

# City of El Cajon

## Planning Commission Agenda

Tuesday, April 2, 2024 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, April 2, 2024. 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 February 20, 2024

*Decisions and Appeals - A decision of the Planning Commission is final unless appealed within 10 days of the date of the Commission's action. The appeal period for the items on this Agenda will end on Monday, April 15, 2024, 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>Zoning Code Update</b>	
<b>Request:</b>	<b>Zoning Code Amendment</b>	
<b>CEQA Recommendation:</b>	<b>Exempt</b>	
<b>STAFF RECOMMENDATION:</b>	<b>RECOMMEND CITY COUNCIL APPROVAL</b>	
<b>Project Number(s):</b>	Zoning Code Amendment No. ZCA-2024-0001	
<b>Location:</b>	Citywide	
<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>	Yes	May 14, 2024
<b>Recommended Actions:</b>	1. Conduct the public hearing; and 2. MOVE to adopt the next resolution in order recommending City Council approval of the proposed Zoning Code Amendment No. ZCA No. 2024-0001.	

**OTHER ITEMS FOR CONSIDERATION**

<b>Agenda Item:</b>	<b>3</b>	
<b>Project Name:</b>	<b>2023 Housing Bills Update</b>	
<b>Request:</b>	<b>Informational Only</b>	
<b>CEQA Recommendation:</b>	<b>Exempt</b>	
<b>STAFF RECOMMENDATION:</b>	<b>Accept Report</b>	
<b>Project Number(s):</b>	N/A	
<b>Location:</b>	N/A	
<b>Applicant:</b>	N/A	
<b>Project Planner:</b>	Anthony Shute, Director of Community Development	
<b>City Council Hearing Required?</b>	No	
<b>Recommended Actions:</b>	1. None	

Election of Planning Commission Chair and Vice Chair

- 4. STAFF COMMUNICATIONS
- 5. COMMISSIONER REPORTS/COMMENTS
- 6. ADJOURNMENT

This Planning Commission meeting is adjourned to April 16, 2024 at 7 p.m.

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# MINUTES PLANNING COMMISSION MEETING February 20, 2024

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

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

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

**COMMISSIONERS ABSENT:** NONE

**STAFF PRESENT:** Tony SHUTE, Director of Community Development  
Mario SANCHEZ, Deputy Director of Public Works  
Barbara LUCK, Staff Attorney  
Laura JUSZAK, Administrative Secretary

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

**PUBLIC COMMENT:**

There was no public comment.

**CONSENT CALENDAR:**

<b>Agenda Item:</b>	<b>1</b>
	<b>Planning Commission minutes of November 21, 2023</b>

Motion was made by CIRCO, seconded by POLLACK-RUDE, to approve the November 21, 2023 minutes; motion carried 5-0.

**PUBLIC HEARING ITEM:**

<b>Agenda Item:</b>	<b>2</b>
<b>Project Name:</b>	<b>Fire Station 7</b>
<b>Request:</b>	<b>Expand and renovate Fire Station 7</b>
<b>CEQA Recommendation:</b>	<b>Exempt</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVE</b>
<b>Project Number(s):</b>	Conditional Use Permit (CUP) 2024-0002 amending CUP No. 103
<b>Location:</b>	695 Tyrone Street
<b>Applicant:</b>	City of El Cajon, Senan Kachi; <a href="mailto:skachi@elcajon.gov">skachi@elcajon.gov</a> ; 619.441.6209
<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>	1. Conduct the public hearing; and 2. MOVE to adopt the next resolutions in order approving the CEQA determination and CUP No. 2024-0002, amending CUP No. 103, subject to conditions.

COMMISSIONERS decided to hear this item second.

SHUTE summarized the staff report through a PowerPoint presentation.

COMMISSIONERS asked questions with SHUTE providing answers.

MROZ opened the public hearing.

Fire Chief Bent KOCH spoke regarding staffing during renovations.

COMMISSIONERS asked questions with KOCH providing answers.

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

COMMISSIONERS discussed the item.

Motion was made by SOTTILE, seconded by CIRCO, to adopt the next resolutions in order approving the CEQA determination and Conditional Use Permit No. 2024-0002 (CUP-2024-0002), amending Conditional Use Permit No. 103, subject to conditions; motion carried 5-0.



**OTHER ITEMS FOR CONSIDERATION:**

<b>Agenda Item:</b>	<b>3</b>
<b>Project Name:</b>	<b>The Palms Restaurant and Banquet Hall</b>
<b>Request:</b>	<b>Review of CUP No. 2115</b>
<b>CEQA Recommendation:</b>	<b>Not Subject to CEQA</b>
<b>STAFF RECOMMENDATION:</b>	<b>Direct staff to schedule a public hearing to consider revocation of CUP No. 2115 if the business is being operated in a manner that conflicts with the conditions of approval</b>
<b>Location:</b>	<b>143 East Main St.</b>
<b>Applicant:</b>	<b>David Malikyar, 619.249.1022</b>
<b>Project Planner:</b>	<b>Noah Alvey; 619-441-1795; <a href="mailto:nalvey@elcajon.gov">nalvey@elcajon.gov</a></b>

COMMISSIONERS decided to hear this item first.

SHUTE spoke to COMMISSIONERS asking for any actions regarding revocation be paused.

Business owner Firas JEBO spoke with COMMISSIONERS regarding operations. JEBO agreed to contact staff regarding CUP No. 2115 conditions of approval for the business.

COMMISSIONERS directed SHUTE to work with business ownership regarding Conditional Use Permit conditions of approval.

**STAFF COMMUNICATIONS:**

There were no STAFF reports or comments.

**COMMISSIONER REPORTS/COMMENTS:**

There were no COMMISSIONER reports or comments.

**ADJOURNMENT:**

Motion was made by MROZ, seconded by POLLACK-RUDE, to adjourn the meeting of the El Cajon Planning Commission at 7:17 p.m. this 20<sup>th</sup> day of February, 2024, until 7:00 p.m., Tuesday, March 5, 2024; motion carried 5-0.

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Darrin MROZ, Chair

ATTEST:

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



City of El Cajon

<b>Agenda Item:</b>	2
<b>Project Name:</b>	Zoning Code Update
<b>Request:</b>	Zoning Code Amendment
<b>CEQA Recommendation:</b>	Exempt
<b>STAFF RECOMMENDATION:</b>	<b>RECOMMEND CITY COUNCIL APPROVAL</b>
<b>Project Number:</b>	Zoning Code Amendment No. ZCA-2024-0001
<b>Location:</b>	Citywide
<b>Applicant:</b>	City of El Cajon
<b>Project Manager(s):</b>	Noah Alvey; <a href="mailto:nalvey@elcajon.gov">nalvey@elcajon.gov</a> ; 619-441-1795
<b>City Council Hearing Required?</b>	Yes   December 12, 2023
<b>Recommended Actions:</b>	<ol style="list-style-type: none"> <li>1. Conduct the public hearing; and</li> <li>2. MOVE to adopt the next resolution in order recommending City Council approval of proposed Zoning Code Amendment No. ZCA-2023-0002.</li> </ol>

**PROJECT DESCRIPTION**

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

The current Zoning Code Update is primarily related to the prohibition of intoxicating hemp, residential zoning clean-ups for design guidelines and development standards, moveable tiny homes, an exterior yard fencing options. Other minor, non-substantive changes are also included to improve clarity and consistency in the interpretation of the Zoning Code.

**BACKGROUND**

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

On November 21, 2023, the Planning Commission received the planned scope of work for a Zoning Code update. At that meeting the Commissioners discussed some of the basic economic development initiatives and housing related changes that were anticipated.

On December 12, 2023, the City Council directed staff to provide an analysis of the merits of modifying the El Cajon Municipal Code to allow permanent and semi-permanent shade structures in residential front yards. On March 12, 2024, the City Council provided direction to staff to evaluate options for fences greater than 42 inches in front yards or street side yards and to and refer a recommendation to the Planning Commission and then the City Council for consideration.

## **DISCUSSION**

The proposed Zoning Code changes are summarized as follows:

### *Economic Development*

The update proposes to increase opportunities for recycling in commercial zones. Currently, only bottles and cans can be recycled in commercial zones. The proposed update will allow cardboards and e-waste recycling in commercial zones with the approval of a conditional use permit. The update also specifies that modular building or prefabricated structures can be used if they are compatible with surrounding buildings and uses.

Marijuana and hemp related regulations are proposed to be updated to clarify a prohibition on intoxicating hemp. Currently, intoxicating hemp products are unregulated and the proposed changes will make their sale prohibited. This prohibition aligns with the City's existing marijuana prohibition and is consistent with state and federal laws.

### *Housing*

In order to increase flexibility and options for less expensive accessory dwelling units, new regulations are proposed for moveable tiny homes and to allow them as accessory dwelling units. The regulations include detailed design standards such as pitched roofs and siding to ensure compatibility with the residential neighborhood, as well as sewer and electrical connections. Additional miscellaneous changes are proposed to address issues such as transparency minimums for new dwellings that staff have observed since the last Zoning Code clean-up.

### *Miscellaneous*

Several miscellaneous changes are proposed to clarify landscaping requirements, expand the definition for special training and schooling to include dance studios, require pool covers, clarify shade tree requirements in parking lots, etc.

### *Shade Structures*

Existing regulations allow the use of temporary shade structures at single family homes with the approval of administrative zoning permit for the purpose of providing covered parking for disabled individuals when no other covered parking option is available. With many single-family properties now being developed with accessory dwelling units, the demand for covered outdoor space is increasing. If the Planning Commission is interested

in increasing opportunities for permanent and temporary shade structures in front yards, staff would suggest utilizing the same approach as shade structures for parking and require the approval of an Administrative Zoning Permit. Staff would also recommend additional criteria for approval such as on-site constraints (steep slopes or rock outcroppings, or physical improvements such as an accessory dwelling unit, pool, or other similar permanent improvement), design standards, setbacks, and compliance with building codes.



Courtesy of Yardistry

The Zoning Code currently allows permanent uncovered porches to extend into the front yard setback not more than six feet. If the Planning Commission would like to introduce more flexibility for permanent covered porches, staff would recommend maintaining the same six-foot encroachment. This change would be consistent with the recently adopted residential design guidelines which encourage the use of covered entries as a design feature.



Courtesy of Quality Built Exteriors

### *Fences*

Existing fencing regulations allow any fencing material up to 42 inches in height. For fencing taller than 42 inches within a front or street side yard, the only exception to the 42 inch limitation is wrought iron fencing that is 90 percent open to view in order to ensure safety and sight distance when vehicles are exiting a driveway. On March 12, 2024, the City Council directed staff to analyze exterior yard fencing options and provide



recommendations to the Planning Commission. The City Council indicated an opportunity for fencing materials other than wrought iron. Staff recommends that options include metal and wire fencing, subject to design criteria such as the wire thickness or gauge and minimum opening diameters to ensure safe sight distance. The following examples show wire mesh and metal fencing. Additional examples will be shown to the Planning Commission in a PowerPoint at the public hearing.



4D Security Fencing (Vernon Way)



Tubular metal fencing with wire accent (E. Madison Ave.)

A draft ordinance containing amendments to El Cajon Municipal Code has been prepared for the Planning Commission's review and recommendation to the Council in underline ~~strikeout~~ format. The draft amendments include changes consistent with the City Council's direction. The draft ordinance modifies the current regulatory scheme accordingly.

## **FINDINGS**

- A. *The proposed zoning amendment, including any changes proposed in the various land uses to be authorized, is compatible with the objectives, policies, general land uses, and programs specified in the general plan.*

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

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

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

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

The proposed Zoning Code amendments will not significantly alter the character of the City or cause significant health, safety or welfare concerns, since the amendments are consistent with the General Plan and directly implement City goals and policies to ensure a healthy and safe community. Further, the proposed changes provide clarity, consistency, objective standards, and help streamline development review processes in accordance with State law.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

development or changes to the physical environment and does not raise this project to a level of significance that warrants CEQA analysis.

**PUBLIC NOTICE & INPUT**

Notice of this public hearing was published in the East County Gazette on March 21, 2024 in compliance with Government Code sections 65090, 65091, and 65092, as applicable. Additionally, as a public service, the notice was posted in the kiosk at City Hall and on the City’s website under “Public Hearings/Public Notices.” The notice was also mailed to the two public libraries in the City of El Cajon, located at 201 East Douglas Avenue and 576 Garfield Avenue.

**RECOMMENDATION**

Staff recommends approval of Zoning Code Amendment No. 2024-0001 for economic development, housing, and minor technical changes, revisions, and edits for clarity and consistency.

**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. Proposed Resolution Recommending City Council Approval of Zoning Code Amendment No. 2024-0001
  - Exhibit A: Proposed Draft Zoning Code Excerpts
  - Exhibit B: Proposed Draft Zoning Code Excerpts (strike out)
2. Summary and Description of Zoning Code Revisions
3. Public Hearing Notice
4. Planning Commission Resolution No. 11123 Initiating Zoning Code Amendment



## PROPOSED PLANNING COMMISSION RESOLUTION

### A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF ZONING CODE AMENDMENT NO. 2024-0001 FOR AN AMENDMENT TO TITLE 17 OF THE EL CAJON MUNICIPAL CODE FOR ECONOMIC DEVELOPMENT, HOUSING, AND OTHER MINOR TECHNICAL CHANGES, REVISIONS, AND EDITS

WHEREAS, on November 21, 2023, the Planning Commission adopted Resolution No. 11123 initiating an amendment to the Zoning Code with overall changes for economic development, housing, and various technical changes, revisions, and edits for clarity and consistency; and

WHEREAS, on March 12, 2024, the City Council directed staff to analyze exterior yard fencing options and provide recommendations to the Planning Commission; and

WHEREAS, the El Cajon Planning Commission duly advertised and held a public hearing on April 2, 2024, to consider an amendment to the Zoning Code with overall changes for economic development, housing, and various technical changes, revisions, and edits for clarity and consistency; and

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

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

WHEREAS, economic development initiatives include greater flexibility for recycling facilities and clarifying dance studios are included within the definition of special training and schooling, and adding more detail to the marijuana and hemp regulations; and

WHEREAS, housing related updates will allow moveable tiny homes as another type of accessory dwelling unit, a reduction in transparency requirements based on permits issued over the previous year, and greater flexibility for kitchens within junior accessory dwelling units; and

WHEREAS, other miscellaneous updates including exterior yard fencing options and minor edits improve consistency throughout the Zoning Code and eliminate

ambiguities; and

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

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

WHEREAS, after considering such evidence and facts the Planning Commission did consider Zoning Code Amendment No. 2024-0001 as presented at its meeting.

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

Section 1. That the foregoing recitals are true and correct, and are findings of fact of the El Cajon Planning Commission in regard to Zoning Code Amendment No. 2024-0001.

Section 2. That based upon said findings of fact, the El Cajon Planning Commission hereby RECOMMENDS City Council APPROVAL of Zoning Code Amendment No. 2024-0001 included as Exhibit A.

Proposed Planning Commission Resolution

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held April 2, 2024, by the following vote:

AYES:  
NOES:  
ABSENT:

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Darren MROZ, Chair

ATTEST:

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Noah ALVEY, Secretary

## Zoning Code Amendment No. ZCA-2024-0001

### TITLE 17 ZONING

#### Chapter 17.40 ADMINISTRATIVE ZONING PERMIT

##### 17.40.020 Applicability.

The following property improvements and land uses may be approved by an administrative zoning permit:

- A. Deviations from single-family dwelling review procedures in compliance with section 17.140.170. In approving such deviations the director shall consider the architectural guidelines in Chapter 17.180.
- B. Outdoor dining areas in compliance with section [17.225.090](#).
- C. Fences, hedges, and walls that are higher than would otherwise be allowed, in instances where there is a legitimate need for a higher fence. In approving such fences, the director shall consider safety and sight distance requirements, in addition to aesthetics and input from affected adjoining property owners. Affected adjoining property owners shall be notified in writing at least ten days prior to the approval of any fence, hedge, or wall exceeding the height restrictions of the underlying zone.
- D. Roadside stands, in compliance with section [17.225.110](#).
- E. Kiosks, booths, and stands in compliance with section [17.130.250](#).
- F. A temporary shade structure, in compliance with section [17.225.160](#).
- G. Additional household pet or animal, in compliance with Chapter [17.205](#).
- H. Façade modifications for existing structures within the Downtown Master Plan Area.

#### Chapter 17.105 DEFINITIONS

##### 17.105.020 Definitions.

“Dwelling, multiple-family” means a building, or a portion thereof, designed for occupancy by two (2) or more families living independently of each other, and containing two (2) or more dwelling units.

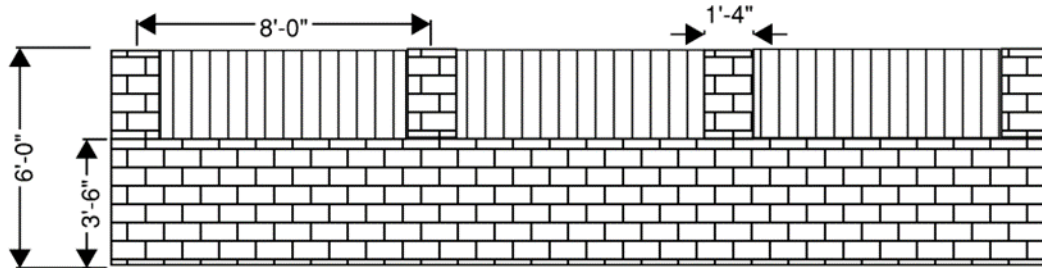
“Special training and schooling” means a facility for the conduct of instructional services outside the setting of educational institutions, vocational schools, and trade schools. Examples of special training and schooling include: arts and crafts instruction, martial arts, dancing, ballet, sports and recreational instruction, language instruction, automobile driving schools, and educational support services such as exam preparation and testing.

#### Chapter 17.130 GENERAL DEVELOPMENT STANDARDS

**17.130.170 Permitted fences, walls and hedges.**

- A. A wall, fence or hedge 42 inches in height may be situated and maintained on any part of a lot.
- B. A fence, wall or hedge not more than six (6) feet in height may be situated anywhere on a lot to the rear of the line of the required front yard, except in the case of a reverse corner lot, a fence, wall or hedge higher than 42 inches shall not be situated closer to the side exterior property line than 10 feet.
- C. Metal fencing or nonmalleable wire mesh fencing, as generally shown in Figure 17.130.170, not more than six (6) feet in height may be situated anywhere on a lot provided the following standards are satisfied:
  - 1. Metal fencing must be of open bar construction with a minimum spacing of four (4) inches between elements.
  - 2. Nonmalleable wire mesh fencing must be a minimum of eight gauge thickness, and shall have opening no smaller than one inch in diameter.
  - 3. Nonmalleable wire mesh fencing may not include chain link fencing or other similar products.
  - 4. Fencing must allow for adequate sight distance for vehicles using driveways and/or street intersections.
- D. Fencing may include top rails and decorative designs. Solid posts, pilasters, or columns are permitted up to six (6) feet in height provided they are located no less than eight (8) feet on center and are no greater than 16 inches in width.
- E. Fencing shall not include barbed, razor, concertina, corrugated metal and plastic, tarps, and electrified wire of any kind.
- F. Where justified, the director of community development may approve walls or fences with a greater height or alternative material(s), subject to the granting of an administrative zoning permit as described in section 17.40.020(C).

**Figure 17.130.170 Metal or Wire Fencing**



### **17.130.230 Swimming pools, spas, and hot tubs.**

Swimming pools, spas, and hot tubs, including associated equipment, shall not be located in any required front yard or exterior side yard, and shall not be located closer than three (3) feet from any rear or interior side property line. Swimming pools, spas, and hot tubs shall be equipped with a cover.

### **Chapter 17.135 M-U (MIXED-USE) OVERLAY ZONE**

#### **17.135.030 Compatibility.**

All proposed developments within the Mixed-Use Overlay Zone shall comply with all applicable requirements of this chapter. However, administrative relief may be approved from certain requirements subject to the provisions outlined below:

Administrative Relief. Requests for administrative relief shall be considered by staff, by the Planning Commission, or by the city council in conjunction with the associated planning permit application for parking and other development standards. The decision to approve or deny a request is a discretionary action. In order for the decision-making body to approve administrative relief, except where noted in this section, the approval body shall find that:

- A. The request will not negatively impact the appearance of the project site or the surrounding properties.
- B. The proposed project will not adversely impact and will not place undue burden on adjacent uses.
- C. Supporting evidence provided by the applicant is acceptable and sufficient to approve the administrative relief, which may include but is not limited to a traffic impact study, parking study, or other study or analysis prepared by a certified expert licensed to prepare such work.
- D. The administrative relief request is needed to achieve the residential densities afforded by the Mixed-Use Overlay Zone.

### **Chapter 17.140 RESIDENTIAL ZONES**

#### **17.140.080 Distance between residential buildings.**

Except as provided elsewhere in this title, the distance between any detached buildings used for human habitation on the same single-family lot shall not be less than 6 feet and on the same multi-family lot shall not be less than 12 feet.

#### **17.140.120 Accessory structures.**

- G. An individual accessory structure shall not be larger than the primary dwelling unit. Accessory structures with a footprint greater than one thousand two hundred (1,200) square feet are subject to the approval of a minor use permit, in conformance with Chapter [17.58](#).

#### **17.140.170 Single-family dwelling review procedures.**

Any new building permit application for a single-family dwelling (including manufactured housing), an addition to a single-family dwelling, a structure accessory to a single-family dwelling, or an accessory dwelling unit in the city shall be subject to the following provisions:

- A. The primary dwelling unit and entryway shall face the primary street. In the case of a corner lot, the entryway may face either public right-of-way.
- B. The building plan elevations shall include notations specifying a minimum twelve-inch (12") roof overhang (eave), and the type of material to be used for roofing and siding.
- C. Regardless of building material, all elevations shall include painted surfaces, weather-resistant enamel finishes or finished materials that are non-reflective.
- D. All additions to existing structures and all accessory structures larger than one hundred twenty (120) square feet shall be designed and constructed to be aesthetically compatible with the existing primary structure through the use of the same colors, textures, and materials.
- E. Accessory dwelling units authorized pursuant to section 17.140.180(C)(1) shall not be subject to this section.
- F. Structures shall meet the following design standards:
  - 1. Architectural design shall be represented on all building elevations in accordance with section [17.140.170\(E\)\(3\)](#).
  - 2. Transparent windows shall not use tinted, mirrored, or highly reflective glass using non-reflective glass are required. Transparency is measured as a percent of the wall plane starting from the base of the house to the start of the roofline, except for gabled portions of the wall plane not containing livable floor area. All wall planes shall incorporate transparency as follows:

- a. A minimum of 20% of the building elevations facing and visible from a public or private street shall be transparent. See Figure [17.140.170\(A\)](#).
- b. A minimum of 10% of any other building elevations shall be transparent.

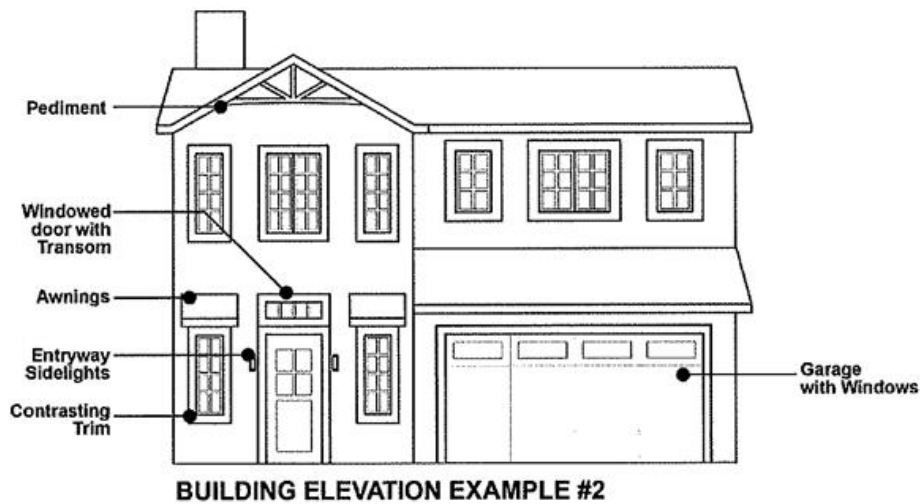
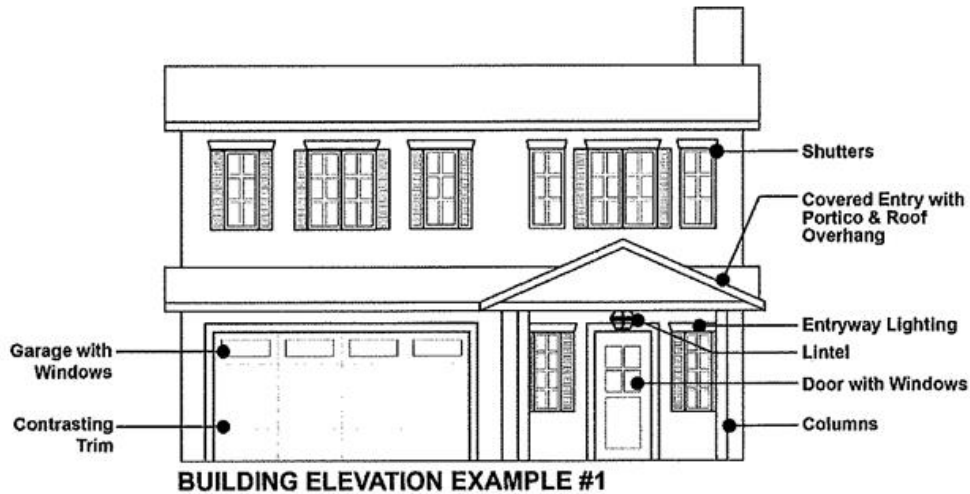
**Figure [17.140.170\(A\)](#) Transparent Windows**



3. Building elevations shall not include blank wall faces. Each wall face with a length greater than twelve (12) feet shall include a minimum of three (3) of the following design features (See Figure [17.140.170\(B\)](#)):
  - a. Variation in building materials, whereas a minimum of three (3) façade finishes are provided. Façade finishes include but are not limited to materials such as wood, siding, stone, brick, and stucco;
  - b. Structural or decorative lintels or other similar window and doorway trim;
  - c. Entryway lighting features such as pendant lights or sidelights;
  - d. Shutters or awnings;
  - e. Doors, which include windows;
  - f. Door entries that provide protection from the sun using porticos or roof overhangs.
  - g. Garage door panels which include windows; or
  - h. Contrasting trim or molding.

**Figure [17.140.170\(B\)](#) Design Features on Building Elevations**

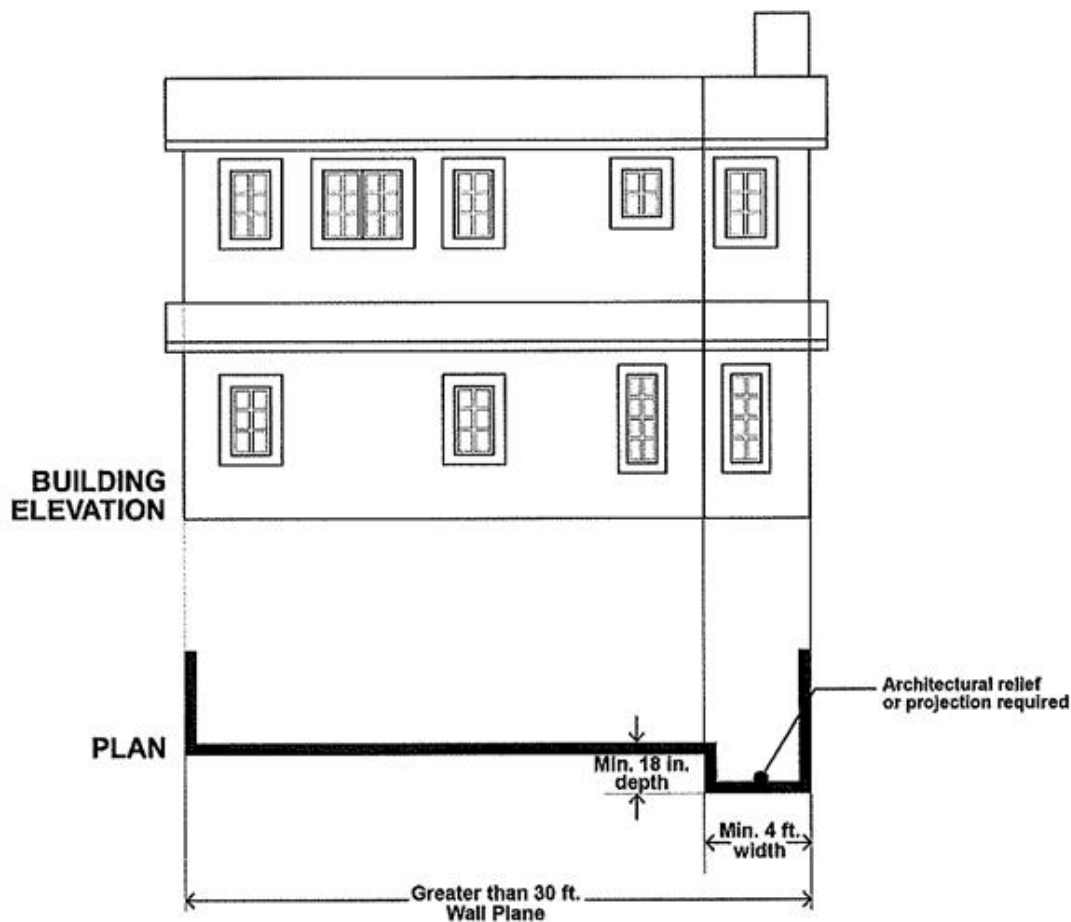




4. Accessory structures shall have comparable roof style to the primary structure.
5. Roof and wall planes shall be different colors.
6. No single building elevation may exceed thirty (30) feet in length. A single wall plane is defined as a surface without architectural relief or projection. See Figure [17.140.170\(C\)](#). Standards for architectural relief or projection are as follows:
  - a. Shall be provided at a minimum eighteen (18) inches in depth; and
  - b. Shall be provided at a minimum four (4) feet in width; and
  - c. May be provided as a step-back or overhang of a second-story wall plain or as a structural design feature such as bay windows; and

- d. Architectural projection and relief is not required for single-story buildings not greater than sixteen (16) feet in height on wall planes facing interior or rear property lines.
7. Garage conversions shall not include entryways that face the street.

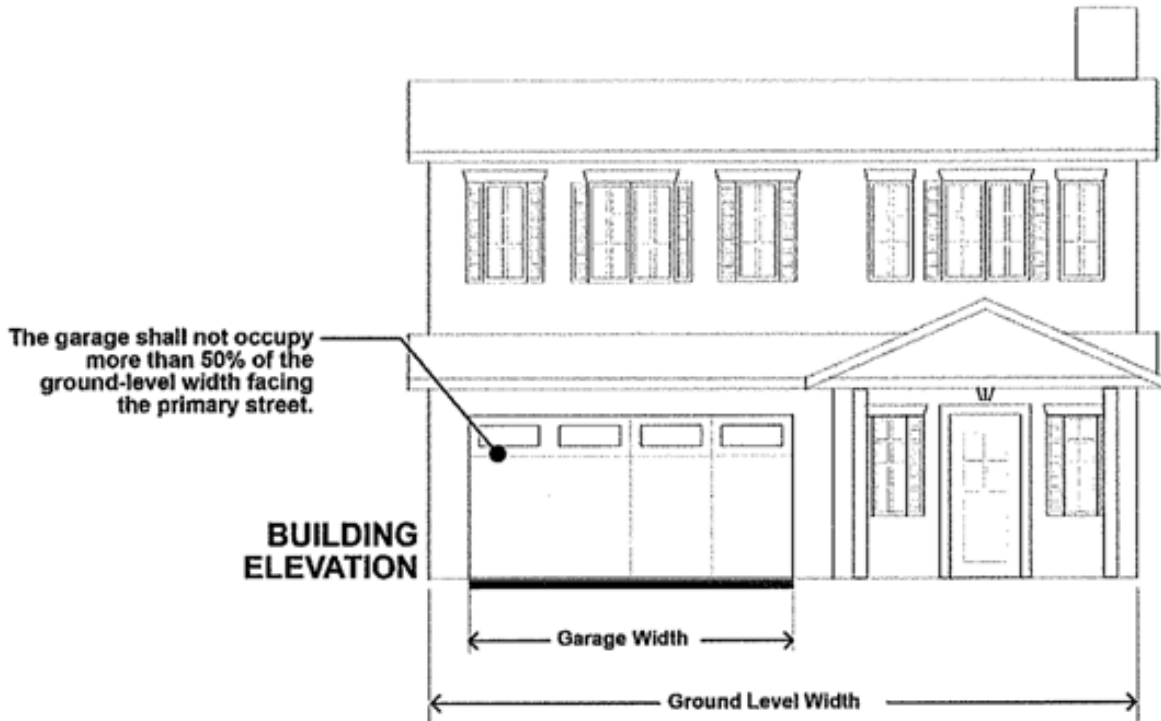
Figure [17.140.170\(C\)](#) Architectural Relief and/or Projection



G. Garages are subject to the following standards:

1. The garage shall not be located closer to the front setback line than the primary street facing façade of the primary dwelling unit.
2. The garage shall not occupy more than 50 percent of the ground-level width facing the primary street. See Figure [17.140.170\(D\)](#).
3. The garage shall not take the place of the main entryway.

Figure [17.140.170\(D\)](#) Garage Width



H. Landscaping, placement of the structure and screening shall not be substituted for architecturally and aesthetically integrated design.

I. Deviations from the standards in this section require approval of an administrative zoning permit, in conformance with Chapter [17.40](#).

**17.140.180 Accessory and junior accessory dwelling units.**

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

- A. Permit Required. A building permit is required for any new accessory or junior accessory dwelling unit.
- B. Number of ADUs. The following number and types of accessory dwelling units shall be allowed.
  - 1. Lots with Single-Family Dwelling Units. For each eligible single-family lot, up to one (1) accessory dwelling unit and one (1) junior accessory dwelling unit may be permitted with an existing or proposed single-family dwelling unit.

2. Lots with Multifamily Dwelling Units. Accessory dwelling units may be permitted with existing or proposed multifamily dwelling units in accordance with the following:
  - a. At least one (1) unit and up to twenty-five percent (25%) of the existing number of multifamily dwelling units may be permitted within portions of an existing multifamily development in those areas that are not used as livable space including (but not limited to) storage rooms, basements, garages, attics, or other similar areas that may be converted.
  - b. For an existing or proposed multifamily development, in addition to the provisions of (B)(2)(a), for each eligible multifamily lot, up to two (2) detached accessory units may be constructed, subject to four (4) foot side and rear setbacks and a height limit of sixteen (16) feet and three (3) foot side and rear setbacks and a height of twelve (12) feet.

C. Size.

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

D. Parking.

1. Except as otherwise provided in this subsection, one (1) additional paved off-street parking space per accessory dwelling unit must be provided. Such parking space may be provided as a tandem space and/or located in the required front yard setback area if in compliance with the paved parking standards listed in section [17.140.160](#). Parking is not required to be provided in any of the following circumstances:

- a. Proximity to public transit. Unit is located within one-half (1/2) mile of public transit, including light rail and bus stations;
- b. Historical/Architectural significance. Unit is located within an architecturally and historically significant residence historic district;
- c. Primary dwelling units. Unit is part of the proposed or existing primary dwelling unit, or an accessory structure as defined in section [17.140.120](#) (Accessory structures);
- d. Junior ADU. Unit is a junior accessory dwelling unit or is part of an existing primary dwelling unit or an existing accessory structure;
- e. On-street parking permit. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
- f. Car-share program. There is a car-share program located within one (1) block of the accessory dwelling unit.

E. Standards of Development.

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

- a. Building and fire safety codes;
- b. Independent exterior access from the existing primary dwelling unit; and
- c. Sufficient side and rear setbacks for fire safety.

2. Detached Accessory Dwelling Unit. New detached structures for accessory dwelling units shall meet the following requirements unless such requirements prohibit an accessory dwelling unit of at least eight hundred (800) square feet in area with three (3) foot rear and side yard setbacks:

- a. Conformity with all requirements of the zone in which the unit is located, except as identified in paragraphs (2)(b) through (g), below. Additionally, detached accessory dwelling units shall be located outside of the front and exterior setback unless this requirement would prohibit an accessory dwelling unit of at least eight hundred (800) square feet in area;
- b. Limited to the maximum height of the underlying zone when located within the primary dwelling unit setback requirements. Height limitations for areas outside of the primary dwelling unit setbacks are as follows:

i. Maximum height of twenty (20) feet with a five (5) foot setback; no more than sixteen (16) feet with four (4) foot setback; and no more than twelve (12) feet with a three (3) foot setback,

ii. When the detached accessory dwelling unit is within one-half (1/2) mile walking distance of a major transit stop or a high-quality transit corridor the height is limited to eighteen (18) feet with up to two (2) additional feet permitted to accommodate a roof pitch so long as it is aligned with the roof pitch of the primary dwelling,

iii. When the detached accessory dwelling unit is located on a lot with an existing or proposed single-family or multifamily dwelling that is two (2) stories or greater, the height is limited to eighteen (18) feet;

c. Subject to a minimum three (3) foot rear and side setback;

d. In accordance with the California [Health and Safety Code](#) requirement, no fire sprinkler system is required unless provided for the primary dwelling unit;

e. Limited in size in accordance with subsection (C) above; and

f. Attached covered patios, porches and similar covered areas intended to be used by the occupant of the accessory dwelling unit, except for a two car garage or carport, shall be included in the maximum floor area of the proposed unit; and

g. The proposed accessory dwelling unit shall be constructed of similar building materials, colors, and with a similar architectural style to the primary dwelling unit.

3. Attached Accessory Dwelling Unit. New attached accessory dwelling units shall meet the following requirements unless such requirements prohibit an accessory dwelling unit of at least eight-hundred (800) square feet in area with three (3) foot rear and side setbacks:

a. Conformity with all requirements of the zone in which the unit is located, except as identified in paragraphs (3)(b) through (g), below;

b. Limited to the maximum height of the underlying zone when located within the primary dwelling unit setback requirements and to a maximum height of twenty (20) feet with a five (5) foot setback; no more than sixteen (16) feet with four (4) foot setback, and no more than twelve (12) feet with a three (3) foot setback;

c. Subject to a minimum three (3) foot rear and side setback;

d. In accordance with the California [Health and Safety Code](#) requirement, no fire sprinkler system is required unless provided for in the primary dwelling unit. If an accessory dwelling unit is attached to the primary single-family dwelling unit, the wall

separating units shall be as required by the [California Building Code](#), and/or the California Residential Code or both;

- e. Limited in size in accordance with subsection (C) above; and
- f. Attached covered patios, porches and similar covered areas intended to be used by the occupant of the accessory dwelling unit, except for a two car garage or carport, shall be included in the maximum floor area of the proposed unit; and
- g. The proposed accessory dwelling unit shall be constructed of similar building materials, colors, and with a similar architectural style to the primary dwelling unit.

4. Junior accessory dwelling units shall meet the following requirements:

- a. Shall be created within the existing walls of the primary dwelling unit;
- b. Shall include an independent exterior access from the primary dwelling unit;
- c. Shall include an efficiency kitchen that consists of:
  - i. A sink with a minimum waste line diameter of one and one-half (1-1/2) inches,
  - ii. A cooking facility with appliances which have electrical service equal to or greater than one hundred and twenty (120) volts or natural or propane gas, and
  - iii. A food preparation counter and storage cabinets that are reasonable to the size of the unit; and
- d. No additional parking shall be required for the junior accessory dwelling unit.

F. Standards of Performance. Every junior accessory dwelling unit approved by this Title shall meet the following standards of performance:

1. Owner occupancy. The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit, unless the property owner is a governmental agency, land trust, or housing organization. Should this requirement not be honored by the property owner, it will be cause to have the junior accessory dwelling unit removed in accordance with appropriate procedures.

2. Recorded restrictions. A notice of restriction shall be recorded so that it appears in the chain of title for the property. A building permit will not be finalized without proof of recordation of the notice of restriction.

3. Common ownership. The unit shall not be sold separate from the primary dwelling unit.

4. Minimum term. Tenancy shall not be less than thirty (30) days.

G. Fees.

1. Development impact fees; applicability. Development Impact Fees for ADUs and JADUs shall comply with Chapter [17.25](#) Procedures, Hearings, Notices and Fees.

2. Fee waiver. In addition to the requirements in Chapter [17.25](#), ADUs or JADUs that are less than seven hundred and fifty (750) square feet shall not be subject to any impact fees. Any impact fees charged for an ADU more than seven hundred and fifty (750) square feet shall be charged proportionately in relation to the square footage of the primary dwelling unit.

H. Special Exemption from City Standards. Notwithstanding other provisions of this Title, the addition of an accessory or junior accessory dwelling unit on a lot as provided under this section of and by itself will not initiate requirements for any new or updated standards relating to the existing residential structure. Such standards or requirements that would otherwise apply will be deferred until the normal operation of those other city code sections come to apply to such property. Such deferral of new or updated standards will not be granted for any building or portion thereof that was constructed illegally, nor will such deferral be granted for required public improvements. It is the clear intent of this subsection that the existing standards which were legally provided on the existing residential structure may remain as they were prior to the construction of the second-family unit.

**17.140.200 Modified development standards for affordable housing.**

Modified development standards for affordable housing shall be provided subject to the provisions in section 17.220.010

**17.140.230 Moveable Tiny Homes**

A Movable Tiny Home (MTH) is a transportable dwelling unit that is constructed to comply with standards applicable to recreational vehicles. They shall be licensed and registered with the California Department of Motor Vehicles. An MTH shall comply with the following general requirements:

- A. Shall be approved by an Administrative Zoning Permit when in compliance with all general requirements;
- B. Permitted in residential zones as an accessory dwelling unit (ADU);
- C. Shall comply with the location standards for an ADU, but must be located to the rear of the primary dwelling;
- D. Shall comply with parking standards for an ADU;
- E. Shall not be larger than allowed by California state law for movement on public highways;



- F. Shall not be able to move under its own power;
- G. Shall have a floor area that is between 150 and 430 square feet and shall provide independent living facilities for one or more persons, independent of the primary dwelling unit;
- H. Shall be connected to water, sewer, and electric utilities;
- I. Shall comply with National Fire Protection Standards for Recreational Vehicles and shall be certified by a recognized national certification body as complying with moveable tiny home standards and a certified label shall be placed on the movable tiny house to demonstrate compliance;
- J. Shall not be located in a Very High Fire Hazard Severity Zone unless approved by the Fire Marshall with necessary additional conditions for fire protection;
- K. Shall comply with the following design elements:
  - 1. Cladding and Trim: Materials used on the exterior shall not be single piece composite, laminates, or interlocked metal sheathing; and
  - 2. Windows and Doors: Windows shall be at least double pane glass, labeled for building use, and include exterior trim. Windows and doors shall not have radius comers; and
  - 3. Roofs shall be sloped to drain over the roof edge. At least 50 percent of the roof area shall have a roof slope of 2:12 or more;
  - 4. All mechanical equipment, including heating, ventilation, and air conditioning, shall be incorporated into the structure and not located on the roof; and
  - 5. Living Area Extensions: The roof and all exterior walls shall not be fixed with slide-outs, tip-outs, or other forms of mechanically articulating room area extensions.
  - 6. The undercarriage, including wheels, axles, tongue, and hitch, shall be concealed from view. The wheels shall not be removed and shall sit with leveling or support jacks on a paving surface; and
- L. The Community Development Director may permit deviations from the general requirements for an MTH by finding that safety is not compromised and that any deviation(s) meet the general intent of allowing an MTH as an ADU while not compromising the residential character of the neighborhood.

## **Chapter 17.145 COMMERCIAL ZONES**

### **17.145.150 Commercial land use table**

The following table lists uses that may be established in commercial zones. The abbreviations used in the land use table shall have the following meanings:

- A "A" means "adult entertainment permit"
- C "C" means "conditional use permit"
- D "D" means "director's determination"
- MC "MC" means "minor conditional use permit"
- MUP "MUP" means "minor use permit"
- P "P" means "permitted use"
- S "S" means "site development plan permit"
- T "T" means "temporary use permit"
- Z "Z" means "administrative zoning permit"
- X "X" means "not permitted"

In addition to the abbreviated terms listed above, the land use table incorporates endnotes, which are indicated by numerical designators in the final column of the table. The numerical designators correspond with written notes listed at the bottom of the table. The notes provide additional information and direct readers to other applicable sections of the El Cajon Municipal Code.

	O-P	C-N	C-G	C-R	C-M	Notes
<b>Commercial Uses</b>						
Resource recovery center	X	C	C	C	C	17, 39

	O-P	C-N	C-G	C-R	C-M	Notes
<b>Light Industrial Uses</b>						
Recycling center for metal, cardboard, glass, e-waste, etc.	X	X	C	C	C	39

39. A resource recovery center or recycling center for metal, cardboard, glass, e-waste, etc. in the C-G or C-R zone shall occur within an enclosed building with no outdoor storage. Modular buildings or prefabricated structures may be authorized with a conditional use permit and found to be compatible with surrounding buildings and uses.

## **Chapter 17.195 WATER EFFICIENT LANDSCAPING**

### **17.195.080 Contents of required landscape areas.**

Except as noted elsewhere in this title all required landscaped areas shall contain a mixture of trees, shrubs and ground cover. Trees shall be at least 15-gallon size, and shrubs shall be at least 5-gallon size. Non-living ground cover such as decorative crushed rock or mulch may cover up to 50% of any single planter bed, excepting that in parkway planting areas (the area between the sidewalk and the street) decorative paving may cover the entire area, exclusive of any required tree wells. Except as noted elsewhere in this title, decorative hardscape materials,

rock groupings, and water features such as swimming pools, spas, fountains, waterfalls, and birdbaths may also be included in landscaped areas subject to the water conservation requirements of this chapter. Existing perennial vegetation and natural rock outcroppings may be used to satisfy landscaped area requirements, if approved by the director of community development. Artificial plants shall not be used in any required landscaped area, except that high quality artificial turf may be used in-lieu of other allowed ground covers in meeting the overall landscape requirement, but not more than 50% of any single planter bed.

**17.195.100 Minimum landscape area requirements.**

A. All commercial, industrial, and institutional developments shall provide landscaping as follows:

1. All required exterior yards shall include landscaping, exclusive of the driveways.
2. An additional 10 square feet of landscaping shall be provided for each parking space at the site and include one shade tree per five parking spaces in the surface parking lot. Such landscaping shall be evenly distributed throughout the parking area and shall include tree wells and planter boxes in order to provide adequate shade over paved areas.
3. A permanent underground irrigation system with an automatic irrigation controller shall be provided.

B. All planned residential developments and planned unit developments shall provide landscaping in the amounts and locations indicated in Chapters [17.165](#) and [17.60](#), respectively.

C. Landscaping at single-family homes, duplex developments, and at residential properties in the RM-6000 zone that are not part of a planned residential development or planned unit development, shall provide landscaping as follows:

1. At least 50 percent of required exterior yard areas shall contain landscaping consisting of living plants or a combination of living plants and decorative rock. Pavement and hardscape, whether decorative or not, shall not be used to satisfy this requirement.
2. Trees shall be planted in required exterior yards at a minimum ratio of one (1) tree per each 600-square feet of required exterior yard area, or fraction thereof.
3. A permanent method of irrigation shall be provided either in the form of an underground irrigation system to be located in front of the main building on the lot.

D. Landscaping for multiple unit residential projects in the RM-4300, RM-2500, RM-2200, RM-1450, and RM-HR zones, that are not a part of a planned residential development or planned unit development shall satisfy the following criteria:

1. All required exterior yard areas shall contain landscaping consisting of living plants or a combination of living plants and decorative ground cover such as decorative rock or bark.

2. Trees shall be planted in required exterior yards at a ratio of one (1) tree per each 200 square feet of required exterior yard area, or fraction thereof.

E. All landscaped areas required by this title, including planter boxes and tree wells, shall have minimum interior dimensions of four (4) feet in width, and length, or diameter.

## **Chapter 17.225 DENSITY BONUS FOR AFFORDABLE HOUSING DEVELOPMENTS**

### **17.220.010 Purposes and general plan consistency.**

The public good is served when there exists in a City, housing which is appropriate for the needs of, and affordable to, all members of the public who reside within that City. The City implements the housing element of the General Plan; sections 65915 through 65918 of the California [Government Code](#); and, in accordance with those general regulations, provides incentives to developers for the production of housing affordable to lower income households, moderate income households and senior citizens. The approval process for a density bonus project shall be the same as non-density bonus project with the same number of units, except for housing developments with 20% of the units affordable to lower income households on sites used in the fourth, fifth, and sixth Housing Element cycles which shall be approved by-right with a building permit.

## **Chapter 17.225 MISCELLANEOUS SPECIAL USES AND REGULATIONS**

### **17.225.160 Temporary shade structures.**

A. One temporary shade structure may be allowed as an accessory carport for one vehicle in front of an existing single-family home, upon approval of an administrative zoning permit, if performance standards 1 or 2 below, and performance standards 3, 4 and 5 below, are met:

1. The lot on which the shade structure is proposed contains a single-family home, but not two covered parking spaces.
2. One or more of the residents in the home on the property has been issued a disabled person placard or plates by the department of motor vehicles.
3. The temporary shade structure is designed and will be located in such a manner that it will not create a sight distance hazard.
4. No temporary shade structure shall encroach into the public right-of-way.
5. The area occupied by the temporary shade structure is paved and in compliance with Section 17.140.160.A.2.

6. The temporary shade structure is a light weight metal frame with canvas or fabric-like vinyl covering that does not trigger the need for a building permit.

B. Temporary shade structures, including the frame and covering, shall be well maintained. Any worn, torn, faded, bent, or graffiti marred structure or covering, if located within public view, whether or not it was authorized with an administrative zoning permit, shall be removed.

C. One temporary shade structure may be allowed for recreational purposes in front of an existing single-family home, upon approval of an administrative zoning permit, if the performance and design standards below are met:

1. The temporary shade structure shall not exceed 200 square feet in area and 15 feet in height.

2. The temporary shade structure shall be located no closer than 10 feet from the front and street side yard property line and 5 feet from any interior side property line for that portion of the lot classified as a front or street side yard.

3. No other feasible location for the structure is available outside of the front or street side yard setback due to site constraints such as steep slopes or rock outcroppings, or physical improvements such as an accessory dwelling unit, pool, or other similar permanent improvement.

4. The temporary shade structure shall be constructed of wood or metal materials with posts or columns no greater than four inches by four inches that are compatible with the existing single-family home.

5. Steel frame canopies with telescoping columns and canvas roofs are prohibited.

## **Chapter 17.243 PERSONAL CULTIVATION OF CANNABIS, HEMP, AND MARIJUANA**

### **17.243.010 Definitions.**

For the purposes of this chapter, the following definitions shall apply, unless the context clearly indicates otherwise. If a word is not defined in this section, the common and ordinary meaning of the word shall apply. All references to state law shall refer to the act, statute, or regulation as may be amended from time to time:

A. "AUMA" refers to the Control, Regulate and Tax Adult Use of Marijuana Act approved by the voters on November 8, 2016.

B. "Commercial intoxicating hemp activity" means the cultivation, possession, manufacture, distribution, processing, storing, testing, packaging, labeling, transporting, delivering, or sale of intoxicating hemp or intoxicating hemp products.

C. "Commercial marijuana activity" includes both "commercial cannabis activity" and "commercial marijuana activity" as those terms are defined/set forth in [Business and](#)

[Professions Code](#) sections 19300.5 and 26001, and means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery, or sale of marijuana or marijuana products. “Commercial marijuana activity” also includes the activities of any business or nonprofit licensed by the State or other government entity under Chapter 3.5 of Division 8 or Division 10 of the [Business and Professions Code](#).

D. “Concentrated cannabis” shall have the same meaning “cannabis concentrate” as defined in [Business and Professions Code](#) section 19300.5, and includes manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency.

E. “Cultivation” shall have the same meaning as that set forth in [Business and Professions Code](#) section 26001, and shall include any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

F. “Delivery” shall have the same meaning as set forth in [Business and Professions Code](#) section 26001 and shall include the commercial transfer of marijuana or marijuana products to a customer. “Delivery” also includes the use by a retailer of any technology platform, whether owned and controlled by the retailer or independently licensed, that enables customers to arrange for or facilitate the commercial transfer by a retailer of marijuana or marijuana products.

G. “Dispensary” means any facility or location, whether fixed or mobile, where marijuana, whether medical or otherwise, is made available to or distributed by or distributed to one (1) or more of the following: a primary caregiver; a qualified patient; or a patient with an identification card; or any other individual regardless of status defined or not defined. A marijuana dispensary, medical or otherwise, is prohibited in all zones within the city’s jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such use.

H. “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is at all times secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.

I. “Identification card” has the same meaning as defined in [Health and Safety Code](#) section 11362.7(g).

J. “Indoors” means within a fully enclosed and secure structure.

K. “Interested party” means, for purposes of this Chapter, any person who may reasonably be expected to be affected by any unlicensed commercial intoxicating hemp activity occurring within the City.

L. “Intoxicating hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, with a total tetrahydrocannabinol concentration of not more than .3% percent on a dry weight basis, where total tetrahydrocannabinol concentration includes any of the following:

1. Tetrahydrocannabinolic acid
2. Any tetrahydrocannabinol, including, but not limited to, Delta-8-tetrahydrocannabinol, Delta-9-tetrahydrocannabinol, and Delta-10-tetrahydrocannabinol, however derived
3. Any other cannabinoid determined by a state to cause intoxication
4. For purposes of nonfood applications, industrial hemp does not include a hemp product that contains derivatives, substances, or compounds derived from the seed of industrial hemp.

M. “Marijuana” shall have the same meaning as set forth in [Health and Safety Code](#) section 11018 and shall include all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Marijuana” shall also be construed to include, but not be limited to, “cannabis” as defined in [Business and Professions Code](#) section 19300.5. “Marijuana” does not include:

1. “Industrial hemp,” as defined by [Food and Agricultural Code](#) section 81000 or [Health and Safety Code](#) section 11018.5.
2. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
3. “Intoxicating hemp” or “intoxicating hemp product” as defined in this Chapter.

N. “Marijuana product” means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an ingestible, topical, inhalable, or otherwise consumable product containing marijuana or concentrated cannabis, and other ingredients.

O. “MAUCRSA” means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, codified as Business and Professions Code section 26000 et seq., as may be amended from time to time.

P. “Outdoors” means any location that is not within a fully enclosed and secure structure.

Q. “Person” includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

R. “Personal cultivation” means cultivation of marijuana conducted by an individual strictly for that individual’s personal use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with this Code and State law, including, but not limited to, [Health and Safety Code](#) sections 11362.1 and 11362.2, and in accordance with [Health and Safety Code](#) sections 11362.7 and 11362.765. Except as herein defined, personal cultivation does not include, and shall not authorize, any cultivation conducted as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of marijuana.

S. “Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling.

T. “Storage” means any facility or location, whether fixed or mobile, where marijuana, whether medical or otherwise, is stored either temporarily or permanently. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. Marijuana storage shall not include the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof by any “qualified patient,” or “person with an identification card,” as those terms are defined in California [Health and Safety Code](#) section 11362.7 so long as it is located at the residence of the qualified patient or person with an identification card.

#### **17.243.020 Prohibitions.**

A. Commercial Marijuana Activity and Commercial Intoxicating Hemp Activity. Commercial marijuana activity and commercial intoxicating hemp activity are expressly prohibited in all zones in the City of El Cajon. No person shall establish, operate, maintain, conduct, or allow commercial marijuana activity or commercial intoxicating hemp activity anywhere within the City. In addition, this subsection is meant to prohibit all activities for which a State license may be required pursuant to the AUMA or the MAUCRSA. Accordingly, the City shall not issue any permit, license, or other entitlement for any activity for which a State license is required under the AUMA or the MAUCRSA.

B. Property Owners. A property owner shall not rent, lease, or otherwise permit any business that engages in commercial marijuana activity or commercial intoxicating hemp activity to occupy real property in the City. A property owner shall not allow any person or business to establish, operate, maintain, conduct, or engage in commercial marijuana activity or commercial intoxicating hemp activity on any real property owned or controlled by that property owner that is located in the City.

C. Deliveries. To the extent not already prohibited by subsection A of this section and Chapter [9.47](#) of this Municipal Code, delivery of marijuana, marijuana products, intoxicating hemp, or intoxicating hemp products to or from the City of El Cajon is expressly prohibited. No person shall conduct or perform any delivery of marijuana, marijuana products, intoxicating hemp, or intoxicating hemp products where the delivery either originates or terminates within the City.



D. Outdoor Cultivation. To the extent not already prohibited by subsection A, outdoor marijuana cultivation is expressly prohibited in all zones and all specific plan areas of the City of El Cajon.

## Zoning Code Amendment No. ZCA-2024-0001

### Proposed Strikethrough Changes

#### TITLE 17 ZONING

#### Chapter 17.40 ADMINISTRATIVE ZONING PERMIT

##### 17.40.020 Applicability.

The following property improvements and land uses may be approved by an administrative zoning permit:

- A. ~~Large family daycare homes in residential zones, in compliance with section [17.225.030](#)~~Deviations from single-family dwelling review procedures in compliance with section 17.140.170. In approving such deviations the director shall consider the architectural guidelines in Chapter 17.180.
- B. Outdoor dining areas in compliance with section [17.225.090](#).
- C. Fences, hedges, and walls that are higher than would otherwise be allowed, in instances where there is a legitimate need for a higher fence. In approving such fences, the director shall consider safety and sight distance requirements, in addition to aesthetics and input from affected adjoining property owners. Affected adjoining property owners shall be notified in writing at least ten days prior to the approval of any fence, hedge, or wall exceeding the height restrictions of the underlying zone.
- D. Roadside stands, in compliance with section [17.225.110](#).
- E. Kiosks, booths, and stands in compliance with section [17.130.250](#).
- F. A temporary shade structure, in compliance with section [17.225.160](#).
- G. Additional household pet or animal, in compliance with Chapter [17.205](#).
- H. Façade modifications for existing structures within the Downtown Master Plan Area.

#### Chapter 17.105 DEFINITIONS

##### 17.105.020 Definitions.

“Dwelling, multiple-family” means a building, or a portion thereof, designed for occupancy by ~~three~~two (~~3~~2) or more families living independently of each other, and containing ~~three~~two (~~3~~2) or more dwelling units.

~~“Dwelling, two-family” means a building designed for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units. The term two-family dwelling shall have the same meaning as the term “duplex.”~~

“Special training and schooling” means a facility for the conduct of instructional services outside the setting of educational institutions, vocational schools, and trade schools. Examples of special training and schooling include: arts and crafts instruction, martial arts, dancing, ballet, sports and recreational instruction, language instruction, automobile driving schools, and educational support services such as exam preparation and testing.

## **Chapter 17.130 GENERAL DEVELOPMENT STANDARDS**

### **17.130.170 Permitted fences, walls and hedges.**

A. \_\_\_\_\_ A wall, fence or hedge 42 inches in height may be situated and maintained on any part of a lot.

B. \_\_\_\_\_ A fence, wall or hedge not more than six (6) feet in height may be situated anywhere on a lot to the rear of the line of the required front yard, except in the case of a reverse corner lot, a fence, wall or hedge higher than 42 inches shall not be situated closer to the side exterior property line than 10 feet.

C. \_\_\_\_\_ ~~Also, a wrought iron~~ Metal fencing fence or nonmalleable wire mesh fencing, as generally shown in Figure 17.130.170, not more than six (6) feet in height may be situated anywhere on a ~~residential~~ lot provided the following standards are satisfied:

\_\_\_\_\_ 1. ~~such a~~ Metal fencing must be is of open bar construction with a minimum spacing of four (4) inches between elements.

\_\_\_\_\_ 2. Nonmalleable wire mesh fencing must be a minimum of eight gauge thickness, and shall have opening no smaller than one inch in diameter.

\_\_\_\_\_ 3. Nonmalleable wire mesh fencing may not include chain link fencing or other similar products.

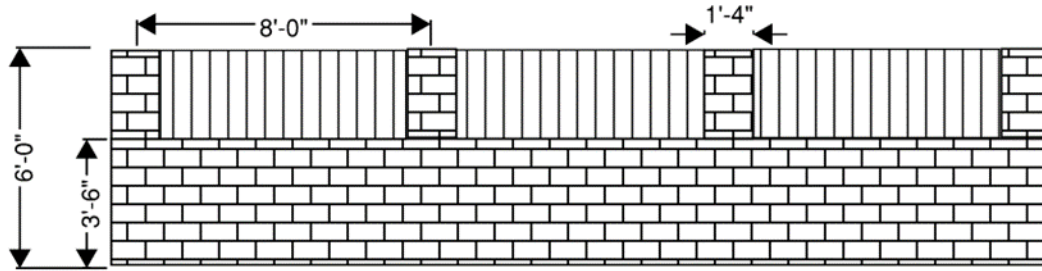
\_\_\_\_\_ 4. Fencing must allow for adequate sight distance for vehicles using driveways and/or street intersections at least 90 percent open to view for that portion of the fence that is more than 42 inches in height.

D. \_\_\_\_\_ Fencing may include top rails and decorative designs. Solid posts, pilasters, or columns are permitted up to six (6) feet in height provided they are located no less than eight (8) feet on center and are no greater than 16 inches in width.

E. \_\_\_\_\_ Fencing shall not include barbed, razor, concertina, corrugated metal and plastic, tarps, and electrified wire of any kind.

F. \_\_\_\_\_ Where justified, the director of community development may approve walls or fences with a greater height or alternative material(s), subject to the granting of an administrative zoning permit as described in §section 17.40.020(C).

### **Figure 17.130.170 Metal or Wire Fencing**



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### 17.130.230 Swimming pools, spas, and hot tubs.

Swimming pools, spas, and hot tubs, including associated equipment, shall not be located in any required front yard or exterior side yard, and shall not be located closer than three (3) feet from any rear or interior side property line. Swimming pools, spas, and hot tubs shall be equipped with a cover.

### Chapter 17.135 M-U (MIXED-USE) OVERLAY ZONE

#### 17.135.030 Compatibility.

All proposed developments within the Mixed-Use Overlay Zone shall comply with all applicable requirements of this chapter. However, administrative relief may be approved from certain requirements subject to the provisions outlined below:

Administrative Relief. Requests for administrative relief shall be considered by staff, by the Planning Commission, or by the city council in conjunction with the associated planning permit application for parking and other development standards. The decision to approve or deny a request is a discretionary action. In order for the decision-making body to approve administrative relief, except where noted in this section, the approval body shall find that:

- A. The request will not negatively impact the appearance of the project site or the surrounding properties.
- B. The proposed project will not adversely impact and will not place undue burden on adjacent uses.
- C. Supporting evidence provided by the applicant is acceptable and sufficient to approve the administrative relief, which may include but is not limited to a traffic impact study, parking study, or other study or analysis prepared by a certified expert licensed to prepare such work.
- D. The administrative relief request is needed to achieve the residential densities afforded by the Mixed-Use Overlay Zone.

## Chapter 17.140 RESIDENTIAL ZONES

### 17.140.080 Distance between residential buildings.

Except as provided elsewhere in this title, the distance between any detached buildings used for human habitation on the same single-family lot shall not be less than 6 feet and on the same multi-family lot shall not be less than 12 feet.

### 17.140.120 Accessory structures.

G. An individual accessory structure shall not be larger than the primary dwelling unit. Accessory structures with a footprint greater than one thousand two hundred (1,200) square feet are subject to the approval of a minor use permit, in conformance with Chapter [17.58](#).

### 17.140.170 Single-family dwelling review procedures.

Any new building permit application for a single-family dwelling (including manufactured housing), an addition to a single-family dwelling, ~~or a structure accessory to a single-family dwelling,~~ or an accessory dwelling unit in the city shall be subject to the following provisions:

- A. The primary dwelling unit and entryway shall face the primary street. In the case of a corner lot, the entryway may face either public right-of-way.
- B. The building plan elevations shall include notations specifying a minimum twelve-inch (12") roof overhang (eave), and the type of material to be used for roofing and siding.
- C. Regardless of building material, all elevations shall include painted surfaces, weather-resistant enamel finishes or finished materials that are non-reflective.
- D. All additions to existing structures and all accessory structures larger than one hundred twenty (120) square feet shall be designed and constructed to be aesthetically compatible with the existing primary structure through the use of the same colors, textures, and materials.

E. Accessory dwelling units authorized pursuant to section 17.140.180(C)(1) shall not be subject to this section.

~~E~~F. Structures shall meet the following design standards:

1. Architectural design shall be represented on all building elevations in accordance with section [17.140.170\(E\)\(3\)](#).
2. Transparent windows shall not use tinted, mirrored, or highly reflective glass using non-reflective glass are required. Transparency is measured as a percent of the wall plane starting from the base of the house to the start of the roofline, except for gabled portions of the wall plane not containing livable floor area. All wall planes shall incorporate transparency as follows:
  - a. A minimum of 20% of the building elevations facing and visible from a public or private street shall be transparent. See Figure [17.140.170\(A\)](#).

- b. A minimum of 10% of the any other building elevations ~~not facing a public or private street~~ shall be transparent.

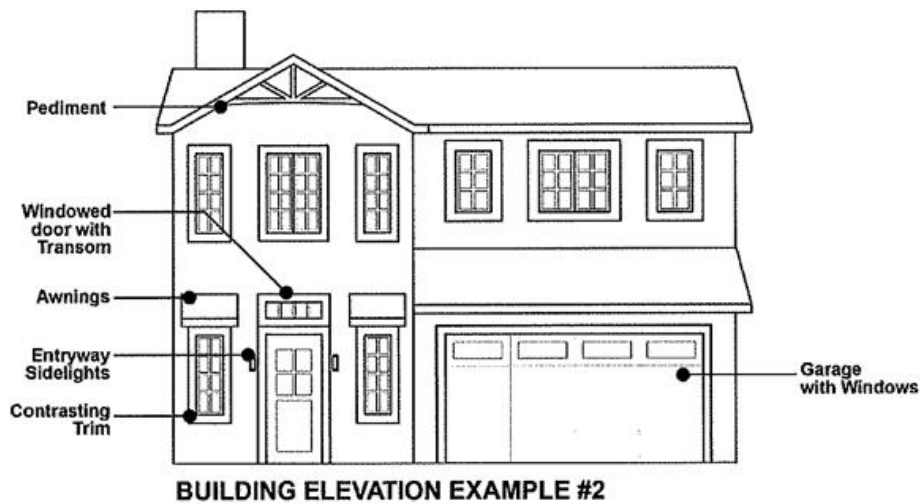
Figure [17.140.170\(A\)](#) Transparent Windows



3. Building elevations shall not include blank wall faces. Each wall face with a length greater than twelve (12) feet shall include a minimum of three (3) of the following design features (See Figure [17.140.170\(B\)](#)):

- a. Variation in building materials, whereas a minimum of three (3) façade finishes are provided. Façade finishes include but are not limited to materials such as wood, siding, stone, brick, and stucco;
- b. Structural or decorative lintels or other similar window and doorway trim;
- c. Entryway lighting features such as pendant lights or sidelights;
- d. Shutters or awnings;
- e. Doors, which include windows;
- f. Door entries that provide protection from the sun using porticos or roof overhangs.
- g. Garage door panels which include windows; or
- h. Contrasting trim or molding.

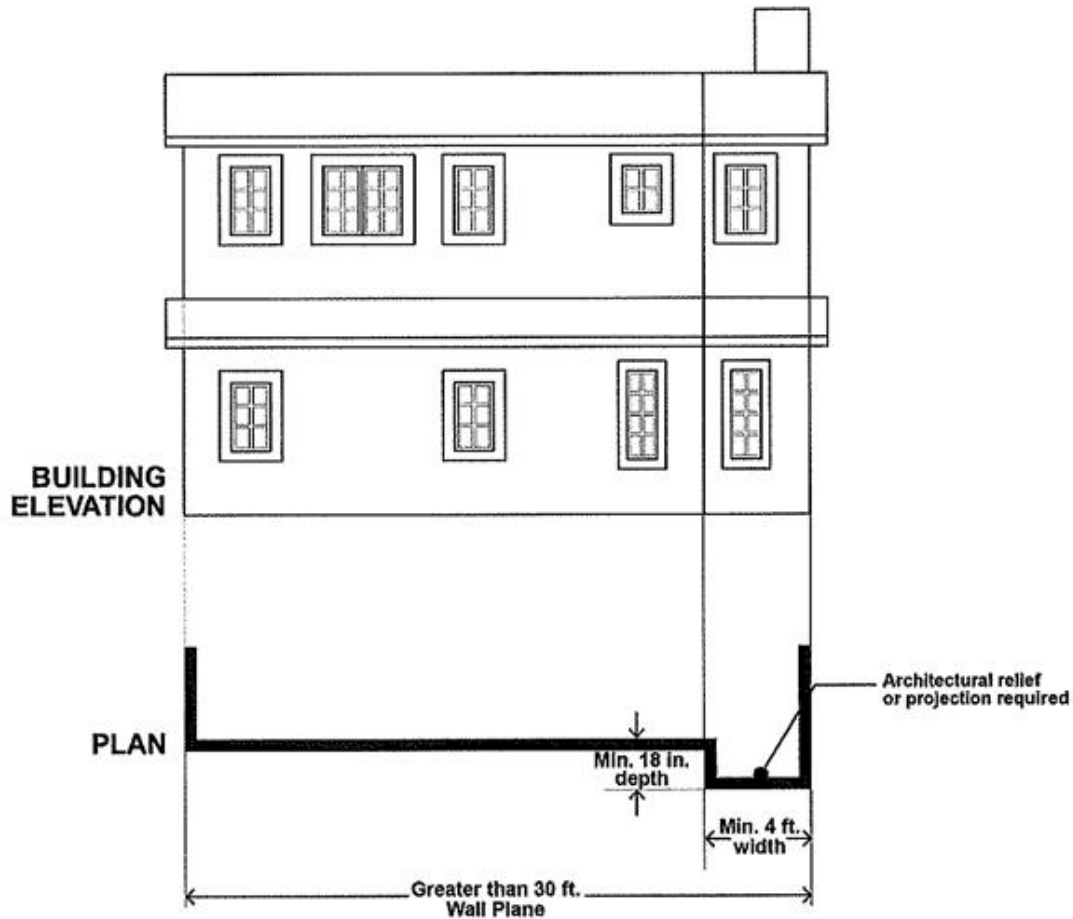
Figure [17.140.170\(B\)](#) Design Features on Building Elevations



4. Accessory structures shall have comparable roof style to the primary structure.
5. Roof and wall planes shall be different colors.
6. No single building elevation may exceed thirty (30) feet in length. A single wall plane is defined as a surface without architectural relief or projection. See Figure [17.140.170\(C\)](#). Standards for architectural relief or projection are as follows:
  - a. Shall be provided at a minimum eighteen (18) inches in depth; and
  - b. Shall be provided at a minimum four (4) feet in width; and
  - c. May be provided as a step-back or overhang of a second-story wall plain or as a structural design feature such as bay windows; and
  - d. Architectural projection and relief is not required for single-story buildings not greater than sixteen (16) feet in height on wall planes facing interior or rear property lines.

- Garage conversions shall not include entryways that face the street.

Figure [17.140.170\(C\)](#) Architectural Relief and/or Projection

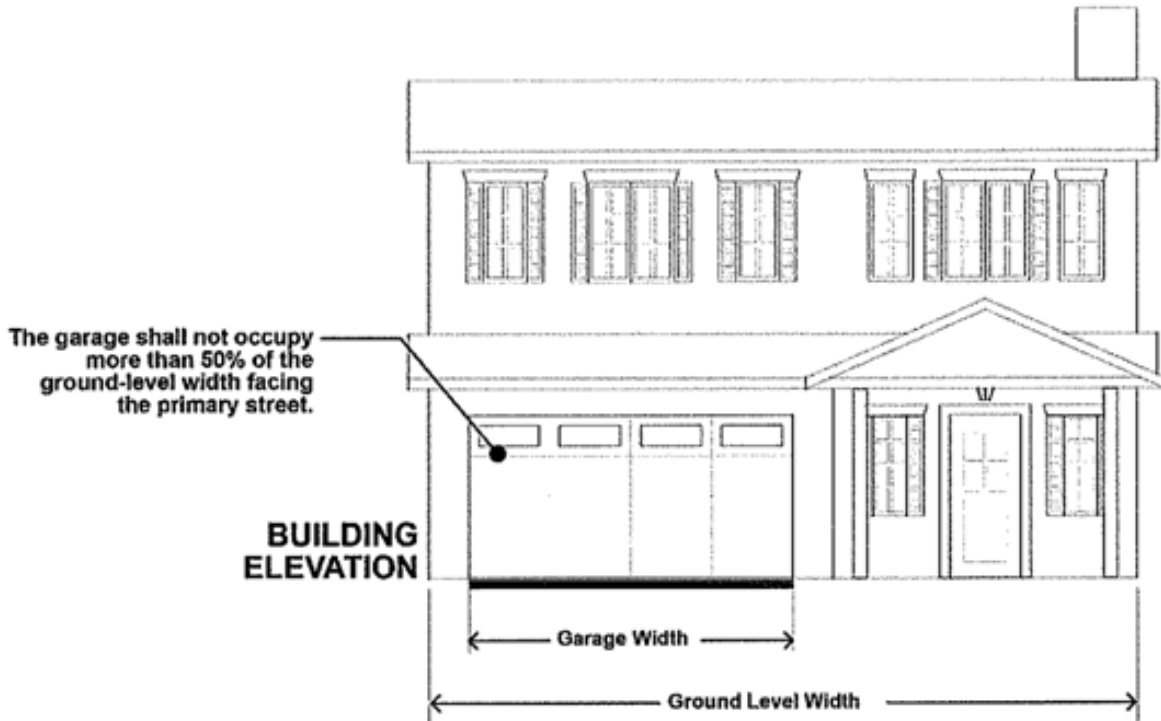


FG. Garages are subject to the following standards:

- The garage shall not be located closer to the front setback line than the primary street facing façade of the primary dwelling unit.
- The garage shall not occupy more than 50 percent of the ground-level width facing the primary street. See Figure [17.140.170\(D\)](#).
- The garage shall not take the place of the main entryway.

Figure [17.140.170\(D\)](#) Garage Width





**GH.** Landscaping, placement of the structure and screening shall not be substituted for architecturally and aesthetically integrated design.

**HI.** Deviations from the standards in this section require approval of an administrative zoning permit, in conformance with Chapter [17.40](#).

**17.140.180 Accessory and junior accessory dwelling units.**

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

**A.** Permit Required. A building permit is required for any new accessory or junior accessory dwelling unit.

**B.** Number of ADUs. The following number and types of accessory dwelling units shall be allowed.

**1.** ~~Zoned to Allow~~ Zoned to Allow with Single-Family Dwelling Units. For each eligible single-family lot, up to one (1) accessory dwelling unit and one (1) junior accessory dwelling unit may be permitted with an existing or proposed single-family dwelling unit.

2. ~~Zoned to Allow~~ Zoned to Allow with Multifamily Dwelling Units. Accessory dwelling units may be permitted with existing or proposed multifamily dwelling units in accordance with the following:

a. At least one (1) unit and up to twenty-five percent (25%) of the existing number of multifamily dwelling units may be permitted within portions of an existing multifamily development in those areas that are not used as livable space including (but not limited to) storage rooms, basements, garages, attics, or other similar areas that may be converted.

b. For an existing or proposed multifamily development, in addition to the provisions of (B)(2)(a), for each eligible multifamily lot, up to two (2) detached accessory units may be constructed, subject to four (4) foot side and rear setbacks and a height limit of sixteen (16) feet and three (3) foot side and rear setbacks and a height of twelve (12) feet.

C. Size.

1. Lot coverage; open space requirements. Each eligible lot, regardless of the size of the primary dwelling unit, maximum lot coverage, or minimum open space requirements may include an attached or detached accessory dwelling unit of up to eight hundred (800) square feet;

2. Maximum unit size. For each eligible lot, the maximum size of an attached or detached accessory dwelling unit shall be not more than one thousand two hundred (1,200) square feet of habitable space, but under no circumstances shall the attached or detached accessory dwelling unit be larger than the primary dwelling unit when including attached non-habitable spaces such as garages;

3. Efficiency units. The unit size for an attached or detached accessory dwelling unit or junior accessory dwelling unit shall, at a minimum, meet the standards for an efficiency unit as defined by the California [Health and Safety Code](#) section 17958.1. Minimum standards shall be applied through the building code; and

4. Junior ADUs. A junior accessory dwelling unit shall not exceed an area of five hundred (500) square feet.

D. Parking.

1. Except as otherwise provided in this subsection, one (1) additional paved off-street parking space per accessory dwelling unit must be provided. Such parking space may be provided as a tandem space and/or located in the required front yard setback area if in compliance with the paved parking standards listed in section [17.140.160](#). Parking is not required to be provided in any of the following circumstances:

- a. Proximity to public transit. Unit is located within one-half (1/2) mile of public transit, including light rail and bus stations;
- b. Historical/Architectural significance. Unit is located within an architecturally and historically significant residence historic district;
- c. Primary dwelling units. Unit is part of the proposed or existing primary dwelling unit, or an accessory structure as defined in section [17.140.120](#) (Accessory structures);
- d. Junior ADU. Unit is a junior accessory dwelling unit or is part of an existing primary dwelling unit or an existing accessory structure;
- e. On-street parking permit. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
- f. Car-share program. There is a car-share program located within one (1) block of the accessory dwelling unit.

E. Standards of Development.

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

- a. Building and fire safety codes;
- b. Independent exterior access from the existing primary dwelling unit; and
- c. Sufficient side and rear setbacks for fire safety.

2. Detached Accessory Dwelling Unit. New detached structures for accessory dwelling units shall meet the following requirements unless such requirements prohibit an accessory dwelling unit of at least eight hundred (800) square feet in area with three (3) foot rear and side yard setbacks:

- a. Conformity with all requirements of the zone in which the unit is located, except as identified in paragraphs (2)(b) through (g), below. Additionally, detached accessory dwelling units shall be located outside of the front and exterior setback unless this requirement would prohibit an accessory dwelling unit of at least eight hundred (800) square feet in area;
- b. Limited to the maximum height of the underlying zone when located within the primary dwelling unit setback requirements. Height limitations for areas outside of the primary dwelling unit setbacks are as follows:

i. Maximum height of twenty (20) feet with a five (5) foot setback; no more than sixteen (16) feet with four (4) foot setback; and no more than twelve (12) feet with a three (3) foot setback,

ii. When the detached accessory dwelling unit is within one-half (1/2) mile walking distance of a major transit stop or a high-quality transit corridor the height is limited to eighteen (18) feet with up to two (2) additional feet permitted to accommodate a roof pitch so long as it is aligned with the roof pitch of the primary dwelling,

iii. When the detached accessory dwelling unit is located on a lot with an existing or proposed single-family or multifamily dwelling that is two (2) stories or greater, the height is limited to eighteen (18) feet;

c. Subject to a minimum three (3) foot rear and side setback;

d. In accordance with the California [Health and Safety Code](#) requirement, no fire sprinkler system is required unless provided for the primary dwelling unit;

e. Limited in size in accordance with subsection (C) above; and

f. Attached covered patios, porches and similar covered areas intended to be used by the occupant of the accessory dwelling unit, except for a two car garage or carport, shall be ~~limited to a maximum ten percent (10%) of~~ included in the maximum floor area of the proposed unit; and

g. The proposed accessory dwelling unit shall be constructed of similar building materials, colors, and with a similar architectural style to the primary dwelling unit.

3. Attached Accessory Dwelling Unit. New attached accessory dwelling units shall meet the following requirements unless such requirements prohibit an accessory dwelling unit of at least eight-hundred (800) square feet in area with three (3) foot rear and side setbacks:

a. Conformity with all requirements of the zone in which the unit is located, except as identified in paragraphs (3)(b) through (g), below;

b. Limited to the maximum height of the underlying zone when located within the primary dwelling unit setback requirements and to a maximum height of twenty (20) feet with a five (5) foot setback; no more than sixteen (16) feet with four (4) foot setback, and no more than twelve (12) feet with a three (3) foot setback;

c. Subject to a minimum three (3) foot rear and side setback;

d. In accordance with the California [Health and Safety Code](#) requirement, no fire sprinkler system is required unless provided for in the primary dwelling unit. If an accessory dwelling unit is attached to the primary single-family dwelling unit, the wall

separating units shall be as required by the [California Building Code](#), and/or the California Residential Code or both;

e. Limited in size in accordance with subsection (C) above; and

f. Attached covered patios, porches and similar covered areas intended to be used by the occupant of the accessory dwelling unit, except for a two car garage or carport, shall be ~~limited to a~~ included in the maximum ten percent (10%) of the floor area of the proposed unit; and

g. The proposed accessory dwelling unit shall be constructed of similar building materials, colors, and with a similar architectural style to the primary dwelling unit.

4. Junior accessory dwelling units shall meet the following requirements:

a. Shall be created within the existing walls of the primary dwelling unit ~~and include a bedroom~~;

b. Shall include an independent exterior access from the primary dwelling unit;

c. Shall include an efficiency kitchen that consists of:

i. A sink with a ~~maximum~~ minimum waste line diameter of one and one-half (1-1/2) inches,

ii. A cooking facility with appliances which ~~do not require~~ have electrical service equal to or greater than one hundred and twenty (120) volts or natural or propane gas, and

iii. A food preparation counter and storage cabinets that are reasonable to the size of the unit; and

d. No additional parking shall be required for the junior accessory dwelling unit.

F. Standards of Performance. Every ~~accessory and~~ junior accessory dwelling unit approved by this Title shall meet the following standards of performance:

1. Owner occupancy. The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit, unless the property owner is a governmental agency, land trust, or housing organization. Should this requirement not be honored by the property owner, it will be cause to have the ~~accessory or~~ junior accessory dwelling unit removed in accordance with appropriate procedures. ~~Owner occupancy requirements shall not be enforced through January 1, 2025 in accordance with Government Code section 65852.2(a)(6).~~

2. Recorded restrictions. A notice of restriction shall be recorded so that it appears in the chain of title for the property. A building permit will not be finalized without proof of recordation of the notice of restriction.

3. Common ownership. The unit shall not be sold separate from the primary dwelling unit.

4. Minimum term. Tenancy shall not be less than thirty (30) days.

G. Fees.

1. Development impact fees; applicability. Development Impact Fees for ADUs and JADUs shall comply with Chapter [17.25](#) Procedures, Hearings, Notices and Fees.

2. Fee waiver. In addition to the requirements in Chapter [17.25](#), ADUs or JADUs that are less than seven hundred and fifty (750) square feet shall not be subject to any impact fees. Any impact fees charged for an ADU more than seven hundred and fifty (750) square feet shall be charged proportionately in relation to the square footage of the primary dwelling unit.

H. Special Exemption from City Standards. Notwithstanding other provisions of this Title, the addition of an accessory or junior accessory dwelling unit on a lot as provided under this section of and by itself will not initiate requirements for any new or updated standards relating to the existing residential structure. Such standards or requirements that would otherwise apply will be deferred until the normal operation of those other city code sections come to apply to such property. Such deferral of new or updated standards will not be granted for any building or portion thereof that was constructed illegally, nor will such deferral be granted for required public improvements. It is the clear intent of this subsection that the existing standards which were legally provided on the existing residential structure may remain as they were prior to the construction of the second-family unit.

**17.140.200 Modified development standards for affordable housing.**

~~Housing and related facilities that are formally restricted to occupancy by low- and very-low-income families and individuals (income restricted), including occupancy by elderly and disabled persons (age and disability restricted) and assisted by funding from and as defined by the federal Department of Housing and Urban Development (HUD) or other affordable housing related funding sources approved by the city council may be permitted to deviate from the requirements and provisions of this title as specified in this section, provided that the specifics of any such deviations, including, but not limited to, parameters, conditions and findings, are subject to public hearing and are contained in a conditional use permit, specific plan, planned unit development or planned residential development, and where appropriate, that such specifics are recorded against the subject property.~~

~~A. Age and disability restricted housing may be granted a reduction in the off-street parking requirements (parking requirements) of this title, which reduction shall not result in a ratio less~~

~~than one (1) parking space for each two (2) dwelling units, provided that findings can be made that the proposed assisted housing project:~~

~~1. Will not result in a parking problem on adjacent properties or public streets; and~~

~~2. Shall be age and disability restricted for the life of the project.~~

~~B. Income restricted housing may be granted up to a 30 percent reduction in required parking, provided that findings can be made that:~~

~~1. The proposed income assisted housing project could meet all applicable development standards;~~

~~2. The requested reduction in required parking will not result in parking problem(s) on adjacent properties or public streets;~~

~~3. The requested reduction in required parking will result in expanded and improved on-site, outdoor common amenities; and~~

~~4. The subject housing project shall remain income restricted at all times that the provided off-street parking does not meet the full parking requirements of this title, whether or not there is any federal, state or local government assistance to the project at the time.~~

~~Any reduced parking requirement authorized under this provision shall be determined by calculating the full parking requirement for the proposed housing project, applying the authorized reduction expressed as a percentage, with any fractional number rounded down to the nearest whole number.~~

~~C. An increase in the permitted density in the RM 2500 and RM 2200 zones up to 50 dwelling units per net acre may be granted, provided the applicant for such conditional use permit as part of the approval agrees in writing to reconstruct, combine or otherwise convert the dwelling units to that density permitted in that zone should the development convert to other than facility for elderly or disabled. At such time the conditional use permit shall automatically terminate. (As an alternative, the property may be granted a density of up to 75 units per acre for Section 202 projects only if the city can be assured by recorded legal instrument that the project will continue as a facility exclusively for the elderly or disabled for the life of the structures in the project.)~~

Modified development standards for affordable housing shall be provided subject to the provisions in section 17.220.010

#### **17.140.210 Residential Land Use Table**

**Table [17.140.210](#)  
Residential Land Use Table**

Residential Zones	PRD	RS-40	RS-20	RS-14	RS-9	RS-6	RM-6000	RM-4300	RM-2500	RM-2200	RM-1450	RM-HR	Notes
Primary Residential Uses (subject to density restrictions)													
Dwellings; attached duplex units or two detached dwelling units	×	×	×	×	×	×	×	P	P	P	P	P	±

**17.140.230 Moveable Tiny Homes**

A Movable Tiny Home (MTH) is a transportable dwelling unit that is constructed to comply with standards applicable to recreational vehicles. They shall be licensed and registered with the California Department of Motor Vehicles. An MTH shall comply with the following general requirements:

- A. Shall be approved by an Administrative Zoning Permit when in compliance with all general requirements;
- B. Permitted in residential zones as an accessory dwelling unit (ADU);
- C. Shall comply with the location standards for an ADU, but must be located to the rear of the primary dwelling;
- D. Shall comply with parking standards for an ADU;
- E. Shall not be larger than allowed by California state law for movement on public highways;
- F. Shall not be able to move under its own power;
- G. Shall have a floor area that is between 150 and 430 square feet and shall provide independent living facilities for one or more persons, independent of the primary dwelling unit;
- H. Shall be connected to water, sewer, and electric utilities;
- I. Shall comply with National Fire Protection Standards for Recreational Vehicles and shall be certified by a recognized national certification body as complying with moveable tiny home standards and a certified label shall be placed on the movable tiny house to demonstrate compliance;
- J. Shall not be located in a Very High Fire Hazard Severity Zone unless approved by the Fire Marshall with necessary additional conditions for fire protection;



K. Shall comply with the following design elements:

1. Cladding and Trim: Materials used on the exterior shall not be single piece composite, laminates, or interlocked metal sheathing; and

2. Windows and Doors: Windows shall be at least double pane glass, labeled for building use, and include exterior trim. Windows and doors shall not have radius comers; and

3. Roofs shall be sloped to drain over the roof edge. At least 50 percent of the roof area shall have a roof slope of 2:12 or more;

4. All mechanical equipment, including heating, ventilation, and air conditioning, shall be incorporated into the structure and not located on the roof; and

5. Living Area Extensions: The roof and all exterior walls shall not be fixed with slide-outs, tip-outs, or other forms of mechanically articulating room area extensions.

6. The undercarriage, including wheels, axles, tongue, and hitch, shall be concealed from view. The wheels shall not be removed and shall sit with leveling or support jacks on a paving surface; and

L. The Community Development Director may permit deviations from the general requirements for an MTH by finding that safety is not compromised and that any deviation(s) meet the general intent of allowing an MTH as an ADU while not compromising the residential character of the neighborhood.

## **Chapter 17.145 COMMERCIAL ZONES**

### **17.145.150 Commercial land use table**

The following table lists uses that may be established in commercial zones. The abbreviations used in the land use table shall have the following meanings:

- A "A" means "adult entertainment permit"
- C "C" means "conditional use permit"
- D "D" means "director's determination"
- MC "MC" means "minor conditional use permit"
- MUP "MUP" means "minor use permit"
- P "P" means "permitted use"
- S "S" means "site development plan permit"
- T "T" means "temporary use permit"
- Z "Z" means "administrative zoning permit"
- X "X" means "not permitted"

In addition to the abbreviated terms listed above, the land use table incorporates endnotes, which are indicated by numerical designators in the final column of the table. The numerical designators correspond with written notes listed at the bottom of the table. The notes provide additional information and direct readers to other applicable sections of the El Cajon Municipal Code.

	O-P	C-N	C-G	C-R	C-M	Notes
<b>Commercial Uses</b>						
Dance studio	X	P	P	P	X	
Resource recovery center	X	C	C	C	C	17, 39

	O-P	C-N	C-G	C-R	C-M	Notes
<b>Light Industrial Uses</b>						
Recycling center for metal, cardboard, glass, e-waste, etc.	X	X	<del>X</del> C	<del>X</del> C	C	39

39. A resource recovery center or recycling center for metal, cardboard, glass, e-waste, etc. in the C-G or C-R zone shall occur within an enclosed building with no outdoor storage. Modular buildings or prefabricated structures may be authorized with a conditional use permit and found to be compatible with surrounding buildings and uses.

## Chapter 17.195 WATER EFFICIENT LANDSCAPING

### 17.195.080 Contents of required landscape areas.

Except as noted elsewhere in this title all required landscaped areas shall contain a mixture of trees, shrubs and ground cover. Trees shall be at least 15-gallon size, and shrubs shall be at least 5-gallon size. Non-living ground cover such as decorative crushed rock or mulch may cover up to 50% of any single planter bed, excepting that in parkway planting areas (the area between the sidewalk and the street) decorative paving may cover the entire area, exclusive of any required tree wells. Except as noted elsewhere in this title, decorative hardscape materials, rock groupings, and water features such as swimming pools, spas, fountains, waterfalls, and birdbaths may also be included in landscaped areas subject to the water conservation requirements of this chapter. Existing perennial vegetation and natural rock outcroppings may be used to satisfy landscaped area requirements, if approved by the director of community development. Artificial plants shall not be used in any required landscaped area, except that high quality artificial turf may be used in-lieu of other allowed ground covers in meeting the overall landscape requirement, but not more than 50% of any single planter bed.

### 17.195.100 Minimum landscape area requirements.

A. All commercial, industrial, and institutional developments shall provide landscaping as follows:

1. All required exterior yards shall include landscaping, exclusive of the driveways.

2. An additional 10 square feet of landscaping shall be provided for each parking space at the site and include one shade tree per five parking spaces in the surface parking lot. Such landscaping shall be evenly distributed throughout the parking area and ~~may~~shall include tree wells and planter boxes in order to provide adequate shade over paved areas.

3. A permanent underground irrigation system with an automatic irrigation controller shall be provided.

B. All planned residential developments and planned unit developments shall provide landscaping in the amounts and locations indicated in Chapters [17.165](#) and [17.60](#), respectively.

C. Landscaping at single-family homes, duplex developments, and at residential properties in the RM-6000 zone that are not part of a planned residential development or planned unit development, shall provide landscaping as follows:

1. At least 50 percent of required exterior yard areas shall contain landscaping consisting of living plants or a combination of living plants and decorative rock. Pavement and hardscape, whether decorative or not, shall not be used to satisfy this requirement.

2. Trees shall be planted in required exterior yards at a minimum ratio of one (1) tree per each 600-square feet of required exterior yard area, or fraction thereof.

3. A permanent method of irrigation shall be provided either in the form of an underground irrigation system to be located in front of the main building on the lot.

D. Landscaping for multiple unit residential projects in the RM-4300, RM-2500, RM-2200, RM-1450, and RM-HR zones, that are not a part of a planned residential development or planned unit development shall satisfy the following criteria:

1. All required exterior yard areas shall contain landscaping consisting of living plants or a combination of living plants and decorative ground cover such as decorative rock or bark.

2. Trees shall be planted in required exterior yards at a ratio of one (1) tree per each 200 square feet of required exterior yard area, or fraction thereof.

E. All landscaped areas required by this title, including planter boxes and tree wells, shall have minimum interior dimensions of four (4) feet in width, and length, or diameter.

## **Chapter 17.225 DENSITY BONUS FOR AFFORDABLE HOUSING DEVELOPMENTS**

### **17.220.010 Purposes and general plan consistency.**

The public good is served when there exists in a City, housing which is appropriate for the needs of, and affordable to, all members of the public who reside within that City. The City implements the housing element of the General Plan; sections 65915 through 65918 of the

California [Government Code](#); and, in accordance with those general regulations, provides incentives to developers for the production of housing affordable to lower income households, moderate income households and senior citizens. The approval process for a density bonus project shall be the same as non-density bonus project with the same number of units, except for housing developments with 20% of the units affordable to lower income households on sites used in the fourth, fifth, and sixth Housing Element cycles which shall be approved by-right with a building permit.

## **Chapter 17.225 MISCELLANEOUS SPECIAL USES AND REGULATIONS**

### **17.225.030 Family day care homes.**

~~A.— Family day care homes, small or large, as defined in Chapter 17.105, are a permitted use in all residential zones.~~

~~B.— Family day care homes, large, as defined by Chapter 17.105, are permitted in all residential zones, upon approval of an administrative zoning permit, as described in Chapter 17.40.~~

~~1.— Prior to granting approval for a large family day care home, the director shall verify that the proposed large family day care home meets the following standards:~~

~~a.— The business operator shall demonstrate that one (1) off street parking space for every employee (including the business owner) will be available during business hours on the subject property;~~

~~b.— The subject property shall provide adequate space on site for the safe loading and unloading of passengers. As an alternative, the property may be located on a through street that allows on street parking in front of the subject property;~~

~~c.— Any rear or side yard used as a play area for the large family day care home shall be separated from adjoining properties by a six-foot high solid fence or wall in good condition; and~~

~~d.— No portion of the large family day care home (or accessory structures used for day care on the subject property) shall have been constructed or converted in violation of local building and zoning regulations.~~

~~2.— Large family day care homes must also comply with any regulations adopted by the State Fire Marshal pursuant to Section 1597.46(d) of the California Health and Safety Code. Compliance with such ordinances shall be no more demanding for the large family day care home than for any other residential use.~~

~~3.— In no event shall a large family day care home be approved to operate in an illegally converted garage.~~

### **17.225.160 Temporary shade structures.**

A. One temporary shade structure may be allowed as an accessory carport for one vehicle in front of an existing single-family home, upon approval of an administrative zoning permit, if performance standards 1 or 2 below, and performance standards 3, 4 and 5 below, are met:

1. The lot on which the shade structure is proposed contains a single-family home, but not two covered parking spaces.
2. One or more of the residents in the home on the property has been issued a disabled person placard or plates by the department of motor vehicles.
3. The temporary shade structure is designed and will be located in such a manner that it will not create a sight distance hazard.
4. No temporary shade structure shall encroach into the public right-of-way.
5. The area occupied by the temporary shade structure is paved and in compliance with Section 17.140.160.A.2.
6. The temporary shade structure is a light weight metal frame with canvas or fabric-like vinyl covering that does not trigger the need for a building permit.

B. Temporary shade structures, including the frame and covering, shall be well maintained. Any worn, torn, faded, bent, or graffiti marred structure or covering, if located within public view, whether or not it was authorized with an administrative zoning permit, shall be removed.

C. One temporary shade structure may be allowed for recreational purposes in front of an existing single-family home, upon approval of an administrative zoning permit, if the performance and design standards below are met:

1. The temporary shade structure shall not exceed 200 square feet in area and 15 feet in height.
2. The temporary shade structure shall be located no closer than 10 feet from the front and street side yard property line and 5 feet from any interior side property line for that portion of the lot classified as a front or street side yard.
3. No other feasible location for the structure is available outside of the front or street side yard setback due to site constraints such as steep slopes or rock outcroppings, or physical improvements such as an accessory dwelling unit, pool, or other similar permanent improvement.
4. The temporary shade structure shall be constructed of wood or metal materials with posts or columns no greater than four inches by four inches that are compatible with the existing single-family home.
5. Steel frame canopies with telescoping columns and canvas roofs are prohibited.

## Chapter 17.243 PERSONAL CULTIVATION OF CANNABIS, HEMP, AND MARIJUANA

### 17.243.010 Definitions.

For the purposes of this chapter, the following definitions shall apply, unless the context clearly indicates otherwise. If a word is not defined in this section, the common and ordinary meaning of the word shall apply. All references to state law shall refer to the act, statute, or regulation as may be amended from time to time:

A. “AUMA” refers to the Control, Regulate and Tax Adult Use of Marijuana Act approved by the voters on November 8, 2016.

B. “Commercial intoxicating hemp activity” means the cultivation, possession, manufacture, distribution, processing, storing, testing, packaging, labeling, transporting, delivering, or sale of intoxicating hemp or intoxicating hemp products.

BC. “Commercial marijuana activity” includes both “commercial cannabis activity” and “commercial marijuana activity” as those terms are defined/set forth in [Business and Professions Code](#) sections 19300.5 and 26001, and means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery, or sale of marijuana or marijuana products. “Commercial marijuana activity” also includes the activities of any business or nonprofit licensed by the State or other government entity under Chapter 3.5 of Division 8 or Division 10 of the [Business and Professions Code](#).

CD. “Concentrated cannabis” shall have the same meaning “cannabis concentrate” as defined in [Business and Professions Code](#) section 19300.5, and includes manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency.

DE. “Cultivation” shall have the same meaning as that set forth in [Business and Professions Code](#) section 26001, and shall include any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

EF. “Delivery” shall have the same meaning as set forth in [Business and Professions Code](#) section 26001 and shall include the commercial transfer of marijuana or marijuana products to a customer. “Delivery” also includes the use by a retailer of any technology platform, whether owned and controlled by the retailer or independently licensed, that enables customers to arrange for or facilitate the commercial transfer by a retailer of marijuana or marijuana products.

FG. “Dispensary” means any facility or location, whether fixed or mobile, where marijuana, whether medical or otherwise, is made available to or distributed by or distributed to one (1) or more of the following: a primary caregiver; a qualified patient; or a patient with an identification card; or any other individual regardless of status defined or not defined. A marijuana dispensary, medical or otherwise, is prohibited in all zones within the city’s

jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such use.

GH. “Fully enclosed and secure structure” means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is at all times secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.

HJ. “Identification card” has the same meaning as defined in [Health and Safety Code](#) section 11362.7(g).

IJ. “Indoors” means within a fully enclosed and secure structure.

K. “Interested party” means, for purposes of this Chapter, any person who may reasonably be expected to be affected by any unlicensed commercial intoxicating hemp activity occurring within the City.

L. “Intoxicating hemp” means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, with a total tetrahydrocannabinol concentration of not more than .3% percent on a dry weight basis, where total tetrahydrocannabinol concentration includes any of the following:

1. Tetrahydrocannabinolic acid

2. Any tetrahydrocannabinol, including, but not limited to, Delta-8-tetrahydrocannabinol, Delta-9-tetrahydrocannabinol, and Delta-10-tetrahydrocannabinol, however derived

3. Any other cannabinoid determined by a state to cause intoxication

4. For purposes of nonfood applications, industrial hemp does not include a hemp product that contains derivatives, substances, or compounds derived from the seed of industrial hemp.

JM. “Marijuana” shall have the same meaning as set forth in [Health and Safety Code](#) section 11018 and shall include all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Marijuana” shall also be construed to include, but not be limited to, “cannabis” as defined in [Business and Professions Code](#) section 19300.5. “Marijuana” does not include:

1. “Industrial hemp,” as defined by [Food and Agricultural Code](#) section 81000 or [Health and Safety Code](#) section 11018.5.

2. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

3. “Intoxicating hemp” or “intoxicating hemp product” as defined in this Chapter.

**KN.** “Marijuana product” means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an ingestible, topical, inhalable, or otherwise consumable product containing marijuana or concentrated cannabis, and other ingredients.

**LO.** ~~“MCRSAMAUCRSA” shall collectively mean the Medical Cannabis Regulation and Safety Act as contained, codified, enacted, and signed into law on October 9, 2015, as Assembly Bill No. 243, Assembly Bill No. 266, and Senate Bill 643, and as amended by Assembly Bill 21 in 2016. The MCRSA was formerly known as the Medical Marijuana Regulation and Safety Act.~~ means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, codified as Business and Professions Code section 26000 et seq., as may be amended from time to time.

**MP.** “Outdoors” means any location that is not within a fully enclosed and secure structure.

**NQ.** “Person” includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

**OR.** “Personal cultivation” means cultivation of marijuana conducted by an individual strictly for that individual’s personal use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with this Code and State law, including, but not limited to, [Health and Safety Code](#) sections 11362.1 and 11362.2, and in accordance with [Health and Safety Code](#) sections 11362.7 and 11362.765. Except as herein defined, personal cultivation does not include, and shall not authorize, any cultivation conducted as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of marijuana.

**PS.** “Private residence” means a house, an apartment unit, a mobile home, or other similar dwelling.

**QT.** “Storage” means any facility or location, whether fixed or mobile, where marijuana, whether medical or otherwise, is stored either temporarily or permanently. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. Marijuana storage shall not include the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof by any “qualified patient,” or “person with an identification card,” as those terms are defined in California [Health and Safety Code](#) section 11362.7 so long as it is located at the residence of the qualified patient or person with an identification card.

#### **17.243.020 Prohibitions.**

A. Commercial Marijuana Activity and Commercial Intoxicating Hemp Activity. Commercial marijuana activity and commercial intoxicating hemp activity ~~is~~ are expressly prohibited in all zones in the City of El Cajon. No person shall establish, operate, maintain, conduct, or allow commercial marijuana activity or commercial intoxicating hemp activity anywhere within the City. In addition, this subsection is meant to prohibit all activities for which a State license may



be required pursuant to the AUMA or the ~~MCRSA~~MAUCRSA. Accordingly, the City shall not issue any permit, license, or other entitlement for any activity for which a State license is required under the AUMA or the ~~MCRSA~~MAUCRSA.

B. Property Owners. A property owner shall not rent, lease, or otherwise permit any business that engages in commercial marijuana activity or commercial intoxicating hemp activity to occupy real property in the City. A property owner shall not allow any person or business to establish, operate, maintain, conduct, or engage in commercial marijuana activity or commercial intoxicating hemp activity on any real property owned or controlled by that property owner that is located in the City.

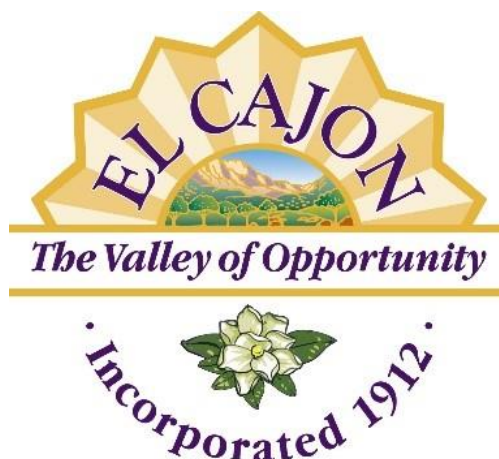
C. Deliveries. To the extent not already prohibited by subsection A of this section and Chapter [9.47](#) of this Municipal Code, delivery of marijuana, ~~or~~ marijuana products, intoxicating hemp, or intoxicating hemp products to or from the City of El Cajon is expressly prohibited. No person shall conduct or perform any delivery of marijuana, ~~or~~ marijuana products, intoxicating hemp, or intoxicating hemp products where the delivery either originates or terminates within the City.

D. Outdoor Cultivation. To the extent not already prohibited by subsection A, outdoor marijuana cultivation is expressly prohibited in all zones and all specific plan areas of the City of El Cajon.

**Zoning Code Update  
Summary of Changes**

<b>Chapter - Title</b>	<b>Chapter - Section</b>	<b>Revisions</b>
<b>Economic Development</b>		
Recycling Center	17.145.150	Allow cardboard and e-waste recycling in commercial zones with the approval of a conditional use permit
Intoxicating Hemp	17.243	Clarify a prohibition for intoxicating hemp to align with existing marijuana prohibitions
<b>Housing</b>		
Definitions	17.105.020	Combine the definition of two-family dwelling with multi-family dwelling to align with State law definitions related to accessory dwelling units  Regulate dance studios in the same manner as martial arts studios.
Porches	17.130.110	Allow covered porches to encroach into front and side yards up to six feet
Design Guidelines	17.140.170	Only require 20% transparency on building elevations that are visible from the street
Accessory Dwelling Units	17.140.180	Clarify that covered porches and accessory spaces are included in the maximum area, while continuing to allow a two car garage to be attached to an ADU
Moveable Tiny Homes	17.140.230	All moveable tiny homes as accessory dwelling units subject to design standards and utility connections
Density Bonus	17.220.010	As required by the General Plan Housing Element implementation plan, allow certain density bonus projects by-right.
<b>Miscellaneous</b>		
Pool covers	17.130.230	Require pool covers for energy conservation purposes as describes in the adopted Sustainability Initiative
Parking Lot Landscaping	17.195.100	Clarify that parking lot landscaping is required to include shade trees

Family Day Care	17.225.030	Allow large family day care homes by right in accordance with State law
Temporary Shade Structures	17.225.160	Expand opportunities for temporary shade structures in front and side yards when no other feasible option exists
Pool Covers	17.212.070	Add standards for training and monthly reporting
Temporary Shade Structures	17.212.090	Improve procedures related to the violation of performance standards and add additional criminal or nuisance activities.
Fencing	17.130.170	Expand options for fencing greater than 42 inches in height in front and street side yards to include metal and wire mesh fencing, subject to design criteria and excluding chainlink and other malleable metal fences



## NOTICE OF PROPOSED ZONING CODE OMNIBUS UPDATE

NOTICE IS HEREBY GIVEN that the El Cajon Planning Commission will hold a public hearing at **7:00 p.m., Tuesday, April 2, 2024** and the City Council will hold a public hearing at **3:00 p.m., Tuesday, May 14, 2024**, at the City Council Chambers, 200 Civic Center Way, El Cajon, CA, to consider:

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

The public is invited to attend and participate in these public hearings. The agenda report for this project will be available 72 hours prior to the Planning Commission and City Council meetings 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 "ZCA-2024-0001" in the subject line.

PLANNING COMMISSION RESOLUTION NO. 11123

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

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

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

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

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

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

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

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

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

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Planning Commission Resolution No. 11123

PASSED AND ADOPTED by the El Cajon Planning Commission at a regular meeting held November 21, 2023, by the following vote:

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



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Darrin MROZ, Chair

ATTEST:



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Noah ALVEY, Secretary



City of El Cajon

Community Development Department  
**PLANNING COMMISSION AGENDA REPORT**

<b>Agenda Item:</b>	<b>3</b>	
<b>Project Name:</b>	<b>2023 Housing Bills Update</b>	
<b>Request:</b>	<b>Informational Only</b>	
<b>CEQA Recommendation:</b>	<b>Exempt</b>	
<b>STAFF RECOMMENDATION:</b>	<b>Accept Report</b>	
<b>Project Number(s):</b>	N/A	
<b>Location:</b>	N/A	
<b>Applicant:</b>	N/A	
<b>Project Planner:</b>	Anthony Shute, Director of Community Development	
<b>City Council Hearing Required?</b>	No	
<b>Recommended Actions:</b>	1. None.	

**PROJECT DESCRIPTION**

The purpose of this presentation is to inform the Planning Commission and the public regarding recent developments in land use law that affect how the City plans for, reviews, and acts on new housing development applications.

**BACKGROUND**

Over the past several years, the California State Legislature has adopted numerous bills intended to address California’s housing shortage by limiting local government discretion over housing development projects in an effort to increase housing supply. In 2023, this trend continued in Sacramento. Over the course of the year, members of the Legislature introduced numerous bills related to planning and land use that would affect the Planning Commission’s and staff’s work. Of these bills, many of the highest profile proposals were passed by both houses and signed into law by the Governor.

Several prominent bills were chaptered and take effect in 2024, such as: SB 423 (Wiener), which extends and strengthens SB 35; SB 4 (Wiener), which provides for ministerial approval of affordable housing on lands owned by education and religious institutions; AB 1633 (Ting), which dictates that certain California Environmental Quality Act (“CEQA”) violations also constitute Housing Accountability Act (“HAA”) violations; and AB 1287 (Alvarez), which expands density bonus for very low and moderate-income units if a developer includes the maximum amount of very low, lower, and moderate-income units.

Several new CEQA bills were also enacted, including AB 1307 (Wicks), SB 69 (Cortese), AB 356 (Mathis), SB 91 (Umberg), SB 406 (Cortese), and AB 1449 (Alvarez). In addition,



the Legislature enacted several bills refining accessory dwelling unit (“ADU”) law and density bonus law. A staff presentation accompanying this report will include a PowerPoint that reviews each of these bills.

### *Laws Effective 2023*

#### Accessory Dwelling Units (ADUs) - Assembly Bill (AB) 2221 and Senate Bill (SB) 897

The Legislature adopted two key ADU bills in 2022: AB 2221 and SB 897. These bills took effect on January 1, 2023, and require the City to allow a minimum of at least an 800 square foot accessory dwelling unit anywhere on a single-family property, which may include the front yard area. Height limits are up to 25 feet in some cases, and ADUs must be allowed on proposed multi-family developments.

#### State Density Bonus Law - AB 682, AB 2334, and AB 1551

The State Density Bonus Law allows developers to qualify for bonus units, reduced parking standards, and other development standard modifications (known as incentives/concessions and waivers) in exchange for affordable housing, senior housing, or other special housing types. In 2022, three bills (AB 682, AB 2334, and AB 1551) modified the State Density Bonus Law to allow shared housing buildings to qualify for a density bonus and to allow the City to award a commercial density bonus to qualifying projects. The bills also allow for additional bonuses to be awarded in defined “low vehicle-miles-traveled (VMT) areas” that are urbanized and have a low rate of vehicle miles traveled.

#### Post-entitlement phase permit - AB 2234

Developers and property owners require a number of approvals from the City after entitlements are approved to construct a project. Accordingly, AB 2234 defines a new class of “post-entitlement phase permits” including building permits, demolition permits, and minor permits for off-site work. The law now requires the City to determine whether a post-entitlement phase permit application is complete within 15 days of receiving the application, and requires application review to be completed within 30 days for projects of 25 units or fewer, or 60 days for projects with 26 units or more. Finally, the law requires that jurisdictions have an online permit system where applicants can apply for such permits. Failure to comply with these deadlines is deemed to be a violation of the Housing Accountability Act. Furthermore, local jurisdictions must make the requirements for any post-entitlement phase permit for majority residential projects available on their websites, including required submission materials and examples of complete plan sets for at least five types of housing projects.

#### Residential projects in commercial zoned parcels - AB 2011 and SB 6

AB 2011 and SB 6 allow residential development on a streamlined basis in areas zoned for commercial development. AB 2011 creates two new streamlined processes: one for 100% affordable projects and one for mixed-income projects. Both processes include additional eligibility criteria and require ministerial review, which means that California Environmental Quality Act will not apply. SB 6 does not create a new development



review process, but it enables residential projects to qualify for SB 35 on commercially-zoned parcels. Projects that use either AB 2011 or SB 6 will also be subject to defined labor standards.

#### Parking requirements near public transit - AB 2097

AB 2097 eliminates most minimum parking requirements near public transit stations. Specifically, if a development project is proposed within ½ mile of rail or bus rapid transit stations, ferry terminals served by bus or rail transit, intersecting bus routes with 15-minute peak headway times, and planned major transit stops included in the regional transportation plan, then it is exempt from minimum parking requirements.

#### **DISCUSSION**

##### SB 423

SB 35 provides a CEQA-exempt, time-limited ministerial approval process (90-180 days, depending upon whether the project has more or less than 150 units), for residential and mixed-use projects in the majority of California jurisdictions that are not making sufficient progress toward the regional need for housing. To qualify for this ministerial process, projects must comply with a locality's "objective" standards, meet a long list of qualifying criteria designed to capture "infill" sites, commit to paying "prevailing wage" (typically union) rates for construction labor, and meet significant affordable requirements (either 10 percent, 20 percent or 50 percent of units at Below Market Rate (BMR) rents, depending upon a project's location and the local jurisdiction's progress toward meeting its Regional Housing Needs Allocation (RHNA)).

##### SB 4

SB 4 provides ministerial streamlining for affordable housing projects on educational and religious institution owned lands meeting certain criteria. Only streamlined, ministerial design review is allowed. Generally, 100% of the units must be affordable to lower income households, exclusive of manager units, but up to 20% of the units may be affordable to moderate-income households and up to 5% of the units may be for staff of the institution that owns the land. Ancillary uses are authorized on the ground floor of the development. SB 4 projects must provide off-street parking of up to one space per unit, unless a state law or local ordinance provides for a lower standard of parking.

##### SB 684

SB 684 requires ministerial approval of a parcel map or a tentative and final map for a housing development project that consists of 10 or fewer single-family residential units. The project must meet certain minimum parcel size and density requirements and be located on a lot substantially surrounded by qualified urban uses that is zoned for multifamily residential development and be no larger than five acres. There is a 600-square foot minimum parcel size. A local government must also approve, on a ministerial basis, an application for a housing development project of up to 10 units on a lot subdivided by this law, unless the project would have an adverse impact on health and safety. The law is notable for being one of few that provide a streamlined, CEQA-

exempt approval process for housing without requiring developers to commit to specified labor standards or BMR housing requirements.

### CEQA

Several bills adopted in 2023 address CEQA, including AB 1449 (exemption for 100% affordable housing), AB 356 (waives consideration of aesthetic effects for derelict building projects), SB 91 (eliminates sunset on hotel conversion exemption), SB 406 (exemption for providing low- and moderate-income housing assistance), and AB 1307 (noise generated by project occupants is not a significant effect on the environment).

### Density Bonus

The State Density Bonus Law allows developers to qualify for bonus units, reduced parking standards, and other development standard modifications (known as incentives/concessions and waivers) in exchange for affordable housing, senior housing, or other special housing types. In 2023, three bills (AB 323, SB 713, and AB 1287) modified the State Density Bonus Law. AB 323 limits the ability of developers to sell deed-restricted units intended for owner-occupancy to purchasers that would rent the unit unless there are no qualified owner-occupant buyers. SB 713 clarifies that “development standards” means those standards adopted by the local government or enacted by the local government's electorate exercising its local initiative or referendum power. AB 1287 expands density bonus for very low and/or moderate-income if a developer includes the maximum amount of lower, very low and moderate-income units, and clarifies that base density for a development requesting a density bonus is the greatest allowable density in the zoning ordinance, specific plan, or the land use element of the general plan.

### ADUs

The Legislature also passed several bills relating to accessory dwelling units (“ADUs”), including AB 671, AB 932, AB 976, AB 1033, and AB 1332. Among other things, these bills make permanent an existing state law that prohibits cities and counties from adopting ordinances imposing owner-occupancy requirements on ADUs, clarify that cities and counties may require ADUs be rented for 30 days or longer. Authorizes local agencies to allow ADUs to be separately sold or conveyed from the primary residence as condominiums, and require local agencies to develop a program for the preapproval of accessory dwelling unit plans.

### Miscellaneous

Other miscellaneous bills passed by the Legislature in 2023 include AB 1218 (expansion of SB 330 replacement housing), AB 821 (zoning consistency), AB 1490 (ministerial streamlining for adaptive reuse affordable housing projects), AB 516 (additional Mitigation Fee Act reporting requirements), AB 965 (batch permit processing for broadband projects), AB 1317 (unbundled parking for certain multi-family properties), AB 1308 (prohibits parking requirements for single family renovations), and AB 894 (shared parking agreements).

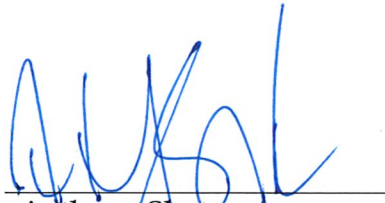
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

This is an informational item for the Planning Commission. Therefore, it is exempt from the California Environmental Quality Act (“CEQA”) because it is not a “project” under section 15378(b)(5) of the State CEQA Guidelines. It is an organizational or administrative activity of government that will not result in a direct or indirect physical change in the environment.

**RECOMMENDATION**

Staff recommends that the Planning Commission accepts the report of a summary of recent legislation.

**PREPARED BY:**



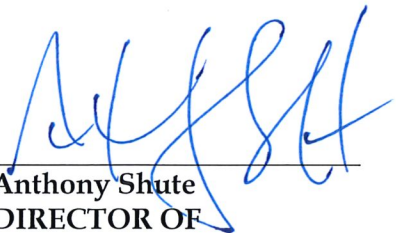
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