



# City of El Cajon

## Planning Commission Agenda

Tuesday, August 15, 2023 Meeting

7:00 PM

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

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

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

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

To submit written comments on an item on this agenda, or a Public Comment, please e-mail the comments with Planning Commission in the subject line to [planning@elcajon.gov](mailto:planning@elcajon.gov) before 5 p.m. on Tuesday, August 15, 2023. Comments will be limited to 300 words and will be entered into the official Commission Meeting Record.

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

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CHAIRPERSON'S WELCOME

### PUBLIC COMMENT

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

### CONSENT

Agenda Item:	1
	Planning Commission minutes of June 20, 2023

*Decisions and Appeals - A decision of the Planning Commission is final unless appealed within 10 days of the date of the Commission's action. The appeal period for the items on this Agenda will end on Friday, August 25, 2023, at 5:00 p.m. Agenda items which are forwarded to City Council for final action need not be appealed.*

## PUBLIC HEARINGS

<b>Agenda Item:</b>	<b>2</b>
<b>Project Name:</b>	<b>1274 Oakdale Ave. (Best Inn &amp; Suites)</b>
<b>Request:</b>	<b>Consider amendment or revocation of Conditional Use Permit No. 252 for a lodging establishment</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>Approve Amendment</b>
<b>Location:</b>	1274 Oakdale Ave.
<b>Applicant:</b>	City of El Cajon
<b>Project Planner:</b>	Noah Alvey; 619-441-1795; <a href="mailto:nalvey@elcajon.gov">nalvey@elcajon.gov</a>
<b>City Council Hearing Required?</b>	No
<b>Recommended Actions:</b>	<ol style="list-style-type: none"><li>1. Conduct the public hearing;</li><li>2. MOVE to adopt the next resolutions in order, approving the CEQA exemption and an Amendment of Conditional Use Permit (CUP) No. 252, subject to conditions.</li></ol>

## OTHER ITEMS

<b>Agenda Item:</b>	<b>3</b>
<b>Project Name:</b>	<b>Administrative Determinations Report</b>
<b>STAFF RECOMMENDATION:</b>	<b>ACCEPT REPORT</b>
<b>Recommended Actions:</b>	<ol style="list-style-type: none"><li>1. Discuss the administrative determinations report; and,</li><li>2. ACCEPT report.</li></ol>

### 4. STAFF COMMUNICATIONS

### 5. COMMISSIONER REPORTS/COMMENTS

### 6. ADJOURNMENT

This Planning Commission meeting is adjourned to September 5, 2023 at 7 p.m.



# MINUTES PLANNING COMMISSION MEETING June 20, 2023

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

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

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

**COMMISSIONERS ABSENT:** Darrin MROZ (Chair)

**STAFF PRESENT:** Noah ALVEY, Deputy Director of Community Development  
Barbara LUCK, Staff Attorney  
Laura JUSZAK, Administrative Secretary

Vice Chair POLLACK-RUDE opened the Planning Commission meeting explaining the rules of conduct.

**PUBLIC COMMENT:**

There was no public comment.

**CONSENT CALENDAR:**

<b>Agenda Item:</b>	<b>1</b>
	<b>Planning Commission minutes of May 16, 2023</b>

Motion was made by CIRCO, seconded by SOTTILE, to approve the May 16, 2023 minutes; motion carried 4-0, with MROZ absent.

**PUBLIC HEARING ITEM:**

Agenda Item:	2
Project Name:	550 Montrose Court (Motel 6)
Request:	Consider amendment or revocation of Conditional Use Permit No. 1123 (CUP-2023-0005) for a lodging establishment
CEQA Recommendation:	Exempt
STAFF RECOMMENDATION:	Approve Amendment
Location:	550 Montrose Court
Applicant:	City of El Cajon
Project Planner:	Noah Alvey; 619-441-1795; <a href="mailto:nalvey@elcajon.gov">nalvey@elcajon.gov</a>
City Council Hearing Required?	No
Recommended Actions:	<ol style="list-style-type: none"><li>1. Conduct the public hearing; and</li><li>2. MOVE to adopt the next resolutions in order, approving the CEQA exemption and CUP-2023-0005, amending CUP No. 1123, subject to conditions.</li></ol>

ALVEY summarized the staff report through a PowerPoint presentation.

COMMISSIONERS asked questions with ALVEY providing answers.

POLLACK-RUDE opened the public hearing.

Hotel owner representative Jason SACCUZZO spoke regarding the operator's response to COMMISSIONERS' directions from April 18, 2023 meeting, and spoke in opposition to the proposed Conditional Use Permit amendment.

Hotel manager Mark ROLFES spoke regarding the hotel's current operations.

COMMISSIONERS asked questions of SACCUZZO and ROLFES.

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

COMMISSIONERS discussed the item.

Motion was made by POLLACK-RUDE, seconded by SOTTILE, to adopt the next resolutions in order APPROVING the CEQA exemption and the amendment of Conditional Use Permit No. 1123 (CUP-2023-0005), subject to conditions, and directing staff to schedule a review within 180 days; motion carried 4-0, with MROZ absent.

**OTHER ITEMS FOR CONSIDERATION:**

There were no other items for consideration.

**STAFF COMMUNICATIONS:**

There were no staff communications.

**COMMISSIONER REPORTS/COMMENTS:**

There were no commissioner reports or comments.

DRAFT

**ADJOURNMENT:**

**Motion was made by CIRCO, seconded by POLLACK-RUDE, to adjourn the meeting of the El Cajon Planning Commission at 7:41 p.m. this 20<sup>th</sup> Day of June, 2023, until 7:00 p.m., Tuesday, July 18, 2023; motion carried 4-0, with MROZ absent.**

\_\_\_\_\_  
Rebecca POLLACK-RUDE, Vice Chair

ATTEST:

\_\_\_\_\_  
Noah ALVEY, Secretary

DRAFT



City of El Cajon

Community Development Department  
**PLANNING COMMISSION AGENDA REPORT**

<b>Agenda Item:</b>	2	
<b>Project Name:</b>	1274 Oakdale Ave. (Best Inn & Suites)	
<b>Request:</b>	Consider amendment or revocation of Conditional Use Permit No. 252 for a lodging establishment	
<b>CEQA Recommendation:</b>	Exempt	
<b>STAFF RECOMMENDATION:</b>	Approve Amendment	
<b>Location:</b>	1274 Oakdale Ave.	
<b>Applicant:</b>	City of El Cajon	
<b>Project Planner:</b>	Noah Alvey; 619-441-1795; <a href="mailto:nalvey@elcajon.gov">nalvey@elcajon.gov</a>	
<b>City Council Hearing Required?</b>	No	
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolutions in order, approving the CEQA exemption and an Amendment of CUP No. 252 subject to conditions.</li> </ol>	

**PROJECT DESCRIPTION**

This request is to consider an amendment to add conditions to Conditional Use Permit (CUP) No. 252, or to revoke the CUP for a lodging establishment (Best Inn & Suites) at 1274 Oakdale Ave. This request was initiated by the Planning Commission in conjunction with the revocation of the lodging establishment’s deemed approved status at the May 2, 2023 Planning Commission meeting.

**BACKGROUND**

<b>General Plan:</b>	General Commercial (GC)
<b>Specific Plan(s):</b>	Specific Plan No. 51
<b>Zone:</b>	General Commercial (C-G)
<b>Other City Plan(s):</b>	N/A
<b>Regional and State Plan(s):</b>	N/A

Project Site & Constraints

The subject site is 1.3 acres and developed with a 32-unit lodging establishment (Best Inn & Suites) and also has a manager/caretaker unit. The motel building is addressed as 1274 Oakdale Ave. and is centrally located on the site and surrounded by parking and drive aisles. The site is located on the north side of Oakdale Ave. between Oakdale Ln. and N. Second St.

### Surrounding Context

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

Direction	Zones	Land Uses
North	N/A	Interstate 8
South	RM-2200 & C-N	Condominiums and neighborhood commercial uses
West	C-G	Vacant (previously manufactured home sales)
East	O-P	Restaurant (IHOP)

### General Plan

The project site is designated General Commercial (GC) on the General Plan Land Use Map. The General Commercial General Plan designation is intended for general shopping or service needs for uses not typically found in shopping centers.

### Specific Plan No. 51

SP No. 51 was approved by the City Council in 1962 and originally governed all of the properties on the north side of Oakdale Ave. between Oakdale Ln. and N. Second St. An amendment to SP No. 51 in 1967 approved the motel use on the property, subject to the approval of a conditional use permit. In 2007, the vacant property west of the motel was removed from SP No. 51.

### Conditional Use Permit No. 252

In 1967 the Planning Commission approved Conditional Use Permit (CUP) No. 252 which authorized the development of a motel and a manager/caretaker unit on the subject site. The CUP provides authorization for the use, but does not include any ongoing conditions of approval.

### Deemed Approved Lodging Establishment Ordinance

The deemed approved lodging establishment (hotel and motel) ordinance was approved by the City Council on June 25, 2019, and confers deemed approved status on all existing lodging establishments, requires compliance with performance standards, and creates a mechanism for the modification or revocation of deemed approved status for problem properties. The purpose of the ordinance is to provide a common set of expectations and standards that all lodging establishments must abide by to provide guests with clean and safe lodging and to minimize nuisance or criminal activity commonly associated with temporary lodging. Nuisance activities may include, but are not limited to, disturbance of the peace, illegal drug activity, prostitution, drinking in public, harassment of passersby, gambling, trafficking in stolen goods, public urination, theft, assault, battery, vandalism, illegal parking, excessive noise, traffic violations, curfew violations, lewd conduct, or excessive police detentions or arrests.

On May 2, 2023, the Planning Commission revoked the deemed approved status for 1274 Oakdale Ave. and found that nuisance calls for service were negatively impacting the business environment. The Planning Commission also directed staff to schedule a public hearing to consider an amendment or revocation of CUP No. 252, while also requesting that the operator or property owner comply the following requirements within the next 30 days:

- Prepare an Operations/Management Plan
- Complete property maintenance
- Resolve current property violations
- Sign an affidavit acknowledging the requirements and standards of the Deemed Approved Lodging Ordinance
- Owner, operator, and employees to complete human trafficking training
- Provide a monthly report to the Community Development Department listing the number of individuals participating in Emergency Housing Placement Program(s), the duration of their stay, and the name(s) of the program service provider(s) implementing the Emergency Housing Placement Program(s)

On June 13, 2023, the City Council adopted amendments to Deemed Approved Lodging Ordinance, including new performance standards in El Cajon Municipal Code section 17.212.090 related to criminal and nuisance activities, including, but not limited to, a new threshold for criminal or nuisance activities to not result in more than one call per room for service to the Police Department and Fire Department on an annual basis.

## **DISCUSSION**

Since May 2, 2023, the owner/operator has addressed the action items required by the Planning Commission:

- An Operations/Management Plan has been prepared and reviewed by the staff
- Property maintenance has been completed
- Building permits have been submitted to resolve property violations
- A signed affidavit acknowledging the requirements and standards of the Deemed Approved Lodging Ordinance has been submitted
- Human trafficking training has been completed and certificates have been submitted
- A monthly report listing the number of individuals participating in Emergency Housing Placement Program(s), the duration of their stay, and the name(s) of the program service provider(s) implementing the Emergency Housing Placement Program(s) has been provided for June and July

At the May 2, 2023 Planning Commission meeting, staff noted that there were 54 calls for service in the 12 months prior to the notice of violation or 1.6 calls per room for the preceding year. Staff also conducted a review of call for service between April 1, 2023 and

July 1, 2023, which was the three month period following the notice of violation. During this time period there were 11 calls for service related to nuisance activities and medical calls, which when annualized would equal 1.3 calls per room.

On an annualized basis, the lodging establishment remains above the one call per room threshold, however, the calls for service are trending downward. For the preceding quarter the reduction from 1.6 calls per room to 1.3 calls per room reflects an approximately 17% reduction in calls. Staff would also note that the applicant has made significant efforts to address nuisance calls through an Operations and Management Plan, completed all recommended actions from the Planning Commission, and expended funds to improve the property. Based on these actions, the Planning Commission may choose to amend CUP No. 252 to require implementation of the Operations and Management Plan, to provide monthly reporting as required by ECMC section 17.212.070(I), require all new employees complete human trafficking training, and schedule a review of the permit in approximately six months, or sooner if appropriate, to confirm that calls for service are continuing to trend downward within the new threshold of one call for service per room on an annual basis.

### Findings

- A. *The proposed use is consistent with applicable goals, policies, and programs of the general plan, and with any applicable specific plan;*

General Plan Policy 5-9.1 directs the City to improve public safety for all residents. The application of operational standards is necessary to ensure public safety, prevent nuisance activities, and promote consistency with General Plan goals, policies, and programs. The approval of the conditional use permit amendment is consistent with Specific Plan No. 51 which permits a lodging establishment subject to the approval of a conditional use permit. Furthermore, ongoing conditions of approval beyond the Deemed Approved Lodging Establishment standards are warranted based on recent nuisance related activities that have occurred at the lodging establishment.

- B. *The proposed site plan and building design are consistent with all applicable use and development standards.*

The existing site plan and existing building design are consistent with applicable use and development standards. Previously identified code violations are being addressed through a building permit to authorize additional storage spaces and building modifications.

- C. *The proposed use will be operated in a manner that is compatible with existing and planned land uses in the vicinity of the proposed use.*

The application of performance standards, conditions of approval, and through proper implementation of the Operations and Management Plan, which includes detailed registration procedures, managerial responsibilities, safety and security

measures, staff training procedures, and emergency contact information, the lodging establishment will operate in a manner that is compatible with existing and planned land uses in the vicinity. Compatibility with existing and planned land uses in the vicinity will be maintained if the lodging establishment continues to reduce the number of calls for service and does not generate more than one call for service per room per year.

- D. *The proposed use and project design will not be detrimental to the public health, safety, and general welfare, including but not limited to matters of noise, smoke, dust, fumes, vibration, odors, and hazards or excessive concentrations of traffic.*

The proposed operating standards and conditions of approval will facilitate improved public health, safety, and general welfare, and are designed to reduce and not compound existing problems in the neighborhood created by the lodging establishment.

- E. *The proposed use is in the best interest of public convenience and necessity.*

A well maintained and operated lodging establishment is in the best interest of public convenience and necessity as it facilitates the temporary lodging needs of individuals within the City and as long as nuisance activities are minimized and properly managed by the operator.

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

The approval of a conditional use permit amendment for the existing lodging establishment is exempt from the provisions of the CEQA according to section 15301 the CEQA Guidelines. Section 15301 provides an exemption for the operation, maintenance, and repair of existing private structures with negligible or no expansion of use beyond that existing use. The conditional use permit amendment will regulate the operation of the existing motel and does not authorize any expansion of use.

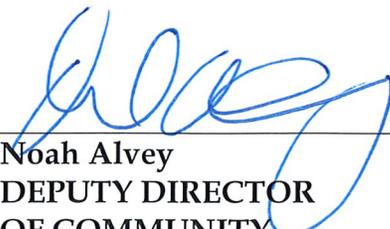
#### **PUBLIC NOTICE & INPUT**

Notice of this public hearing was mailed on August 3, 2023, to all property owners within 300 feet of the project site and to anyone who requested such notice in writing, in compliance with Government Code sections 65090, 65091, and 65092, as applicable. Additionally, as a public service, the notice was posted in the kiosk at City Hall and on the City's website under "Public Hearings/Public Notices." The notice was also mailed to the two public libraries in the City of El Cajon, located at 201 East Douglas Avenue and 576 Garfield Avenue.

#### **RECOMMENDATION**

Approve an amendment of CUP No. 252 (CUP-2023-0008) subject to conditions; and direct staff to schedule a review of CUP No. 252 (CUP-2023-0008) in approximately 180 days or sooner, if appropriate.

**PREPARED BY:**



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**Noah Alvey**  
**DEPUTY DIRECTOR**  
**OF COMMUNITY**  
**DEVELOPMENT**

**APPROVED BY:**

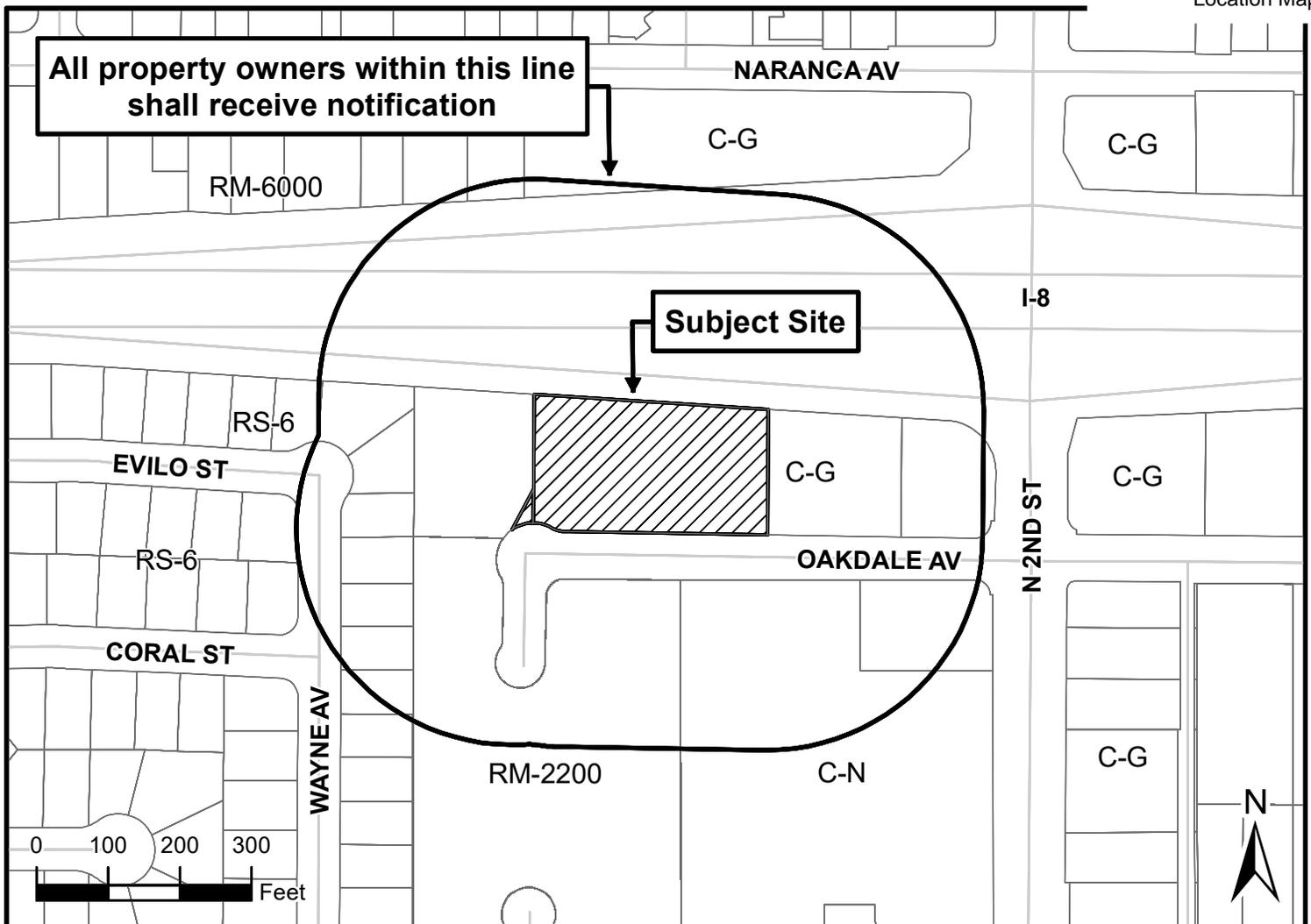


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**Anthony Shute**  
**DIRECTOR OF**  
**COMMUNITY**  
**DEVELOPMENT**

**ATTACHMENTS**

1. Public Hearing Notice/Location Map
2. Proposed CEQA Resolution
3. Proposed Resolution of APPROVAL for the Amendment of CUP No. 252
4. Operations & Management Plan



**NOTICE OF PROPOSED  
AMENDMENT OR REVOCATION OF CONDITIONAL USE PERMIT NO. 252  
FOR A LODGING ESTABLISHMENT AT 1274 OAKDALE AVENUE**

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, August 15, 2023**, in the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider: **Amendment or Revocation of Conditional Use Permit No. 252** for a lodging establishment at the subject property addressed as 1274 Oakdale Avenue. This project is exempt from the California Environmental Quality Act (CEQA).

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

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

If you have any questions, or wish any additional information, please contact **NOAH ALVEY** at 619-441-1795 or via email at [nalvey@elcajon.gov](mailto:nalvey@elcajon.gov) and reference "1274 Oakdale Avenue" in the subject line.

## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION APPROVING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTIONS 15301 (EXISTING FACILITIES) FOR THE AMENDMENT OF CONDITIONAL USE PERMIT NO. 252 (CUP-2023-0008) FOR THE CONTINUED OPERATION OF A LODGING ESTABLISHMENT (BEST INN & SUITES) LOCATED AT 1274 OAKDALE AVENUE IN THE C-G (GENERAL COMMERCIAL) ZONE, APNs: 489-310-23 & 489-310-24, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (GC)

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on August 15, 2023, to consider an amendment of Conditional Use Permit ("CUP") No. 252, as initiated by the Planning Commission, to consider the continued operation of a lodging establishment in the C-G zone, on property located on the north side of Oakdale Ave. between Oakdale Ln. and N. Second St., and addressed as 1274 Oakdale Ave.; and

WHEREAS, in accordance with CEQA Guidelines section 15061(b)(2), the Planning Commission reviewed and considered the information contained in the project agenda report; and

WHEREAS, the project is exempt from CEQA under section 15301 (Existing Facilities) which provides an exemption for the operation, maintenance, and repair of existing private structures with negligible or no expansion of use beyond that existing use; and

WHEREAS, no evidence was presented in proceedings that any of the conditions exist to provide exceptions to categorical exemptions as described in CEQA Guidelines section 15300.2, exist.

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

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 conditional use permit.
2. That based upon said findings of fact, the El Cajon Planning Commission hereby APPROVES the proposed CEQA exemption for the continued operation of a lodging establishment.

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held August 15, 2023, by the following vote:

AYES:  
NOES:  
ABSENT:

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Darrin MROZ, Chair

ATTEST:

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Noah ALVEY, Secretary

## PROPOSED PLANNING COMMISSION RESOLUTION

A RESOLUTION APPROVING AN AMENDMENT OF CONDITIONAL USE PERMIT NO. 252 (CUP-2023-0008) FOR THE CONTINUED OPERATION OF A LODGING ESTABLISHMENT (BEST INN & SUITES) LOCATED AT 1274 OAKDALE AVENUE IN THE C-G (GENERAL COMMERCIAL) ZONE, APNs: 489-310-23 & 489-310-24, GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (GC)

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on August 15, 2023, to consider an amendment of Conditional Use Permit ("CUP") No. 252, as initiated by the Planning Commission, to consider the continued operation of a lodging establishment in the C-G zone, on property located on the north side of Oakdale Ave. between Oakdale Ln. and N. Second St., and addressed as 1274 Oakdale Ave.; and

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

- A. The proposed project is exempt from CEQA under sections 15301, Class 1 (Existing Facilities) which provides an exemption for the operation, maintenance, and repair of existing private structures with negligible or no expansion of use beyond that existing use;
- B. General Plan Policy 5-9.1 directs the City to improve public safety for all residents. The application of operational standards is necessary to ensure public safety, prevent nuisance activities, and promote consistency with General Plan goals, policies, and programs. The approval of the conditional use permit amendment is consistent with Specific Plan No. 51 which permits a lodging establishment subject to the approval of a conditional use permit. Furthermore, ongoing conditions of approval beyond the Deemed Approved Lodging Establishment standards are warranted based on recent nuisance related activities that have occurred at the lodging establishment;
- C. The existing site plan and existing building design are consistent with applicable use and development standards. Previously identified code violations are being addressed through a building permit to authorize additional storage spaces and building modifications;
- D. The application of performance standards, conditions of approval, and through proper implementation of the Operations and Management Plan, which includes detailed registration procedures, managerial responsibilities, safety and security measures, staff training procedures, and emergency contact information, the lodging establishment will operate in a manner that is compatible with existing and planned land uses in the vicinity. Compatibility with existing and planned land uses in the vicinity will be maintained if the lodging establishment continues

Proposed Planning Commission Resolution

to reduce the number of calls for service and does not generate more than one call for service per room per year;

- E. The proposed operating standards and conditions of approval will facilitate improved public health, safety, and general welfare, and are designed to reduce and not compound existing problems in the neighborhood created by the lodging establishment;
- F. A well maintained and operated lodging establishment is in the best interest of public convenience and necessity as it facilitates the temporary lodging needs of individuals within the City and as long as nuisance activities are minimized and properly managed by the operator.

NOW, THEREFORE, BE IT RESOLVED that based upon said findings of fact, the El Cajon Planning Commission hereby APPROVES an amendment of Conditional Use Permit No. 252 for the continued operation of a lodging establishment in the C-G zone, on the above described property subject to the following conditions:

1. The applicant shall submit and obtain approval of a one-page, 24" by 36" digital site plan for Conditional Use Permit No. 252 that includes 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" as well as the ongoing conditions listed in condition 3.
  - b. Include the El Cajon Title Block as shown in the "Additional Requirements for Planning Permits".
  - c. Add the ongoing conditions of approval included in condition 3 as notes on the site plan.
2. A final signed copy of the Operations and Management Plan, which may be amended from time to time to address new circumstances and conditions, shall be submitted to the Community Development Department within 30 days.
3. The following shall be ongoing conditions of approval of Conditional Use Permit No. 252:
  - a. The lodging establishment shall adhere to all provisions of the Operations and Management Plan as approved and presented to the Planning Commission on August 15, 2023, and on file in the Community Development Department. The Director of Community Development is authorized to require the Plan to be changed, updated, or refined from time to time to ensure the lodging establishment remains compatible with adjacent properties and nuisance activities are minimized.

Proposed Planning Commission Resolution

- b. Comply with all requirements of El Cajon Municipal Code Chapter 17.212, Deemed Approved Lodging Establishments, including monthly reporting to the Community Development Department listing the number of individuals participating in an Emergency Housing Placement Program, the duration of their stay, and the name(s) of the program service provider(s) implementing the Program, and the average nightly rate paid.
  - c. All new employees shall complete human trafficking training offered by CSA San Diego County, or a similar human trafficking training provider within 30 days of the start of employment.
  - d. Criminal or nuisance activities shall not result in more than one (1) call for service to the Police Department and Fire Department per room on an annual basis. The City shall retain the right to recover its costs for all calls for service to the Police Department and Fire Department in excess of one (1) call per room on an annual basis by way of the city's nuisance abatement procedure.
4. A review of this conditional use permit shall be conducted by the Planning Commission in approximately 180 days to confirm compliance with the conditions of approval.

[The remainder of this page intentionally left blank.]

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon City Planning Commission at a regular meeting held August 15, 2023, by the following vote:

AYES:  
NOES:  
ABSENT:

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Darrin MROZ, Chair

ATTEST:

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Noah ALVEY, Secretary

## Property Information:

**Property Name:** Best Inn and Suites

**Property Address:** 1274 Oakdale Ave, El Cajon, CA 92021

**Current Site Manager:** Jay Patel

**Front Desk Number:** (619) 442-4330

**Number of Units:** 32 rooms

**Parking Spaces:** 45 parking spaces

**Current Business License Number:** 031901

**Insurance:** Guard

**Acceptable Forms of Payment:** Cash (may require additional deposit), Check, Credit Cards, Vouchers

**Current Number of Employees:** 4

## General Policies and Procedures:

**Acceptance of Cash:** Guests paying with cash may be subject to an additional deposit and shall be notified of this policy upon check-in.

**Cable TV & Internet:** The property is contracted with Cox Business and AT&T for cable and internet services and those services are available to all guests.

**Check In Procedures:** During the check-in process, the manager shall:

- Follow the Check-In Process Checklist to ensure all information is properly entered into the property management software system and all required documents are prepared
- Thoroughly explain the Guest Rights and Responsibilities with the guest(s), as well as any questions the guests might have prior to check-in.
- Complete the parking permit information and issue a parking permit
- Provide a room key to the guest(s)

**Check Out Procedures:** During the check-out process, the manager shall:

- Follow the Check-Out Process Checklist, collect the issued room key, and will provide a copy of the stay receipt upon guest(s) request
- Document the confirmed check-out in the property management software system
- Housekeeping staff shall follow the Room Turnover Process Checklist to ensure all steps are followed between time of check-out and time of new guest check-in.

**Keys and Unit Lock-out:** Guests are provided with room key(s) upon arrival. Guests are responsible for notifying the front desk if they lose their key(s) or their key(s) does not work. Keys and locks are changed regularly.

**Lost/Stolen Articles:** The property shall not be held responsible for any lost or stolen articles. Guests are responsible to ensure that their vehicle and unit door is locked as appropriate and upon departure.

**Manager Responsibility:** The primary responsibility of the manager is to utilize operational training, motivation, and example to ensure that the highest level of service is afforded to each guest. The manager manages the day-to-day operations of the property by overseeing the safety programs,

marketing plans, property maintenance and security. The manager is responsible for representing the property's service commitment to guests. They handle all check in/check out procedures, guest processing, telephone calls, and maintain ongoing communication with the maintenance and housekeeping staff.

**Occupancy:** Each room shall accommodate guests according to room configuration and subject to management approval.

**Parking:** Parking permits shall be issued to motel guests upon check in and shall be displayed on the dashboard of the vehicles that is registered to the guest and referenced in the Guest Register. There shall be lobby signs and language in the Guest Register warning guests that vehicles that do not display a parking permit shall be towed away at the vehicle owner's expense. A vehicle shall be subject to towing and/or fined if:

- the parking permit is not displayed
- it is parked in a no parking area
- it is blocking an entrance or fire line
- it is blocking the entrance to the trash enclosure
- It is parked in the handicap spot without proper handicap placard

**Quiet Hours:** Guests are required to keep the noise level to a minimum between the hours of 10 PM and 8 AM daily. Guests may contact the site management for any disturbance matters.

**Service Turnover:** Housekeeping services shall comply with State and local laws and regulations. Trash shall be taken out daily and between visitor stays. Bedding and towels shall be replaced with fresh linens between visitor stays and upon request.

**Smoking:** At least 80 percent of the guest rooms shall be smoke free in accordance with current (2023) California state law. The motel operator may choose as any time to implement a 100 percent smoke free establishment. Guests shall be notified of the motel smoking policy upon check-in.

**Solicit-Free Property:** The property prohibits soliciting, door-to-door selling, or asking of money for any reason. Guests shall be notified of the motel solicit-free property policy upon check-in.

**Unregistered Guests:** Unregistered guests are not allowed on the premises.

## Safety and Security Measures

**Accident/Injury:** The property shall not be responsible for accidents or injury to guests.

**Additional Lighting:** High intensity lighting is installed throughout the exterior of the building and positioned at all security camera locations. Exterior security lighting shall be maintained in good, working order at all times.

**Community Resources List:** A list of community resources shall be kept in each room which provides a list of available resources and outreach programs and contact information such as phone numbers, websites, or email addresses. The list shall be provided in English and Spanish and shall be easily and readily accessible and visible upon entry into guest rooms. The list shall include, but not be limited to, the following organizations and shall include phone numbers, websites, and addresses as available. The list shall be reviewed and updated as needed, but no less than annually, to ensure up-to-date information.

- El Cajon Police Non-Emergency Line                      **Call:** 619-579-3311
- Crime Stoppers    **Call:** 888-580-8477
- San Diego County Help Line                                      **Call:** 2-1-1 or 858-300-1211
- East County Transitional Living Center                      **Call:** 619-442-0457  
**Website:** ectlc.org
- Home Start, Inc    **Call:** 619-430-0032  
**Website:** home-start.org
- Crisis House – El Cajon    **Call:** 619-444-1194  
**Website:** crisishouse.com
- Mental Health/Substance Abuse Hotline                      **Call:** 9-8-8
- Naloxone East Region Pick Up Location                      **Call:** 619-441-6500
- Center for Social Advocacy - Hate Crimes  
and Human Trafficking Health Center                      **Call:** 619-444-5700 or 7-1-1 if deaf, hard of  
hearing, or require telephone relay services  
**Website:** c4sa.org
- National Human Trafficking Hotline                              **Call:** 1-888-373-7888 or 7-1-1 if deaf, hard of  
hearing, or require telephone relay services  
**Text:** 'BEFREE' or 'HELP' to 233733

**Crime Free Multi-Housing Training:** The Owner/Operator and the site manager shall participate in the City of El Cajon's Crime Free Multi-Housing Manager's Training Class, annually or as often as requested, or recommended, by the El Cajon Police Department.

**Security Patrol:** Security shall be provided by the site manager and/or a part-time security guard. The manager and/or guard shall regularly walk the property and provide foot patrol of the entire premises including common areas and the parking lot several times per day to ensure there are no adverse issues. When presented, they shall immediately report all issues to the El Cajon Police Department.

**'DO NOT RENT' List:** The owner/operator shall maintain a "DO NOT RENT" list of individuals known to have been arrested for prostitution or other criminal activity, or otherwise known to cause a nuisance. A copy of the "DO NOT RENT" list shall be provided to law enforcement upon request by the El Cajon Police Department.

**Guest Register:** The site shall maintain a Guest Register of all motel guests that rent a room on the premises, at all times. A copy of the Guest Register can be provided to law enforcement upon request by the El Cajon Police Department. The Guest Register shall include:

- The name of the registered guest(s), a copy of each registered guests' government issued ID, the date and time of arrival of each guest, room(s) assigned, and time of departure.
- The make, type, license number, issuing state and name of registered owner of any motor vehicle or trailer in the immediate possession of any guest.
- A warning to guests that vehicles that do not display a parking permit shall be towed away at the vehicle owner's expense.
- A warning that unregistered visitors are not allowed on the premises.
- A warning to guests against drug use.
- A warning that all guests paying with cash shall be subject to pay a \$50 deposit.
- A statement that no one under the age of 18 shall be permitted to rent a room without an ID or written parental consent.
- A statement that guests must refrain from loud noise and loud music.

**Guest Rights and Responsibilities:** Upon check-in, guests will be presented with a list of their Rights and Responsibilities for Hotel/Motel Stay. Failure to comply with the rule may lead to termination of stay. The rules are designed to ensure the safety and security of all hotel/motel guests. The document shall be acknowledged, agreed to, and signed by each registering guest. Rights and responsibilities shall include, but not be limited to the following:

- Your stay at Best Inn & Suites may not exceed 28 days – NO EXCEPTIONS.
- NO weapons allowed on the premises at any time. Failure to comply will result in termination of your stay.
- NO bikes, motorcycles, electric scooters, wagons, and/or skateboards are allowed in the parking lot, guest rooms, or common areas.
- NO storing large amounts of bags, boxes, debris, recycling materials, trash, or other items that belong to you or anyone else. Floors & walkways must be always clear. Doors must be able to fully open. Failure to comply will result in termination of your stay.
- NO business or charging of any fees may take place in rooms or on the hotel premises, including but not limited to, selling or purchasing drugs, prostitution, sub-letting your hotel/motel room, or storing any other person's items in your hotel room.
- Unregistered people, pets, or vehicles are NOT allowed on the premises of Best Inn & Suites. Visitors must be registered at the front desk before entering any guest room or being on property.
- Loitering around the hotel will be reported to law enforcement immediately.
- You are required to cooperate with the housekeeping staff for regularly scheduled maid services to keep the units clean.
- There is a ZERO TOLERANCE policy for illegal drug use, any other illegal activity, or any act of aggression, violence, or use of profanity towards other guests or hotel/motel staff.
- Guests are financially responsible for damage and/or missing items from the hotel/motel room.
- Check-out is 11 AM. Late charges and/or full day's rent will be assessed past check-out time.
- Guests are encouraged to use credit cards, issued in their name, preferred form of payment.
- Any issues can and should be reported to the front desk, 24/7.
- Please help us keep our hotel/motel a safe, clean, and desirable place for everyone.

**Overnight Security Patrol:** Overnight patrol services shall be provided by a contracted vendor that shall provide four overnight patrol visits, seven days a week. Patrol visits shall monitor points of entry, report

any security issues or concerns, and remove any trespassing violations. An activity report shall be maintained for each service.

**Reporting Illegal & Suspicious Activities:** It shall be the responsibility of the owner/operator and/or site manager to immediately report all illegal, and/or suspected illegal, activities including prostitution, narcotics, child endangerment, and all other criminal activity to the El Cajon Police Department. If any illegal substances or materials are found within a room during service turnover, the employee shall immediately report findings to the manager who shall report to law enforcement.

**Security Cameras:** A total of 20 security cameras are installed on the premises. The security cameras are installed on the exterior of the premises and inside the lobby to allow motel staff in the office to observe and monitor all points of entry onto the premises. Remote access to the security cameras shall be available to the El Cajon Police Department. Security footage shall be retained for at least 15 days.

**Signage:** Conspicuous signs shall be posted and maintained across the premises advising motel guests and trespassers that the Property is under video surveillance and that illegal activity shall be reported to law enforcement. Additional signage shall include:

- As requested by the El Cajon Police Department, a sign shall be posted which reads: LETTER OF AGENCY ON FILE WITH THE EL CAJON POLICE DEPARTMENT. TRESPASSING, LOITERING, PROSTITUTION ACTIVITY, DRUGS AND WEAPONS, ARE PROHIBITED. SECURITY CAMERAS ARE LOCATED ON THE PROPERTY. ALL ILLEGAL ACTIVITY WILL BE REPORTED TO THE EL CAJON POLICE DEPARTMENT – 619-579-3311.
- Signage shall include a STOP HUMAN TRAFFICKING notice which shall be displayed within the motel lobby and any other common areas (i.e., laundry, hallways/stairwells, recreational space). [https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/HTPoster\\_ENG.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/HTPoster_ENG.pdf)

## Site Maintenance:

### *General Maintenance*

Site management is responsible for day-to-day maintenance of the property. This may include, but not be limited to, minor room and/or exterior repairs or maintenance such as, changing light bulbs or painting, blind or curtain installation or repair, fire alarm battery replacement, minor plumbing repairs, and general clean up around the property. Complicated or major maintenance needs shall be contracted to a third-party vendor. The site manager shall be responsible for bringing more complicated or major maintenance needs to the attention of the Owner/Operator in a timely manner.

### *Housekeeping*

Housekeeping services shall comply with State and local laws and regulations. Trash shall be taken out daily and between visitor stays. Bedding and towels shall be replaced with fresh linens between visitor stays and upon request. Housekeeping staff is responsible for reporting damage, repair needs, or need for new linens, towels, or other room items to site management.

### *Landscape Maintenance*

Landscape maintenance shall be administered by a third-party vendor. The vendor shall be responsible for cleaning planter areas and common landscape areas free of debris, weeds, and overgrowth. The vendor shall be responsible for repairs to the sprinkler system and shall replace or plant new materials as needed or as requested by site management as authorized by the Owner/Operator. The owner/operator will upgrade site landscaping in compliance with city standards. Landscaping improvements shall comply

with city standards and shall be designed, installed, and maintained in a manner meant to deter loitering and trespassing.

*Pest control*

Pest control services shall be administered by a third-party vendor and shall be provided for both the exterior and interior spaces. Pest control services shall be conducted at least every other month, or as often as recommended by the vendor. Site management shall be responsible for contacting the vendor if additional pest control services are needed in between regularly scheduled service calls.

## Contact List:

### **Safety and Security**

#### **FOR EMERGENCY – POLICE, AMBULANCE, FIRE**

**DIAL 911**

For Non-Emergency Police

619-579-3311

Overnight Security Patrol – Eagles Point Security

844-600-0400

National Human Trafficking Hotline

888-373-7888

California Coalition to Abolish Slavery and Trafficking

888-539-2373

San Diego County Psychiatric Hospital Crisis Line

1-888-724-7240

San Diego County Crime Victim Assistant Program

619-531-4041

SDG&E – Electric or gas emergency

800-411-7343 (electric)

800-611-7343 (gas)

### **Maintenance:**

Water Services – Helix Water District

619-466-0585

Cable/Internet Provider – Cox Business

619-269-2000

Trash Services – EDCO Disposal Corporation

619-287-7555

Electricity and Gas Services – SDG&E

800-336-7343

# Management Acknowledgement

Owner/Operator and Manager acknowledges that in the event of a change in manager or management company, the new manager shall notify the city that they are aware, understand and shall enforce this plan.

**Owner/Operator Name:**

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**Owner/Operator Contact Information:**

Phone:

Email:

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**Owner/Operator Signature:**

---

**Date Signed:**

---

**Manager Name:**

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**Manager Contact Information:**

Phone:

Email:

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**Manager Signature:**

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**Date Signed:**

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<b>Agenda Item:</b>	<b>3</b>
<b>Project Name:</b>	<b>Administrative Determinations Report</b>
<b>STAFF RECOMMENDATION:</b>	<b>ACCEPT REPORT</b>
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Discuss the administrative determinations report; and,</li> <li>2. ACCEPT report.</li> </ol>

**DESCRIPTION**

The Planning Division provides a report to the Planning Commission describing the administrative determinations made by its interpretation and administration of the Zoning Code as required by Zoning Code section 17.10.030. The last report was provided to the Planning Commission on March 1, 2022. This report will include a brief summary of all Substantial Conformance Review (SCR) and Minor Amendment (MA) determinations within the intervening period. This report is intended to provide transparency and allow for the Planning Commission to consider the suitability of the guidelines that staff uses in evaluating SCR and MA applications on an ongoing basis.

**BACKGROUND**

Zoning Code Chapter 17.10 provides the framework for the administration, interpretation, and enforcement of the Zoning Code. Furthermore, it requires a summary of administrative determinations including Director’s Decisions, SCRs and MAs to be forwarded to the Planning Commission.

Typically, entitlement requests are prepared at a conceptual level of detail and do not represent a level of specificity sufficient for construction. Construction drawings are finalized during review of building permit applications, and as plans are finalized, changes are likely to occur. These changes are usually very minor and substantially conform to the entitlement approval. Also, there are occasional requests to make minor, but substantive changes to entitlement plans that do not warrant public review. Most often this circumstance occurs with long-established, completed projects that need reinvestment due to market or regulatory changes.

*Director Decisions*

In administering, interpreting, and enforcing the Zoning Code, the director shall consider legal requirements, as well as the minimum requirements necessary for the promotion of the public health, safety, comfort, convenience, and the general welfare of the city. Upon request, the director shall document the determination in writing.

### *Substantial Conformance Review (SCR)*

A SCR addresses minor, non-substantive changes that refine but do not meaningfully alter a project. Proposed changes must be consistent with the project approvals and conditions and within the scope of the environmental clearance. Examples might include minor changes to building elevations, such as window placement; re-locating small accessory buildings, such as trash enclosures; changing landscape areas, such as adding a parking lot landscape island; and similar project refinements.

### *Minor Amendment (MA)*

A MA is available for minor changes to approved projects. Project changes must be compatible with the original approval, project character, and not create new effects. Examples include small increases in building area, up to 10 percent or 10,000 square feet, whichever is less; increases in building height, up to 10 percent but not exceeding height limits; and re-location of project features, provided no new significant effects result.

## **ADMINISTRATIVE DETERMINATIONS**

The attached table shows the project name, the governing planning entitlement, the administrative determination date, brief project summary, and the review type. Attached to this report are excerpts of the applicable Zoning Code Sections and the guidelines. The administrative determination letters are available upon request.

## **RECOMMENDATION**

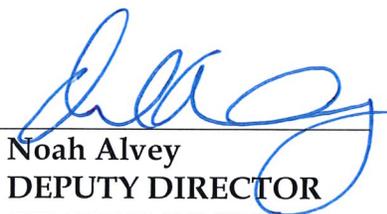
Staff recommends that the Planning Commission accept the report.

### **PREPARED BY:**



Sable Beltran  
JUNIOR  
PLANNER

### **REVIEWED BY:**



Noah Alvey  
DEPUTY DIRECTOR  
OF COMMUNITY  
DEVELOPMENT

### **APPROVED BY:**



Anthony Shute  
DIRECTOR OF  
COMMUNITY  
DEVELOPMENT

## **ATTACHMENTS**

1. Summary of Decisions
2. Applicable Zoning Code Sections
  - a. Administration, Interpretation, and Enforcement - 17.10.010 through 17.10.090
  - b. Minor Amendments - 17.57.010 through 17.57.060
  - c. Substantial Conformance Review - 17.63.010 through 17.63.060
3. Minor Amendment Policy
4. Substantial Conformance Review Policy

### Attachment 1 - Summary of Decisions

Project Name	Location	Governing Entitlement	Decision Date	Project Summary	Type
February to June 2022					
ALDI Building Façade Modifications	123 Fletcher Parkway	SP No. 19	February 1, 2022	Exterior modification including new glazing, cement siding, awning and entrance features for proposed grocery use.	SCR
Youth Venture Façade Modifications	277 Broadway	SDP No. 490	February 16, 2022	Façade modifications including new storefront windows, stucco finish, and siding.	SCR
J5 Infrastructure Wireless Collocation	1240 Vernon Way	CUP No. 2257	May 10, 2022	Installation of additional wireless antenna panels on an existing monopole.	MA
Dish Wireless Collocation	1355 Hill St.	CUP No. 1581	May 19, 2022	Installation of additional wireless antenna panels on an existing monopole.	MA
July to December 2022					
Adding ADUs to a Multifamily Site	337 N First Street	SDP No. 324	July 16, 2022	Addition of two accessory dwelling units and reorientation of parking areas at an existing apartment complex.	SCR
Lot Line Adjustment with Interconnecting Access	1435 E Main Street	SP No. 431	July 25, 2022	Lot line adjustment with interconnecting access between Kaelin's Market and car wash.	SCR
Parkway Plaza Outparcel Redevelopment	575 Fletcher Parkway	SP No. 19	July 26, 2022	Demolition of existing retail building, approval of a new restaurant building, and reconfiguration of a previously approved drive-through restaurant.	MA
Expand Educational Uses at Shadow Mountain Community Church	2151 Greenfield Drive	SP No. 523	July 27, 2022	Expand permitted educational uses on the west campus to include preschool, elementary, junior and senior high schools, and associated activities.	MA
Hi-Way Fuel/Econolodge Oil Change	596 N Mollison Avenue	CUP No. 1805	October 25, 2022	Convert a car wash to an oil change use within an existing structure.	MA
Soapy Joe's Elongated Sound Wall	816 N Second Street	CUP No. 2019-0009	December 20, 2022	Elongated noise wall at 10 feet in height authorized in conjunction with a self-service car wash.	SCR

Project Name	Location	Governing Entitlement	Decision Date	Project Summary	Type
Waste Management – Stormwater Treatment	1001 W Bradley Avenue	CUP No. 1671	September 7, 2022	Revised layout for stormwater treatment systems for an existing solid waste collection facility.	SCR
Arby's Façade Modifications	325 N Second Street	CUP No. 888	July 13, 2022	New restroom and façade modifications to drive-through restaurant.	SCR
Battery Storage – Revised site layout	1527 E Main Street	CUP No. CUP-2020-0004	August 15, 2022	Revised site layout for a battery storage facility including increases to the site fence perimeter area and number of batteries.	SCR
Mechanical room and Elevator at Cajon Valley Unified School District	189 Roanoke Roade	CUP No. CUP-2022-0011	November 18, 2022	Elevator tower and mechanical room for school district offices.	SCR
Transit District Specific Plan Tree Palette	200 Civic Center Way	SP No. 531	October 24, 2022	Modifications to approved street tree palette to allow additional street tree specimens recommended by the San Diego River Conservancy.	SCR
January to June 2023					
Conversion of Attached Garages at Multifamily Site	683 Chamberlain Avenue	SDP No. 979	April 3, 2023	Expand two existing two-bedroom units into two three-bedroom units through the conversion of two attached one-car garages.	SCR
Add UTV and ATV repair to auto related repair	1062 N. Second Street	CUP No. 1939	May 19, 2023	Add repair service and new parts and accessories sales for UTVs and ATVs to existing RV Generator sales, service and repair use.	MA

## **Applicable Zoning Code Sections**

### **2.a - Administration, Interpretation, and Enforcement – 17.10.010 through 17.10.090**

#### **17.10.010 Administration, interpretation, and enforcement.**

The director of community development (director), or his or her designee, shall administer, interpret, and enforce the provisions of this title, including any ambiguities or omissions herein. In interpreting this title, the director shall gather and review all pertinent facts and make a determination based upon those facts. The director may consult standard references, such as the North American Industrial Classification System (NAICS), as such documents may be amended from time to time, when administering and interpreting this title. (Ord. 5081 § 3, 2019.)

#### **17.10.020 Director's determination.**

In administering, interpreting, and enforcing this title, the director shall consider legal requirements, as well as the minimum requirements necessary for the promotion of the public health, safety, comfort, convenience and the general welfare of the city. Upon request, the director shall document his or her determination in writing. (Ord. 4950 § 3, 2010)

#### **17.10.030 Report to planning commission.**

The director shall make a report to the planning commission describing the administrative determinations made pursuant to Section 17.10.020 above and Chapters 17.57 and 17.63. The report shall be submitted as a discussion item in July and January, for the preceding six (6) month period. No such report shall be required, if the director has not issued a director's determination, substantial conformance review or minor amendment in the six (6) month period preceding the required reporting dates. (Ord. 4984 § 8, 2013)

#### **17.10.040 Appeal of director's determination.**

Any decision or determination made by the director may be appealed to the planning commission in accordance with the provisions of Chapter 17.30 of this title. (Ord. 4950 § 3, 2010)

#### **17.10.050 Certificates of occupancy.**

To assure compliance with the provisions of this title, a certificate of occupancy shall be obtained from the building and fire safety division before:

- A. Any new building is initially occupied or used;
- B. Any change of type or class of use is made; or
- C. A change of use of any unimproved premises is made. (Ord. 4950 § 3, 2010)

#### **17.10.060 Conflicts.**

It is not intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties. However, when this title imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this title shall govern.

Furthermore, all departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this title. No such license or

permit for uses, buildings or purposes where the same would be in conflict with the provisions of this title shall be issued. Any such license or permit, if issued in conflict with the provisions of this title, shall be null and void. (Ord. 4950 § 3, 2010)

#### **17.10.070 Penalties.**

- A. Any person, firm, or corporation violating any of the provisions of this title may be charged with either an infraction or a misdemeanor, and shall be subject to the provisions of the general penalty clause as set forth in Section 1.24.010 of this code.
- B. Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this title is committed, continued or permitted by such person, firm or corporation, and shall be punishable as provided above in Section 17.10.070(A). Any use, occupation or building or structure maintained contrary to the provisions of this title shall constitute a public nuisance.
- C. In addition or in lieu of prosecuting a violation as an infraction or misdemeanor, the director is authorized to issue an administrative citation in accordance with Chapter 1.14, or initiate abatement proceedings pursuant to Chapter 15.16, and/or may commence an administrative proceeding under Chapter 15.18 to cause the assessment of a civil penalty pursuant to Section 1.24.020. (Ord. 4950 § 3, 2010)

#### **17.10.080 Judicial review.**

Any proceeding to seek judicial review in order to dispute, annul, contest or otherwise attack a decision of the city in any zoning or land use matter must be brought within 60 days of the date on which the disputed decision becomes final, unless otherwise provided for by statute. (Ord. 4950 § 3, 2010)

#### **17.10.090 Compliance with CEQA time limits.**

Whenever the timing and processing requirements of the California Environmental Quality Act (CEQA) require a longer time period for the processing of land use or development projects than the time periods stated in this title, the longer time periods and processing requirements required by CEQA shall prevail. (Ord. 4950 § 3, 2010)

### **2.b. Minor Amendments – 17.57.010 through 17.57.060**

#### **17.57.010 Intent and purpose.**

The intent and purpose of the minor amendment review process is to accommodate minor changes exceeding a level of refinement but less than that which would benefit from public review or a full administrative review process to provide reasonable flexibility in responding to changing markets and regulations. (Ord. 4984 § 19, 2013)

#### **17.57.020 Definition.**

A minor amendment means an administrative process to accommodate minor physical changes to an existing project, provided that proposed changes do not raise significant new issues or create significant effects, and, cumulatively, the changes would not result in a substantial alteration and are offset by substantial, alternative benefits. These changes must be consistent with the intent and character of the approved project entitlement plan. (Ord. 4984 § 19, 2013)

#### **17.57.025 Thresholds, guidelines and measuring criteria.**

- A. An increase in floor area up to 10 percent of the entitled building area or 10,000 square feet, whichever is less, may be approved.
- B. A reduction in the minimum required parking up to 10 percent may be approved, provided that an equivalent amount of parking is available along the project's frontage of a public street, and if the reduction is offset by a substantial alternative benefit in project quality.
- C. A reduction in required landscape area up to 10 percent may be approved, provided remaining landscape areas are substantially enhanced and water use reduction measures implemented, if the reduction is offset by a substantial, alternative benefit in project quality.
- D. No increase nor decrease in housing density may be approved.
- E. Other changes may be approved if minor in scope as determined by the director.
- F. The director of community development shall prepare guidelines and measuring criteria to provide the framework within which to establish applicability, eligibility and decision-making guidance in administering the minor amendment process. The director shall forward the guidelines and measuring criteria to the Planning Commission as information and input upon initial preparation. Any changes thereafter shall be presented and reviewed pursuant to Section 17.10.030. (Ord. 5018 § 11, 2015)

#### **17.57.030 Authority to apply.**

An application for a minor amendment may be filed with the secretary of the planning commission by the property owner for which the development entitlement is applicable, or the property owner's agent. (Ord. 4984 § 19, 2013)

#### **17.57.040 Authority to approve.**

Minor Amendments may be approved, conditionally approved, or denied by the director of community development. The director may, at his or her discretion, decide that the minor amendment warrants a formal amendment of the governing entitlement. (Ord. 4984 § 19, 2013)

#### **17.57.050 Notice of decision.**

The applicant for a minor amendment shall be notified in writing of the decision of the director to approve, conditionally approve, or deny the permit. In the event that the director decides that a formal amendment of the governing entitlement is warranted, the applicant shall also be notified in writing. (Ord. 4984 § 19, 2013)

#### **17.57.060 Appeals.**

The action of the director in approving, conditionally approving, or denying a minor amendment may be appealed pursuant to the requirements listed in Chapter 17.30 of this title. (Ord. 4984 § 19, 2013)

### **2.c. Substantial Conformance Review – 17.63.010 through 17.63.060**

#### **17.63.010 Intent and purpose.**

The intent and purpose of substantial conformance review is to allow for the refinement of development projects, but does not result in any meaningful alteration of the project based upon the whole record. (Ord. 4984 § 22, 2013)

#### **17.63.020 Definition.**

Substantial conformance review means an administrative process for refining an existing project, provided that such physical refinements are consistent with and do not materially alter the intent, character, development, intensity, density or increase the environmental effects of the approved project entitlement plan. (Ord. 4984 § 22, 2013)

#### **17.63.025 Guidelines and measuring criteria.**

The director of community development shall prepare guidelines and measuring criteria to provide the framework within which to establish applicability, eligibility and decision-making guidance in administering the substantial conformance review process. The director shall forward the guidelines and measuring criteria to the Planning Commission as information and input upon initial preparation. Any changes thereafter shall be presented and reviewed pursuant to Section 17.10.030. (Ord. 4984 § 22, 2013)

#### **17.63.030 Authority to apply.**

An application for a substantial conformance review may be filed with the secretary of the planning commission by the property owner for which the development entitlement is applicable, or the property owner's agent. (Ord. 4984 § 22, 2013)

#### **17.63.040 Authority to approve.**

Substantial conformance reviews may be approved or denied by the director of community development. The director may, at his or her discretion, decide that a substantial conformance review warrants a minor amendment or formal amendment of the governing entitlement. (Ord. 4984 § 22, 2013)

#### **17.63.050 Notice of decision.**

The applicant for a substantial conformance review shall be notified in writing of the decision of the director to approve or deny the substantial conformance review. In the event that the director decides that a minor amendment or formal amendment of the governing entitlement is warranted, the applicant shall also be notified in writing. (Ord. 4984 § 22, 2013)

#### **17.63.060 Appeals.**

The action of the director in approving or denying a substantial conformance review may be appealed pursuant to the requirements listed in Chapter 17.30 of this title. (Ord. 4984 § 22, 2013)

**CITY OF EL CAJON  
PLANNING DIVISION POLICY**

Name of policy: Minor Amendment

Policy No. A-17

Adopted by City Council Ordinance No. 4984

Effective Date: February 7, 2013

No. of Pages: 3

Related Policies: A-18

*Issue Defined:*

A Minor Amendment is intended to accommodate minor changes to a project necessary to keep it current with ever-changing markets and regulations, using a streamlined process. Much of El Cajon was developed decades ago. Additionally, changes may occur to newer entitled projects that were not foreseen by the applicant due to the needs of tenants. The Minor Amendment process was created to accommodate these changes and streamline the review process to encourage investment in the City. This process allows for small expansions and flexibility through reducing certain development standards if alternative benefits are provided. The following guidelines and measuring criteria address these refinements and modifications in a manner to provide for reasonable change and within the governing framework of a project's entitlement.

*Objective:*

Accommodate minor changes to projects through a streamlined process to encourage investment in the City.

*Benefits:*

These systems will be beneficial to a project applicant by allowing a project to adapt to changes with the minimum necessary review. It defines what may be considered minor to assure consistency with the original public review process and governing entitlement. It will reduce lengthy entitlement preparation, processing and cost. It will benefit staff by creating a mechanism to review and approve minor changes. Finally, it will benefit the City by encouraging new and continuing investment.

*Policy:*

Minor Amendment (MA) is to determine if proposed physical changes, including expansions or revisions that cannot be found in substantial conformance, yet are not significant enough to warrant public review of an existing development project, can be approved within the framework of the applicable governing entitlement.

The following guidelines, measuring criteria and procedure shall be used in making such determinations:

*Procedure:*

1. The applicant shall file the uniform discretionary permit application and supplemental requirements with the secretary of the Planning Commission.

## Minor Amendment Policy

2. The application shall be referred for comment to the appropriate internal City departments and outside agencies, if applicable.
3. No Minor Amendment application shall be approved on a property for which approval of the entitlement being modified was preceded by a public hearing, unless a 10-day public notice is first provided by mail to all property owners within a 300-foot radius of the subject site. The notice shall include a brief description of the request and its relation to relative governing entitlements. An adverse response received within 10 days of the date of mailing will elevate the application to review by the Planning Commission.
4. The following are not available to the provisions of the Minor Amendment process:
  - a. Minor Conditional Use Permits for detached accessory structures greater than 800 sq. ft. and/ or with bathroom facilities in any R zone
  - b. Conditional Use Permits for residential and non-residential uses in any R zone
  - c. Existing developed PRDs and PUDs
5. Planning staff shall use the following measuring criteria when reviewing the proposed request:
  - a. CEQA review
    - i. Proposed modification(s), change(s) or variation(s) must be within the scope of the CEQA document, or
    - ii. Changes to existing development must be exempt within the CEQA Guidelines Section 15300 et seq.
  - b. Site Design
    - i. Building(s) and Structure(s)
      1. An increase in floor area not to exceed 10% or 10,000 square feet, whichever is less
      2. Addition of occupancy-rated accessory structures
      3. Demolition, reconstruction and/ or remodeling of existing structures within the parameters of the minor amendment measuring criteria
    - ii. Parking and On-site Circulation:
      1. Expansion of parking area(s) of 3,000 square feet
      2. Reduction of parking area(s) of 3,000 square feet
      3. A maximum 10% reduction in required minimum parking, provided that an equivalent amount of parking is available along the project's frontage of a public street, and if the reduction is offset by a substantial alternative benefit in project quality
    - iii. Landscaping:
      1. Must be consistent with Zoning Code Chapter 17.195
      2. A maximum 10% reduction in landscape area, provided remaining landscape areas are substantially enhanced and water use reduction measures implemented; high-quality, low-scale screen walls may be also required to off-set the reduction in landscape area
  - c. Architecture
    - i. Physical changes to building features or structural alterations while maintaining the project's approved architectural concept
    - ii. For Site Development Plans only: A height increase may be considered if it does not exceed the maximum height limit of the underlying zone, is within 10% of the

## Minor Amendment Policy

approved building height and maintains the basic architectural concept of the project; a height decrease may be considered as well

- iii. For other discretionary entitlements: A height increase may be considered if it does not exceed the maximum height limit of the underlying zone or governing specific plan and is within 10% of the approved building height and it maintains the basic architectural concept of the project; a height decrease may be considered as well

### d. Other

- i. Changes must remain compatible with the original approval, project character and must not create new effects
- ii. A Minor Amendment cannot add or reduce housing units
- iii. Changes cannot be contrary to specific issues of concern in the project record
- iv. Other minor physical changes, not identified above, that the planning manager determines are similar to those described above, may be considered
- v. May not add or substitute conditional uses
- vi. A Minor Amendment is not used for legal nonconforming uses and/ or structures
- vii. Minor Amendments may include conditions

### e. Decision Summary

- i. If the proposed MA satisfies the above measuring criteria, then the following decision standards will be used for a recommendation to the planning manager
  1. The proposed minor amendment is consistent with the governing entitlement of which the proposed is governed by, the El Cajon Zoning Code, and applicable regional document(s)
  2. The proposed change does not alter the initial findings to approve the permit
  3. The proposed minor amendment is consistent with the findings contained in the adopting specific plan ordinance (if applicable)
6. The project planner shall complete the review with a recommendation to the planning manager in letter format. The letter shall include reference to the governing entitlement(s), the reasons for the recommendation supported by the decision standards above and applicable governing entitlement approval (e.g. SDP letter, PC, CC Reso., SP Ord.).
7. The decision shall be transmitted in writing to the applicant.
8. A copy of the letter and any approved revised plans shall be placed in the applicable entitlement file.
9. The decision of the planning manager may, within ten days of the date of the written decision, be appealed in writing pursuant to Chapter 17.30 of the Municipal Code. The appellant shall pay the appropriate appeal fee.

## CITY OF EL CAJON PLANNING DIVISION POLICY

Name of policy: Substantial Conformance Review

Policy No. A-18

Adopted by City Council Ordinance No. 4984

Effective Date: February 7, 2013

No. of Pages 3

Related Policies: A-17

### *Issue Defined:*

It is common for project applicants to request changes to approved plans as the project is further refined from a conceptual level to detailed construction drawings. This process often results in refinements to the initial project description, but do not meaningfully alter the project. Planning entitlement documents are prepared at a conceptual level of detail and do not represent a level of specificity sufficient for construction. The following guidelines and measuring criteria address these refinements in a manner to provide for reasonable refinements and within the governing framework of a project's entitlement.

### *Objective:*

Provide an administrative mechanism to review refinements to entitled projects and provide a consistent set of guidelines and measuring criteria.

### *Benefits:*

This system will be beneficial to a project applicant by allowing room to address later refinements after an entitlement has been approved. It defines what may be considered to be in substantial conformance to assure conformance with the original public review process and governing entitlement. It will reduce lengthy entitlement preparation, processing and cost. It will benefit staff by creating a mechanism to review and approve proposed refinements within a consistent and transparent framework. Finally, efficiencies are achieved for the City and applicants in streamlining the process of development.

### *Policy:*

Substantial Conformance Review (SCR) is to determine if a proposed refinement is consistent and in conformance with a previously approved entitlement, provided that such physical refinements do not materially alter the intent, character, development, intensity, density or increase the environmental effects of the approved project entitlement plan.

The following guidelines, measuring criteria and procedure shall be used in making such determinations:

### *Procedure:*

1. The applicant shall file the uniform discretionary permit application and supplemental requirements with the secretary of the Planning Commission.

Substantial Conformance Review Policy

2. The application shall be referred for comment to the appropriate internal City departments and outside agencies, if applicable.
3. Planning staff shall use the following measuring criteria when reviewing SCRs.
  - a. CEQA review
    - i. Proposed change(s) must be within the scope of the CEQA document or Notice of Exemption and not result in any new potentially significant environmental effects.
  - b. Site Design refinements that may be considered
    - i. Building(s), Structure(s), and Equipment
      1. Reorientation
      2. Relocation, deletion, or addition of accessory structures (e.g., trash enclosures, mechanical equipment or other similar structures)
      3. No additional occupancy-rated building square footage
    - ii. Parking and On-site Circulation
      1. Internal circulation pattern may be modified
      2. Slight relocation of access driveways
      3. Re-location or re-orientation of parking spaces
    - iii. Landscaping: Must be consistent with Zoning Code Chapter 17.195
      1. Minor planter area configuration and plant species changes that do not exceed the site's water allowance budget and/ or change the design scheme of the primary building(s)
  - c. Architecture: Minor modifications to architectural features, colors, materials, or structural alterations that maintain the basic architectural concept and do not reduce the architectural quality
    - i. Substitution of materials if they are of equal or a higher quality and maintain the project's comprehensive design scheme
    - ii. Color tone or color changes, consistent with approved color palette
    - iii. Height increase may be considered if it does not add a story or building area and is solely for the purpose of screening or concealing ancillary rooftop equipment
    - iv. Height decrease may be considered if does not result in a story reduction and/ or change the roof structure (e.g., gable to flat)
    - v. Refinements in fenestration
    - vi. Other physical refinements, not identified above, that the planning manager determines are similar to those described above, such as the placement of lighting elements
  - d. Other
    - i. May not add or substitute conditional uses
    - ii. Refinement must remain in substantial conformance and be consistent with the original approval, project character and must not create new effects
    - iii. Changes cannot be contrary to specific issues of concern in the project record
    - iv. A Minor Amendment or a formal amendment of the governing entitlement is required when the change(s) does not meet or exceeds the thresholds/criteria described above

## Substantial Conformance Review Policy

### e. Decision Summary

- i. If the proposed SCR satisfies the above measuring criteria, then the following decision standards will be used for a recommendation to the planning manager
  - ii. The proposed refinement is consistent with, or found to be in substantial conformance with, the governing entitlement of which the proposed is governed by, the El Cajon Zoning Code, and applicable regional document(s)
  - iii. The proposed refinement does not alter the initial findings to approve the permit
  - iv. The proposed refinement is in substantial conformance with the findings contained in the adopting specific plan ordinance (if applicable)
4. The project planner shall complete the review with a recommendation to the planning manager in letter format. The letter shall include reference to the governing entitlement(s), the decision standards above supported by reasons for the recommendation, and applicable governing entitlement approval (e.g. SDP letter, PC, CC Reso., SP Ord.).
  5. The decision shall be transmitted in writing to the applicant.
  6. A copy of the letter and any approved modified plans shall be placed in the applicable entitlement file.
  7. The decision of the planning manager may, within ten days of the date of the written decision, be appealed in writing by the applicant to the Planning Commission. The applicant shall pay the appropriate appeal fee.
  8. When the appeal is received by the Planning Division, the secretary of the Planning Commission shall schedule the matter for next available Planning Commission meeting. The planning manager shall provide the Planning Commission with a written brief on the matter and the written appeal.
  9. The Planning Commission shall consider the matter and render a decision regarding the determination. Any decision of the Planning Commission shall be in the form of a resolution and is final, unless appealed to the City Council.
  10. The decision of the Planning Commission shall be transmitted to the applicant.