to ensure the maintenance of common areas. A fourth common lot will be owned and maintained by the HOA, which will be responsible for ongoing maintenance. The common lot includes the private driveway and visitor parking in the proposed development.

The individual lots range from 3,842 to 5,252 square feet; the variation is primarily due to the large easement area for Forester Creek. Side yard setbacks are approximately five feet for each unit, and rear yard setbacks are at least 14 feet. Each home shares the same design and footprint (only with a different orientation) and two-story design at a height of 20 feet. The project proposes a six-foot wood boundary fence. It is noteworthy to mention that the City Council has required more substantial fencing material such as decorative masonry, concrete panel, or vinyl. Additionally, retaining walls are shown along portions of the project boundary, not exceeding two feet in height.

The proposed project is similar to other PUDs in the vicinity. The closest of which, addressed off of Treetop Lane, is approximately 150 feet east on Naranca Avenue and also includes three single-family homes with a common lot for recreational space and a private street.

Design and Architecture

The proposed residences are consistent with new single-family and ADU projects within the City. The primary finish is stucco with large window trim features in a complementary color. Due to the height limit of 20 feet in the RM-6000 zone and the two-story product, the roofline has a very shallow pitch. In terms of color, the proposed elevations show tan and brown earth tones. Each residence is 2,202 square feet with three bedrooms on the second story.

Development Standards

Development Standard	PUD (RM-6000)	Proposed Project
Lot Requirements	Sub-lots determined by PUD	3,842 to 5,252 sq. ft.
Density	1 unit per 6,000 sq. ft.	1 unit per 6,269 sq. ft.
Setbacks	Front building – 20 ft. Garage – 20 ft. Other setbacks determined by PUD	Front Building – 20 ft. Garage – 20 ft. Rear – 14 ft. Side – 5 ft.
Lot Coverage	Maximum 40% - 100% of buildings and driveways and 50% of private street counted	33.8%
Building Height	Maximum 20 ft.	20 ft.
Covered Parking	2 spaces per unit = 6	2-car garage per unit = 6 spaces
Visitor Parking	1 space per unit = 3	3 spaces
Waste Collection	Individual or Common	Individual
Walls and Fencing	Project boundary wall or fence	6 ft. wood fence
Open Space, Recreation, and Landscaping	1,000 sq. ft. per unit	1,025 to 1,800 sq. ft. per unit
Streets and driveways	24 ft. wide	24 ft. wide
Lighting	Lighting plan required	Condition of approval

PLANNING COMMISSION RECOMMENDATION:

On July 19, 2022, the Planning Commission held a public hearing to consider the project. One member of the public spoke regarding the item and requested clarification on the location of parking. Additionally, the project representatives spoke in favor of the project. After public testimony, the public hearing was closed and the Planning Commission discussed the item and voted 4-0-1 to adopt Resolution Nos. 11066, 11067 and 11068 recommending City Council approval of the proposed CEQA exemption, PUD-2020-0001 and TPM-2021-0002, respectively.

FINDINGS:

Planned Unit Development No. 2020-0001

A. The density of the proposed PUD is consistent with the General Plan.

The proposed project density is consistent with the Low Density Residential designation of the General Plan. Furthermore, the project would facilitate the development of the site with residential uses in conformance with Housing Element policies to increase the number of housing units.

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

The project proposal to accommodate pedestrian access along the private street as a separate concrete sidewalk is not necessary to serve the three residences. No other alternative development standards are proposed.

C. The proposed PUD is compatible with surrounding development.

The proposed PUD is similar to other common interest development projects in the vicinity and provides for home ownership opportunities. Therefore, the proposed project is compatible with surrounding development.

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

The design of the proposed project provides sufficient parking with adequate space for vehicle back-up and maneuvering. Proposed structures and other elements of the project would not have a negative effect on visibility.

Tentative Subdivision Map No. 2021-0002

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

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

The proposed map is consistent with the General Plan and the General Plan goals related to housing that seek to provide a variety of residential development opportunities in the City.

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

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

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

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

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

The design of the subdivision and types of improvements are required to incorporate storm water management improvements that will contribute to healthier streams, rivers, bays and the ocean. Furthermore, the units are separated to allow airflow through and around the units.

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

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed project is exempt from the California Environmental Quality Act ("CEQA") pursuant to section 15332 (In-fill Development Projects). The following measuring criteria for a Class 32 exemption apply: the project is consistent with the General Plan designation; the proposal is within the city limits on a site less than five acres, surrounded by substantially urban uses; the project site has no value as natural habitat; approval would not result in significant effects related to traffic, noise, air, or water quality; and, the site can be adequately served by required utilities. Therefore, section 15332 is an appropriate exemption for this project.

PUBLIC NOTICE & INPUT:

Notice of this public hearing was mailed on July 29, 2022, to all property owners within 300 feet of the project site and to anyone who requested such notice in writing, in compliance with Government Code sections 65090, 65091, and 65092, as applicable. Additionally, as a public service, the notice was posted in the kiosk at City Hall and on the City's website 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 is recommending approval of the project. The proposed three for sale units increases home ownership in El Cajon in conformance with Housing Element policies to increase the number of housing units available to all income levels.

Prepared By: Spencer Hayes, Associate Planner

Reviewed By: Anthony Shute, Director of Community Development

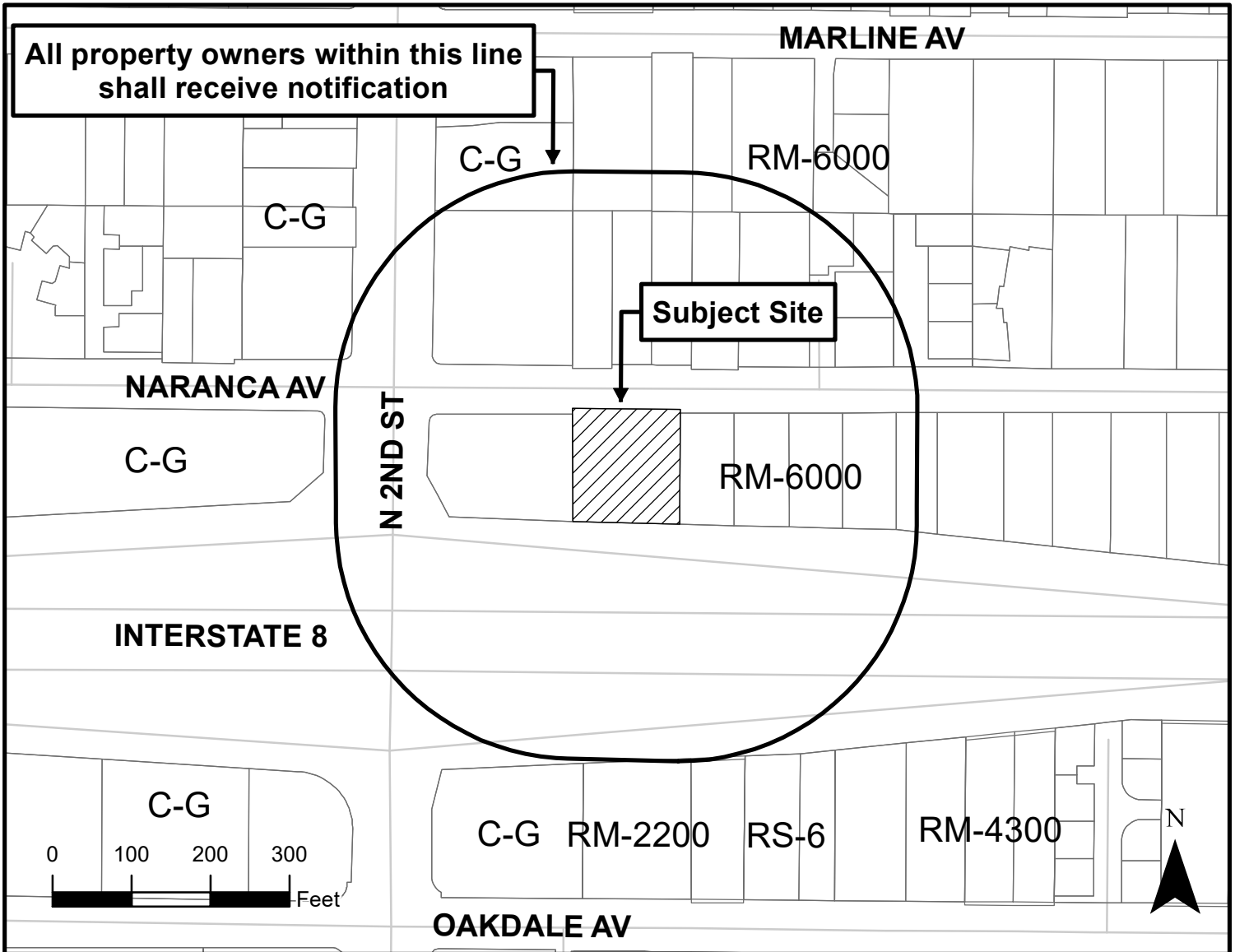
Approved By: Graham Mitchell, City Manager

Attachments

Notice of Public Hearing & Location Map

Proposed Resolution CEQA

Proposed Resolution PUD
Proposed Resolution TPM
Planning Commission Resolution 11066
Planning Commission Resolution 11067
Planning Commission Resolution 11068
Planning Commission Excerpt July 19, 2022 Meeting
Aerial Image
Application
Disclosure Statement
Architectural Plans and Elevations
Tentative Parcel Map



**NOTICE OF PROPOSED
PLANNED UNIT DEVELOPMENT AND TENTATIVE PARCEL MAP
FOR THREE SINGLE-FAMILY RESIDENCES**

NOTICE IS HEREBY GIVEN that the El Cajon City Council will hold a public hearing at **7:00 p.m., Tuesday, August 9, 2022** in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider:

PLANNED UNIT DEVELOPMENT NO. 2020-0001 AND TENTATIVE PARCEL MAP NO. 2021-0001, as submitted by Rabie Mikha for a common-interest development consisting of three detached single-family residences and one common lot with a private driveway, landscaping and parking. The subject property located on the south side of Naranca Avenue between North Second and Grape Streets, and addressed as 1325 Naranca Avenue, APN 489-121-02-00. 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 **SPENCER HAYES** at 619-441-1742 or via email at shayes@elcajon.gov and reference "PUD-2020-0001" in the subject line.

RESOLUTION NO. ___-22

A RESOLUTION APPROVING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION 15332 (IN-FILL DEVELOPMENT PROJECTS) FOR PLANNED UNIT DEVELOPMENT NO. 2020-0001 AND TENTATIVE PARCEL MAP NO. 2021-0002, FOR THE NARANCA THREE-UNIT RESIDENTIAL DEVELOPMENT, ON THE SOUTH SIDE OF NARANCA AVENUE BETWEEN NORTH SECOND AND GRAPE STREETS; APN: 489-121-02-00; GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (LR)

WHEREAS, the El Cajon Planning Commission (the "Planning Commission") held a duly advertised public hearing on July 19, 2022, to consider Planned Unit Development (PUD) No. 2020-0001 and Tentative Parcel Map (TPM) No. 2021-0002, for a three-unit residential development and four-lot residential subdivision, in the RM-6000 (Residential, Multi-family, 6,000 square foot) zone, on property located on the south side of Naranca Avenue between North Second and Grape Streets, and addressed as 1325 Naranca Avenue; and

WHEREAS, in accordance with California Environmental Quality Act ("CEQA") Guidelines section 15061(b)(2), the Planning Commission reviewed and considered the information contained in the project staff report; and

WHEREAS, the proposed project is exempt from CEQA under section 153322 (In-fill Development Projects) of CEQA Guidelines, which allows for in-fill development in urbanized areas, because the following conditions are satisfied: 1) the subject site is zoned consistent with the General Plan designation of Low Density Residential (LR) and the project facilitates development of the site with residential uses in conformance with Housing Element policies; 2) the subject site is located within the City limits, is 18,808 square feet, and is surrounded by urban uses; 3) the subject site and surrounding area have historically been used for residential and various commercial uses and is void of natural vegetation; there is no record of endangered, rare, or threatened species in the general vicinity, and staff observed no protected or mitigable wildlife habitat on the subject site or within the immediate vicinity; 4) the public circulation system has sufficient capacity to accommodate multiple modes of transportation and would not be overwhelmed by the addition of three residential units; development of small in-fill residential sites, in accordance with governing standards and regulations, is not expected to substantially increase vehicle trips beyond designed capacities or affect air quality or noise; and the development will be designed to satisfy all applicable storm water regulations established in El Cajon Municipal Code Chapter 16.60; and 5) all required utilities and public services have served and will serve the subject site as well as the surrounding area; and

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

WHEREAS, after considering evidence and facts, the Planning Commission did consider the proposed CEQA Categorical Exemption, section 15332 as presented at its meeting and adopted Resolution No. 11066 recommended City Council approval.

NOW, THEREFORE, BE IT RESOLVED by the El Cajon City Council as follows:

Section 1. That the foregoing recitals are true and correct, and are findings of fact of the City Council in regard to the proposed exemption for the Naranca 3-Unit Development.

Section 2. That based upon said findings of fact, the El Cajon City Council hereby approves the proposed categorical exemption (CEQA Guidelines section 15332) for the Naranca 3-Unit Development, PUD No. 2020-0001 and TPM No. 2021-0002.

08/09/22 CC Agenda
1325 Naranca CEQA PUD-2020-0001 & TPM-2021-0002 072822

RESOLUTION NO. ____-22

A RESOLUTION APPROVING PLANNED UNIT DEVELOPMENT NO. 2020-0001 FOR THE NARANCA THREE-UNIT RESIDENTIAL DEVELOPMENT, ON THE SOUTH SIDE OF NARANCA AVENUE BETWEEN NORTH SECOND AND GRAPE STREETS; IN THE RM-6000 (RESIDENTIAL, MULTI-FAMILY, 6,000 SQ. FT.) ZONE; APN: 489-121-02-00; GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (LR)

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on July 19, 2022, and considered the project for Planned Unit Development ("PUD") No. 2020-0001 (PUD-2020-0001), as submitted by Rabie Mikha, requesting approval of a three-unit PUD in the RM-6000 zone, on property located on the south side of Naranca Avenue between North Second and Grape Streets, and addressed as 1325 Naranca Avenue; and

WHEREAS, the Planning Commission adopted Resolution No. 11066 recommending City Council approval for the Class 32 (In-fill Development Projects) California Environment Quality Act ("CEQA") exemption for the Naranca 3-Unit Development; and

WHEREAS, the Planning Commission adopted Resolution No. 11067 recommending City Council approval of PUD No. 2020-0001 for the Naranca 3-Unit Development; and

WHEREAS, the City Council held a duly advertised public hearing on August 9, 2022, to consider PUD No. 2020-0001, and received evidence through public testimony and comment, in the form of verbal and written communications and reports; and

WHEREAS, the City Council reviewed and considered the proposed CEQA exemption, and adopted Resolution No. ____-22.

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

Section 1. The City Council finds that:

- A. The proposed project density is consistent with the pending Low Density Residential designation of the General Plan. Furthermore, the project would facilitate the development of the site with residential uses in conformance with Housing Element policies to increase the number of housing units.
- B. The project proposes to accommodate pedestrian access through the private street as a separate concrete sidewalk is not necessary to serve the three residences. No other alternative development standards are proposed.

- C. The proposed PUD is similar to other common interest development projects in the vicinity and provides for home ownership opportunities. Therefore, the proposed project is compatible with surrounding development.
- D. The design of the proposed project provides sufficient parking with adequate space for vehicle back-up and maneuvering. Proposed structures and other elements of the project would not have a negative effect on visibility.

Section 2. The City Council hereby approves PUD No. 2020-0001 for the Naranca 3-Unit Development in the RM-6000 zone on the above described property, subject to the following conditions:

Planning

1. Prior to the issuance of building permits, or as otherwise determined by the Director of Community Development, the applicant shall submit and obtain approval of a one-page, digital site plan for PUD-2020-0001 that reflects the following specific notes and changes:
 - a. Include the following note: "This project shall comply with the Standard Conditions of Development from Planning Commission Resolution No. 10649, as applicable."
 - b. Include the following note: "Separate utility connections shall be provided for each unit in the approved PUD."
 - c. Include the following note: "The private garages shall be maintained as available for the parking of two automobiles at all times."
 - d. The revised site plan shall reflect the required notes enumerated under the Engineering and Storm Water heading below.
2. Prior to the issuance of building permits, or as otherwise determined by the Director of Community Development, the applicant shall complete the following:
 - a. Submit the required copies of the recorded final parcel map. The map shall be in conformance with the approved PUD-2020-0001 site plan.
 - b. Record the final map for Tentative Parcel Map ("TPM")-2021-0002.
 - c. Provide a preconstruction elevation certificate, completed by a registered professional engineer or surveyor, to the Floodplain Administrator in Planning.
 - d. Submit a lighting plan in accordance with El Cajon Municipal Code section 17.130.150. The plan shall include the location of all external lighting elements and their respective design. Planning approval of the plan is required before building permit issuance.
 - e. The approved building material types and colors of all exterior elevations shall be shown on the construction drawings submitted for building permits and shall be in substantial conformance with the materials approved by the

City Council.

- f. Submit a letter indicating proof of trash and recycling collection services from the City's solid waste collection contractor (EDCO).
 - g. Comply with the Engineering comments to the satisfaction of the City Engineer and the Director of Community Development.
 - h. Submit a Landscape Documentation Package ("LDP") and Certificate of Completion in conformance with the requirements of Chapter 17.195 and section 17.60.180 of the Zoning Code, and the State's revised Model Water Efficient Landscape Ordinance, and consistent with the guidelines provided in the City of El Cajon Landscape Design Manual. The LDP plans shall be consistent with the approved PUD site plan and TPM. Indicate a dedicated water meter for the irrigation of any common area landscaping.
3. Prior to building permit final, or as otherwise determined by the Director of Community Development, the applicant shall complete the following:
- a. Submit a Certificate of Completion for landscape improvements pursuant to Zoning Code section 17.195.330.
 - b. Obtain approval of the landscaping improvements.
 - c. Obtain staff approval of the improvements in the common areas of the development.
 - d. Upon completion of the structures, the elevation of the lowest floors shall be certified by a registered professional engineer or surveyor and verified by the building inspector to be properly elevated. Such certification shall be provided to the Floodplain Administrator in Planning.
4. Submit one electronic copy of the draft of the Declaration of Covenants, Conditions and Restrictions ("CC&Rs") for the common ownership and maintenance of the project for approval by Planning, Storm Water, and the City Attorney. Prior to the granting of a certificate of occupancy of any units the applicant shall record the CC&Rs and submit one electronic copy (PDF format) of the recorded document to Planning. The CC&Rs shall include the maintenance of the private street, sidewalks, driveways, common lighting, common fencing, storm water facilities, and required landscape areas including street yards and the common recreation lot, and shall contain the following language:
- a. "This entire project and property shall be subject to all of the conditions and restrictions contained within the resolution adopted by the City of El Cajon which approved the tentative subdivision map for the project, as well as, being subject to all the conditions and restrictions contained in any permits issued for the project which were approved by the City of El Cajon, along with accompanying site plans, elevations and landscape plans."
 - b. "The City of El Cajon is hereby given supervisory jurisdiction over the enforcement of the provisions of this Declaration dealing with maintenance, cleanliness and repair of the landscape and pavement maintenance easement, and exterior appearance of the project. In the event of breach

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

- c. "The City Attorney of El Cajon must give prior approval to any amendments to this Declaration of Covenants, Conditions and Restrictions which deal with any of the following topics:
 - i. "Amendments with regard to the fundamental purpose for which the project was created (such as a change from residential use to a different use), and amendments which would affect the ability of the City of El Cajon to approve or disapprove external modifications to the project.
 - ii. "Amendments with regard to the supervisory jurisdiction for enforcement granted to the City of El Cajon by this Declaration.
 - iii. "Property maintenance obligations, including maintenance of landscaping, sidewalks, and driveways, and cleanliness or repair of the project."
- d. "No alteration or modification shall be made to the landscape and pavement maintenance easement which is contrary to the development plan approved by and on file with the City of El Cajon without the approval of the City."
- e. "Parking shall only occur in the approved parking spaces and individual private garages depicted on the final approved PUD-2020-0001 site plan. No on-site parking is permitted outside designated parking spaces."
- f. "A minimum of two garage parking spaces at each unit shall be maintained and available for parking."

Engineering and Storm Water

Public Improvements

- 5. Dedicate or provide an additional 5-feet of public street right-of-way along Naranca Avenue, as necessary, to provide an ultimate right-of-way width of 30-feet from centerline along Naranca Avenue.
- 6. Remove the existing chain link fence from the public right-of-way on Naranca Avenue.
- 7. The driveway on Naranca Avenue shall be in accordance with San Diego Regional Standard Drawings G-14 A, including 2:1 sidewalk transitions for ADA compliance. Edge of driveways shall be a minimum of 3-feet from the property line and all obstructions. The driveway shall be a minimum 24'/30' curb cut. Repair all

damaged concrete curb and gutter and sidewalk pursuant to City of El Cajon Standards.

Prior to issuance of Building Permit and Encroachment Permit, the applicant or contractor shall prepare a detailed scaled drawing with dimensions of the proposed driveway and sidewalk installation showing the location of the public street right-of-way, property lines, face of curb, all physical obstructions, including but not limited to, utility poles, telephone and cable TV equipment, fencing, etc. along with any required offsets in accordance with San Diego Regional Standard Drawings (SDRSD) G-15 and G-16.

These details shall be shown on a separate Grading and Drainage Plan, but may also be included with the building permit plan set. An Engineer's scale shall be used for all drawings submitted to the Engineering for review.

Encroachment Permit Required

8. An Encroachment Permit is required prior to any work within the public right-of-way. Submittal of a detailed drawing described above, a traffic control plan, an insurance certificate and (non-blanket) endorsements in accordance with policy D-3, proof of business license, contractor's license and the review fees. Contact Engineering for additional information.
9. Install separate gravity sewer services, water services (including meters) and other utilities to each parcel with a building unit in accordance with the Municipal Code. Wet-tap fees are required. The proposed sewer and water laterals serving the parcel shall be private and shall be approved by Building. A double cleanout is required at the property line for all sewer laterals. Maintenance of the private sewer and water laterals shall be the responsibility of the homeowners. Connections to the City sewer system and payment of connection fees are required with Building Permits.
10. Install an LED public streetlight on Naranca Avenue located at twenty-five (25)-feet east of the westerly property line pursuant to City Standard FS-303. Provide a detailed scaled drawing that shows the new streetlight location, service point, and pull boxes.
11. Close all unused existing driveways and replace with full height curb and gutter and PCC sidewalk per City Standards.
12. Stub any new underground utility services out at the property line.
13. Repair all damaged curb, gutter, and sidewalk.
14. No sheet flow is allowed over the proposed driveway and sidewalk.

Map Requirements

15. Submit a current Preliminary Title Report and a Subdivision Guarantee, no older than 60 days, at the time the map is ready to record.
16. Submit a County Tax Certificate valid at the time of map recordation.
17. Set survey monuments and guarantee setting of any deferred monuments.

18. Submit Will-Serve letters from Helix Water District, SDG&E, and AT&T.
19. Submit signature omission letters from all public easement holders who do not have a signature block on the map.
20. Submit a letter stating if the required public improvements listed in 6, 7, 10, 11 and 13 above will be completed prior to recording the Map or deferred by a Subdivision Agreement.
21. Municipal Code section 16.16.060 provides that, in lieu of constructing the required improvements prior to recording of the final map, the subdivider may enter into an agreement which guarantees construction within one year. Such agreement shall be accompanied by improvement security in accordance with Municipal Code section 16.16.080 and a certificate of insurance provided by the subdivider in accordance with City Council Policy D-3.
22. The lot without a building unit is to be designated as a non-buildable lot for ingress and egress, water, sewer, and other utility purposes, for the common use and benefit of the other lots.
23. Underground all new utility distribution facilities within the subdivision boundaries, including services to all new and existing buildings, in accordance with City Municipal Code sections 16.16.040(D) and 16.52.010. Evidence of arrangements to underground utilities must be provided.
24. Add the following notes to the PUD site plan:

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

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

Storm Water Requirements & Conditions

25. In accordance with the City of El Cajon Municipal Code Chapter 16.60, and based on the initial submittal, this project falls into a Standard Development Project category.
 - a. Incorporation of New Development Best Management Practices ("BMPs"), composed of site design and source control BMPs. All applicable storm water BMPs features shall be shown on site plans and landscaping plans.
 - b. Standard Development Projects shall complete Forms I-1, I-2, I-4 and I-5 and implement applicable BMPs in Forms I-4 and I-5. Please refer to the City of El Cajon BMPs Design Manual. The design manual can be found on the City of El Cajon website at:
www.elcajon.gov/i-want-to/view/documents-forms-library/-folder-137
26. The plans shall show that all new roof drains, driveways, parking areas, sidewalks and other impervious areas will drain to sufficiently sized and designed landscaped

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

www.swrcb.ca.gov/rwqcb9/water_issues/programs/stormwater/docs/2015-1118_AmendedOrder_R9-2013-0001_COMPLETE.pdf

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

www.sandiegocounty.gov/content/sdc/dpw/watersheds/susmp/lid.html

Private Development Engineering Requirements & Conditions

27. Submit a preliminary soils report prepared by a Civil or Geotechnical Engineer registered in the State of California, along with adequate test borings.
28. Submit a Drainage Study and a Grading and Drainage Plan along with an Erosion Control Plan prepared by a Civil Engineer, registered in the State of California. No grading or soil disturbance, including clearing of vegetative matter, shall be done until all necessary environmental clearances are secured and the Grading and Drainage Plan and Erosion Control Plan have been reviewed by the City.

These plans shall be based on the preliminary soils report and in conformance with the City of El Cajon Jurisdictional Runoff Management Program (JRMP) and Standard Urban Storm Water Mitigation Plan Ordinance (SUSMP) which require additional water quality management measures and future ongoing maintenance even after completion of the project to prevent, treat, or limit the amount of storm water runoff and pollution from the property.

The Erosion Control Plan shall show measures to ensure that pollutants and runoff from the development are reduced to the maximum extent practicable and will not cause or contribute to an exceedance of receiving water quality objectives throughout project construction.

The Drainage Study shall include all related tributary areas and adequately address the impacts to the surrounding properties and to the City drainage system. The developer shall provide any needed public and private drainage facilities, including off site drainage facilities (as determined by the study). If public drainage facilities are required, the required improvements need to be included in improvement plans, prepared by a Civil Engineer, registered in the State of California, and submitted to the City for approval. Note: If the Drainage Study indicates the existing downstream drainage system is inadequate for the proposed density of the subdivision, a reduction in intensity and/or hard surface coverage of the subdivision may be required.

Building Safety

29. Comply with Currently adopted edition of the California Building Code, California Fire Code, California Mechanical Code, California Plumbing Code, California Electrical Code, and Green Building Standard Code.
30. A Building permit is required for this project.
31. All new residential structures shall be provided with approved automatic fire sprinkler systems
32. All new residential structures shall be provided with California State Fire Marshal approved smoke and carbon monoxide detection where required.
33. Any proposed vehicle gates require knox key-switch and Opticom sensors.

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RESOLUTION NO. ___-22

A RESOLUTION APPROVING TENTATIVE PARCEL MAP NO. 2021-0002 FOR THE NARANCA THREE-UNIT RESIDENTIAL DEVELOPMENT, ON THE SOUTH SIDE OF NARANCA AVENUE BETWEEN NORTH SECOND AND GRAPE STREETS; IN THE RM-6000 (RESIDENTIAL, MULTI-FAMILY, 6,000 SQ. FT.) ZONE; APN: 489-121-02-00; GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (LR)

WHEREAS, the El Cajon Planning Commission (the "Planning Commission") duly advertised and held a public hearing on July 19, 2022, to consider Tentative Parcel Map ("TPM") No. 2021-0002, as submitted by Rabie Mikha, for the Naranca Three-Unit Development project, requesting a four-lot residential subdivision in the RM-6000 (Residential, Multi-family, 6,000 square foot) zone; and

WHEREAS, the Planning Commission adopted Resolution No. 11066 recommending City Council approval for the Class 32 (In-fill Development Projects) California Environment Quality Act ("CEQA") exemption for the Naranca 3-Unit Development; and

WHEREAS, the Planning Commission adopted Resolution No. 11068 recommending City Council approval of TPM No. 2021-0002 for the Naranca 3-Unit Development; and

WHEREAS, the City Council held a duly advertised public hearing on August 9, 2022, to consider TPM No. 2021-0002, and received evidence through public testimony and comment, in the form of verbal and written communications and reports; and

WHEREAS, the City Council reviewed and considered the proposed CEQA Exemption, and adopted Resolution No. ___-22.

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

Section 1. The City Council finds that:

- A. The proposed map is consistent with the General Plan and the General Plan goals related to housing that seek to provide a variety of residential development opportunities in the City;
- B. The proposed subdivision map design results in a common interest residential project, which is consistent with the goals and objectives of the General Plan. Furthermore, the site is generally level and physically suited for the type of development as well as the density of the development that is proposed for this property;

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

Section 2. The City Council hereby approves TPM No. 2021-0002 for the Naranca 3-Unit Development in the RM-6000 zone on the above described property, subject to the following conditions:

1. The applicant shall comply with all Engineering requirements as indicated in the conditions included in City Council Resolution No. ___-22 approving PUD No. 2020-0001.
2. Prior to the issuance of building permits for PUD No. 2020-0001, or as otherwise determined by the Director of Public Works, the final map for TPM No. 2021-0002 shall be recorded and the appropriate number of copies returned to the City.
3. The final map shall be in substantial conformance with the approved site plan for PUD No. 2020-0001 and TPM No. 2021-0002, except as modified by this resolution.
4. Prior to acceptance of the final map by the City Council, a common lot maintenance easement shall be depicted on the map. The common lot maintenance easement shall be depicted over all front yard landscaped areas, private driveways, and the common lot at the site, as depicted on the TPM.
5. The final map shall be accepted by the City Council and prepared for recordation in accordance with El Cajon Municipal Code Chapter 16.20.
6. The recordation of the final map shall be in accordance with the time limits permitted in Government Code section 66452.6 et seq.

PLANNING COMMISSION RESOLUTION NO. 11066

A RESOLUTION APPROVING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION 15332 (IN-FILL DEVELOPMENT PROJECTS) FOR PLANNED UNIT DEVELOPMENT NO. 2020-0001 AND TENTATIVE PARCEL MAP NO. 2021-0002, FOR THE NARANCA THREE-UNIT RESIDENTIAL DEVELOPMENT, ON THE SOUTH SIDE OF NARANCA AVENUE BETWEEN NORTH SECOND AND GRAPE STREETS; APN: 489-121-02-00; GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (LR).

WHEREAS, the El Cajon Planning Commission held a duly advertised public hearing on July 19, 2022, to consider Planned Unit Development (PUD) No. 2020-0001 and Tentative Parcel Map (TPM) No. 2021-0002, for a three-unit residential development and four-lot residential subdivision, in the RM-6000 (Residential, Multi-family, 6,000 square foot) zone, on property located on the south side of Naranca Avenue between North Second and Grape Streets, and addressed as 1325 Naranca Avenue; and

WHEREAS, in accordance with California Environmental Quality Act ("CEQA") Guidelines section 15061(b)(2), the Planning Commission reviewed and considered the information contained in the project staff report; and

WHEREAS, the proposed project is exempt from CEQA under section 153322 (In-fill Development Projects) of CEQA Guidelines, which allows for in-fill development in urbanized areas, because the following conditions are satisfied: 1) the subject site is zoned consistent with the General Plan designation of Low Density Residential (LR) and the project facilitates development of the site with residential uses in conformance with Housing Element policies; 2) the subject site is located within the City limits, is 18,808 square feet, and is surrounded by urban uses; 3) the subject site and surrounding area have historically been used for residential and various commercial uses and is void of natural vegetation; there is no record of endangered, rare, or threatened species in the general vicinity, and staff observed no protected or mitigable wildlife habitat on the subject site or within the immediate vicinity; 4) the public circulation system has sufficient capacity to accommodate multiple modes of transportation and would not be overwhelmed by the addition of three residential units; development of small in-fill residential sites, in accordance with governing standards and regulations, is not expected to substantially increase vehicle trips beyond designed capacities or affect air quality or noise; and the development will be designed to satisfy all applicable storm water regulations established in El Cajon Municipal Code Chapter 16.60; and 5) all required utilities and public services have served and will serve the subject site as well as the surrounding area; and

WHEREAS, none of the conditions in section 15300.2, which provide exceptions

for categorical exemptions exist; and

WHEREAS, after considering evidence and facts, the Planning Commission did consider the proposed Categorical Exemption, section 15332 as presented at its meeting.

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

Section 1. That the foregoing recitals are true and correct, and are findings of fact of the El Cajon Planning Commission in regard to the proposed Categorical Exemption section 15332 for the Naranja Three-unit Residential Development.

Section 2. That based upon said findings of fact, the El Cajon Planning Commission hereby APPROVES of the proposed Categorical Exemption section 15332 for Planned Unit Development No. 2020-0001 and Tentative Parcel Map No. 2021-0002.

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Planning Commission Resolution No. 11066

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held July 19, 2022, by the following vote:

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



Darrin MROZ, Chair

ATTEST:



Noah ALVEY, Secretary

PLANNING COMMISSION RESOLUTION NO. 11067

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF PLANNED UNIT DEVELOPMENT NO. 2020-0001 FOR A THREE-UNIT COMMON-INTEREST DEVELOPMENT IN THE RM-6000 (RESIDENTIAL, MULTI-FAMILY, 6,000 SQ. FT.) ZONE; APN: 489-121-02-00; GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (LR).

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on July 19, 2022, and considered the project for Planned Unit Development ("PUD") No. 2020-0001 (PUD-2020-0001), as submitted by Rabie Mikha, requesting approval of a three-unit PUD in the RM-6000 zone, on property located on the south side of Naranca Avenue between North Second and Grape Streets, and addressed as 1325 Naranca Avenue; and

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

WHEREAS, the El Cajon Planning Commission adopted the next resolution in order recommending to the El Cajon City Council approval of the proposed CEQA exemption; and

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

- A. The proposed project density is consistent with the pending Low Density Residential designation of the General Plan. Furthermore, the project would facilitate the development of the site with residential uses in conformance with Housing Element policies to increase the number of housing units.
- B. The project proposes to accommodate pedestrian access through the private street as a separate concrete sidewalk is not necessary to serve the three residences. No other alternative development standards are proposed.
- C. The proposed PUD is similar to other common interest development projects in the vicinity and provides for home ownership opportunities. Therefore, the proposed project is compatible with surrounding development.

- D. The design of the proposed project provides sufficient parking with adequate space for vehicle back-up and maneuvering. Proposed structures and other elements of the project would not have a negative effect on visibility.

NOW, THEREFORE, BE IT RESOLVED that based upon said findings of fact stated above, the El Cajon Planning Commission hereby RECOMMENDS CITY COUNCIL APPROVAL of PUD-2020-0001 for a three-unit common-interest residential development in the RM-6000 zone on the above described property, subject to the following conditions:

Planning

1. Prior to the issuance of building permits, or as otherwise determined by the Director of Community Development, the applicant shall submit and obtain approval of a one-page, digital site plan for PUD-2020-0001 that reflects the following specific notes and changes:
 - a. Include the following note: "This project shall comply with the Standard Conditions of Development from Planning Commission Resolution No. 10649, as applicable."
 - b. Include the following note: "Separate utility connections shall be provided for each unit in the approved PUD."
 - c. Include the following note: "The private garages shall be maintained as available for the parking of two automobiles at all times."
 - d. The revised site plan shall reflect the required notes enumerated under the Engineering and Storm Water heading below.
2. Prior to the issuance of building permits, or as otherwise determined by the Director of Community Development, the applicant shall complete the following:
 - a. Submit the required copies of the recorded final parcel map. The map shall be in conformance with the approved PUD-2020-0001 site plan.
 - b. Record the final map for Tentative Parcel Map ("TPM")-2021-0002.
 - c. Provide a preconstruction elevation certificate, completed by a registered professional engineer or surveyor, to the Floodplain Administrator in Planning.
 - d. Submit a lighting plan in accordance with El Cajon Municipal Code section 17.130.150. The plan shall include the location of all external lighting elements and their respective design. Planning approval of the plan is required before building permit issuance.
 - e. The approved building material types and colors of all exterior elevations shall be shown on the construction drawings submitted for building

- permits and shall be in substantial conformance with the materials approved by the City Council.
- f. Submit a letter indicating proof of trash and recycling collection services from the City's solid waste collection contractor (EDCO).
 - g. Comply with the Engineering comments to the satisfaction of the City Engineer and the Director of Community Development.
 - h. Submit a Landscape Documentation Package ("LDP") and Certificate of Completion in conformance with the requirements of Chapter 17.195 and section 17.60.180 of the Zoning Code, and the State's revised Model Water Efficient Landscape Ordinance, and consistent with the guidelines provided in the City of El Cajon Landscape Design Manual. The LDP plans shall be consistent with the approved PUD site plan and TPM. Indicate a dedicated water meter for the irrigation of any common area landscaping.
3. Prior to building permit final, or as otherwise determined by the Director of Community Development, the applicant shall complete the following:
- a. Submit a Certificate of Completion for landscape improvements pursuant to Zoning Code section 17.195.330.
 - b. Obtain approval of the landscaping improvements.
 - c. Obtain staff approval of the improvements in the common areas of the development.
 - d. Upon completion of the structures, the elevation of the lowest floors shall be certified by a registered professional engineer or surveyor and verified by the building inspector to be properly elevated. Such certification shall be provided to the Floodplain Administrator in Planning.
4. Submit one electronic copy of the draft of the Declaration of Covenants, Conditions and Restrictions ("CC&Rs") for the common ownership and maintenance of the project for approval by Planning, Storm Water, and the City Attorney. Prior to the granting of a certificate of occupancy of any units the applicant shall record the CC&Rs and submit one electronic copy (PDF format) of the recorded document to Planning. The CC&Rs shall include the maintenance of the private street, sidewalks, driveways, common lighting, common fencing, storm water facilities, and required landscape areas including street yards and the common recreation lot, and shall contain the following language:
- a. "This entire project and property shall be subject to all of the conditions and restrictions contained within the resolution adopted by the City of El Cajon which approved the tentative subdivision map for the project, as well as, being subject to all the conditions and restrictions contained in any permits issued for the project which were approved by the City of El Cajon, along with accompanying site plans, elevations and landscape plans."

- b. "The City of El Cajon is hereby given supervisory jurisdiction over the enforcement of the provisions of this Declaration dealing with maintenance, cleanliness and repair of the landscape and pavement maintenance easement, and exterior appearance of the project. In the event of breach of any duty pertaining to such maintenance, cleanliness, repair or exterior appearance, the City of El Cajon may give written notice of such breach to the Association or Owners, together with a demand upon them to remedy such breach. If they refuse to do so, or fail to take appropriate action within 30 days of the receipt of such notice, the City of El Cajon shall have the standing and the right (but not the obligation) to both bring an action in a court of proper jurisdiction to enforce the provisions of this Declaration and/or initiate abatement proceedings pursuant to the ordinances of the City of El Cajon. Nothing contained herein shall limit any other right or remedy which the City may exercise by virtue of authority contained in ordinance or state law."
- c. "The City Attorney of El Cajon must give prior approval to any amendments to this Declaration of Covenants, Conditions and Restrictions which deal with any of the following topics:
 - i. "Amendments with regard to the fundamental purpose for which the project was created (such as a change from residential use to a different use), and amendments which would affect the ability of the City of El Cajon to approve or disapprove external modifications to the project.
 - ii. "Amendments with regard to the supervisory jurisdiction for enforcement granted to the City of El Cajon by this Declaration.
 - iii. "Property maintenance obligations, including maintenance of landscaping, sidewalks, and driveways, and cleanliness or repair of the project."
- d. "No alteration or modification shall be made to the landscape and pavement maintenance easement which is contrary to the development plan approved by and on file with the City of El Cajon without the approval of the City."
- e. "Parking shall only occur in the approved parking spaces and individual private garages depicted on the final approved PUD-2020-0001 site plan. No on-site parking is permitted outside designated parking spaces."
- f. "A minimum of two garage parking spaces at each unit shall be maintained and available for parking."

Engineering and Storm Water

Public Improvements

5. Dedicate or provide an additional 5-feet of public street right-of-way along Naranca Avenue, as necessary, to provide an ultimate right-of-way width of 30-feet from centerline along Naranca Avenue.
6. Remove the existing chain link fence from the public right-of-way on Naranca Avenue.
7. The driveway on Naranca Avenue shall be in accordance with San Diego Regional Standard Drawings G-14 A, including 2:1 sidewalk transitions for ADA compliance. Edge of driveways shall be a minimum of 3-feet from the property line and all obstructions. The driveway shall be a minimum 24'/30' curb cut. Repair all damaged concrete curb and gutter and sidewalk pursuant to City of El Cajon Standards.

Prior to issuance of Building Permit and Encroachment Permit, the applicant or contractor shall prepare a detailed scaled drawing with dimensions of the proposed driveway and sidewalk installation showing the location of the public street right-of-way, property lines, face of curb, all physical obstructions, including but not limited to, utility poles, telephone and cable TV equipment, fencing, etc. along with any required offsets in accordance with San Diego Regional Standard Drawings (SDRSD) G-15 and G-16.

These details shall be shown on a separate Grading and Drainage Plan, but may also be included with the building permit plan set. An Engineer's scale shall be used for all drawings submitted to the Engineering for review.

Encroachment Permit Required

8. An Encroachment Permit is required prior to any work within the public right-of-way. Submittal of a detailed drawing described above, a traffic control plan, an insurance certificate and (non-blanket) endorsements in accordance with policy D-3, proof of business license, contractor's license and the review fees. Contact Engineering for additional information.
9. Install separate gravity sewer services, water services (including meters) and other utilities to each parcel with a building unit in accordance with the Municipal Code. Wet-tap fees are required. The proposed sewer and water laterals serving the parcel shall be private and shall be approved by Building. A double cleanout is required at the property line for all sewer laterals. Maintenance of the private sewer and water laterals shall be the responsibility of the homeowners. Connections to the City sewer system and payment of connection fees are required with Building Permits.
10. Install an LED public streetlight on Naranca Avenue located at twenty-five (25)-

feet east of the westerly property line pursuant to City Standard FS-303. Provide a detailed scaled drawing that shows the new streetlight location, service point, and pull boxes.

11. Close all unused existing driveways and replace with full height curb and gutter and PCC sidewalk per City Standards.
12. Stub any new underground utility services out at the property line.
13. Repair all damaged curb, gutter, and sidewalk.
14. No sheet flow is allowed over the proposed driveway and sidewalk.

Map Requirements

15. Submit a current Preliminary Title Report and a Subdivision Guarantee, no older than 60 days, at the time the map is ready to record.
16. Submit a County Tax Certificate valid at the time of map recordation.
17. Set survey monuments and guarantee setting of any deferred monuments.
18. Submit Will-Serve letters from Helix Water District, SDG&E, and AT&T.
19. Submit signature omission letters from all public easement holders who do not have a signature block on the map.
20. Submit a letter stating if the required public improvements listed in 6, 7, 10, 11 and 13 above will be completed prior to recording the Map or deferred by a Subdivision Agreement.
21. Municipal Code section 16.16.060 provides that, in lieu of constructing the required improvements prior to recording of the final map, the subdivider may enter into an agreement which guarantees construction within one year. Such agreement shall be accompanied by improvement security in accordance with Municipal Code section 16.16.080 and a certificate of insurance provided by the subdivider in accordance with City Council Policy D-3.
22. The lot without a building unit is to be designated as a non-buildable lot for ingress and egress, water, sewer, and other utility purposes, for the common use and benefit of the other lots.
23. Underground all new utility distribution facilities within the subdivision boundaries, including services to all new and existing buildings, in accordance with City Municipal Code sections 16.16.040(D) and 16.52.010. Evidence of arrangements to underground utilities must be provided.
24. Add the following notes to the PUD site plan:

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

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

Storm Water Requirements & Conditions

25. In accordance with the City of El Cajon Municipal Code Chapter 16.60, and based on the initial submittal, this project falls into a Standard Development Project category.
- a. Incorporation of New Development Best Management Practices ("BMPs"), composed of site design and source control BMPs. All applicable storm water BMPs features shall be shown on site plans and landscaping plans.
 - b. Standard Development Projects shall complete Forms I-1, I-2, I-4 and I-5 and implement applicable BMPs in Forms I-4 and I-5. Please refer to the City of El Cajon BMPs Design Manual. The design manual can be found on the City of El Cajon website at:

www.elcajon.gov/i-want-to/view/documents-forms-library/-folder-137

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

www.swrcb.ca.gov/rwqcb9/water_issues/programs/stormwater/docs/2015-1118_AmendedOrder_R9-2013-0001_COMPLETE.pdf

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

www.sandiegocounty.gov/content/sdc/dpw/watersheds/susmp/lid.html

Private Development Engineering Requirements & Conditions

27. Submit a preliminary soils report prepared by a Civil or Geotechnical Engineer registered in the State of California, along with adequate test borings.

28. Submit a Drainage Study and a Grading and Drainage Plan along with an Erosion Control Plan prepared by a Civil Engineer, registered in the State of California. No grading or soil disturbance, including clearing of vegetative matter, shall be done until all necessary environmental clearances are secured and the Grading and Drainage Plan and Erosion Control Plan have been reviewed by the City.

These plans shall be based on the preliminary soils report and in conformance with the City of El Cajon Jurisdictional Runoff Management Program (JRMP) and Standard Urban Storm Water Mitigation Plan Ordinance (SUSMP) which require additional water quality management measures and future ongoing maintenance even after completion of the project to prevent, treat, or limit the amount of storm water runoff and pollution from the property.

The Erosion Control Plan shall show measures to ensure that pollutants and runoff from the development are reduced to the maximum extent practicable and will not cause or contribute to an exceedance of receiving water quality objectives throughout project construction.

The Drainage Study shall include all related tributary areas and adequately address the impacts to the surrounding properties and to the City drainage system. The developer shall provide any needed public and private drainage facilities, including off site drainage facilities (as determined by the study). If public drainage facilities are required, the required improvements need to be included in improvement plans, prepared by a Civil Engineer, registered in the State of California, and submitted to the City for approval. Note: If the Drainage Study indicates the existing downstream drainage system is inadequate for the proposed density of the subdivision, a reduction in intensity and/or hard surface coverage of the subdivision may be required.

Building Safety

29. Comply with Currently adopted edition of the California Building Code, California Fire Code, California Mechanical Code, California Plumbing Code, California Electrical Code, and Green Building Standard Code.
30. A Building permit is required for this project.
31. All new residential structures shall be provided with approved automatic fire sprinkler systems
32. All new residential structures shall be provided with California State Fire Marshal approved smoke and carbon monoxide detection where required.
33. Any proposed vehicle gates require knox key-switch and Opticom sensors.

Planning Commission Resolution No. 11067


PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held July 19, 2022, by the following vote:

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



Darrin MROZ, Chair

ATTEST:



Noah ALVEY, Secretary

PLANNING COMMISSION RESOLUTION NO. 11068

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE PARCEL MAP NO. 2021-0002 FOR A FOUR-LOT SUBDIVISION ON THE SOUTH SIDE OF NARANCA AVENUE BETWEEN NORTH SECOND AND GRAPE STREETS, APN: 489-121-02-00; GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (LR).

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on July 19, 2022, to consider Tentative Parcel Map ("TPM") No. 2021-0002, as submitted by Rabie Mikha, for the Naranja Three-Unit Development project, requesting a four-lot residential subdivision in the RM-6000 (Residential, Multi-family, 6,000 square foot) zone; and

WHEREAS, the Planning Commission adopted the next resolution in order recommending City Council approval of the proposed Planned Unit Development ("PUD") for a three-unit residential common interest development; and

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

- A. The proposed map is consistent with the General Plan and the General Plan goals related to housing that seek to provide a variety of residential development opportunities in the City;
- B. The proposed subdivision map design results in a common interest residential project, which is consistent with the goals and objectives of the General Plan. Furthermore, the site is generally level and physically suited for the type of development as well as the density of the development that is proposed for this property;
- C. The project site has no habitat value and is located in an urbanized area. Furthermore, the subject property is in a disturbed condition, surrounded by urban development, not environmentally sensitive, and there are no fish or wildlife populations that would be harmed by the existing residential development of the subject property;
- D. The design of the subdivision and type of improvements are required to incorporate storm water management improvements that will contribute to healthier streams, rivers, bays and the ocean. Furthermore, the units are separated to allow air flow through and around the units;

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

NOW, THEREFORE, BE IT RESOLVED that based upon said findings of fact stated above, the El Cajon Planning Commission hereby RECOMMENDS that the City Council APPROVE Tentative Parcel Map No. 2021-0002 for a four-lot subdivision, including one common lot, in the RM-6000 zone on the above described property, subject to the following conditions:

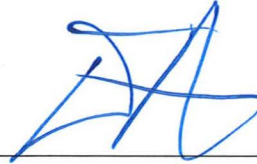
1. The applicant shall comply with all Engineering requirements as indicated in the conditions included to the resolution recommending City Council approval of the PUD No. 2020-0001.
2. Prior to the issuance of building permits for PUD No. 2020-0001, or as otherwise determined by the Director of Public Works, the final map for TPM No. 2021-0002 shall be recorded and the appropriate number of copies returned to the City.
3. The final map shall be in substantial conformance with the approved site plan for PUD No. 2020-0001 and TPM No. 2021-0002, except as modified by this resolution.
4. Prior to acceptance of the final map by the City Council, a common lot maintenance easement shall be depicted on the map. The common lot maintenance easement shall be depicted over all front yard landscaped areas, private driveways, and the common lot at the site, as depicted on the TPM.
5. The final map shall be accepted by the City Council and prepared for recordation in accordance with El Cajon Municipal Code Chapter 16.20.
6. The recordation of the final map shall be in accordance with the time limits permitted in Government Code section 66452.6 et seq.

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Planning Commission Resolution No. 11068

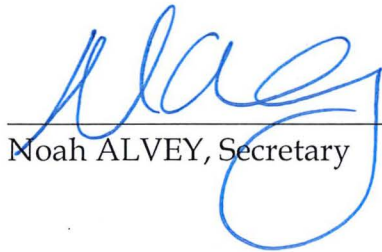
PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held July 19, 2022, by the following vote:

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



Darrin MROZ, Chair

ATTEST:



Noah ALVEY, Secretary

Agenda Item:	5
Project Name:	Naranca 3-Unit Development
Request:	New common interest development for three single-family detached residences
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	RECOMMEND CITY COUNCIL APPROVAL
Project Number(s):	Planned Unit Development (PUD) No. 2020-0001 Tentative Parcel Map (TPM) No. 2021-0002
Location:	1325 Naranca Avenue
Applicant:	Rabie Mikha; rabie.mikha@gmail.com; 619-729-5953
Project Planner:	Spencer Hayes; shayes@elcajon.gov; 619-441-1656
City Council Hearing Required?	Yes August 9, 2022
Recommended Actions:	<ol style="list-style-type: none"> 1. Conduct the public hearing; and 2. MOVE to adopt the next resolutions in order recommending City Council approval of the CEQA exemption, PUD No. 2020-0001, and TPM No. 2021-0002, subject to conditions.

HAYES summarized the staff report through a PowerPoint presentation.

COMMISSIONERS asked questions with HAYES providing answers.

MROZ opened the public hearing.

MIKHA spoke in support of his project. Commissioners conversed with MIKHA about the project.

Javier DEL REAL owns neighboring property and spoke in support of the project and asked about parking. HAYES clarified the number of onsite parking spaces.

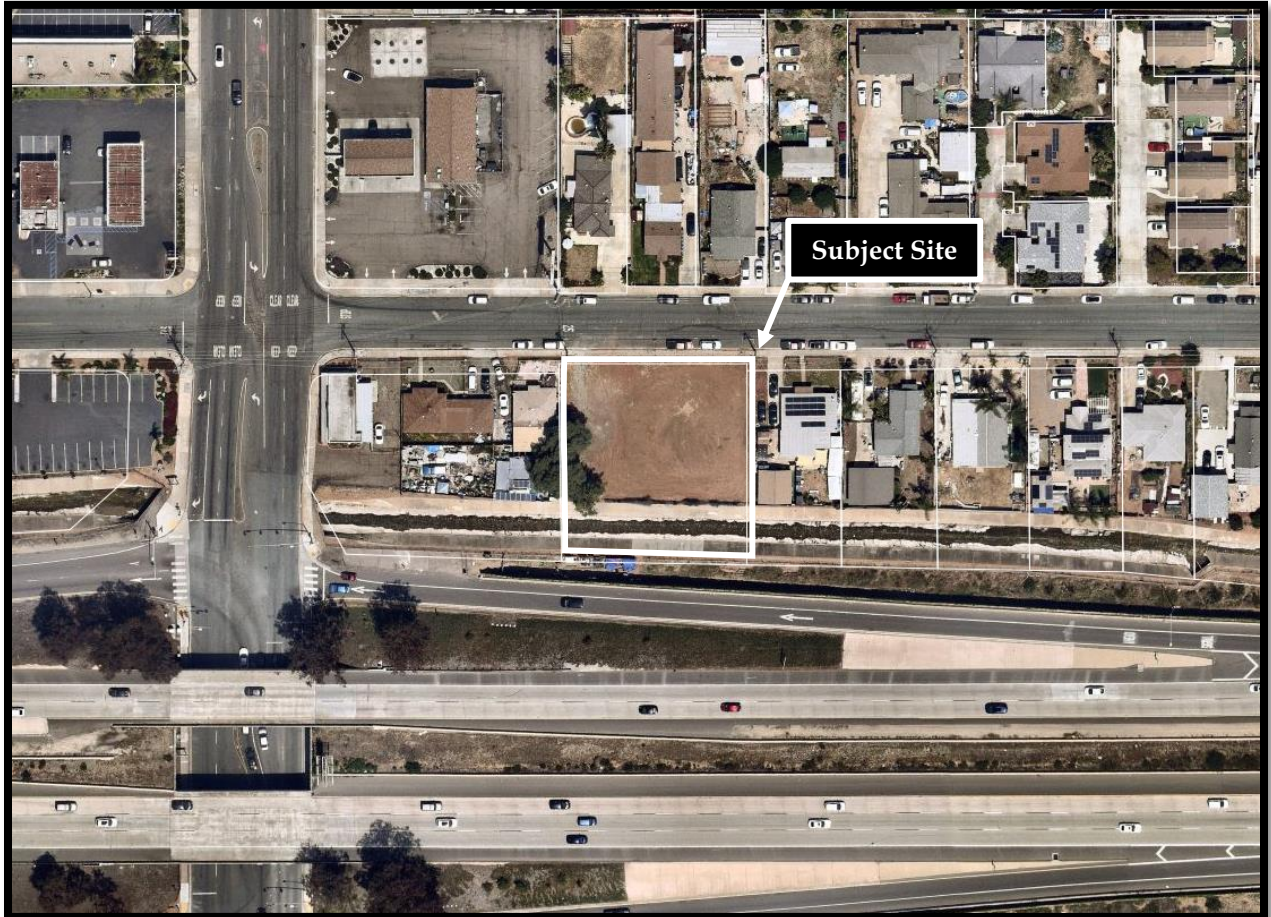
Motion was made by MROZ, seconded by SOTTILE, to close the public hearing; motion carried 4-0, with VALLES absent.

Motion was made by POLLACK-RUDE, seconded by CIRCO, to recommend City Council approval of the CEQA exemption, PUD No. 2020-0001, and TPM No. 2021-0002; motion carried 4-0, with VALLES absent.

Aerial Image

1325 Naranca Avenue

PUD-2022-0001 & TPM-2021-0002





Project Assistance Center
PLANNING PERMIT APPLICATION

Type of Planning Permit(s) Requested:

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

Project Location

Parcel Number (APN): 489-121-02-00 **1325 Naranca**

Address: 1235 NARANCA AVENUE, EL CAJON, CA 92021

Nearest Intersection: 2nd STREET

Project Description (or attach separate narrative)

- DEMOLISH EXISTING S.F.R. (854 S.F.), DRIVEWAY AND CONCRETE WALKWAY.
- NEW CONSTRUCTION OF IDENTICAL 3-HOUSES, SHARED DRIVEWAY, SITE IMPROVEMENTS.

Project Screening Questions

Existing use? No Yes

Modification of use? No Yes

New development or addition? No Yes

Existing Structures? No Yes

If yes, please describe:

RESIDENTIAL

DEMOLISH EXISITNG, NEW 3-HOUSES

Age of the structures: 1940

Demolition or substantial modification proposed to site improvements or structures?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	DEMOLISH EXISTING, NEW 3-HOUSES
Tenant improvements proposed?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	_____
Existing vegetation or trees on site proposed for removal?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	I see trees on site and a GDP will be required
Proposed grading?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	Proposed quantities of cut and/or fill.

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

Company Name: _____

Contact Name: RABIE MIKHA

Mailing Address: 1639 JACKSON HILL CT., EL CAJON CA 92021

Phone: 619-729-5953 Email: RABIE.MIKHA@GMAIL.COM

Interest in Property: Own Lease Option

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

Company Name: _____

Contact Name: _____ License: _____

Mailing Address: _____

Phone: _____ Email: _____

Property Owner Information (if different than applicant)

Company Name: _____

Contact Name: _____

Mailing Address: _____

Phone: _____ Email: _____

Hazardous Waste and Substances Statement

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

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

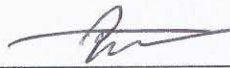
The development project and any alternatives proposed in this application:

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

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

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

Authorization

Applicant Signature¹:  _____ Date: 11/11/2020

Property Owner Signature²:  _____ Date: 11/11/2020

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

Pre-application Conference

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

Conference date: _____

Application Submittal

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

Appointment date: _____



Disclosure Statement

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

The following information must be disclosed:

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

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

Rabie Mikha & Rand Zuhair Ayman Mika & Rasha Mika
Samer Mikha & Alisia Alyas _____


- 2. If any person identified pursuant to (1) above is a corporation or partnership, list the names and addresses of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

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

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

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

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

 11/11/2020

Signature of applicant / date

Rabie Mikha

Print or type name of applicant

NOTE: Attach appropriate names on additional pages as necessary.

SITE ID	IMPERVIOUS ITEM	DIMENSIONS	NEW OR REPLACED ARE (SF)	EXISTING AREA TO BE REMOVED (SF)
①	BUILDINGS	PER PLAN	4,503	1,008
②	COVERED PATIO/COVERED ENTRY	PER PLAN	381	182
③	CONC. WALKWAY	PER PLAN	850	815
④	(N)CONC. DRIVEWAY (E)CONC. DRIVEWAY	THE AREA BETWEEN THE PROPERTY LINE & STREET	260 79	79
⑤	(N)CONC. DRIVEWAY/ GUEST PARKING	PER PLAN	2,951	
TOTAL			9,024	2,005

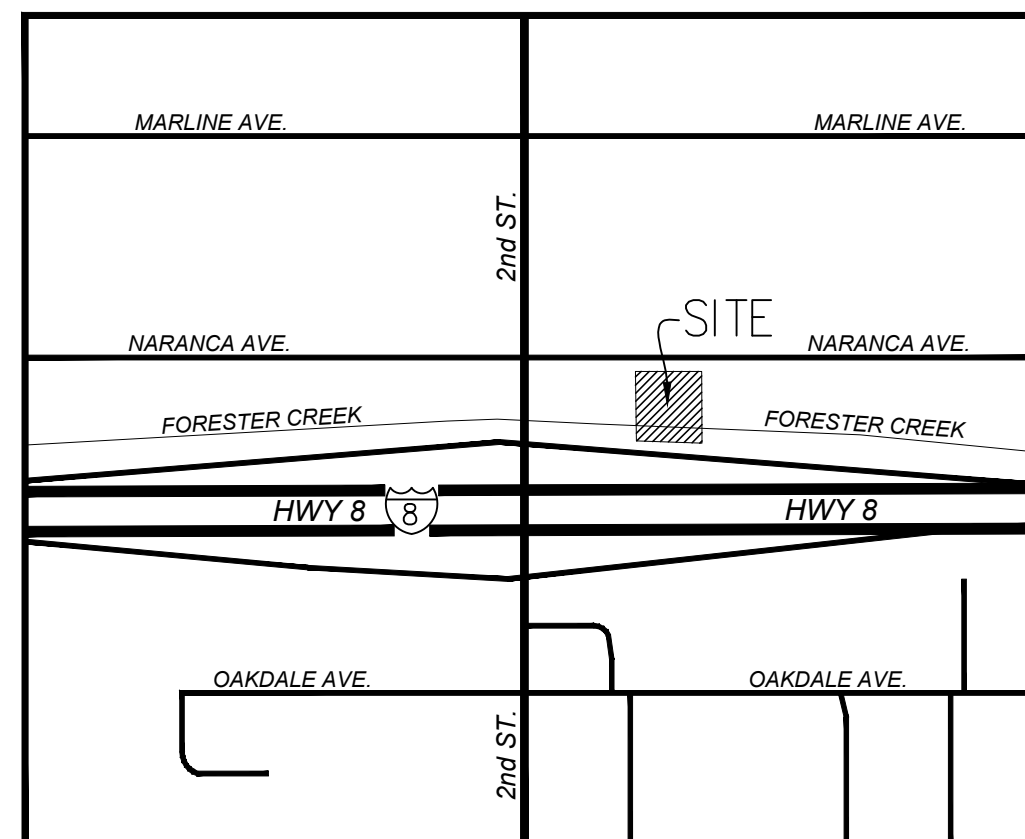
SITE ID	PERVIOUS ITEM	DIMENSIONS	NEW OR REPLACED ARE (SF)	EXISTING AREA (SF)
⑥	LANDSCAPE/DIRT	PER PLAN	4,237	11,396
TOTAL			4,999	11,396
TOTAL PERVIOUS AREA EXCLUDE DRAINAGE CHANNEL EASEMENT				

LEGEND

- BUILDING WALL
- CONCRETE SURFACE
- DRIVEWAY PER RSD G-14A
- VINYL FENCE
- EXISTING BUILDING TO BE DEMOLISHED

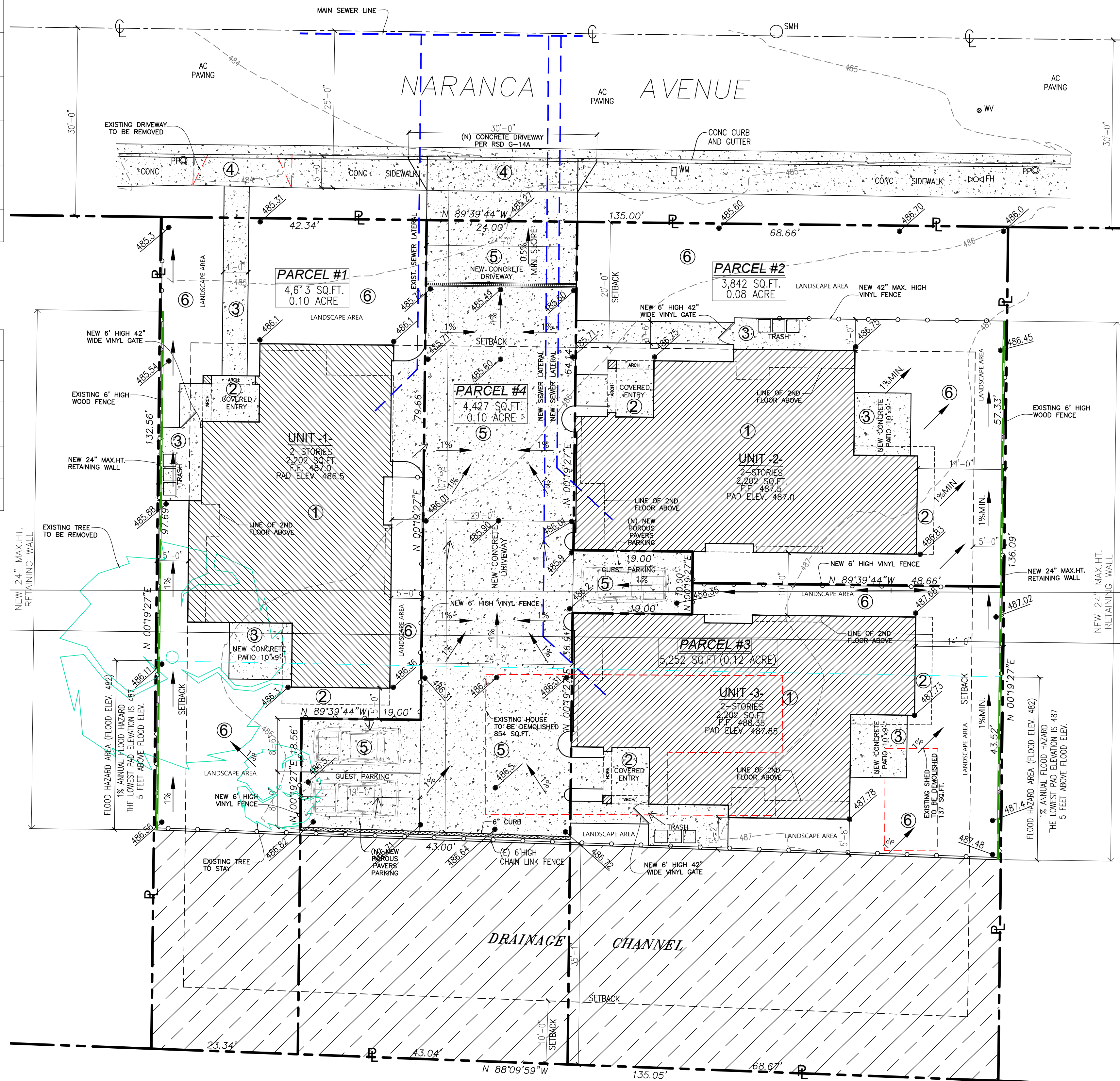
LEGEND AND ABBREVIATIONS

- PROPERTY LINE
- AC ASPHALT
- CLF CHAIN LINK FENCE
- CONC CONCRETE
- FF FINISH FLOOR
- FH FIRE HYDRANT
- PP POWER POLE
- SMH SEWER MANHOLE
- TR TREE
- WF WOOD FENCE
- WM WATER METER
- WV WATER VALVE



VICINITY MAP
NOT TO SCALE

FIRE DEPARTMENT NOTES:
 -ALL NEW RESIDENTIAL STRUCTURES WILL BE PROVIDED WITH APPROVED AUTOMATIC FIRE SPRINKLER SYSTEMS
 -ALL NEW RESIDENTIAL STRUCTURES WILL BE PROVIDED WITH CSFM APPROVED SMOKE AND CARBON MONOXIDE DETECTION WHERE REQUIRED



INTERSTATE 8

SITE PLAN
SCALE: 1"=10'

PROJECT DESCRIPTION:

- DEMOLISH EXISTING S.F.R. (854 S.F.), DRIVEWAY AND CONCRETE WALKWAY.
- NEW CONSTRUCTION OF IDENTICAL 3-HOUSES, SHARED DRIVEWAY, AND SITE IMPROVEMENTS.
- PUD PERMIT & TENTATIVE PARCEL MAP.

SCOPE OF WORK:

- 4 LOT PLANNED UNIT DEVELOPMENT SUBDIVISION.
- (3) DETACHED SINGLE FAMILY DWELLINGS AND (1) COMMON DRIVEWAY LOT.

LEGAL INFORMATION:

LOT 18 IN BLOCK 7 OF BOSTONIA ACRES, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1833, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 21, 1925

PROJECT ADDRESS:

1325 NARANCA AVENUE
EL CAJON, CA 92021

A.P.N.#:

489-121-02-00

OWNER:

MIKHA FAMILY
1639 JACKSON HILL CT.
EL CAJON CA 92021
TEL (619) 729-5953

DESIGNER:

PLAN PREPARED BY:
RABIE MIKHA
CELL:(619) 729-5953

ZONING:

RM-6000 RESIDENTIAL, MULTI FAMILY,
LOT SIZE : 0.43 ACRES,
18,808 / 6,000 = 3.13 UNITS

LOT COVERAGE:

LOT SIZE : 18,808 SQUARE FT.
LOT COVERAGE : 40% (7,523 S.F.)
TOTAL LOT COVERAGE : 4,707 S.F. (25%)

SETBACKS, BUILDING HEIGHT:

FRONT : 20'
EXTERIOR SIDE : 10'
INTERIOR SIDE : 5'
REAR : 20'
MAX. BUILDING HT. : 20'

FLOOD HAZARD AREA:

1% ANNUAL FLOOD HAZARD PER FEMA.(ZONE X)

BUILDING AREA'S:

UNIT'S LIVING AREA:
1ST FLOOR : 977 S.F.
2ND FLOOR : 1,225 S.F.
TOTAL LIVING AREA : 2,202 S.F.

GARAGE : 456 S.F.
COVERED ENTRY : 66 S.F.

TOTAL LIVING AREA (1,2 & 3) : 6,606 SQ.FT.

CITY OF EL CAJON

PERMIT NO. _____

APPLICANT: RABIE MIKHA

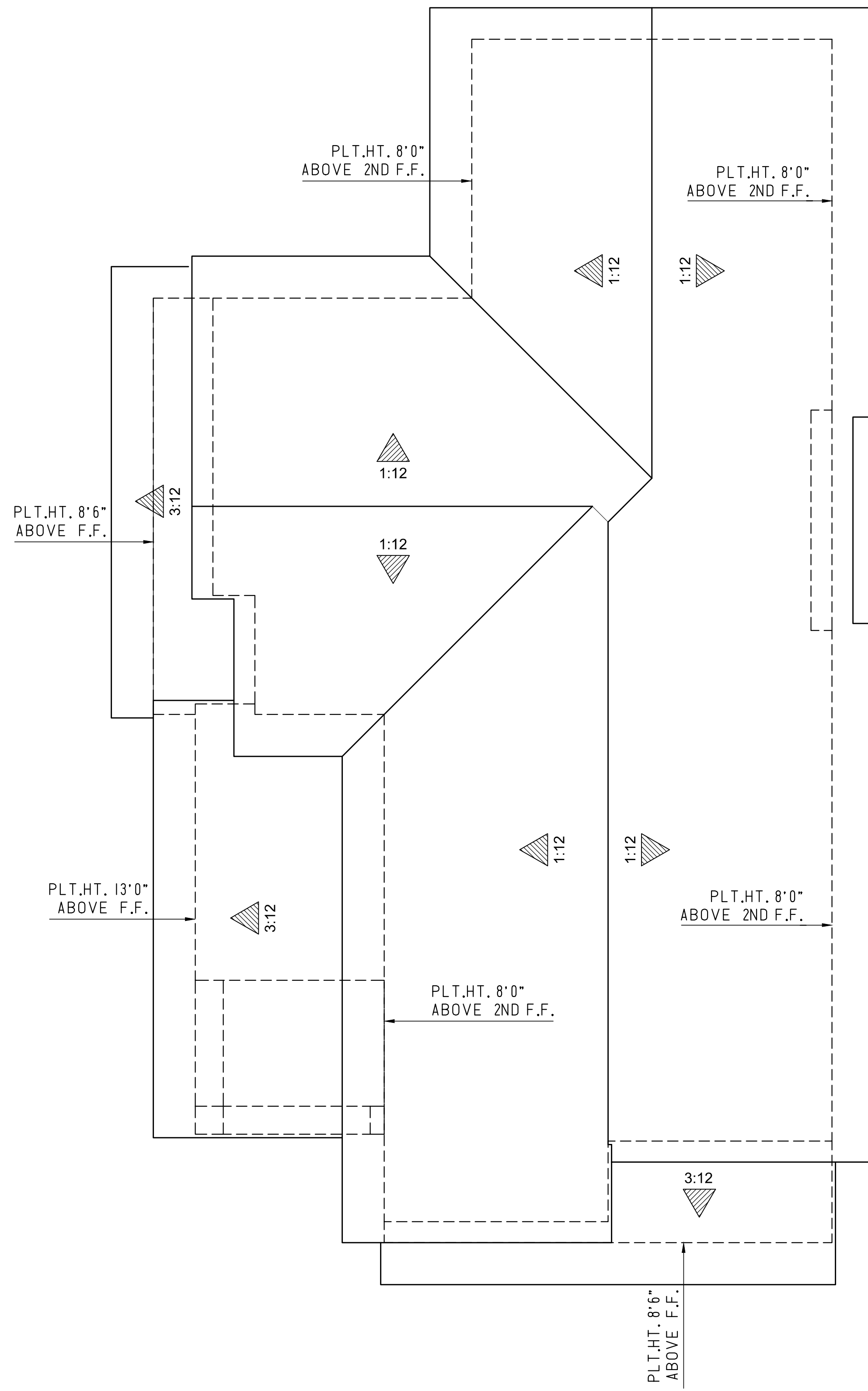
ASSESSOR PARCEL NO(S): 489-121-02-00

REQUEST: PLANNED UNIT DEVELOPMENT (PUD-2020-0001)
TENTATIVE PARCEL MAP (TPM-2021-0002)

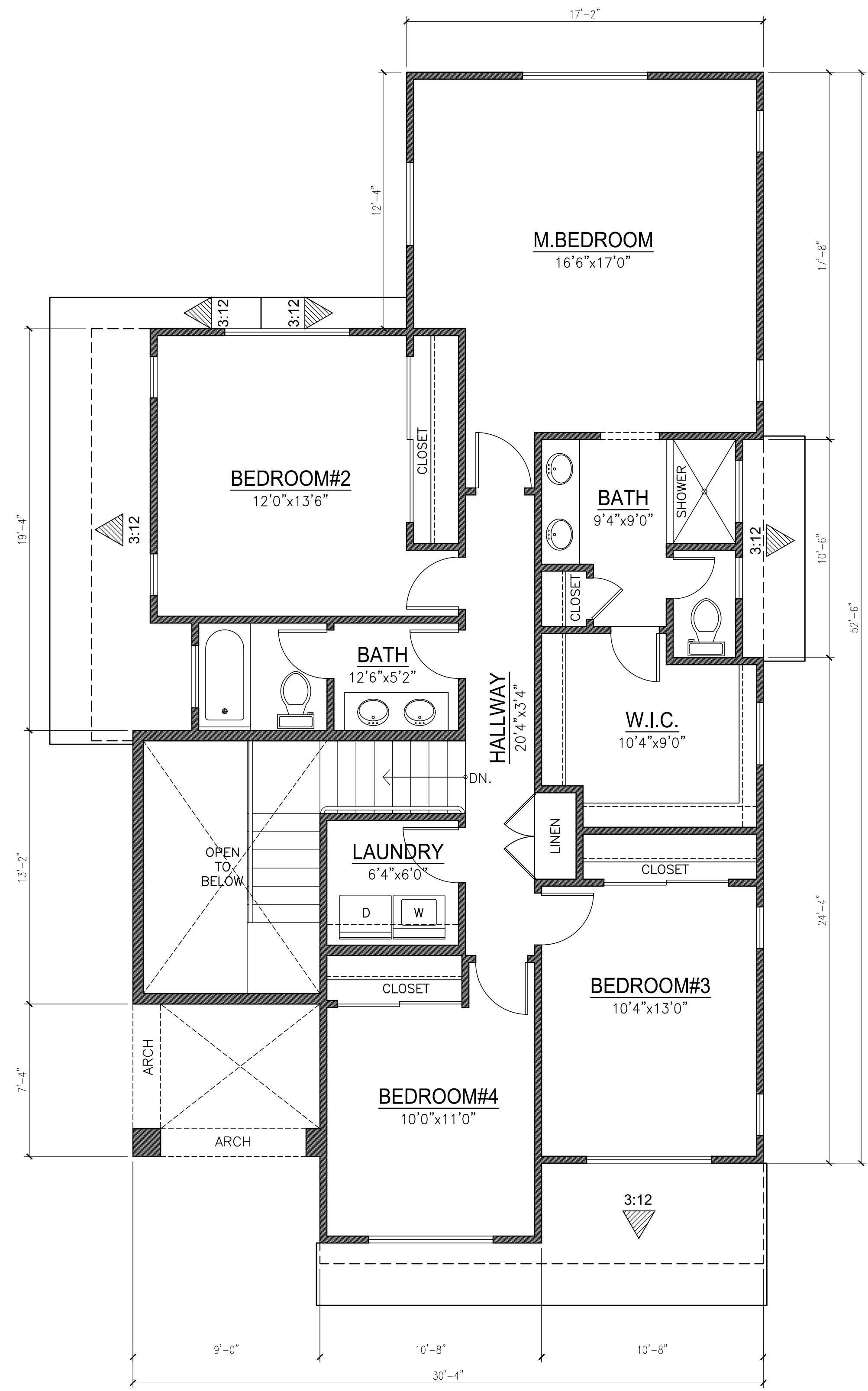
PC RESOLUTION No. _____ APPROVED BY: _____

CC RESOLUTION No. _____

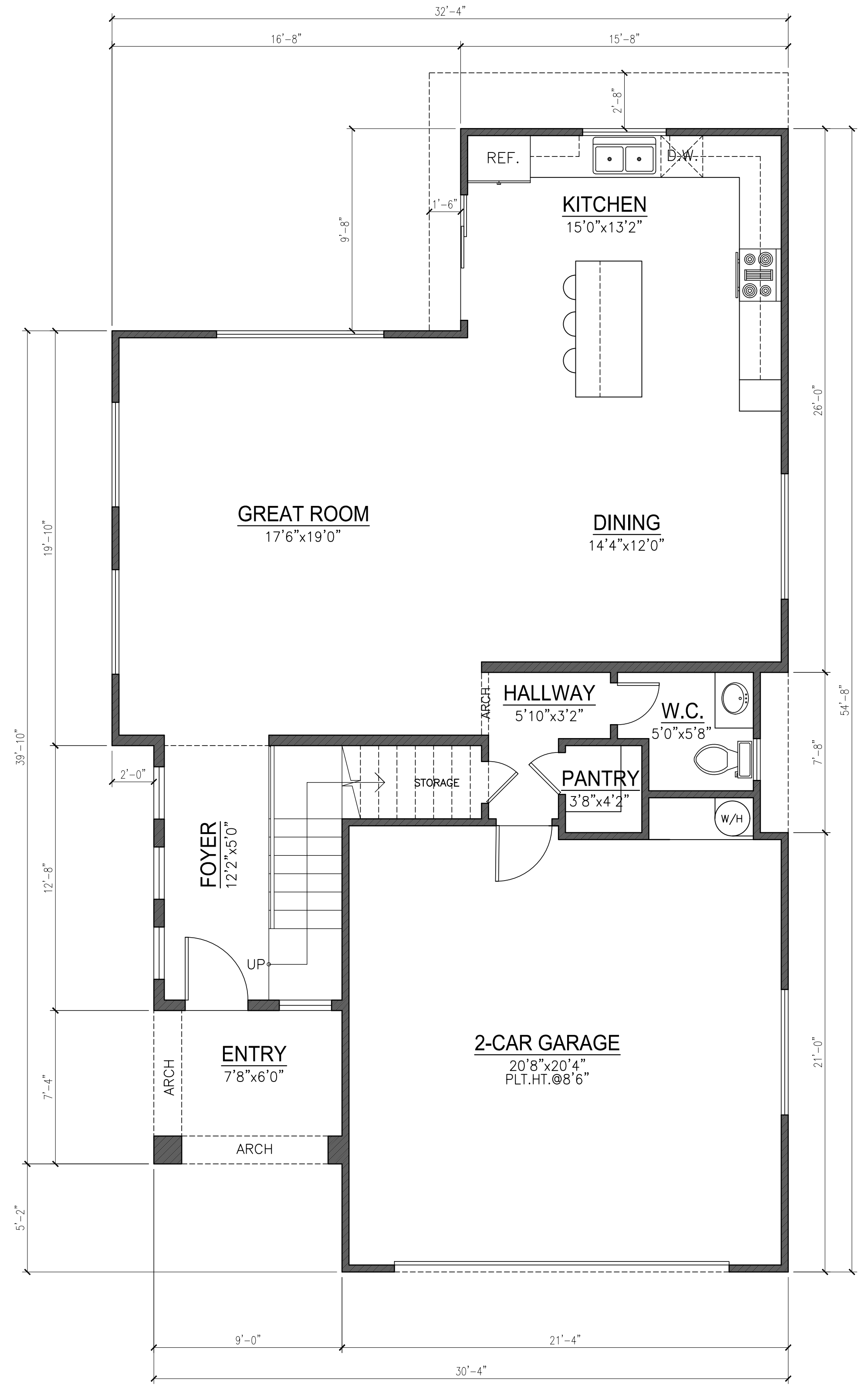
ORDINANCE No. _____ DATE: _____



ROOF PLAN
SCALE: 1/4"=1'-0"



SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"



GROUND FLOOR PLAN
SCALE: 1/4"=1'-0"

UNITS: 2 & 3

NOTE: ALL UNITS ARE SAME LAYOUT, EXCEPT AT THE GARAGE DOOR (UNIT-1) LOCATION, AND HOUSE POSITION.

BUILDING AREA'S:

UNIT'S LIVING AREA:	
1ST FLOOR	: 977 S.F.
2ND FLOOR	: 1,225 S.F.
TOTAL LIVING AREA:	: 2,202 S.F.
GARAGE	
COVERED ENTRY	: 456 S.F.
	: 66 S.F.
TOTAL LIVING AREA (1,2 & 3)	: 6,606 SQ.FT.

REVISIONS

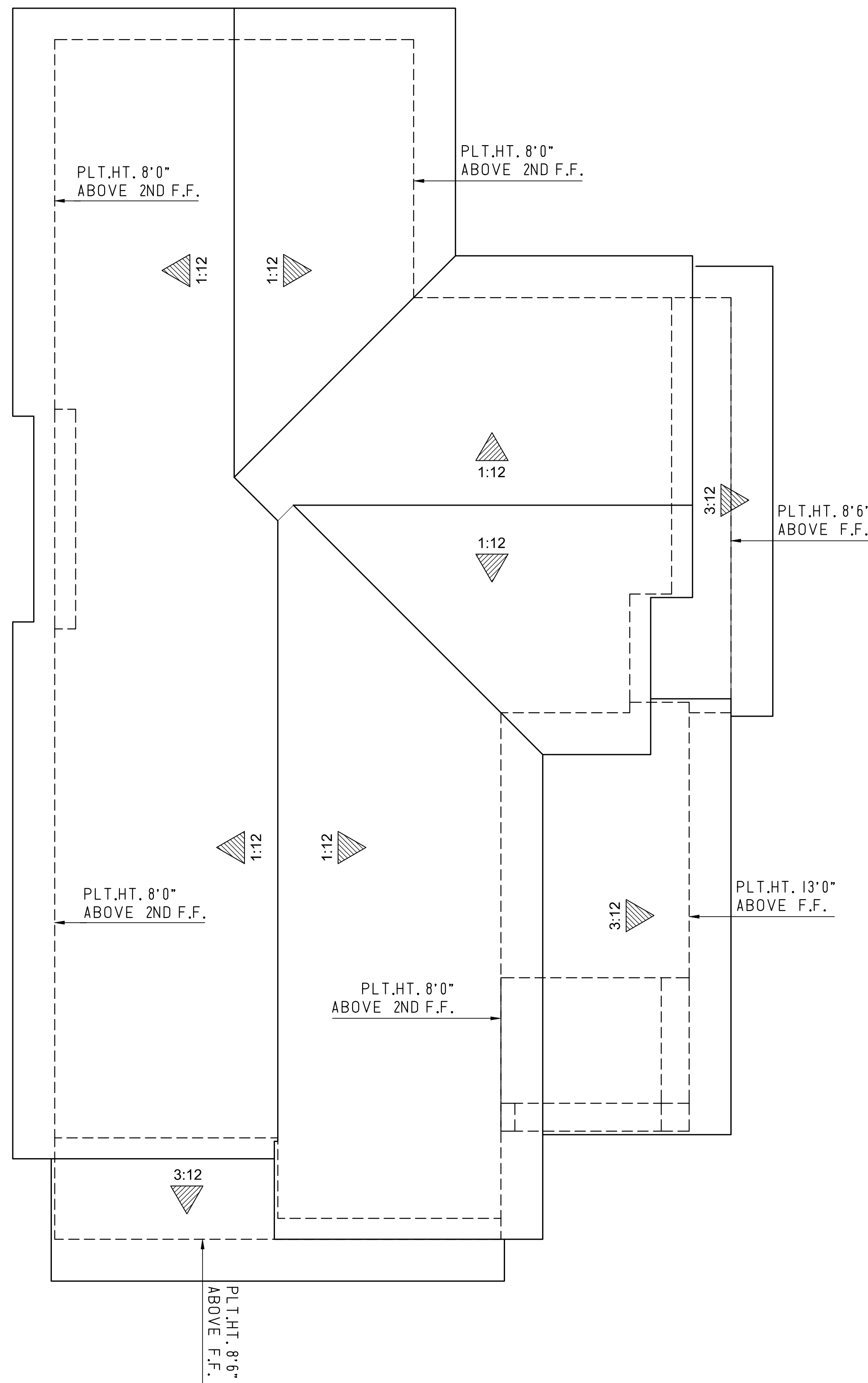
PLANS DESIGNED AND PREPARED BY:
RABIE MIKHA
TELL: (619) 729-5953

PROJECT:
MIKHA HOMES
1325 NARANCA AVENUE
EL CAJON, CA 92021

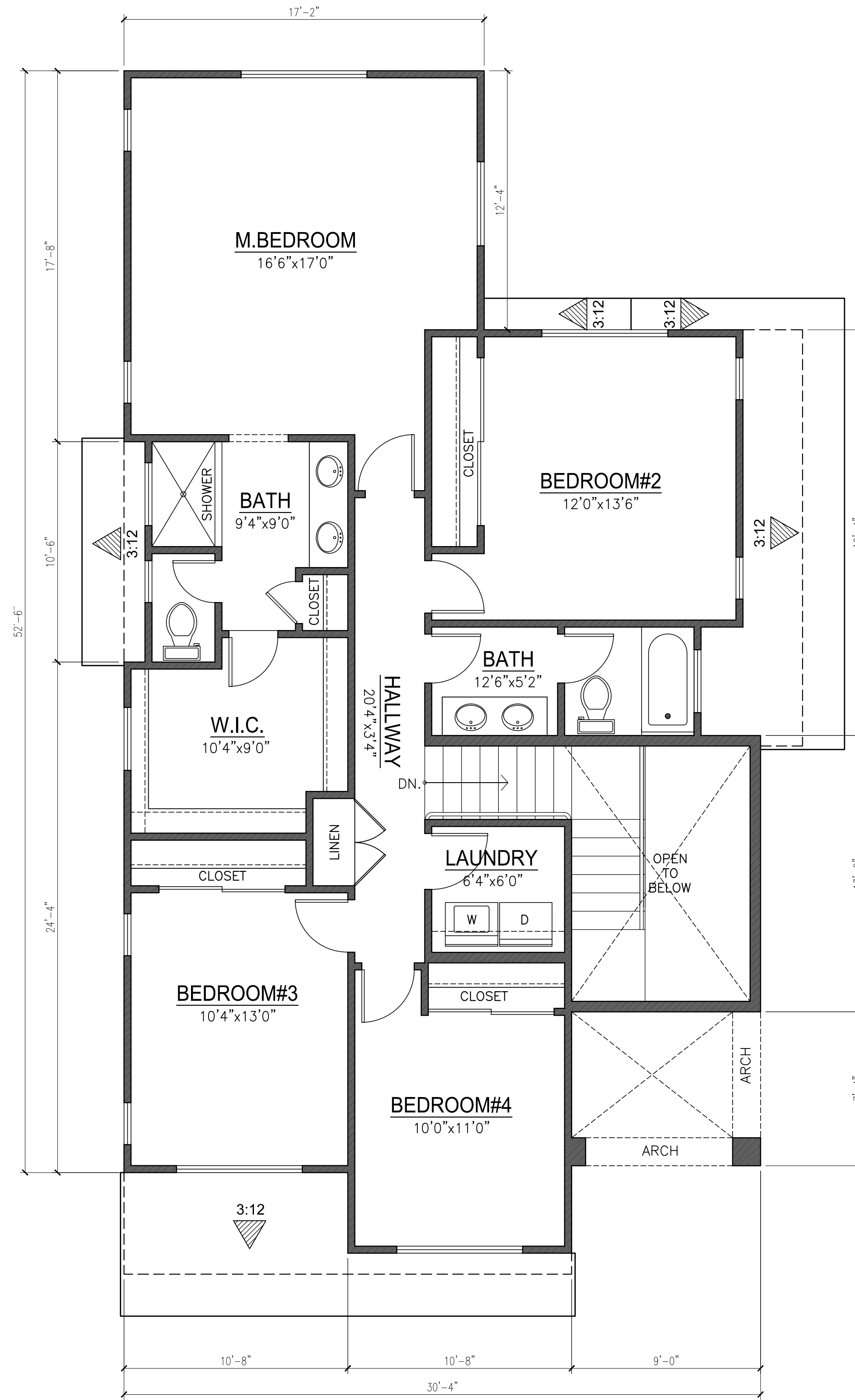
UNITS: 2 & 3
FLOOR PLANS
ROOF PLAN

DRAWN	R.M.
DATE	03-14-2021
SCALE	
JOB NO.	
SHEET	

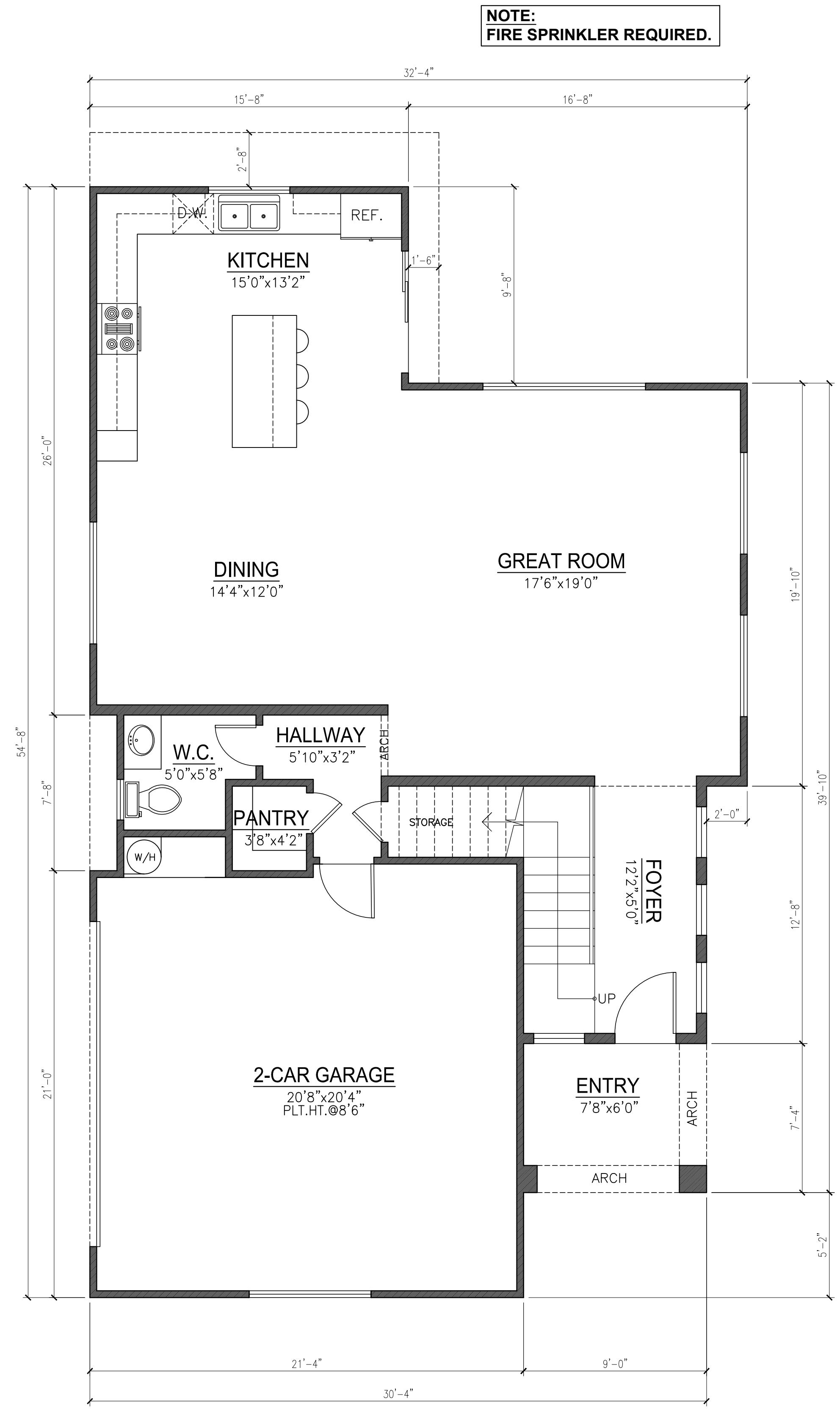
A-2
OF SHEETS



ROOF PLAN
SCALE: 1/4"=1'-0"



SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"



GROUND FLOOR PLAN
SCALE: 1/4"=1'-0"

UNIT: 1

NOTE: ALL UNITS ARE SAME LAYOUT,
EXCEPT AT THE GARAGE DOOR (UNIT-1-)
LOCATION, AND HOUSE POSITION.

NOTE:
FIRE SPRINKLER REQUIRED.

BUILDING AREA'S:

UNIT'S AREA:	
LIVING AREA:	
1ST FLOOR	: 995 S.F.
2ND FLOOR	: 1,214 S.F.
TOTAL LIVING AREA	: 2,209 S.F.
GARAGE	
	: 470 S.F.
COVERED ENTRY	
	: 66 S.F.
TOTAL LIVING AREA (1,2 & 3) : 6,627 SQ.FT.	

REVISIONS

PLANS DESIGNED AND
PREPARED BY:
RABIE MIKHA
TELL: (619) 729-5953

PROJECT:

MIKHA HOMES

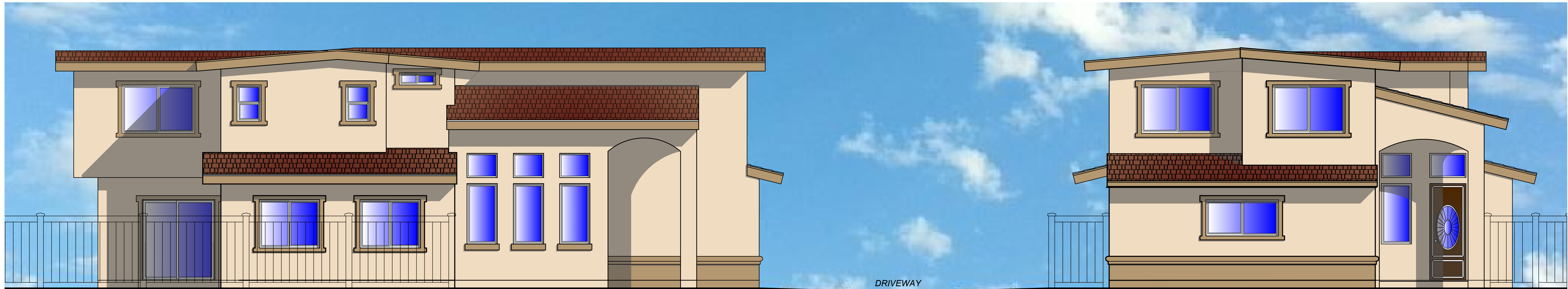
1325 NARANCA AVENUE
EL CAJON, CA 92021

UNIT: 1
FLOOR PLANS
ROOF PLAN

DRAWN	R.M.
DATE	03-14-2021
SCALE	
JOB NO.	
SHEET	

A-3

OF SHEETS



UNIT -2-

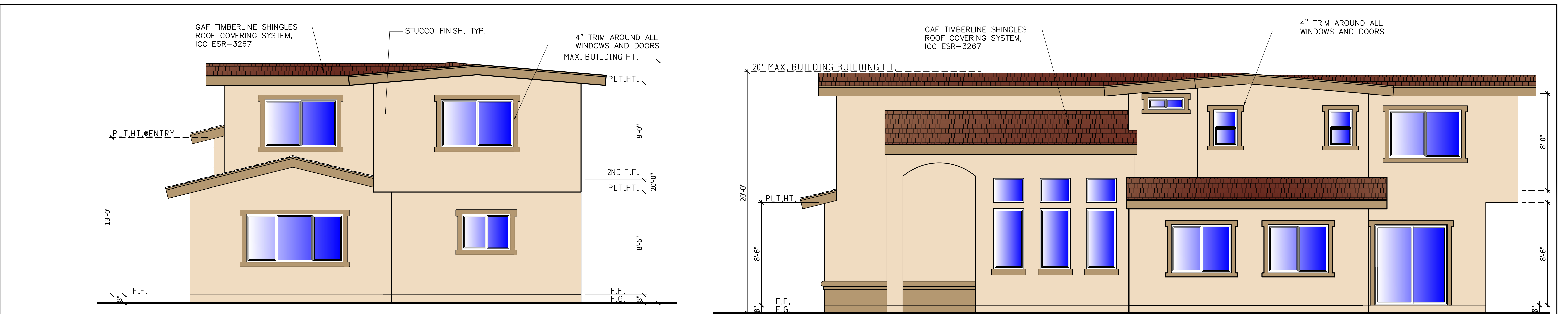
UNIT -1-

STREET ELEVATION

SCALE: 1/4"=1'-0"

REVISIONS

PLANS DESIGNED AND
PREPARED BY:
RABIE MIKHA
TELL: (619) 729-5953



REAR ELEVATION

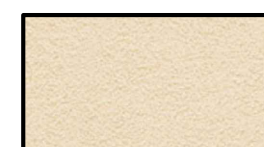
SCALE: 1/4"=1'-0"

RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"

COLOR & MATERIAL BOARD

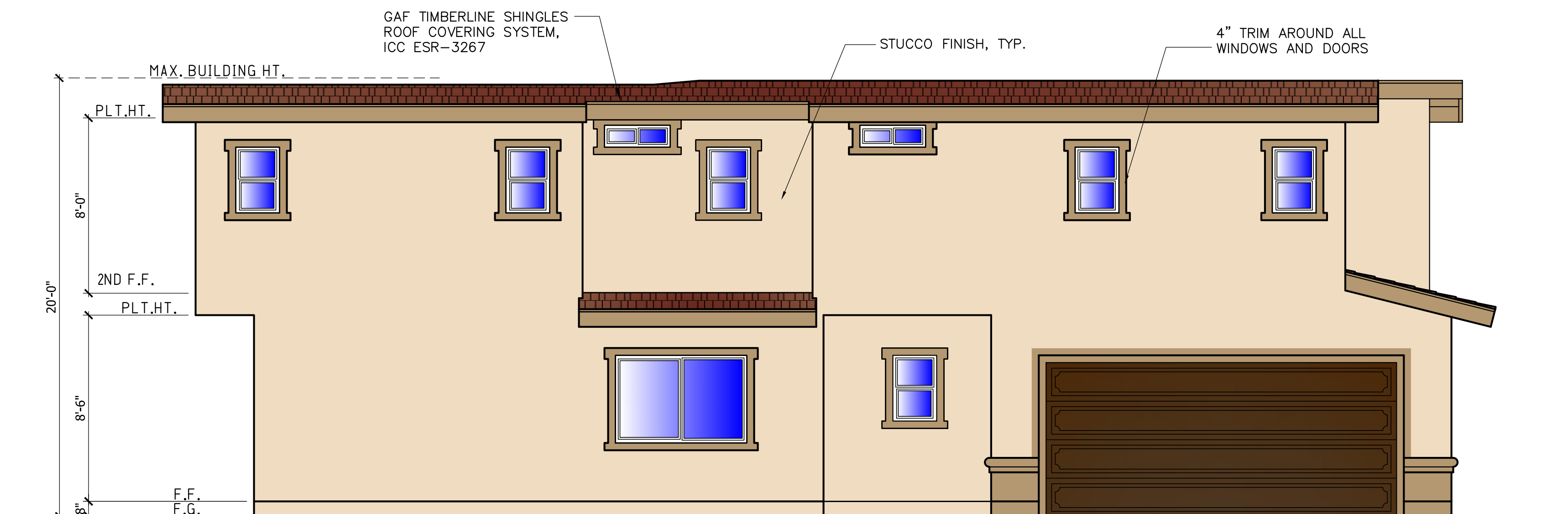
WALLS:
OMEGA PRODUCTS' COLORTEK STUCCO
437_ROUGH_KHAKI



TRIMS & SOFFITS:
OMEGA PRODUCTS' COLORTEK STUCCO
409_TOFFEE_CRUNCH



ROOF:
TIMBERLINE® AS II SHINGLES
COLOR/FINISH: HICKORY



LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"

UNIT -1-

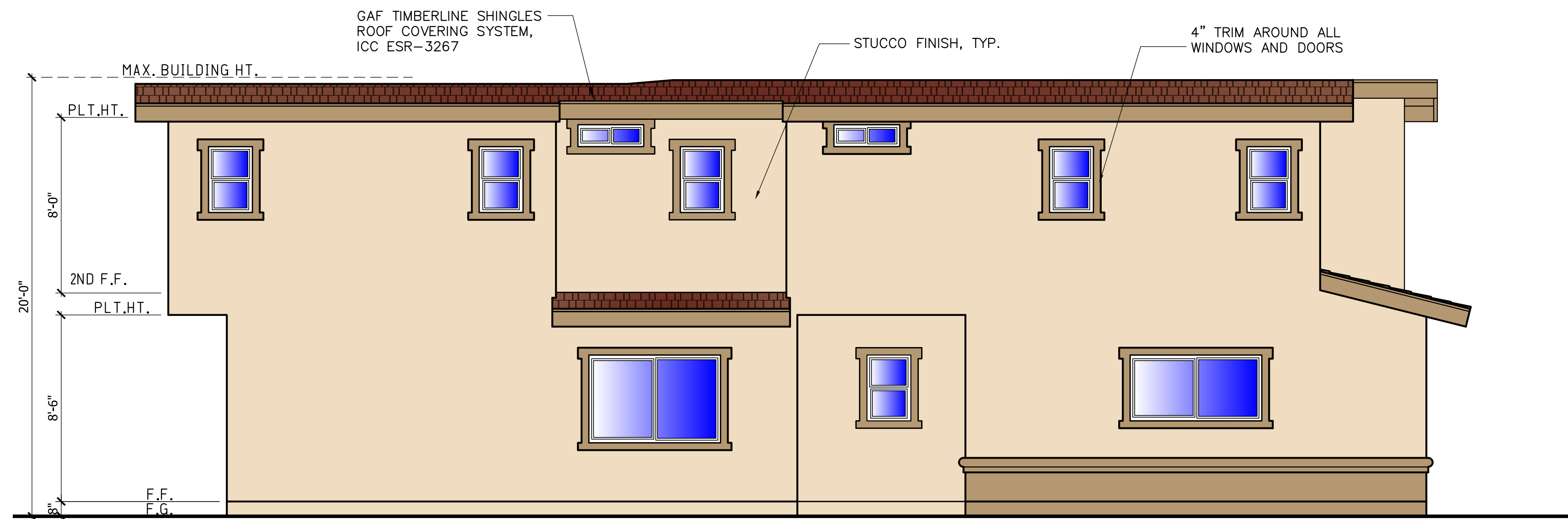
PROJECT:
MIKHA HOMES
1325 NARANCA AVENUE
EL CAJON, CA 92021

**COLOR STREET ELEVATION
ELEVATION UNIT -1-**

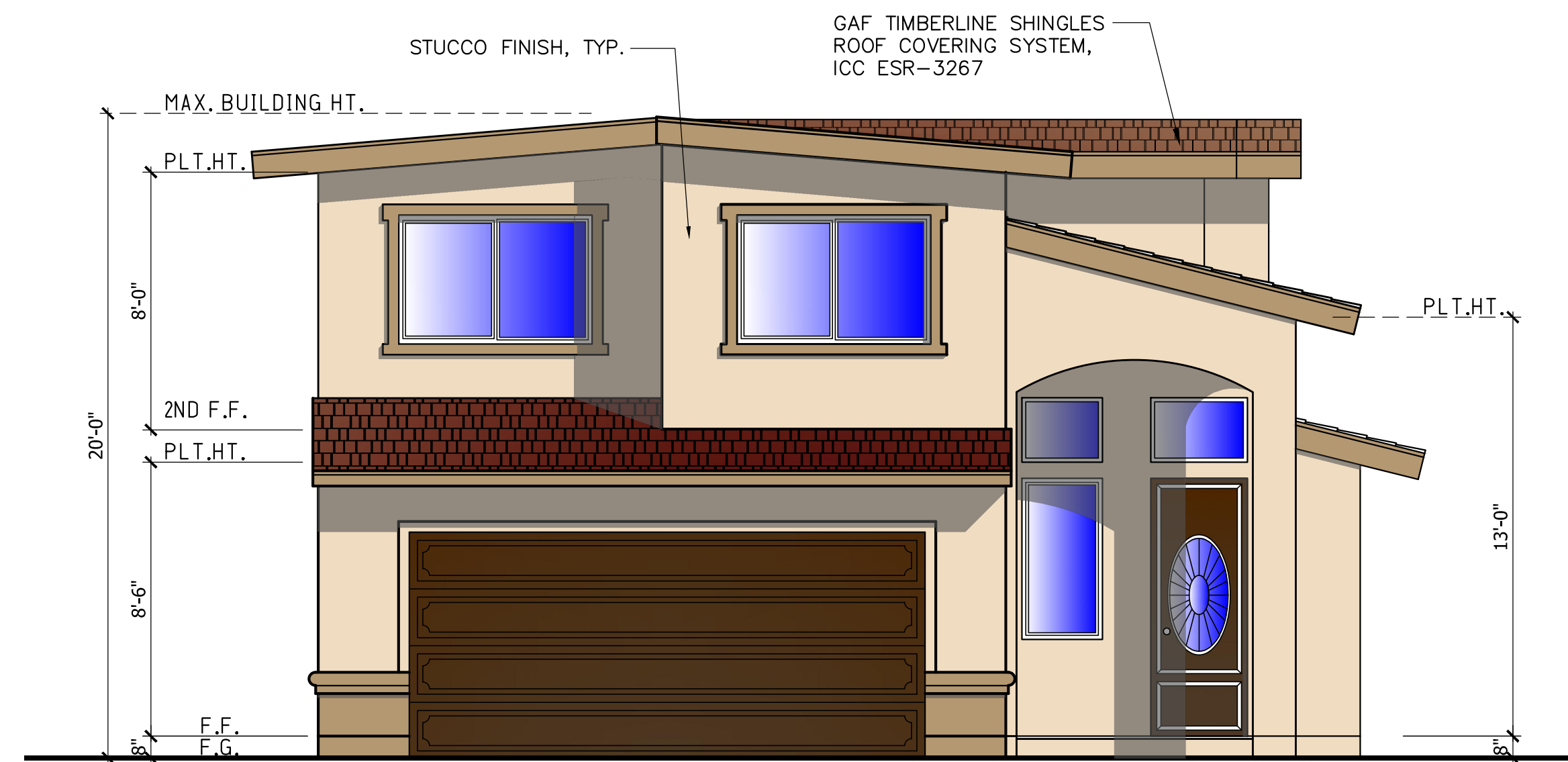
DRAWN R.M.
DATE 03-14-2021
SCALE
JOB NO.
SHEET

A-4

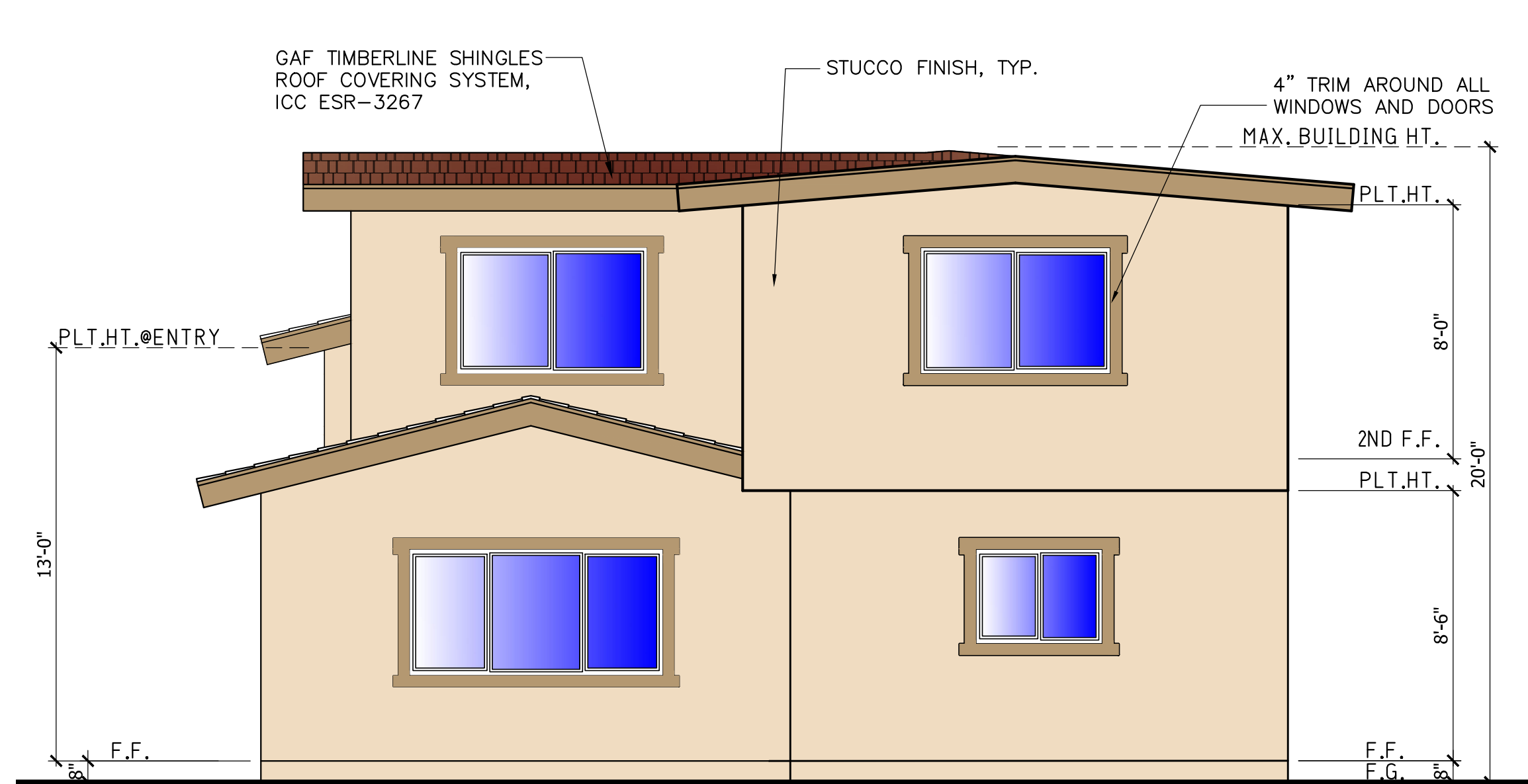
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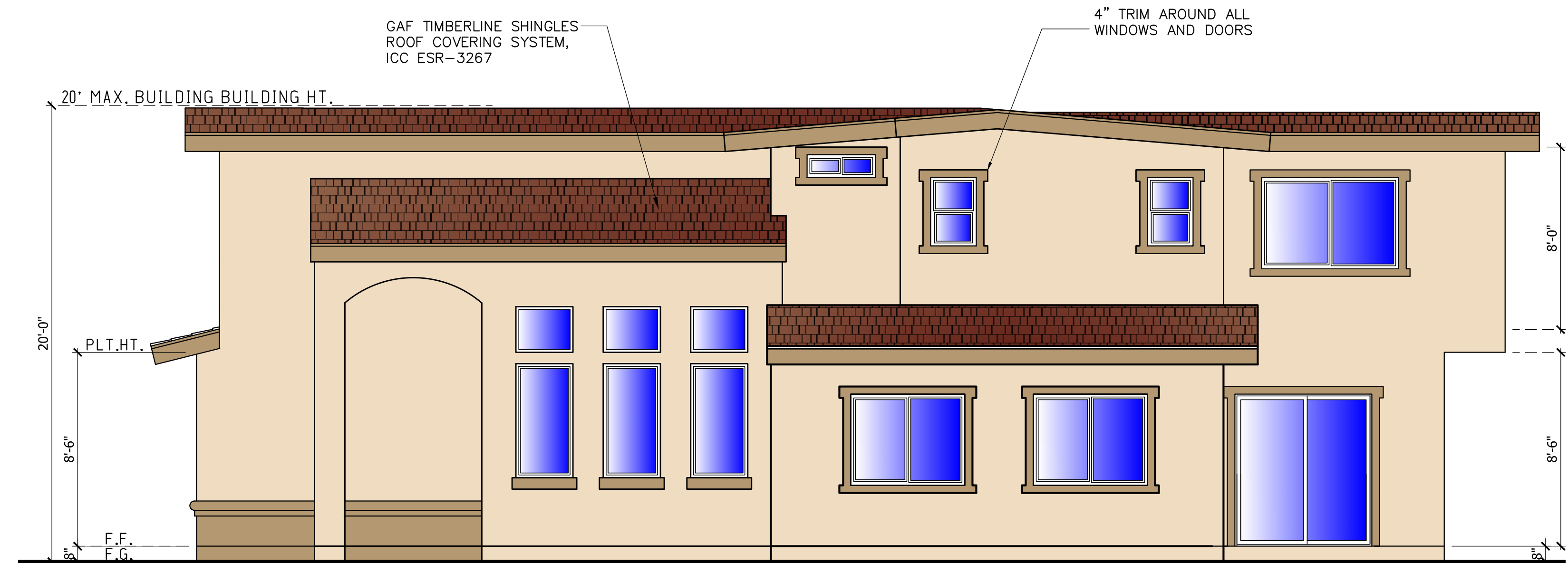
LEFT/RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"



FRONT ELEVATION
SCALE: 1/4"=1'-0"



REAR ELEVATION
SCALE: 1/4"=1'-0"



RIGHT/LEFT SIDE ELEVATION
SCALE: 1/4"=1'-0"

REVISIONS	

PLANS DESIGNED AND
PREPARED BY:
RABIE MIKHA
TELL: (619) 729-5953

PROJECT:
MIKHA HOMES
1325 NARANCA AVENUE
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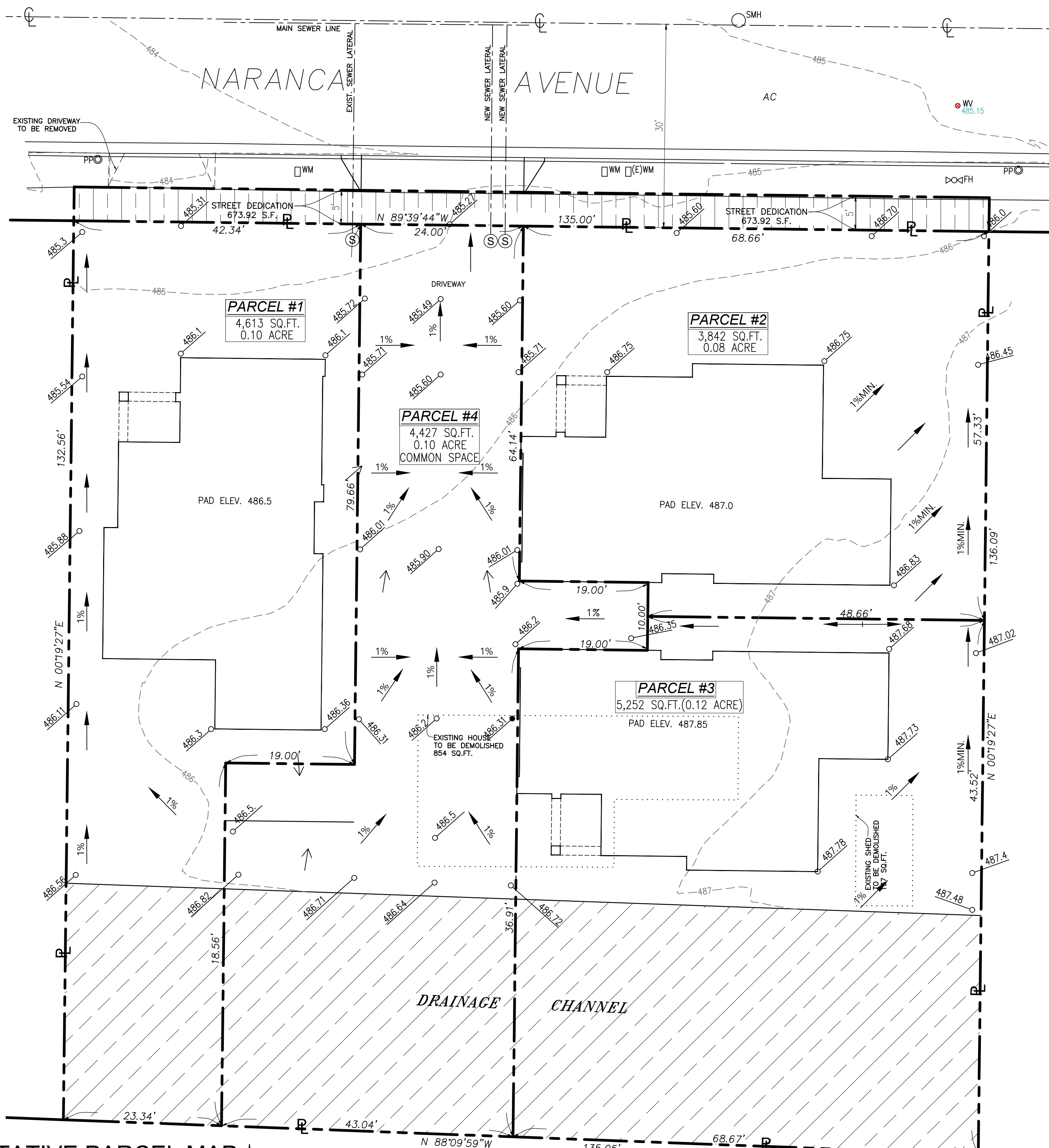
UNITS: 2 & 3
ELEVATIONS

DRAWN	R.M.
DATE	03-14-2021
SCALE	
JOB NO.	
SHEET	

A-5

OF SHEETS

UNITS: 2 & 3



PROJECT DESCRIPTION:

- DEMOLISH EXISTING S.F.R. (854 S.F.), DRIVEWAY AND CONCRETE WALKWAY.
- NEW CONSTRUCTION OF IDENTICAL 3-HOUSES, SHARED DRIVEWAY, AND SITE IMPROVEMENTS.
- TENTATIVE PARCEL MAP.

SCOPE OF WORK:

- LOT PLANNED UNIT DEVELOPMENT SUBDIVISION.
- (3) DETACHED SINGLE FAMILY DWELLINGS AND
- (1) COMMON DRIVEWAY LOT.

LEGAL INFORMATION:

LOT 18 IN BLOCK 7 OF BOSTONIA ACRES, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1833, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 21, 1925

PROJECT ADDRESS:

1325 NARANCA AVENUE
EL CAJON, CA

A.P.N #:

489-121-02-00

ZONING:

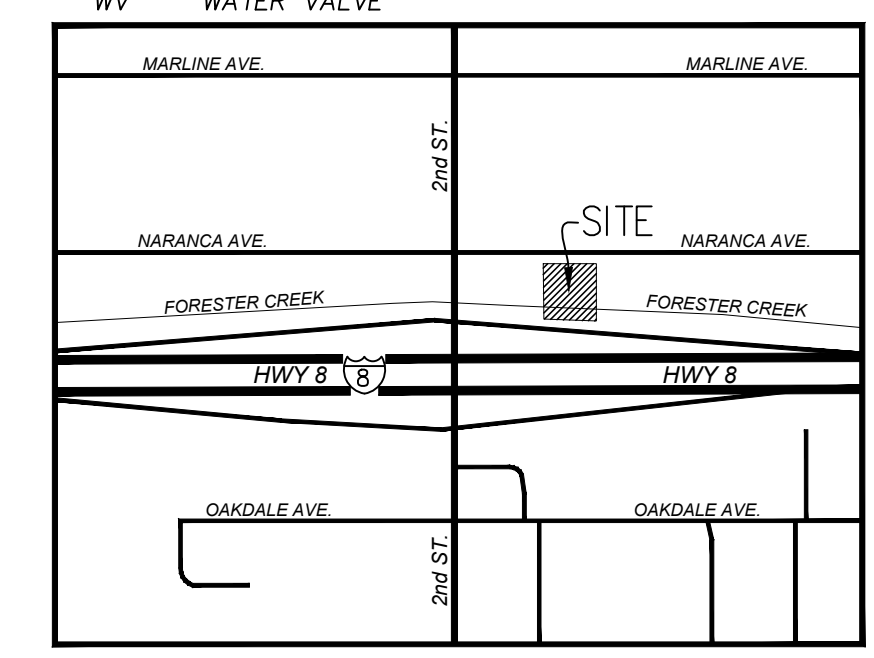
RM-6000 RESIDENTIAL, MULTI FAMILY,
LOT SIZE : 0.43 ACRES,
18,810 / 6,000 = 3.13 UNITS

OWNER/APPLICANT:

RABIE MIKHA SIGNATURE _____

LEGEND AND ABBREVIATIONS

---	PROPERTY LINE
AC	ASPHALT
CLF	CHAIN LINK FENCE
CONC	CONCRETE
FF	FINISH FLOOR
FH	FIRE HYDRANT
PP	POWER POLE
SMH	SEWER MANHOLE
TR	TREE
WF	WOOD FENCE
WM	WATER METER
WV	WATER VALVE



TENTATIVE PARCEL MAP
SCALE: 1"=10'

INTERSTATE 8

CITY OF EL CAJON

PERMIT NO. _____

APPLICANT: RABIE MIKHA

ASSESSOR PARCEL NO(S): 489-121-02-00

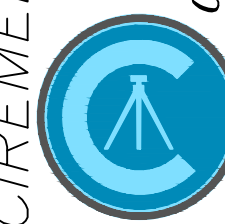
REQUEST: TENTATIVE PARCEL MAP (TPM)

PC RESOLUTION No. _____ APPROVED BY: _____

CC RESOLUTION No. _____

ORDINANCE No. _____ DATE: _____

CIREMELE SURVEYING INC.
164 S. ESCONDIDO BLVD.
ESCONDIDO, CA. 92025
(760) 489-2200
CIRSURVEY@SBCGLOBAL.NET





City Council
Agenda Report

Agenda Item 101.

DATE: 08/09/2022
TO: Honorable Mayor and City Councilmembers
FROM: Vince DiMaggio, Assistant City Manager
SUBJECT: El Cajon Public Safety and Essential Services Measure

RECOMMENDATION:

That the City Council:

1. Adopts the next Resolution, in order, authorizing the placement of a one-cent sales tax measure on the November 8, 2022 ballot.
2. Conducts first reading, by title only, of an Ordinance repealing Ordinance No. 4919 and imposing a transactions and use tax to be administered by the State Department of Tax and Fee Administration.
3. Adopts the next Resolution, in order, establishing the City Council's priorities for expending any new sales tax funds generated from the measure, if approved.
4. Allocates up to \$150,000 in General Reserves for information sharing efforts.

BACKGROUND:

In 2008, El Cajon voters approved Proposition J ("Prop J"). This measure established a half-cent sales tax to fund basic City services. The measure currently generates about \$12.5 million in annual revenue and is a significant revenue source for the City to function.

Two principal elements continue to adversely impact El Cajon's ability to adequately provide public safety, public works, and other basic services. In 2012, while cities were still dealing with the financial fallout from the 2008 recession, California terminated all redevelopment programs. By doing this, the state eliminated the ability for cities, including El Cajon, to use tax increment financing to improve infrastructure, repair roads, and expand City services in traditionally under-served areas.

Another major factor that prevents El Cajon from funding key initiatives such as additional police officers and homeless intervention, is the fundamental inequity in the tax sharing agreements between San Diego County and the county's cities. Simply put, the more affluent cities in the county, such as Encinitas, Coronado, and Carlsbad, have been permitted, by their tax sharing agreements with the County, to retain a larger percentage of the property taxes paid by property owners while cities with lower household incomes and property values are forced, because of their tax sharing agreements, to give a larger portion of their property taxes to the County.

As can be seen in the chart below, there is a dramatic discrepancy between all of the San Diego County cities in terms of the percentage of property tax each city is permitted to retain.

City	City Direct Property Tax Rate
Coronado	29.81%
Encinitas	23.82%
Oceanside	27.7%
Poway	21.1%
National City	19.79%
Carlsbad	19.27%
Santee	17.95%
San Diego	17.2%
Solana Beach	17.79%
Del Mar	14.78%
Chula Vista	14.37%
La Mesa	11.8%
El Cajon	11.17%
Escondido	10.3%
Vista	9.63%
San Marcos	8.83%

As an example, Encinitas’s tax sharing agreement with San Diego County enables it to retain 23.82% of property taxes paid by property owners, compared to El Cajon’s share of 11.17%. If El Cajon were able to retain the same amount of property taxes that Encinitas is allowed to retain, El Cajon would have had an additional \$12.5 million per year in average revenue over the last five years; a condition that potentially negates the need for the proposed tax.

Given these fiscal constraints, as well as unfunded State mandates and the increase in cost to provide services, the City operates with conservative budgeting principles. Through these efforts, it has been able to maintain a healthy safety reserve in the event of an economic downturn. Several examples of the City’s efforts to be effective stewards of taxpayers’ funds include:

1. Contracting out services when deemed to generate savings to taxpayers;
2. Completing the sale of pension obligation bonds to restructure its pension debt saving the City millions over the next twenty years (the first city in the County to do so);
3. Operating with a lean staff—over the years, staffing levels have been reduced in order to balance budgets. In fact, the City has 28 budgeted positions less today than it did in FY 2013-14. The City has one of the lowest administrative staffing levels per capita in the County; and
4. Leasing out City property and entering into revenue sharing ventures with telecommunications companies.

Despite the City’s conservative approach to budgeting and staffing, the demand for services in El Cajon is disproportionate to its population size. For example, El Cajon experiences more Fire Department calls for service per capita, more reported crimes per capita, and spends more on law enforcement per capita than neighboring cities and comparable cities in North San Diego County. This has a greater drain on the General Fund budget than other cities, resulting in El Cajon having the highest percentage of its General Fund budget spent on law enforcement than any other city with a police department in San Diego County.

Notwithstanding the various financial challenges caused by forces beyond the City of El Cajon's control, El Cajon still manages to be a conscientious guardian of the taxpayer's money. In homeless intervention programs, El Cajon has spent \$2.9 million over the last two years, more than most other cities in the region. While programs such as hotel vouchers, permanent housing solutions, and other programs the City funds that are operated by non-governmental partners have proven successful, other initiatives are limited by a cascade of state laws that seek to limit a city's ability to aggressively deal with the problem.

During recent polling on a possible tax measure, it is extremely clear that those surveyed are interested in investing in their community in order to reduce the visibility of homelessness, increase public safety, pave more roads, and improve neighborhoods. An extension of Prop J would only allow the City to maintain the status quo in terms of service delivery and would not allow it to expand services, more aggressively tackle the challenges the residents want addressed, or meet its residents' demands. An expansion of Prop J to include one cent per dollar spent would allow the City to address the demands from its residents.

Attached to the staff report is a synopsis of the key findings in the polling data. Based on the polling data, it is clear that there is significant interest by the voters to consider both an extension of Prop J as well as an expansion from a half-cent sales tax to a one-cent sales tax.

Should the voters approve a proposed one-cent sales tax as a replacement to Prop J, homeless programs will be a priority to receive additional funding, including the significant expansion of homeless intervention measures, the removal of homeless encampments and elimination of illegal sidewalk camping, as well as expanded clean-up of public streets, sidewalks, and alleys.

Public safety, a key City Council priority, would also receive additional funding with a one-cent sales tax. In the past year, the City Council approved the hiring of ten new police officers. However, due to ongoing funding constraints, this was done on an attritional basis, eventually with officer positions remaining vacant as veteran officers retire. In the next three to five years, with no additional funding mechanisms in place, the number of officers will drop to pre-2022 levels. An additional sales tax measure would allow the City to make the over-hire of ten officers a permanent staffing condition and would allow additional officers and resources to be allocated to the Police Department.

As stated previously, the City's Fire and paramedic response is stretched. The City responds to an average of 2,667 calls per year per engine company. Neighboring cities average 1,828 calls per year per engine company. A one-cent sales tax measure would allow the City to add additional fire resources, which will improve response times and allow the Fire Department to be more pro-active in providing services.

The City Council has long advocated a business-friendly environment in order to encourage economic development. To that end, unlike the majority of cities in California, El Cajon has not enacted development impact fees. As such, the City relies entirely on grants and expenditures from the General Fund to pay for new roads, sidewalks, and other infrastructure. Should the voters approve a one-cent sales tax, the City would be in a position to provide significantly more funding to infrastructure, such as roads, than what is currently appropriated and continue to be one of the only cities in the County to forego enacting developer impact fees.

Based on polling data, staff recommends that the City Council consider placing a ballot measure on the November 8, 2022 ballot to ask voters to consider repealing Prop J and replacing it with a one-cent sale tax that will remain locally controlled and support the initiatives demanded by the City's residents.

Several features and consideration of the tax measure include:

1. Citizens Oversight Committee – the proposed ballot measure includes a provision for a five-member Citizens Oversight Committee to ensure that the revenue raised by the measure is spent in a manner that meets the community's needs and expectations. The committee would include a representative from the San Diego Taxpayers Association and from a business organization, such as the East San Diego County Chamber of Commerce.
2. Term – the measure will remain in effect until repealed by the voters. The voters are therefore the ultimate controlling authority on the term of the sales tax.
3. Suspension of the Sales Tax – one unique feature proposed is the ability for the City Council, by unanimous vote, to suspend the sales tax. It is anticipated that this authority could be exercised under circumstances where revenues far exceed expectations or projections and the need for the additional revenue generated by the tax is not critical to fund City services. This, in conjunction with the Citizens Oversight Committee, provides safeguards to ensure accountability.

To place a measure on the November 8, 2022 ballot, the City Council may consider the following recommendations, each of which will be discussed in greater detail below.

1. Adopt a resolution authorizing the placement of a one-cent sales tax measure on the November 8, 2022 ballot. This measure would repeal Prop J and replace it with a one-cent sales tax to fund general City services and remain until repealed by the voters. This measure would generate, in the beginning, approximately \$24 million in General Fund revenue and would allow significant and immediate additional investment in City Council programs such as homeless intervention, additional police officers, augmenting fire/EMS service, neighborhood beautification, and roads and infrastructure. Unlike the revenue levels generated by Prop J or its same-level replacement, this option would also provide a potential failsafe against unanticipated state law mandated expenditures, while not sacrificing local priority program funding. This option places the City in a strong financial position for the long term and provides immediate funding for initiatives that polling indicates are the most important to the public. A practical illustration of the impact of a one-cent sales tax, compared to the current Prop J, would be that for every \$1,000 spent, the additional tax amount would be \$10.00 from the consumer.

The resolution also includes a provision, paragraph 16, which allows the City Council to act as the designated body to submit the argument in favor of the tax measure. Should the Council decide not to assume this role, the Council should include removal of paragraph 16 in its motion.

2. Conduct first reading of the proposed ordinance that is included as part of the resolution authorizing placement. This ordinance is what would be considered by the voters and includes the safety provisions outlined earlier in the staff report and includes the up to 175 words that would be included in the ballot measure that voters would see in the ballot box.

3. Adopt a resolution establishing the City Council's priorities for expending the new tax measure funds if approved by the voters. This resolution communicates to El Cajon residents how the funds are anticipated to be spent.
4. If the City Council chooses to place a ballot measure on the November 2022 ballot, staff recommends that the City Council allocate \$150,000 from the General Reserve to engage the services of consultants to provide the public with information concerning the measure. This is a complex issue that involves the potential repeal of an existing sales tax and replacement with either an identical tax or a one-cent sales tax. It is critical that the public be provided with accurate information concerning the possible measure.

Conclusion

Proposition J has been an unqualified success in providing revenue necessary to fund mission critical City services since its adoption in 2008. However, over the last thirteen years, it has become apparent that with more unfunded mandates from the state and a lack of a cohesive statewide policy to address public safety, homelessness, and mental health, the City of El Cajon lacks the revenue to address the issues of greatest importance to the residents.

A sales tax measure would enact a one-cent sales tax that will generate approximately \$24,000,000 annually. This will not only augment funding for existing City services, but will allow substantially expanded investment in programs that the public is demanding action on, such as homeless intervention programs, removal of homeless encampments, permanently hiring additional police officers, expanding our fire/EMS services, and investment in roads and infrastructure. It is these core issues that the public has resoundingly expressed fervent expectation to be addressed. Sustained action on these core issues is only possible with enhanced revenues. Revenue provided by Proposition J allows the City to "hold the line" on these issues, but polling suggests that the public is demanding more. A measure with a one-cent sales tax is the avenue by which public expectations can be met.

Prepared By: Vince DiMaggio, Assistant City Manager; Graham Mitchell, City Manager

Reviewed By: Morgan Foley, City Attorney

Approved By: Graham Mitchell, City Manager

Attachments

Resolution - Calling Election

Ordinance - Sales Tax Ord

Resolution - Measure

Voter Survey Memo

RESOLUTION NO. __-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 8, 2022, FOR THE SUBMISSION OF A PROPOSED ORDINANCE REPEALING ORDINANCE NO. 4919 AND ESTABLISHING A ONE CENT GENERAL SALES AND USE TAX INCREASE; CONSOLIDATING THE ELECTION WITH THE STATEWIDE ELECTION; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO PERMIT THE REGISTRAR OF VOTERS TO CONDUCT THE ELECTION; AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, Revenue and Taxation Code section 7285.9 authorizes the City Council for the City of El Cajon to levy a general transactions and use tax if the ordinance proposing the tax is approved by a two-thirds vote of all members of the City Council, and the tax is approved by a simple majority (50%+1) vote of the qualified voters of the City voting in an election on the issue; and

WHEREAS, in 2008, the voters of the City of El Cajon approved Proposition J, establishing a half-cent sales and use tax increase for general governmental purposes as authorized pursuant to Ordinance No. 4919; and

WHEREAS, by a two-thirds vote, the City Council has approved for introduction and first reading of Ordinance No. _____ attached hereto as Exhibit "A" (the "2022 Sales Tax Ordinance") to repeal the current half cent sales tax in Ordinance No. 4919 and establish a new one percent sales tax for general purposes subject to the approval of the majority of voters in the City; and

WHEREAS, a General Municipal Election for Tuesday, November 8, 2022, has been previously called by Resolution of this City Council and pursuant to Revenue and Taxation Code Section 7285.9 and California Elections Code section 9222, the City Council desires to submit this 2022 Sales Tax Ordinance to the electorate at the General Municipal Election that was previously called; and

WHEREAS, the City Council desires to authorize the City Clerk to carry out all actions necessary to ensure placement of the 2022 Sales Tax Ordinance on the General Municipal Election ballot that has been consolidated with the Statewide General Election Ballot; and

WHEREAS, Elections Code section 9282 authorizes the filing of written arguments for and against measures placed on the ballot and rebuttal arguments, with priority determined according to state law; and

WHEREAS, the City Council finds that the proposed activity is in compliance with the California Environmental Quality Act (CEQA) and it has determined that this activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it is a financing decision without commitment to a specific project which may result in a potentially significant physical impact on the environment; therefore, pursuant

to section 15060(c)(3) of the State CEQA Guidelines, the actions proposed are not subject to CEQA; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date; that the City precincts, polling places and election officers of the two elections be the same; that the Registrar of Voters canvass the returns of the General Municipal Election; and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Cajon as follows:

SECTION 1. The foregoing recitals are true and correct and incorporated herein as findings.

SECTION 2. Pursuant to the requirements of the laws of the State of California there shall be and there is hereby called and ordered to be held in the City of El Cajon, California, on Tuesday, November 8, 2022, a General Municipal Election for the purpose of submitting the following proposed ordinance imposing a general transactions and use (sales) tax to the qualified electors of the City of El Cajon.

SECTION 3. Pursuant to its right and authority, the City Council does order submitted to the voters at the General Municipal Election on November 8, 2022, the following question:

Shall the measure to repeal Proposition J, a half-cent sales tax, and adopt a one-cent sales tax effective until repealed by the voters, controlled locally and with independent citizen oversight, providing approximately \$24,000,000 annually to fund general city services, which could include adding police officers, abating homeless encampments, increasing funding for homeless intervention efforts, expanding fire services, ensuring rapid 911 emergency response, increasing funding for roads, and enhancing parks, be adopted?	Yes
	No

SECTION 4. The text of the 2022 Sales Tax Ordinance to be submitted to the voters is attached as Exhibit "A" and incorporated into this resolution by this reference. The City does not request the Registrar of Voters to print the entire text of the Sales Tax Ordinance in the voter information materials. The ballots to be used in the election shall be in the form and content as required by law.

SECTION 5. The vote requirement for the Ordinance to pass is a majority (50% +1) of the votes cast.

SECTION 6. By adopting this resolution, the City Council hereby approves the form of the attached Ordinance No. _____, and the submission of said 2022 Sales Tax Ordinance to the voters of the City at the November 8, 2022, General Municipal Election,

such ordinance to become effective in accordance with state law upon the approval of a majority (50%+1) of the voters voting on the measure in the election.

SECTION 7. The City Clerk is authorized, instructed, and directed to coordinate with the Registrar of Voters of the County of San Diego to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 8. The polls of said election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in California Elections Code section 14401 or as otherwise required or allowed under applicable law, or court order.

SECTION 9. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 10. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 11. That the City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 12. The City Clerk shall certify to the passage and adoption of this resolution by a two-thirds vote of all members of the City Council and enter it into the book of original resolutions.

SECTION 13. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of San Diego and to issue instructions to the Registrar of Voters to take any and all steps necessary to hold the election and propose this measure.

SECTION 14. The City requests for this measure to be treated by the County of San Diego pursuant to the previous Resolutions adopted by the City Council for the November 8, 2022, general municipal election, wherein the City: (a) requested that the County agree to consolidate the General Municipal Election with the Statewide General election; (b) requested that the County permit the Registrar of Voters to perform and render all services and proceedings, and to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment and paraphernalia incidental to and connected with the conduct of the subject election; (c) requested that the Registrar of Voters canvass the returns and hold the election as if it were only one election with one form of ballot; (d) requested that the County Board of Supervisors issue instructions to the Registrar of Voters to take any and all steps for the holding of the consolidated election and canvas the returns; (e) agreed to reimburse the County in full for the services performed by the San Diego County Registrar of Voters by the City of El Cajon upon presentation of a proper invoice, including reimbursement for any additional costs to

consolidate the election; and (f) agreed to indemnify and save free and harmless the County, its officers, agents and employees from expense or liability, including reasonable attorneys' fees, as a result of an election contest arising after conduct of this election.

SECTION 15. Ballot arguments shall be accepted for and against this measure in the manner required by law. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk, in accordance with Elections Code section 9286(b), after which no arguments for or against the measure may be submitted to the City Clerk. The arguments shall be accompanied by the Form of Statement to Be Filed by Author(s) of Argument as supplied by the City Clerk.

SECTION 16. Due to the community interest in this issue, the City Council authorizes a process permitting a community submittal of the argument. Under Elections Code section 9282, a ballot argument on this measure may only be submitted by an individual voter eligible to vote on the measure, a bona fide association of citizens, or any combination of voters or associations.

SECTION 17. Pursuant to California Elections Code section 9285, rebuttal arguments will be allowed. The rebuttal arguments may not exceed 250 words. Rebuttal arguments must be submitted to the City Clerk, and may be changed until and including the date fixed by the City Clerk, after which no rebuttal arguments for or against the measure may be submitted to the City Clerk. This Section 7 is applicable only to the November 8, 2022 election called by this resolution and after that election, shall expire.

SECTION 18. The City Clerk is directed to transmit a copy of the proposed ordinance in Exhibit "A" to the City Attorney. The City Attorney is directed to prepare an impartial analysis of the proposed Ordinance pursuant to Elections Code section 9280. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 19. Pursuant to California Elections Code section 10403, the Board of Supervisors of the County of San Diego is hereby requested to permit the Registrar of Voters to perform and render all services and proceedings, and to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment and paraphernalia incidental to and connected with the conduct of the subject election of the City of El Cajon, with the cooperation and assistance of the City Clerk of the City of El Cajon, in order to properly and lawfully conduct such election.

SECTION 20. The Board of Supervisors of the County of San Diego is hereby requested to consolidate this election with the statewide election to be held on the same day, in the same territory. Pursuant to California Elections Code section 10411 and section 10418: (a) the election shall be held in all respects as if there were only one election; (b) only one form of ballot shall be used; and (c) the Registrar of Voters of the County of San Diego shall canvass the returns of the subject election as part of the canvass of the returns of the election consolidated hereby.

SECTION 21. Pursuant to California Elections Code sections 10410 and 10418, within the territories affected by this consolidation, the elections precincts, polling places,

voting booths and polling hours shall, in every case, be the same, and there shall be only one set of election officers in each of the precincts.

SECTION 22. The ballots to be used at the election shall be, both as to form and matter contained in form and content as required by law.

SECTION 23. City request this measure be titled as Measure P provided, however, that the measure shall bear such designation assigned by the County Registrar of Voters.

SECTION 24. The City Council finds that this Resolution is not subject to CEQA as specified in the recitals above.

SECTION 25. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, improper or unenforceable, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EL CAJON REPEALING
ORDINANCE NO. 4919 AND IMPOSING A
TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY
THE STATE DEPARTMENT OF TAX AND FEE ADMINISTRATION

Section 1. TITLE. This ordinance shall be known as the City of El Cajon 2022 Transactions and Use Tax Ordinance. The city of El Cajon hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below in Section 22.

Section 3. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a general retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with section 7251) of Division 2 of the Revenue and Taxation Code and section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a general retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a general retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.
- D. To adopt a general retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 4. CONTRACT WITH STATE. Prior to the Operative Date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the Operative Date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent 1.0% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this ordinance.

Section 6. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the Operative Date of this ordinance for storage, use or other consumption in said territory at the rate of one percent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 8. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 9. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
 2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.
 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
 - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
 4. In sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.
- B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in section 6203 and in the definition of that phrase in section 6203.

Section 10. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 11. EXEMPTIONS AND EXCLUSIONS.

- A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

- B. There are exempted from the computation of the amount of transactions tax the gross receipts from:
1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the City in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
 - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this ordinance.
 4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the Operative Date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

- C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
 3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this ordinance.
 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
 6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 12. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 13. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 14. AMENDMENTS BY CITY COUNCIL. The following amendments to this ordinance must be approved by the voters of the City: increasing the tax rate; revising the methodology for calculating the tax, such that a tax increase would result; imposing the tax on transactions and uses not previously subject to the tax (unless such amendment occurs automatically by operation of law); or terminating the tax. The City Council may otherwise amend this ordinance without submitting the amendment to the voters for approval in any manner which does not constitute a tax "increase" as that term is defined in Government Code section 53750(h). The City Council, in its sole discretion without submitting it to the voters, may suspend or decrease this tax at any time by a unanimous vote of the members of the City Council. Similarly, the City Council, in its sole discretion and without submitting it to the voters, may reinstate or increase any previous suspension or reduction of this tax at any time by a unanimous vote of the entire members of the City Council provided that any reinstatement or increase shall not result in an increase of the tax rate previously approved by the voters.

Section 15. USE OF PROCEEDS. The proceeds from the tax imposed by this ordinance shall be for unrestricted general revenue purposes of the City and shall be received into the general fund of the City. Nothing in this ordinance shall constitute the tax imposed under this ordinance as a special tax or bind the City to use the proceeds for any specific purpose or function; the City Council shall retain discretion to expend the proceeds of the tax for any lawful purpose of the City.

Section 16. INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE. If this ordinance is approved by a majority of the voters at the election on November 8, 2022, the City Council shall establish an independent citizens' oversight committee to ensure that the sales tax proceeds from this ordinance are spent in a manner that meets community needs. The citizens' oversight committee shall consist of five members and shall include one (1) member nominated by the San Diego County Taxpayers Association, one (1) member nominated by a business organization representing the business community located within the City, and three (3) El Cajon residents at large with at least one having a background in accounting, auditing, or finance. In the event the San Diego County Taxpayers Association or a business organization declines to nominate a representative, the City Council may fill that position with a resident of El Cajon. No employee or official of the City and no vendor, contractor, or consultant of the City shall be appointed to the committee.

Section 17. REPEAL OF ORDINANCE NO. 4919. If this ordinance is approved by the voters by a majority vote at the November 8, 2022 election, then upon the Operative Date of this ordinance as set forth in Section 2 herein, Ordinance No. 4919 shall be repealed, and the tax set forth in Ordinance No. 4919 shall be terminated on the Operative Date as set forth in Section 2 herein. If this ordinance is not approved by a majority vote at the November 8, 2022 election, then Ordinance No. 4919 shall not be repealed and will remain in full force and effect pursuant to its terms and conditions.

Section 18. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 19. CEQA. The adoption of this ordinance is not a "project" subject to the requirements of the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq.). CEQA Guideline 15378(b)(4) provides that the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to a specific project that may result in a potentially significant physical impact on the environment are not projects subject to the requirements of CEQA.

Section 20. IMPLEMENTATION. This ordinance authorizes City of El Cajon officers and employees to take all steps necessary to implement this ordinance in the manner required by law, including any applicable amendments to the laws of the State of California.

Section 21. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance by the voters, cause it to be published as required by law, and forward a copy of the adopted ordinance to the California Department of Tax and Fee Administration.

Section 22. EFFECTIVE DATE. Pursuant to Elections Code section 9217, this ordinance shall be considered as adopted upon the date that the vote by the electorate of the City of El Cajon is declared by the City Council and shall become effective ten days after that date.

Section 23. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall terminate upon the effective date of any ordinance adopted by the voters repealing this ordinance.

It is hereby certified that this ordinance was duly adopted by the voters at the November 8, 2022 election and took effect 10 days following adoption of a resolution declaring the results of the election at a meeting of the City Council held on [INSERT DATE]: by the following vote:

08/09/22 CC Agenda – 1st Reading
--/--/22 CC Agenda – 2nd Reading

Ord – Sales Tax Ordinance 2022 080322

RESOLUTION NO. ____-22

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF EL CAJON, CALIFORNIA,
EXPRESSING THE INTENT OF THE CITY COUNCIL
IN INTRODUCING ORDINANCE NO. ____ AND PLACING A
LOCAL SALES TAX MEASURE ON
THE NOVEMBER 2022 BALLOT

WHEREAS, the City of El Cajon (“City”) is a California charter city and municipal corporation that faces critical fiscal challenges to sufficiently meet the growing needs of its residents and continue to address issues of homelessness, crime, and effective fire/medical responses; and

WHEREAS, the City has been an excellent steward of taxpayer funds with a focus on living within its means and setting aside funds for emergencies when available; and

WHEREAS, the City has aggressively responded to this financial challenge by reducing its workforce over the years despite the City’s growing population, restructured pension debt, deferring maintenance of City facilities and purchase of equipment, contracting out certain services, pursuing available grant funding whenever possible, focusing on economic development opportunities, and implementing a myriad of innovative approaches to providing municipal services; and

WHEREAS, in 2004 the voters of El Cajon approved Proposition O, a one-half percent sales tax, to finance several public safety facilities and in 2008 the voters of El Cajon approved Proposition J, a one-half percent sales tax measure to fund general government activity; and

WHEREAS, the term of Proposition O expired in 2015 and was not renewed by the City Council; and

WHEREAS, the term of Proposition J expires in 2029 and plays a vital role in the City’s ability to provide basic municipal services; and

WHEREAS, the non-renewal of the Proposition J sales tax revenue would have dire impacts on the City’s ability to provide services and severe cuts to those services would have to be implemented leading up to 2029; and

WHEREAS, the City Council considered and adopted a resolution placing a measure on the November 8, 2022 ballot that would allow voters to approve an ordinance to repeal Proposition J (Ordinance No. 4919) six years before its term expires and replace it with a one-percent sales tax measure that will augment the City’s abilities to meet the demands of its residents; and

WHEREAS, because the current City Council is not able to direct future city councils on their spending priorities in their budgets, and particularly in how any revenue derived from a proposed local general sales tax measure will be allocated, the purpose of this Resolution is to unequivocally state the intent of this City Council in how to allocate additional funds generated by the sales tax measure (the "Measure") if approved by the voters on November 8, 2022; and

WHEREAS, this City Council believes that should the community vote to approve a local sales tax measure, the current City Council agrees to prioritize additional funds generated by the measure to the priorities of law enforcement services, abating homeless encampments, funding for homeless intervention efforts, expanding fire/EMS services, increasing funding for roads, and enhancing parks, as well as other municipal services; and

WHEREAS, the proposed sales tax measure will require separate accounting as Local Sales and Use Tax – Measure ___ Revenues (the designation of the Measure assigned by the County Registrar of Voters to be inserted when available) (the "Measure Revenues") as part of the General Fund Revenue categories; and

WHEREAS, the City Council shall create and convene a Citizens' Oversight Committee to annually review annual spending of Measure Revenues and make spending recommendations to the City Council of Measure Revenues; and

WHEREAS, the Citizens' Oversight Committee shall consist of five members with a representative nominated by the San Diego Taxpayers Association, a representative appointed by a local business organization, and three El Cajon residents, one of which shall have financial, auditing, or accounting experience; and

WHEREAS, the Citizens' Oversight Committee shall operate subject to the Brown Act and all meetings will be properly noticed and open to the public; and

WHEREAS, the City shall conduct an annual independent audit of the City's financial statements, including the review of the collection and expenditure of revenue from the Measure, and the auditor's report shall be presented to the Citizens' Oversight Committee for its review of compliance with the terms of the Measure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Cajon, California, as follows:

SECTION 1. The above recitations are true and correct, expressing the legislative intent of the City Council.

SECTION 2. This City Council believes that a city must live within its financial means; engage the community in its yearly budget process in a transparent, honest and meaningful way; and must avoid whenever reasonably possible placing any additional tax burdens on city residents.

SECTION 3. This City Council believes at this time there are sufficient critical financial circumstances and needs warranting placement of a local sales tax measure on the ballot for voter consideration.

SECTION 4. In approving the introduction of Ordinance No. ____ the City Council expressly recognizes that future City Councils must have the opportunity to make sound financial decisions with adequate fiscal resources to maintain a safe and livable community for City residents and that can best be accomplished by prioritizing funds for of law enforcement services, abating homeless encampments, funding for homeless intervention efforts, expanding fire/EMS services, increasing funding for roads, and enhancing parks, as well as other municipal services.

SECTION 5. The proposed complete text of the Measure to be submitted to the voters is attached as Exhibit "A".

SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 9. This Resolution shall take effect immediately upon its adoption by the City Council.

EXHIBIT "A"
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EL CAJON REPEALING
ORDINANCE NO. 4919 AND IMPOSING A
TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY
THE STATE DEPARTMENT OF TAX AND FEE ADMINISTRATION

Section 1. TITLE. This ordinance shall be known as the City of El Cajon 2022 Transactions and Use Tax Ordinance. The city of El Cajon hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below in Section 22.

Section 3. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a general retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with section 7251) of Division 2 of the Revenue and Taxation Code and section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a general retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a general retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.
- D. To adopt a general retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and

Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 4. CONTRACT WITH STATE. Prior to the Operative Date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the Operative Date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent 1.0% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this ordinance.

Section 6. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the Operative Date of this ordinance for storage, use or other consumption in said territory at the rate of one percent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 8. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 9. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:
1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
 2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.
 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
 - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
 4. In sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.
- B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in section 6203 and in the definition of that phrase in section 6203.

Section 10. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 11. EXEMPTIONS AND EXCLUSIONS.

- A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-

Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

- B. There are exempted from the computation of the amount of transactions tax the gross receipts from:
1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the City in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
 - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this ordinance.
 4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the Operative Date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, the

sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

- C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
 3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this ordinance.
 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
 6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of

business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 12. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 13. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 14. AMENDMENTS BY CITY COUNCIL. The following amendments to this ordinance must be approved by the voters of the City: increasing the tax rate; revising the methodology for calculating the tax, such that a tax increase would result; imposing the tax on transactions and uses not previously subject to the tax (unless such amendment occurs automatically by operation of law); or terminating the tax. The City Council may otherwise amend this ordinance without submitting the amendment to the voters for approval in any manner which does not constitute a tax "increase" as that term is defined in Government Code section 53750(h). The City Council, in its sole discretion without submitting it to the voters, may suspend or decrease this tax at any time by a unanimous vote of the members of the City Council. Similarly, the City Council, in its sole discretion and without submitting it to the voters, may reinstate or increase any previous

suspension or reduction of this tax at any time by a unanimous vote of the entire members of the City Council provided that any reinstatement or increase shall not result in an increase of the tax rate previously approved by the voters.

Section 15. USE OF PROCEEDS. The proceeds from the tax imposed by this ordinance shall be for unrestricted general revenue purposes of the City and shall be received into the general fund of the City. Nothing in this ordinance shall constitute the tax imposed under this ordinance as a special tax or bind the City to use the proceeds for any specific purpose or function; the City Council shall retain discretion to expend the proceeds of the tax for any lawful purpose of the City.

Section 16. INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE. If this ordinance is approved by a majority of the voters at the election on November 8, 2022, the City Council shall establish an independent citizens' oversight committee to ensure that the sales tax proceeds from this ordinance are spent in a manner that meets community needs. The citizens' oversight committee shall consist of five members and shall include one (1) member nominated by the San Diego County Taxpayers Association, one (1) member nominated by a business organization representing the business community located within the City, and three (3) El Cajon residents at large with at least one having a background in accounting, auditing, or finance. In the event the San Diego County Taxpayers Association or a business organization declines to nominate a representative, the City Council may fill that position with a resident of El Cajon. No employee or official of the City and no vendor, contractor, or consultant of the City shall be appointed to the committee.

Section 17. REPEAL OF ORDINANCE NO. 4919. If this ordinance is approved by the voters by a majority vote at the November 8, 2022 election, then upon the Operative Date of this ordinance as set forth in Section 2 herein, Ordinance No. 4919 shall be repealed, and the tax set forth in Ordinance No. 4919 shall be terminated on the Operative Date as set forth in Section 2 herein. If this ordinance is not approved by a majority vote at the November 8, 2022 election, then Ordinance No. 4919 shall not be repealed and will remain in full force and effect pursuant to its terms and conditions.

Section 18. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 19. CEQA. The adoption of this ordinance is not a "project" subject to the requirements of the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq.). CEQA Guideline 15378(b)(4) provides that the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to a specific project that may result in a potentially significant physical impact on the environment are not projects subject to the requirements of CEQA.

Section 20. IMPLEMENTATION. This ordinance authorizes City of El Cajon officers and employees to take all steps necessary to implement this ordinance in the manner required by law, including any applicable amendments to the laws of the State of California.

Section 21. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance by the voters, cause it to be published as required by law, and forward a copy of the adopted ordinance to the California Department of Tax and Fee Administration.

Section 22. EFFECTIVE DATE. Pursuant to Elections Code section 9217, this ordinance shall be considered as adopted upon the date that the vote by the electorate of the City of El Cajon is declared by the City Council and shall become effective ten days after that date.

Section 23. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall terminate upon the effective date of any ordinance adopted by the voters repealing this ordinance.

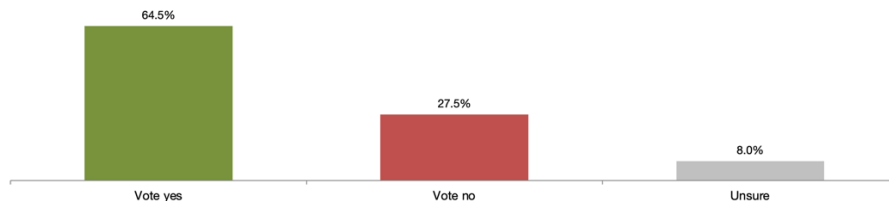
It is hereby certified that this ordinance was duly adopted by the voters at the November 8, 2022 election and took effect 10 days following adoption of a resolution declaring the results of the election at a meeting of the City Council held on [INSERT DATE]: by the following vote:

RESEARCH RESULTS MEMO

To: Ryan Villegas - City of El Cajon
From: Adam Probolsky - Probolsky Research
Date: August 3, 2022

Key Findings

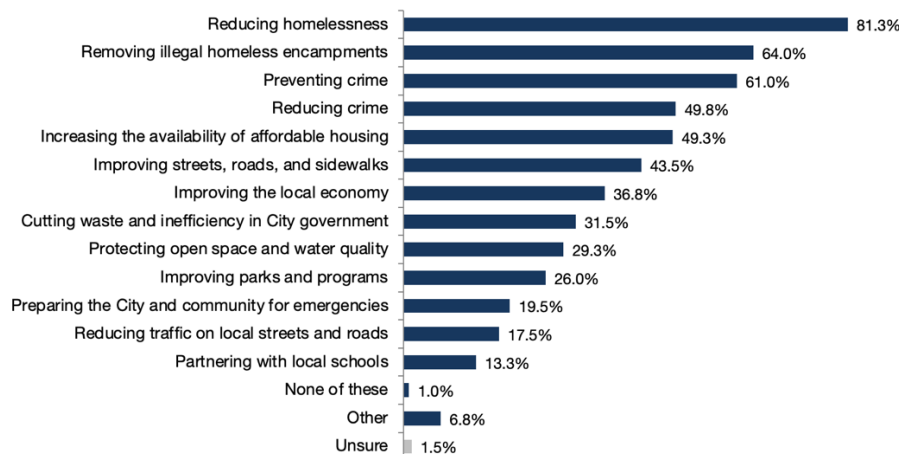
There is strong backing for continuing the City's half-cent sales tax¹. A one-cent tax has similar support.



Voters are much more supportive knowing there will be independent oversight

- 65% show a greater willingness to support knowing it requires independent citizen oversight and audits

Voters prioritize reducing homelessness, preventing/reducing crime, and improving neighborhoods



Voters approve of Fire, Parks and Recreation, and Police departments; mixed on Public Works (roads)

- 81% approve of the Fire Department is doing fighting fires and providing rescue services
- 54% approve of how the Parks and Recreation Department is doing in maintaining parks and programs
- 52% approve of how the El Cajon Police Department is doing to prevent crime and protect residents
- 47% approve of how the El Cajon Public Works Department is doing maintaining roads

Other important results:

- 66% believe that historically underserved residents are the most impacted when services are cut'
- 65% are more supportive of the measure knowing all the revenues stay in El Cajon, don't go to Sacramento

Methodology

From July 23 - 26, 2022, Probolsky Research conducted a statistically valid multi-mode telephone and online survey among 400 El Cajon voters which yields a margin of error of +/-5%, and a confidence level of 95%. Respondents in all modes chose their preferred language, English (88%), Spanish (10%), and Arabic (2%).

Probolsky Research is a woman and Latina-owned market and opinion research firm with corporate, election, government, and non-profit clients.

¹ Question: To prevent cuts and preserve funding for general city services, including maintaining firefighters and police officers for adequate emergency response, reducing crime and criminal gang/drug activity, maintaining city streets/parks, reduce homelessness and preserving youth/after-school programs; shall the City of El Cajon renew an ordinance to continue a one-half cent transactions and use (sales) tax, until ended by the voters, with independent oversight, mandatory audits and all money staying local to preserve El Cajon city services. If the election was held today, would you vote yes or vote no on this sales tax measure?



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