



City of Lemon Grove
City Council Regular Meeting Agenda
Tuesday, December 18, 2018, 6:00 p.m.

Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA

The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency

Call to Order

Pledge of Allegiance: Presentation of Colors and Pledge to be led by Boy Scout Troop #108.

Changes to the Agenda:

Item 2 to be heard out of order.

2. Declaring the Results of the November 6, 2018, General Municipal Election Certified Results, and Induction and Administration of Oath of Office.

Reference: Shelley Chapel, City Clerk

Recommendation: *Adopt a Resolution entitled, "A Resolution of the City of Lemon Grove, California, Recognition the Fact of the General Municipal Election Conducted on November 6, 2018, and Declaring the Results," and Authorizing the City Clerk to Induct the re-elected City Councilmembers into Office by reciting the Oath of Office.*

Induction and Administration of Oath of Office of re-elected City Councilmembers to be carried out by City Clerk Shelley Chapel.

Presentation:

Mayor to Present Certificates of Appreciation to Boy Scout Troop 108.

Mayor to Present Certificates of Appreciation to Miss Lemon Grove and her court.

Reception: A brief reception to celebrate the induction of re-elected Councilmember Jennifer L. Mendoza and Councilmember Jerry Jones.

Public Comment:

(Note: In accordance with State Law, the general public may bring forward an item not scheduled on the agenda; however, the City Council may not take any action at this meeting. If appropriate, the item will be referred to staff or placed on a future agenda.)

1. Consent Calendar:

(Note: The items listed on the Consent Calendar will be enacted in one motion unless removed from the Consent Calendar by Council, staff, or the public.)

- A. Waive Full Text Reading of All Ordinances on the Agenda

Reference: James Lough, City Attorney

Recommendation: Waive the full text reading of all ordinances included in this agenda; Ordinances shall be introduced and adopted by title only.

B. City of Lemon Grove Payment Demands

Reference: Molly Brennan, Finance Director
Recommendation: Ratify Demands

C. Approval of Meeting Minutes

Regular Meeting
December 4, 2018

Reference: Shelley Chapel, City Clerk
Recommendation: Approve Minutes

D. Mayor Pro Tem Rotation

Reference: Lydia Romero, City Manager
Recommendation: Adopt a Resolution entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Confirming the Rotation of Councilmember David Arambula to Serve as the Mayor Pro Tem for the Period of December 18, 2018 through December 17, 2019, and Establishing the Mayor Pro Tem Rotation Schedule for the Subsequent Two Years."

E. Approval of the Local Appointments List Update for 2019

Reference: Shelley Chapel, City Clerk
Recommendation: Approve the Local Appointments List for 2019, and authorize the City Clerk to post the list at City Hall and on the City website, in compliance with Government Code 54972.

F. Appointment of City Councilmembers to Committees, Commissions and Boards.

Reference: Racquel Vasquez, Mayor
Recommendation: Ratify City Council Appointments for 2019 as recommended by Mayor Vasquez.

G. Approval of Final map for Tentative Map TM0061 located at 6800 Mallard Court

Reference: Mike James, Assistant City Manager / Public Works Director
Recommendation: Adopt a Resolution entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving a Final Map for Tentative Map TM0061," and authorize the City Clerk to accept the easements and on the Final Map.

H. Approval of the Authorization of Application Submittal for the CalRecycle Beverage Container Recycling City/County Payment Program.

Reference: Paolo Romero, Code Enforcement Officer
Recommendation: Adopt a Resolution entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving the Authorization of Application Submittal for the CalRecycle Beverage Container Recycling City/County Payment Program," and direct staff to submit the application to CalRecycle for any and all payment programs offered."

Public Hearing:

3. Policy Review Ordinance No. 2018-450, a request to consider Zoning Amendment ZA1-800-0002 Separation Findings for Discretionary Permit.

The City Council will consider a resolution amending Section 17.28.020 (Application Procedures) of the Lemon Grove Municipal Code to Create a New Process to Allow for Early Separation Findings for Land Uses with Separation Requirements.

Reference: Mike Viglione, Associate Planner

Recommendation: *Conduct the Public Hearing and Introduce Ordinance No. 2018-450.*

Reports to Council:

4. License Agreement for Wireless Installation on Public Structures

The City Council will adopt resolution authorizing a license agreement for wireless installation on public structures with New Cingular Wireless PCS, LLC.

Reference: Mike James, Assistant City Manager / Public Works Director

Recommendation: *Adopt a Resolution entitled, "Resolution of the City Council of the City of Lemon Grove, California, Approving a License Agreement for New Cingular Wireless PCS, LLC DBA AT&T Mobility for Wireless Installation on Public Structures.*

5. Ordinance No. 449, Adding Chapter 8.70 of the Lemon Grove Municipal Code Establishing the Tobacco Retailer License.

The City Council will conduct the second reading, by title only, and adopt Ordinance No. 449 adding Chapter 8.70 to the Lemon Grove Municipal Code.

Reference: Lydia Romero City Manager

Recommendation: *Conduct Second Reading, by Title Only, and Adopt Ordinance No. 449 adding Chapter 8.70 to the Lemon Grove Municipal Code.*

City Council Oral Comments and Reports on Meetings Attended at the Expense of the City.

(GC 53232.3 (d)) (53232.3.(d) states that members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.)

City Manager and Department Director Reports: (Non-Action Items)

Adjournment

In compliance with the Americans with Disabilities Act (ADA), the City of Lemon Grove will provide special accommodations for persons who require assistance to access, attend and/or participate in meetings of the City Council. If you require such assistance, please contact the City Clerk at (619) 825-3800 or email schapel@lemongrove.ca.gov. A full agenda packet is available for public review at City Hall.

AFFIDAVIT OF NOTIFICATION AND POSTING

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS
CITY OF LEMON GROVE)

I, Shelley Chapel, MMC, City Clerk of the City of Lemon Grove, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the City Council of the City of Lemon Grove, California, was delivered and/or notice by email not less than 72 hours before the hour of 5:30 p.m. on December 13, 2018, to the members of the governing agency, and caused the agenda to be posted on the City's website at www.lemongrove.ca.gov and at Lemon Grove City Hall, 3232 Main Street Lemon Grove, CA 91945.

/s/: Shelley Chapel

Shelley Chapel, MMC, City Clerk



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.A

Meeting Date: December 18, 2018

Submitted to: Honorable Mayor and Members of the City Council

Department: **City Manager's** Office

Staff Contact: James Lough, City Attorney

Item Title: Waive the Full Text Reading of all Ordinances

Summary: Waive the full text reading of all ordinances included in this agenda. Ordinances shall be introduced and adopted by title only.

Environmental Review:

Not subject to review

Negative Declaration

Categorical Exemption, Section [

] Mitigated Negative Declaration

Fiscal Impact: None.

Public Notification: None.



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.B

Meeting Date: December 18, 2018

Submitted to: Honorable Mayor and Members of the City Council

Department: City Manager's Office

Staff Contact: Molly Brennan, Finance Manager

<mailto:MBrennan@lemongrove.ca.gov>

Item Title: City of Lemon Grove Payment Demands

Recommended Action: Ratify Demands.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Fiscal Impact: None.

Public Notification: None.

City of Lemon Grove Demands Summary

Approved as Submitted:

Molly Brennan, Finance Manager

For Council Meeting: 12/18/18

ACH/AP Checks 11/27/18-12/05/18 952,265.96

Payroll - 12/04/18 193,419.61

Total Demands 1,145,685.57

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	Nov20 18	US Treasury	11/27/2018	Federal Taxes 11/20/18	24,661.42	24,661.42
ACH	Refill 11/27/18	Pitney Bowes Global Financial Services LLC	11/28/2018	Postage Usage 11/27/18	250.00	250.00
ACH	Nov7-Nov20 18	Calpers Supplemental Income 457 Plan	11/28/2018	457 Plan 11/7/18-11/20/18	5,523.53	5,523.53
ACH	Refill 11/28/18	Pitney Bowes Global Financial Services LLC	11/29/2018	Postage Usage 11/28/18	250.00	250.00
ACH	1000240115	City of San Diego	11/29/2018	Metro Sewer System FY19-QTR 2 - 10/1/18-12/31/18	730,471.00	730,471.00
ACH	Nov18	Wage Works	11/30/2018	FSA Reimbursement - Nov'18	1,203.83	1,203.83
ACH	Refill 11/29/18	Pitney Bowes Global Financial Services LLC	12/03/2018	Postage Usage 11/29/18	250.00	250.00
ACH	Nov18	Power Pay Biz/Evo	12/03/2018	Online Credit Card Processing - Nov'18	72.65	72.65
ACH	Dec 2018	Pers Health	12/04/2018	Pers Health Insurance - Dec '18	52,003.46	52,003.46
ACH	Nov18	Authorize.Net	12/04/2018	Merchant Fees - Nov'18	20.35	20.35
ACH	8910410	LEAF	12/05/2018	Ricoh C3502 Copier System-PW Yard - Nov'18	160.51	160.51
10529	AP282119	A-1 Party Rentals	11/28/2018	Bonfire-Rental Equip-Stage/Steps/Dance Floor 12/7/18	694.57	694.57
10530	C7523	A-Pot Rentals, Inc.	11/28/2018	Portable Restroom Rental - Bonfire - 12/7/18-12/10/18	389.80	389.80
10531	120118	American General Life Insurance Company	11/28/2018	Life Insurance - L Romero	232.18	232.18
10532	900746-9 906321-9	BJ's Rentals	11/28/2018	9 Light Tower Rental - Holiday Bonfire 12/7/18 Boom Knuckle Rental - Holiday Banners/Decor 11/26/18	1,617.75 329.31	1,947.06
10533	Dec 7 18	Burke, Patrick J	11/28/2018	Bonfire - The Grovecats Band 5-8 pm 12/7/18	850.00	850.00
10534	CMS AN LLC	C M S AN LLC	11/28/2018	Refund/C M S AN LLC/Sewer Fees Charged in Error-7/15-6/18	1,691.32	1,691.32
10535	Dec 7 18	Cali Venture Party Rentals	11/28/2018	Bonfire - Laser Tag 3-8 pm 12/7/18	475.00	475.00
10536	19408959	Canon Financial Services Inc.	11/28/2018	Canon Plotter Contract Charge 11/21/18-12/20/18	144.00	144.00
10537	4012658556	Cintas Corporation #694	11/28/2018	Janitorial Supplies - Fire- 11/22/18	466.48	466.48
10538	20503 20503 20503 20503 20503 20503 20504	City of La Mesa	11/28/2018	Overtime Reimbursement - Runkle 9/25/18 Overtime Reimbursement - Sergeant 9/27/18 Overtime Reimbursement - DeLeon 10/6/18 Overtime Reimbursement - Tasco 10/6/18 Overtime Reimbursement - Harris 10/6/18 Overtime Reimbursement - Deitz 10/8/18 Overtime Reimbursement - Garcia 10/30/18	1,257.14 78.57 997.20 1,154.35 1,344.18 456.93 1,099.21	6,387.58
10539	Dec 7 18	Climb-It	11/28/2018	Bonfire- Rock Climbing Wall 3-8 pm 12/7/18	825.00	825.00
10540	81925836	Corelogic Solutions, LLC.	11/28/2018	Image Requests - Oct'18	5.50	5.50
10541	201800948	County of San Diego/Assessor/Recorder	11/28/2018	Recording Services- 10/18/18	193.00	193.00
10542	15042	Custom Auto Wrap Inc.	11/28/2018	Bonfire Banner - Update Sponsor Banner	306.51	306.51
10543	11/5-8/18	Esgil Corporation	11/28/2018	75% Building Fees- 11/5/18-11/8/18	3,162.84	3,162.84
10544	26415	Excell Security, Inc.	11/28/2018	Senior Center Security Guard - 11/10/18	139.72	139.72
10545	109874652	Globalstar USA, Inc.	11/28/2018	Satellite Service 10/16/18-11/15/18	171.94	171.94
10546	00057640 00057732 00057929	Hudson Safe-T- Lite Rentals	11/28/2018	Sleeves for Posts - Street ID Signs 2 5-Gallon Red Traffic Paint - Hilltop Curb Caps for Posts - Street ID Signs	75.78 214.34 324.75	614.87
10547	11174	Infrastructure Engineering Corporation	11/28/2018	Prof Svc: LGA Realignment 9/29/18-10/26/18	14,455.88	14,455.88

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
10548	1853	Julie's Party People	11/28/2018	Bonfire - Face Painting & Balloon Art 3-8 pm 12/7/18	750.00	750.00
10549	18-114	Lemon Grove Historical Society	11/28/2018	Holiday Decor & Lighting- Lee House/Parsonage - Bonfire 12/7/18	150.00	150.00
10550	Oct 18 Oct 18 Oct 18 Oct 18 Oct 18 Oct 18 Oct 18	Lounsbery Ferguson Altona & Peak LLP	11/28/2018	General 01163-00002 - Oct '18 Code Enforcement 01163-00003 - Oct '18 Sanitation Dist 01163-00036 - Oct '18 01163-00028 - Oct '18 01163-00037 - Oct '18 01163-00040 - Oct '18 01163-00041 - Oct '18 01163-00043 - Oct '18	14,691.00 232.87 498.00 1,181.30 101.88 83.00 481.40 1,062.40	18,331.85
10551	IN1268919	Municipal Emergency Services Inc.	11/28/2018	SCBA Flow Tests	1,050.00	1,050.00
10552	Dec 7 18	Pinata World Party Rentals	11/28/2018	** VOID **	0.00	0.00
10553	Nov-18 Dec-18	PLIC- SBD Grand Island	11/28/2018	Dental Insurance -Nov18 Dental Insurance -Dec18	4,169.63 4,236.92	8,406.55
10554	Sanchez	Sanchez, Anita	11/28/2018	Refund/Sanchez, Anita/Deposit - LBH- 11/17/18	200.00	200.00
10555	11/20/2018 11/20/2018	SDG&E	11/28/2018	3225 Olive- 10/18/18-11/18/18 3500 1/2 Main- 10/18/18-11/18/18	119.17 224.15	343.32
10556	Crockett	Shera Crockett, Inc.	11/28/2018	Refund/Shera Crockett/Deposit- Eng/Grading/Inspctn 8501 Ildica	6,089.90	6,089.90
10557	12566	Sioux Corporation	11/28/2018	Bonfire - Horse Carriage Wagon Rides 5-8pm 12/7/18	850.00	850.00
10558	491918	South Coast Emergency Vehicle Services	11/28/2018	E10 Replace Engine Oil Dipstick	277.92	277.92
10559	Dec-18	Standard Insurance Company	11/28/2018	Long Term Disability Insurance - Dec18	1,489.41	1,489.41
10560	Toscano	Toscano, Sergio & Karla	11/28/2018	Refund/Toscano, Sergio & Karla/Deposit - CC- 11/10/18	300.00	300.00
10561	9818297064	Verizon Wireless	11/28/2018	City Phone Charges- 10/13/18-11/12/18	200.03	200.03
10562	39336	A Aaron Lock & Key	12/05/2018	Lock/Rekey - Restroom - HOPE Inc.	447.28	447.28
10563	L1072895SL	American Messaging	12/05/2018	Pager Replacement Program 12/1/18-12/31/18	43.04	43.04
10564	36677	Anita Fire Hose Company Etc.	12/05/2018	Fire Hose Maintenance & Parts	61.95	61.95
10565	77036- Dec 18	Anthem Blue Cross EAP	12/05/2018	Employee Assistance Program - Dec 18	114.40	114.40
10566	11/12/2018 11/22/2018	AT&T	12/05/2018	Phone Service 10/13/18-11/12/108 Backup City Hall Internet- 10/23/18-11/22/15	82.72 80.00	162.72
10567	20181117	Berk, Chris	12/05/2018	Bonfire - Photo Booth 3-8 pm 12/7/18	1,000.00	1,000.00
10568	904541-9 907726-9	BJ's Rentals	12/05/2018	Propane Propane	7.17 6.86	14.03
10569	21711	California Diesel Compliance, Inc.	12/05/2018	Smoke Opacity Test - E210/E310/LGPW #29 Smoke Opacity Test - LGPW #24/LGPW #32 GapVax	270.00 180.00	450.00
10570	12/4/18	California State Disbursement Unit	12/05/2018	Wage Withholding Pay Period Ending 12/4/18	161.53	161.53
10571	19456057	Canon Financial Services Inc.	12/05/2018	Canon Copier Contract Charge 12/1/18	642.60	642.60
10572	4027684296	Canon Solutions America, Inc.	12/05/2018	Canon Maintenance-Copier Usage 8/27/18-11/26/18	1,047.44	1,047.44
10573	4012658541 4012961197	Cintas Corporation #694	12/05/2018	Janitorial Supplies - 11/22/18 Janitorial Supplies - 11/29/18	778.88 218.66	997.54
10574	FRS0000132	City of El Cajon	12/05/2018	Overtime Reimbursement - Paddock 11/7/18	1,197.49	1,197.49
10575	1000241799	City of San Diego	12/05/2018	Chollas Creek TMDL Phase II- Cost Share FY17/18	29,810.48	29,810.48
10576	1889 1890 1911 1912	Clark Telecom & Electric Inc.	12/05/2018	Street Light Dig Alert Mark Outs - Sep '18 Street Light Repairs - Sep '18 Street Light Dig-Alert Mark Outs - Oct '18 Street Light Repairs - Oct '18	552.50 1,616.50 728.69 542.50	3,440.19
10577	8100	Countywide Mechanical Systems, Inc.	12/05/2018	A/C Repair- Senior Ctr 10/3/18	317.50	317.50
10578	11/6/2018 11/19/2018 11/6/2018 11/9/2018 11/18/2018 11/4/2018	Cox Communications	12/05/2018	Calsense Modem Line:2259 Washington 11/6/18-12/5/18 Phone/PW Yard/2873 Skyline- 11/19/18-12/18/18 Calsense Modem Line:7071 Mt Vernon 11/6/18-12/5/18 Calsense Modem Line:8235 Mt Vernon 11/9/18-12/8/18 Copy Room/City Manager Fax Line- 11/18/18-12/17/18 Phone/Rec Ctr/ 3131 School Ln- 11/4/18-12/3/18	21.11 212.63 20.01 94.39 3.96 97.73	449.83

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
10579	4363 4394 4470 4661 4662 4663 4664	D- Max Engineering Inc.	12/05/2018	8230 Golden Ave Doc Review 6/1/18-6/30/18 Northside Commons Doc Review 7/1/18-7/31/18 8055 Golden Ave Plan Review 8/1/18-8/31/18 1993 Dain Dr Doc Review 8/1/18-8/31/18 1993 Dain Dr Doc Review 9/1/18-9/30/18 1993 Dain Dr Doc Review 10/1/18-10/31/18 6800 Mallard Ct Stormwater Inspections 10/1/18-10/31/18	390.00 360.00 312.50 214.09 241.15 190.11 325.00	2,032.85
10580	0076163-IN	Doggie Walk Bags Inc.	12/05/2018	4,270 Doggie Walk Dispenser Bags w/Pouch	1,122.24	1,122.24
10581	1127182305	Domestic Linen- California Inc.	12/05/2018	Shop Towels & Safety Mats 11/27/18	82.10	82.10
10582	EC Constructors	EC Constructors, Inc.	12/05/2018	Refund/EC Constructors Inc/Business License 10/24/18	47.25	47.25
10583	1187	Ensemble Solutions Group	12/05/2018	E210 Cradlepoint 3G/4G Multiband Router w/WiFi/5in1 Antenna	1,517.30	1,517.30
10584	11/12-15/18	Esgil Corporation	12/05/2018	75% Building Fees- 11/12/18-11/15/18	6,843.30	6,843.30
10585	11/28/2018 11/29/2018	G & G Backflow Plumbing Service	12/05/2018	Backflow Assembly - Repaired #4 & Tested Backflow Backflow Assembly - Repaired #2 & Tested Backflow	155.09 155.09	310.18
10586	Dec 7 18	Gonzalez, Marcos	12/05/2018	Bonfire - Tables/Chairs/Bounce House/Canopy Rental 12/7/18	840.00	840.00
10587	00057729	Hudson Safe-T- Lite Rentals	12/05/2018	Mo. Rntl - Water Wall Dividers/LGA Realignment 10/12/18-11/7/18	2,192.00	2,192.00
10588	Dec4 18	ICMA	12/05/2018	ICMA Deferred Compensation Pay Period Ending 12/4/18	580.77	580.77
10589	1514	Janazz, LLC SD	12/05/2018	IT Services- City Hall- Nov'18	2,599.00	2,599.00
10590	130973	Knott's Pest Control, Inc.	12/05/2018	On Call Pest Control- Fire Stn - Nov18	95.00	95.00
10591	Reimb- 11/20/18	Macias, Vivian	12/05/2018	Reimb: Notary Renewal/Recording Fee & Filing Fee/Macias	56.00	56.00
10592	Metro Fire & Sa	Metro Fire & Safety, Inc.	12/05/2018	Refund/Metro Fire & Safety Inc/Fire Plan Review Fees 11/6/18	236.00	236.00
10593	INV026254	RapidScale Inc.	12/05/2018	Virtual Hosting 11/30/18	3,370.78	3,370.78
10594	3601 1/2LGA11/2	SDG&E	12/05/2018	3601 1/2 LGA- Gas & Electric 10/18/18-11/18/18	33.21	33.21
10595	88054157	SiteOne Landscape Supply, LLC	12/05/2018	Herbicide/Roundup/Lesco Tracker	137.64	137.64
10596	18835	SOCAL Gamez LLC	12/05/2018	Bonfire - Game Truck 3-8 pm 12/7/18	725.00	725.00
10597	SW-0157943	State Water Resources Control Board	12/05/2018	Annual Permit Fee- LGA Realignment 7/1/18-6/30/19	820.00	820.00
10598	Nov2018	Sun Life Financial	12/05/2018	Life Insurance - Nov18	109.71	109.71
10599	Swinerton	Swinerton Builders	12/05/2018	Refund/Swinerton Builders/Business License 10/24/18	15.75	15.75
10600	1120180378	Underground Service Alert of Southern Ca.	12/05/2018	45 New Ticket Charges - Nov'18	84.25	84.25
10601	9818297639 9818746406 9818297065	Verizon Wireless	12/05/2018	Mobile Broadband Access- 10/13/18-11/12/18 Fire Prev Phone Line/EOC Router/Tablets-10/21/18-11/20/18 PW Tablets- 10/13/18-11/12/18	76.02 475.27 188.78	740.07
10602	72024381 72037006	Vulcan Materials Company	12/05/2018	Asphalt Asphalt	283.71 150.85	434.56
10603	11192018	Hudson Safe-T- Lite Rentals	12/05/2018	Bonfire - 22 Water Walls/Public Safety 12/7/18	424.00	424.00
					952,265.96	952,265.96



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.C

Meeting Date: December 18, 2018

Submitted to: Honorable Mayor and Members of the City Council

Department: **City Manager's Office**

Staff Contact: Shelley Chapel, City Clerk

Schapel@lemongrove.ca.gov

Item Title: Approval of City Council Meeting Minutes

Recommended Action: Approval of City Council Meeting Minutes for Regular Meeting held December 4, 2018.

Environmental Review:

Not subject to review Negative

Declaration

Categorical Exemption, Section

Mitigated Negative Declaration

Fiscal Impact: None.

Public Notification: None.

**MINUTES OF A MEETING OF
THE LEMON GROVE CITY COUNCIL
TUESDAY, DECEMBER 4, 2018**

*The City Council also sits as the Lemon Grove Housing Authority,
Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and
Lemon Grove Successor Agency.*

Call To Order:

Mayor Vasquez called the Regular Meeting to order at 6:01 p.m.

Present: Mayor Racquel Vasquez, Mayor Pro Tem Jerry Jones, Councilmember David Arambula, Councilmember Jennifer Mendoza (*arrived at 6:04*), and Councilmember Matt Mendoza (*arrived at 6:05*).

Absent:

Staff Members Present:

Lydia Romero, City Manager, James Lough, City Attorney, Mike James, Assistant City Manager/Public Works Director, Steven Swaney, Fire Chief, Lieutenant Scott Amos, San Diego County Sheriff's Office - Lemon Grove Substation, , Shelley Chapel, City Clerk, Roberto Hidalgo, Human Resources Manager, and Molly Brennan, Finance Manager.

Pledge of Allegiance:

Pledge of Allegiance to the Flag was led by Mayor Pro Tem Jones.

Public Comments:

Appeared to comment were: John L. Wood and Brenda Hammond.

1. Consent Calendar:

- A. Waive Full Text Reading of All Ordinances on the Agenda.
- B. Ratification of Payment of Demands
- C. City Council Meeting Minutes for the Regular Meeting of November 20, 2018.
- D. Receive and File Planning Commission Meeting Minutes for the Regular Meeting of October 22, 2018.
- F. Adoption of Resolution No. 2018-3623, Adopting the Litigation Hold Policy and Procedure.
- G. Rejection of Claim – Elliott Kanter, Esq. on behalf of Hatsuko Hoss.

Action: Motion by Councilmember Arambula, seconded by Mayor Pro Tem Jones, to approve Consent Calendar Items A-G.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Arambula, J. Mendoza, M. Mendoza Noes: None.

Absent: None.

Reports to Council:

Recognized Obligation Payment Schedule (July 1, 2019 – June 30, 2020) *(Successor Agency Item)*

Mayor Vasquez introduced Molly Brennan, Finance Manager who presented the report. Finance Manager Brennan noted that the County had requested last minute changes to a page of the report and those changes were provided to Council and the public as highlighted in handout. *(Available on City website and City Clerk's Office) No Public Speakers.*

Action: *Adopt Resolution entitled, "A Resolution of the Lemon Grove Successor Agency Board Adopting a Recognized Obligation Payment Schedule for July 1, 2019 through June 30, 2020, Pursuant to California Health and Safety Code Section 34179, Division 24, Part 1.85, and Authorizing Posting and Transmittal Thereof."*

Motion by Mayor Pro Tem Jones, seconded by Councilmember J. Mendoza, to adopt the Resolution No. 2018-02, to include the amended information provided by the County. The motion passed by the following vote:

**Ayes: Vasquez, Jones, Arambula, J. Mendoza, M. Mendoza Noes: None.
Absent: None.**

City Council Oral Comments and Reports on Meetings Attended at the Expense of the City:

Mayor Pro Tem Jones attended the following meetings and events:

- Announced the Amended Wastewater Agreement had been approved by Metro Wastewater.

Mayor Vasquez attended the following meetings and events:

- An event that recognized AB1811 and SB856 HR 6561 the Older Americans Act.

City Manager and Department Director Reports:

- Mike James, Assistant City Manager/Public Works Director announced the City Bonfire Event to take place on Friday, December 7th from 3:00 p.m. to 8:00 p.m.

Closed Session:

1. LIABILITY CLAIM
Government Code Section 54956.95
Claimant: Leticia Oliver
Agency Claimed Against: City of Lemon Grove
2. LIABILITY CLAIM
Government Code Section 54956.95
Claimant: April Flake
Agency Claimed Against: Multiple Defendants including City of Lemon Grove

City Attorney James Lough announced the City Council will be adjourning to closed session at 6:33 p.m. for the purposes above.

City Attorney James Lough reported no reportable action on items discussed in Closed Session.

Adjournment:

There being no further business to come before the Council, the meeting was adjourned at 7:00 p.m. to a meeting to be held Tuesday, December 18, 2018, at 6:00 p.m. in the Lemon Grove Community Center located at 3146 School Lane, for a Regular Meeting.

Shelley Chapel, MMC
City Clerk



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.D.

Meeting Date: December 18, 2018

Submitted to: Honorable Mayor and Members of the City Council

Department: City Manager's Office

Staff Contact: Lydia Romero, City Manager

Item Title: **Mayor Pro Tem Rotation**

Recommended Action: Adopt a Resolution (Attachment B) confirming the rotation of Councilmember David Arambula to serve as Mayor Pro Tem commencing December 18, 2018, through December 17, 2019, and establishing the Mayor Pro Tem rotation schedule for the subsequent two years.

Summary:

City of Lemon Grove Resolution No. 2649 (Attachment C), adopted on July 16, 20016 establishes the policy to determine the rotation of the Mayor Pro Tem position among the City Council. Based on the policy, it is Councilmember David Arambula's turn to rotate into the Mayor Pro Tem position.

The staff report (**Attachment A**) provides an analysis of how Resolution No. 2649 is applied and provides a schedule for the Mayor Pro Tem rotation for the next several years. The Mayor Pro Tem appointment and rotation schedule is presented in a resolution (**Attachment B**) for City Council consideration.

Environmental Review:

- Not subject to review
- Negative Declaration
- Categorical Exemption, Section | |
- Mitigated Negative Declaration

Fiscal Impact: None.

Public Notification: None.

Public Information:

- None
- Newsletter article
- Notice to property owners within 300 ft.
- Notice published in local newspaper
- Neighborhood meeting

Attachments:

Attachment A – Staff Report

Attachment B – Resolution

Attachment C – Resolution 2649

CITY COUNCIL STAFF REPORT

Discussion:

Each year, the City rotates its Mayor Pro Tem designee (Resolution No. 2649, adopted on July 16, 2006, establishes the rotation policy—Attachment C). During election years, Government Code Section 36801 states that following the declaration of election results and the installation of elected officials, the City Council chooses one of its members to serve as Mayor Pro Tem. During non-election years, the Mayor Pro Tem rotation occurs one year following the previous year's rotation.

The City's Mayor Pro Tem rotation policy is based on the three principles outlined below:

The rotation should follow the pattern established from the previous six years, The Mayor Pro Tem should serve for approximately a one-year period, and In the event that two or more Councilmembers have not served as Mayor Pro Tem and have equal tenure in office, the one who received the most votes in the previous election should be placed higher on the rotation list.

The following City Councilmembers have rotated in the Mayor Pro Tem position in the following order for the past six years: George Gastil (2012), Howard Cook (2013), Jerry Jones (2014), Racquel Vasquez (2015), George Gastil (2016), Jennifer Mendoza (2017) and Jerry Jones (2018).

Based on the principles outlined in Resolution No. 2649, the following shows the rotation of Mayor Pro Tem for the next three terms:

December 2018 – December 2019	David Arambula
December 2019 – December 2020	Matt Mendoza
December 2020 – December 2021	Jennifer Mendoza

It is recommended that Councilmember David Arambula be appointed as the Mayor Pro Tem commencing on December 18, 2018 to serve in that position for the next year, followed by Councilmembers M. Mendoza and J. Mendoza.

Conclusion:

Staff recommends that the City Council adopt the resolution (Attachment B) appointing Councilmember David Arambula as the Mayor Pro Tem from the period of December 18, 2018 through December 17, 2019 and confirm the rotation schedule for the subsequent two years.

RESOLUTION NO. 2018-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA CONFIRMING THE ROTATION OF COUNCILMEMBER
DAVID ARAMBULA TO SERVE AS THE MAYOR PRO TEM FOR THE
PERIOD OF DECEMBER 18, 2018 THROUGH DECEMBER 17, 2019 AND
ESTABLISHING THE MAYOR PRO TEM ROTATION SCHEDULE FOR THE
SUBSEQUENT TWO YEARS**

WHEREAS, Lemon Grove Municipal Code Section 2.14.080 establishes the position of Mayor Pro Tem; and

WHEREAS, Resolution 2649, adopted by the City Council on July 16, 2006, established a policy to determine the rotation of the Mayor Pro Tem among Councilmembers; and

WHEREAS, referring to the policy established by Resolution 2649, the City Council determines the rotation of the Mayor Pro Tem by following the rotation pattern established from previous years, considering that the Mayor Pro Tem should serve for approximately a period of one year, and in the event that two or more Councilmembers have not served as Mayor Pro Tem and have equal tenure in office, the one who received the most votes in the previous election should be placed higher on the rotation list; and

WHEREAS, referring to the policy established by Resolution 2649, after a municipal election, the City Council is to appoint its Mayor Pro Tem and confirm the rotation for the subsequent two years by resolution; and

WHEREAS, applying the policy established by Resolution 2649, Councilmember David Arambula would serve as Mayor Pro Tem for the period of December 18, 2018 through December 17, 2019, followed by Councilmember Matt Mendoza then by Councilmember Jennifer Mendoza.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lemon Grove, California hereby:

1. Appoints Councilmember David Arambula as Mayor Pro Tem from December 18, 2018 through December 17, 2019; and

2. Confirms that Councilmember Matt Mendoza to serve as Mayor Pro Tem for a one-year period following Councilmember David Arambula's term; and
3. Confirms that Councilmember Jennifer Mendoza will serve as Mayor Pro Tem for a one-year period following Councilmember Matt Mendoza term.

PASSED AND ADOPTED: On _____, 2018 the City Council of the City of Lemon Grove, California adopted Resolution No. 2018-____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to form:

City Attorney

RESOLUTION NO. 2649

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, TO ESTABLISH THE POLICY FOR THE ROTATION OF
MAYOR PRO TEM**

WHEREAS, Government Code Section 36801 requires that during the City Council meeting at which the declaration of the election results for a General Municipal Election are made and, following the installation of elected officials, choose one of its number as Mayor Pro Tem; and

WHEREAS, if the Mayor is absent or unable to act, the Mayor Pro Tem shall serve until the Mayor returns or is able to act and the Mayor Pro Tem has all of the powers and duties of the mayor; and

WHEREAS, the City Council of the City of Lemon Grove, California, hereby establishes the following policy:

1. After the certification of each municipal election (or regularly scheduled election) and at the seating of a new Mayor Pro Tem, the City Council shall review the Mayor Pro Tem rotation list for the next two years.
2. The Mayor Pro Tem should serve on a rotating basis so that each councilmember serves one (1) year as Mayor Pro Tem during his/her four (4) year term.
3. In the event of an occurrence that creates a disruption in the regular rotation of the Mayor Pro Tem, the Council shall consider the following principals in developing the rotation list:
 - a. The rotation history of the previous six years history,
 - b. The Mayor Pro Tem ideally has served on the Council for a minimum of one year, and
 - c. In the event that more than one Councilmember have not served as Mayor Pro Tem, are equal in length in office, the one that received the most votes in the previous election should be placed higher on the rotation list.
4. The Mayor Pro Tem rotation list for the next two years shall be done by resolution.
5. The Mayor Pro Tem shall be sworn in prior to commencement of office.

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PASSED AND ADOPTED by the City Council of the City of Lemon Grove, California on July 18, 2006 by the following vote:

<u>COUNCILMEMBERS</u>	AYES	NOES	ABSTAIN	ABSENT
Mary Teresa Sessom	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomas Clabby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mary England	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Selby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



MARY TERESA SESSOM, Mayor

Attest:



SUSAN GARCIA, City Clerk

CERTIFICATION OF CITY CLERK

I, Susan Garcia, City Clerk of the City of Lemon Grove, California do hereby certify the foregoing to be a true and exact copy of Resolution No. 2649 duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

SUSAN GARCIA, City Clerk



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.E.

Meeting Date: December 18, 2018

Submitted to: Honorable Mayor and Members of the City Council

Department: **City Manager's Office**

Staff Contact: Shelley Chapel, City Clerk

Schapel@lemongrove.ca.gov

Item Title: Annual Local Appointments List Update

Recommended Action: Approve the Local Appointments List for 2019 and authorize the City Clerk to post the list at City Hall and on the City website, in compliance with Government Code 54972.

Summary:

California Government Code 54970-54974 requires on or before December 31 of each year, each legislative body shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency. This list shall be known as the Local Appointments List.

The Appointments List serves to provide awareness of the opportunities to serve on local regulatory and advisory boards, commissions and committees.

Any unscheduled vacancy that may occur during 2019 will be determined a special vacancy and notice shall be posted at City Hall and the City Website pursuant to Section 54973-54974 of the Government Code not earlier than twenty (20) days before and not later than twenty (20) days after the vacancy occurs. Final appointment to the Board/Commission/Committee shall not be made by the legislative body for at least ten (10) working days after the posting of the notice.

Description:

In compliance with the requirements of Government Code Section 54970, the following Local Appointments List is posted on an annual basis. The List presents all current members of the City Boards/Commissions/Committees and the dates of the terms.

Code Enforcement and Administrative Citation Hearing Officers consists of up to six (6) hearing officers who are appointed by the City Council and are not required to reside in the City. The City Council appoints the members for a term of three (3) years, which term will commence on April 5 and terminate on April 5 three years thereafter. The **City's Code Enforcement Policy authorizes City staff to issue administrative citations for violations of the Lemon Grove Municipal Code, and also provides for appointment of hearing officers to conduct appeal hearings for any citation issued.**

Community Advisory Commission consists of three permanent members who are all residents of the City. The City Council shall appoint additional members that will serve a limited duration to assist permanent members in the study of issues assigned to the Community Advisory Commission by the City Council. Limited duration members shall be residents, business owners and/or property owners within the City of Lemon Grove.

Permanent member's terms are for a period of three (3) years, or until reappointment or appointment of a successor. Ad Hoc Community Advisory Commission Members term end when the issue they are studying is completed and the recommendation is accepted by the City Council.

Meetings are held the Second Tuesday of the Month at the Lemon Grove Community Center.

Planning Commission consists of five (5) members who are all residents of the City. The City Council appoints the members for a term of four (4) years, which term will commence on July 1 and terminate on June 30 four years thereafter.

Meetings are held on the Fourth Monday of the Month at the Lemon Grove Community Center.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section [] Mitigated Negative Declaration

Fiscal Impact: None.

Public Notification: None.

Public Information:

- None Newsletter article Notice to property owners within 300 ft.
 Notice published in local newspaper Neighborhood meeting

Attachments:

Attachment A – Local Appointments List

CITY OF LEMON GROVE LOCAL APPOINTMENTS LIST

In compliance with the requirements of Government Code Section 54970, the following Local Appointments List is posted on an annual basis. The List presents all current members of the City Boards/Commissions/Committees and the dates of the terms.

Code Enforcement and Administrative Citation Hearing Officers

Position	Member	Term	Appointed	Term Expires
Hearing Officer	Franco Del Rosario	3-Years	April 5, 2016	April 5, 2019
Hearing Officer	Katie Dexter	3-Years	April 15, 2016	April 5, 2019
Hearing Officer	Anthony Jemison	3-Years	April 5, 2016	April 5, 2019
Hearing Officer	Animal Control Officer or Designee	n/a	n/a	n/a
Hearing Officer	Stormwater Designee	n/a	n/a	n/a

Community Advisory Commission

Position	Member	Term	Appointed	Term Expires
Chair	Yajahara Preciado	3-Years	June 20, 2017	July 1, 2020
Vice Chair	Angeles Nelson	3-Years	July 17, 2018	July 1, 2021
Member	Tom Clabby	1-Year	July 17, 2018	July 1, 2019
First Alternate	Walter Oliwa	1-Year	July 17, 2018	July 1, 2019
Ad hoc #1	Luis Rodriguez	Limited	Aug 21, 2018	City Council approval
Ad hoc #2	Anna Kimber	Limited	Aug 21, 2018	City Council approval
Ad hoc #3	Carol Weiss	Limited	Aug 21, 2018	City Council approval
Ad hoc #4	Glenn Thornton	Limited	Aug 21, 2018	City Council approval

Planning Commission *

Position	Member	Term	Appointed	Term Expires
Chair	Robert Bailey	4-Years	June 25, 2018	June 2022
Vice-Chair	Stephen Browne	4-Years	June 25, 2018	June 2022
Commissioner	Liana LeBaron	3-Years	June 25, 2018	June 2021
Commissioner	Jessica Relucio	2-Years	June 25, 2018	June 2020
Commissioner	Seth Smith	1-Year	June 25, 2018	June 2019

*Individuals appointed to this Commission is subject to the Fair Political Practices Commission regulations and must file a Statement of Economic Interests.

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.F
Mtg. Date December 18, 2018
Dept. Mayor's Office

Item Title: **Appointment of City Councilmembers to Committees, Commissions and Boards**

Staff Contact: Racquel Vasquez, Mayor

Recommendation:

Ratify the Mayor's City Councilmember assignments to committees, commissions and boards.

Item Summary:

The 2019 Commission, Boards & Committees Mayoral Appointments (**Attachment A**) identifies City Council appointments to various committees, commissions and boards. It is recommended that the City Council accept the appointments to these committees, commissions and boards.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

A. 2019 Commission, Boards & Committees Appointments



Attachment A

**LEMON GROVE CITY COUNCIL
2019 COMMISSIONS, BOARDS & COMMITTEES APPOINTMENTS**

Commission/Board/Committee	Meeting Location/Contact Information	Designated Seats	Council Appointment
<p style="text-align: center;">City/School District Collaboration Committee</p> <p>Quarterly—February, May, August, November 3rd Wednesday @ 7:30am</p>	<p style="text-align: center;">Lemon Grove School District (Board Room) 8025 Lincoln, Lemon Grove, CA 91945 (619) 825-3800</p>	<p style="text-align: center;">Council Seats (2)</p>	<p style="text-align: center;">Vasquez J. Mendoza</p>
<p style="text-align: center;">East County Economic Development Council (ECEDC)</p> <p>3rd Wednesday @ 7:30am</p>	<p style="text-align: center;">ECEDC 1908 Friendship Drive El Cajon, CA 92020 (619) 258-3670</p>	<p style="text-align: center;">Council Seat Alternate</p>	<p style="text-align: center;">Jones M. Mendoza</p>
<p style="text-align: center;">Heartland Communications Facility Authority (HCFA)</p> <p>Quarterly—January, April, July, October 4th Thursday @ 4:00pm <i>(compensation for attendance)</i></p>	<p style="text-align: center;">Ronald Reagan Community Center 195 East Douglas, El Cajon, CA 92020 Valerie Nellis (619) 441-1623 vnellis@sdrecc.org</p>	<p style="text-align: center;">Council Seat Alternate</p>	<p style="text-align: center;">Arambula J. Mendoza</p>
<p style="text-align: center;">Heartland Fire Training Facility Authority (HFTFA)</p> <p>Quarterly—2nd Thursday @ 4:00pm (Fire Chief, Rick Sitta)</p>	<p style="text-align: center;">Heartland Fire Training Facility 1301 N. Marshall, El Cajon, CA 92020 Dave Miller, (619) 441-1693 davem@heartlandfiretraining.org</p>	<p style="text-align: center;">Council Seat Alternate</p>	<p style="text-align: center;">Arambula J. Mendoza</p>
<p style="text-align: center;">Helix Water District Water Representative & liaison HWD sponsorships for Water Education Foundation tours <i>(3/year for 3 persons)</i></p>	<p style="text-align: center;">Sandy Janzan –Board Secretary (619) 466-0585 sandy.janzan@helixwater.org</p>	<p style="text-align: center;">Council Seat Alternate</p>	<p style="text-align: center;">M. Mendoza Arambula</p>
<p style="text-align: center;">League of California Cities Executive Committee Luncheon mtg.</p> <p>Monthly—2nd Monday @ 11:30am <i>(no meeting April, July, October)</i></p>	<p style="text-align: center;">Four Points Sheraton 8110 Aero Drive, San Diego, CA 92123 Catherine Hill, Regional Representative (619) 295-8282</p>	<p style="text-align: center;">Council Seat Alternate</p>	<p style="text-align: center;">J. Mendoza Vasquez</p>
<p style="text-align: center;">League of California Cities Conference Voting Delegate</p>	<p style="text-align: center;">As appointed</p>	<p style="text-align: center;">Council Seat</p>	<p style="text-align: center;">As determined prior to conference</p>

**LEMON GROVE CITY COUNCIL
2019 COMMISSIONS, BOARDS & COMMITTEES APPOINTMENTS**

Commission/Board/Committee	Meeting Location/Contact Information	Designated Seats	Council Appointment
<p style="text-align: center;">Metro Commission / Metro Wastewater JPA</p> <p>Monthly—1st Thursday @ Noon <i>(compensation for attendance)</i></p>	<p style="text-align: center;">MWWD MOC II Auditorium 9192 Topaz Way, San Diego, CA 92123 Lori Peoples (619) 548-2934 lpeoples@ci.chula-vista.ca.us</p>	<p>Council Seat Alternate</p>	<p>Jones Arambula</p>
<p style="text-align: center;">Metropolitan Transit System (MTS)</p> <p>Usually 2nd or 3rd Thurs @ 9:00am <i>(compensation for attendance)</i></p>	<p style="text-align: center;">MTS 1255 Imperial Ave. #1000 San Diego, CA 92101-7490 (10th floor board room) Julia Tuer (619) 557-4515 Julia.tuer@sdmts.com</p>	<p>Council Seat Alternate</p>	<p>Arambula J. Mendoza</p>
<p style="text-align: center;">SANDAG Board of Directors</p> <p>2nd Friday—Policy @ 10:15am 4th Friday—Board @ 9:00am* *dark in August <i>(compensation for attendance)</i></p>	<p style="text-align: center;">SANDAG 401 B Street (7th Floor Board Room) San Diego, CA 92101 Tessa Lero (619) 699-1991 Tessa.Lero@sandag.org</p>	<p>Council Seat Alternate 2nd Alternate</p>	<p>Vasquez J. Mendoza Jones</p>
<p style="text-align: center;">San Diego East County Chamber of Commerce Liaison</p>	<p>////////////////////</p>	<p>Council Seat Alternate</p>	<p>Jones Arambula</p>
<p style="text-align: center;">San Diego Area Wastewater Management District</p> <p>Once Yearly —Announced</p>	<p style="text-align: center;">MWWD MOC II Auditorium 9192 Topaz Way, San Diego, CA 92123 Lori Peoples (619) 548-2934 lpeoples@ci.chula-vista.ca.us</p>	<p>Council Seat</p>	<p>Jones</p>
<p style="text-align: center;">United Way Representative</p>	<p>////////////////////</p>	<p>Council Seat</p>	<p>Mendoza</p>



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.G

Meeting Date: December 18, 2018

Submitted to: Honorable Mayor and Members of the City Council

Department: Public Works

Staff Contact: Mike James, Assistant City Manager/Public Works Director

mjames@lemongrove.ca.gov

Item Title: Approval of Final Map for Tentative Map TM0061 located at
6800 Mallard Court

Recommended Action: Adopt a resolution (Attachment A) approving the Final Map for Tentative Map TM0061 and authorize the City Clerk to accept the easements and on the Final Map

Summary: On April 19, 2016, the Lemon Grove City Council adopted Resolution No. 2016-3406 and 2016-3407 (Attachment B) approving Tentative Map TM0061 which authorized 12 residential lots, one common lot for a private street, and one common open space lot on an undeveloped site, on 1.59 acres of land located at 6800 Mallard Court in Lemon Grove.

Infill Development Company, the owner of said parcel, has satisfied the conditions of approval for the proposed subdivision and requests approval of the Final Map for TM0061. Performance bonds and subdivision agreements are in place to ensure that conditions of approval are met and the project is completed in the manner approved by City Council.

If adopted, the Resolution (Attachment A) will authorize the City Clerk to execute the Final Map and accept the easements.

Discussion:

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section [] Mitigated Negative Declaration

Fiscal Impact:

The City will receive \$2,404 for each new residential unit constructed in accordance with the Regional Transportation Congestion Improvement Program (RTCIP).

Public Notification: None

Attachments:

Attachment A – Resolution

Attachment B – Adopted Resolution No. 2016-3406 and 2016-3407

RESOLUTION NO. 2018-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, APPROVING A FINAL MAP FOR TENTATIVE MAP TM0061

WHEREAS, On April 19, 2016, the Lemon Grove City Council adopted Resolution No. 2016-3406 and 2016-3407 approving Tentative Subdivision Map TM0061, as **meeting the requirements of the City's Subdivision Ordinance and the California Subdivision Map Act**; and

WHEREAS, the Final Map for Tentative Map TM0061 attached hereto as Exhibit 'A' **has been submitted and meets the requirements as set forth in the California Government Code section 66433, et. Seq.** and is now ready for approval by the City Council; and

WHEREAS, Infill Development Company, as the owner of the project has paid all fees required by the conditions for processing of the Final Map; and

WHEREAS, the Director of Development Services and the City Engineer have found said Final Map of Tract No. 0061 substantially conforms to the conditionally approved Tentative Map, as required by the California Subdivision Map Act.

WHEREAS, the Mitigated Negative Declaration (ND16-03) was certified by City Council for Tentative Map No. 0061 on April 19, 2016; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California, hereby finds:

1. The Final Map is consistent with the General Plan, the California Subdivision Map Act, and is in substantial conformance with the previously approved Tentative Map (TM0061); and
2. The Final Map for Tentative Map No. 0061 is hereby approved, and the City Clerk is authorized and directed to certify this fact on the face of the Final Map; and
3. All easements identified on the Final Map are accepted by the City of Lemon Grove; and
4. Authorizes the City Clerk to record a certified copy of this resolution.

PASSED AND ADOPTED on _____, 2018, the City Council of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to Form:

James Lough, City Attorney

MAP NO. SHEET 1 OF 5 SHEETS

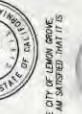
MALLARD COURT

ENGINEER'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AND THE REQUIREMENTS OF THE CHARTER OF THE CITY OF LEMOORE, CALIFORNIA. I HEREBY STATE THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.



CITY ENGINEER'S STATEMENT
I, EDWARD CAMACHO, CITY ENGINEER OF THE CITY OF LEMOORE, STATE THAT I HAVE EXAMINED THIS MAP AND THAT I HAVE DETERMINED THAT IT IS TECHNICALLY CORRECT.



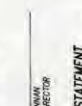
CITY ATTORNEY'S STATEMENT
I, MICHAEL A. WHEELER, SURVEY CONSULTANT TO THE CITY OF LEMOORE, STATE THAT I HAVE EXAMINED THIS MAP AND THAT I HAVE DETERMINED THAT IT IS TECHNICALLY CORRECT.

CERTIFICATE OF COUNTY TREASURER-TAX COLLECTOR & DIRECTOR OF COUNTY DEPARTMENT OF PUBLIC WORKS

I, DAN MALLESER, COUNTY TREASURER-TAX COLLECTOR AND DIRECTOR OF PUBLIC WORKS OF SAJ COUNTY, HEREBY CERTIFY THAT THESE ARE NO UNPAID SPECIAL ASSESSMENTS OR BONDS WHICH ARE DUE TO SAJ COUNTY OR ANY PART THEREOF, SHOWN ON THE ANNEKED MAP AND DESCRIBED IN THE CAPTION THEREOF.



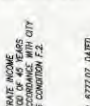
CITY FINANCE DIRECTOR'S STATEMENT
I, MOLLY BROWMAN, CITY FINANCE DIRECTOR OF THE CITY OF LEMOORE, STATE THAT THIS MAP CONFORMS TO THE REQUIREMENTS OF THE CITY OF LEMOORE CITY COUNCIL RESOLUTION NOS. 2016-040 & 2016-101.



DEVELOPMENT SERVICES DIRECTOR'S STATEMENT
I, SHELLEY CHAPPEL, CITY CLERK OF THE CITY OF LEMOORE, STATE THAT THIS MAP CONFORMS TO THE REQUIREMENTS OF THE CITY OF LEMOORE CITY COUNCIL RESOLUTION NOS. 2016-040 & 2016-101.

OWNER'S STATEMENT
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LAND SHOWN ON THIS MAP AND THAT WE HAVE THE RIGHT TO CONVEY THE SAME.

THE UNDERSIGNED, FIRST AMERICAN TITLE INSURANCE COMPANY, TRUSTEES OF TRUST DEEDS, 11-16-2018, FOR 2016-040-001 IN FULL WITH THE CITY ENGINEER, CITY OF LEMOORE, CALIFORNIA.



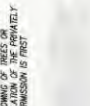
SIGNATURE OMISSION STATEMENT
THE SIGNATURES OF THE PARTIES LISTED BELOW, OWNERS OF EASEMENTS, PER SECTION 5484, SUBSECTION (3) (2) (A) OF THE SUBDIVISION MAP ACT, THEIR SIGNATURES AND NOT RECORDED BY THE LANSING REALTY.



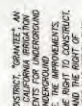
HELIX WATER DISTRICT MAP ACCEPTANCE
THIS IS TO CERTIFY THAT THE EASEMENTS SHOWN ON THIS MAP AND DEDICATED TO THE HELIX WATER DISTRICT WERE HEREBY ACCEPTED BY THE BOARD OF DIRECTORS OF THE HELIX WATER DISTRICT ON OCTOBER 10, 2018.

TAX DEPOSIT CERTIFICATE
I, DAN MALLESER, COUNTY TREASURER-TAX COLLECTOR AND DIRECTOR OF PUBLIC WORKS OF SAJ COUNTY, HEREBY CERTIFY THAT THESE ARE NO UNPAID SPECIAL ASSESSMENTS OR BONDS WHICH ARE DUE TO SAJ COUNTY OR ANY PART THEREOF, SHOWN ON THE ANNEKED MAP AND DESCRIBED IN THE CAPTION THEREOF.

CITY COUNCIL'S MAP APPROVAL CERTIFICATE
I, SHELLEY CHAPPEL, CITY CLERK OF THE CITY OF LEMOORE, STATE THAT THIS MAP CONFORMS TO THE REQUIREMENTS OF THE CITY OF LEMOORE CITY COUNCIL RESOLUTION NOS. 2016-040 & 2016-101.



RECORDER'S CERTIFICATE
FILE NUMBER:
I, ERNEST J. O'DONNOGHUE, JR., COUNTY RECORDER OF THE COUNTY OF SAN DIEGO, HEREBY CERTIFY THAT THIS MAP WAS FILED AT THE REQUEST OF JUEL A. WHEELER, THE ATTORNEY AT LAW, AT 1:01:42 PM, ON OCTOBER 10, 2018.

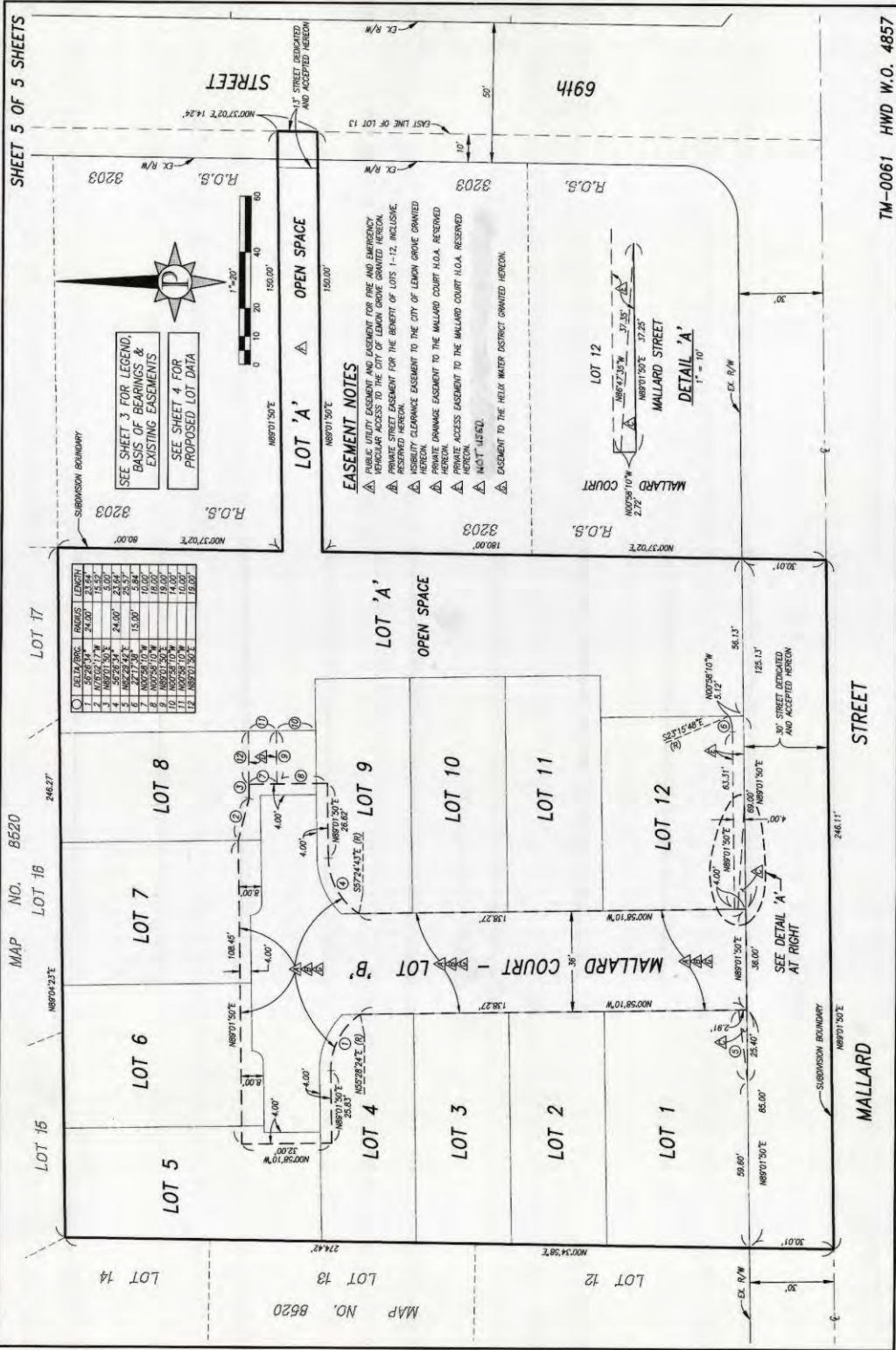


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MAP NO. SHEET 1 OF 5 SHEETS
MALLARD COURT
ENGINEER'S STATEMENT
CITY ENGINEER'S STATEMENT
CITY ATTORNEY'S STATEMENT
CERTIFICATE OF COUNTY TREASURER-TAX COLLECTOR & DIRECTOR OF COUNTY DEPARTMENT OF PUBLIC WORKS
CITY FINANCE DIRECTOR'S STATEMENT
DEVELOPMENT SERVICES DIRECTOR'S STATEMENT
CITY CLERK'S CERTIFICATE
CITY COUNCIL'S MAP APPROVAL CERTIFICATE
RECORDER'S CERTIFICATE
OWNER'S STATEMENT
SIGNATURE OMISSION STATEMENT
HELIX WATER DISTRICT MAP ACCEPTANCE

POLARS DEVELOPMENT CONSULTANTS
2571 Jamnong Road • Suite 205 • Ft. Irwin, CA 92310 • 951-944-0221

MAP NO.



SHEET 5 OF 5 SHEETS

TM-0061 HWD W.O. 4857

POLARIS DEVELOPMENT CONSULTANTS
 2914 Innovation Road • Suite 502-31 • El Cajon, CA 92018 • 619-444-9323

RESOLUTION NO. 2016-3406

**RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING TENTATIVE MAP
TM0-000-0061 AUTHORIZING THE SUBDIVISION OF A 1.59 ACRE PARCEL INTO TWELVE
RESIDENTIAL LOTS, ONE COMMON LOT FOR A PRIVATE STREET, AND ONE COMMON
OPEN SPACE LOT ON AN UNDEVELOPED SITE AT 6800 MALLARD STREET,
LEMON GROVE, CALIFORNIA.**

WHEREAS, the applicant, Lorraine Weiland of Infill Development Company, filed a complete application for a Tentative Map (TM0-000-0061) on March 17, 2016 to authorize the subdivision of 1.59 acres of land into 12 single-family residential lots, a lot for a private street, and a lot for common open space as part of an application for a Planned Development Permit (PDP-150-0002); and

WHEREAS, a Negative Declaration of Environmental Impact (ND16-03) will be filed subsequent to its adoption and the approval of the proposed project. The Initial Environmental Study prepared for this project found that the project would have no significant effect on the environment. A notice of intent to adopt a negative declaration was filed with the County Clerk prior to the City Council public hearing; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove City Council on April 19, 2016; and

WHEREAS, the City Council finds that the project qualifies for a 35 percent density bonus in exchange for four of the 12 units restricted to Moderate Income households in accordance with the Density Bonus Ordinance and Government Code Section 65915 (Density Bonus Law) and therefore the Subdivision and Planned Development are consistent with the Lemon Grove General Plan (density calculations round up as a part of bonus calculations). The proposed density for this project is 9.7 dwelling units per acre, which includes the proposed density bonus. The maximum density in the Low/Medium Residential Land Use Designation is 7 dwelling units per net acre absent a density bonus. This project assists the City in meeting Housing Element goals of providing detached single-family homes and provides housing towards the City's Regional Housing Needs Allocation (RHNA) goals; and

WHEREAS, the applicant has requested no incentives in accordance with the Density Bonus Ordinance or the State Density Bonus Law, only modifications and deviations in accordance with the Subdivision Ordinance and Planned Development Permit provisions; and

WHEREAS, the City Council finds that the tentative map complies with the findings of fact required to approve this project pursuant to Municipal Code Section 16.16.400 because the project complies with the time limitations of the State Subdivision Map Act; the existing lot is a legal lot; the proposed subdivision creates more than 5 lots; the proposed subdivision complies with the requirements of the Subdivision Ordinance; the map and design or improvements are consistent with applicable general and specific plans or as allowed to be modified; the site is physically suitable for the type of development; and the site is physically suitable for the proposed density of development; and

WHEREAS, the City Council has considered said Tentative Map and recommendations of the Planning Department, City Engineer, and the Lemon Grove Fire Department with respect thereto and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans, rules, and improvement and design standards of the City of Lemon Grove; and

WHEREAS, the City Council has considered Planned Development Permit PDP-150-002 including site, architectural, and landscape plans dated received March 17, 2016 associated with Tentative Map TM0-000-061; and

WHEREAS, in accordance with Section 16.12.280, the City Council finds that it is impractical in this particular case for this subdivision to conform fully to the Design Standards of the Subdivision Ordinance because the Subdivision Ordinance does not account for lots sized for planned developments and waivers granted as part of the approval of this project are found to conform to the spirit and purpose of the Subdivision Map Act and of the Subdivision Ordinance of the Municipal Code; and

WHEREAS, the City Council hereby makes the following findings:

1. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the property has no environmentally protected resources as discussed in the Negative Declaration; and
2. The proposed Tentative Subdivision Map (TM0-000-0061) is consistent with the Low/Medium Density Residential (up to seven (7) dwelling units per net acre) Land Use Designation of the General Plan because of density bonuses allowable through the Density Bonus Ordinance and State Density Bonus Law; and
3. The site is physically suitable for the proposed density of development because public utilities will be available to serve the proposed density; and
4. The design of the subdivision or the type of improvements will not cause serious public health problems because public services (e.g., sewer, water, gas, and electricity) will be provided to the subdivision; and
5. The design of the subdivision or type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision as defined under Section 66474 of the Government Code, State of California; and
6. The design and improvements of the proposed subdivision map complies with the requirements of the State Subdivision Map Act and the Subdivision Ordinance except as specifically waived or modified for the requested deviations in accordance with Section 16.12.280 and pursuant to the Planned Development Permit process; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California:

SECTION 1. Finds and determines that the facts set forth in the recitals of this Resolution are declared to be true; and

SECTION 2. Certifies the adequacy of the Negative Declaration of Environmental Impact ND16-03; and

SECTION 3. Waives or modifies the following Design Standards in accordance with Section 16.12.280:

1. Section 16.12.220B (Minimum Lot Area of 6,000 sq. ft.) to allow 12 single-family residential lots with areas ranging from 2,715 sq. ft. to 4,307 sq. ft.
2. Section 16.12.220C (Lots Shall Front on Dedicated Street) to allow 12 single-family residential lots to not front on a dedicated street.

3. Section 16.12.220D (Minimum Lot Width and Depth of 60 feet by 90 feet) to allow 12 lots with minimum dimensions of less than sixty feet by ninety feet.

SECTION 4. Approves Tentative Map TM0-000-0061 in association with Planned Development Permit PDP-150-0002 and the grading, site, landscape, and architectural plans dated received March 17, 2016 (incorporated herein by reference as Exhibit A) pursuant to the City of Lemon Grove Subdivision Ordinance (Title 16 of the Municipal Code). The approval conditionally authorizes the development of a vacant site with a 12 unit planned development with an associated private street and common area located at 6800 Mallard St., Lemon Grove, California (APN: 479-402-23-00). The subdivider shall comply with all applicable provisions of the Subdivision Map Act, the City of Lemon Grove Subdivision Ordinance, and the following conditions of approval:

NO PARCEL SHOWN ON THIS APPROVED TENTATIVE SUBDIVISION MAP SHALL BE LEASED, SOLD, CONVEYED, OR TRANSFERRED, UNLESS AND UNTIL A SUBDIVISION MAP APPROVED BY THE CITY ENGINEER HAS BEEN FILED IN THE OFFICE OF THE COUNTY RECORDER.

- A. WITHIN FIVE DAYS OF APPROVAL, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
 1. Submit the appropriate payment for the CEQA filing fee (Department of Fish and Game ND and County Clerk Processing Fee).
 2. Pay all outstanding fees for City permits related to this project.
- B. PRIOR TO ISSUANCE OF A GRADING OR IMPROVEMENT PERMIT AND/OR DURING GRADING ACTIVITY, THE SUBDIVIER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
 1. All physical elements of the proposed project shown on the approved plans dated March 17, 2016 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes to the satisfaction of the Development Services Director.
 2. Obtain a grading permit from the City prior to any grading activities. The grading permit shall constitute an authorization to do only that work which is described or illustrated on the application for the permit, or in the plans and specifications approved by the City Engineer.
 3. All grading permit fees and deposits shall be paid and all actions necessary preceding the issuance of the grading permit shall be completed.
 4. Coordinate with Helix Water District for the installation of water facilities and ensure that all of the appropriate permits are obtained.
 5. Obtain an encroachment permit for the installation of private facilities and/or for grading work in/or adjacent to the public right-of-way.
 6. Building permits shall be submitted with the grading plans for retaining and freestanding walls where required. Except as noted in this condition, building permits shall be termed building permits for post-grading activities in the resolutions approving this project.
 7. Safety fencing shall be required at the top of retaining walls and slopes and shall be shown on all Grading Plans where appropriate.

8. A private Storm Water Facility and Best Management Practice maintenance agreement shall be recorded for the future repair and rehabilitation of the proposed private drainage and storm water treatment. The City will provide the template for the agreement.
9. As a part of the grading permit submittal, a private improvement, grading, and drainage plan shall be submitted showing all of the proposed and existing on-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed development shall be implemented with the design of the grading.
10. A public improvement plan as a part of an improvement plan check, shall be submitted with applicable deposit showing all of the proposed and existing improvements within the public right-of-way. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer.
11. As-built drawings shall be submitted to SDG&E to energize all of the required street lights.
12. Submit the street improvement and grading plans to Helix Water for review and signature.
13. All utilities shall be shown on the grading plans.
14. Prior to the issuance of a grading permit, a deposit shall be paid to cover the City's expenses, costs, and overhead for the field inspection, office engineering, and administration of the work performed, including landscape and irrigation work. The amount of the deposit shall be as determined by the City Engineer.
15. All existing survey monuments shall be shown on the grading plan.
16. Evidence indicating that arrangements have been made for the preservation and/or relocation of existing monuments shall be submitted to the City Engineer prior to the issuance of a grading permit.
17. Grading plans shall be prepared and submitted with the grading permit application in accordance with the city engineering standards and the requirements of the City Engineer.
18. All grading plans shall be signed by a registered civil engineer and by the soil engineer.
19. Conditions imposed by the city engineer shall be shown on the grading plans under the heading "General Notes."
20. The subdivider shall execute a Subdivision Improvement Agreement and a Subdivision Improvement Security in accordance with Section 16.12.200. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping, and retaining and freestanding walls work proposed shall be submitted with the grading and improvement plans. A separate cost estimate shall be submitted for work proposed within the public right-of-way. Templates for these agreements are available from the City. The applicant shall post a security with the City comprised of a cash deposit of a combination of cash deposit and corporate surety bond of a surety authorized to do business in the state. An instrument of credit or other security pledging the performance of the work, may be submitted in lieu of the surety bond to

insure installation of required structures, drains, landscaping, irrigation and other improvements shown on the grading plan. Such funds are trust funds for the purposes of satisfying the cost of correcting any deficiency, hazard or injury created by the work or lack of maintenance thereof. An irrevocable standby letter of credit issued by a financial institution subject to the regulation by the state or federal government may be posted in lieu of the surety bond, instrument of credit or other security. The estimated cost of the work shall be determined by the City Engineer after reviewing the civil engineer's estimate. The total amount of the security shall be equal to one hundred fifty percent of the estimated cost of the grading work authorized by the permit plus an additional sum equal to one hundred percent of the estimated cost for the construction of drainage structures or facilities, including standard terrace drains, slope planting, irrigation system, erosion control devices, retaining walls and similar facilities authorized by the permit.

21. Submit improvement plans and enter into a secured agreement for public street improvements to the satisfaction of the City Engineer.
22. Three copies of a preliminary soils engineering report shall be submitted with the application of a grading permit. Each report shall be prepared by a soil engineer and contain all information applicable to the project in accordance with generally accepted geotechnical engineering practice. The preliminary soil engineering report shall include, but not be limited to, the requirements outlined within 18.08.120 A. All recommendations outlined in the soils report shall be imbedded into the grading plans. The grading plans shall include site monitoring and inspections to ensure recommendations of the Geotechnical Evaluation are adhered to. The Evaluation recommends that undocumented fill, colluvium and bedrock be removed. Removal depths are estimated at two to seven feet with variation. Properly designed site drainage is required to reduce erosion damage to the planned improvements. Typical erosion control measures will be required during site grading.
23. The soil engineer and engineering geologist should refer to the geologic conditions element of the Lemon Grove General Plan in preparing the reports required in 18.08.120.
24. Recommendations contained within approved reports and technical analyses shall be incorporated into the grading plan and specifications and shall become conditions of the grading permit.
25. Submit a truck hauling route with diagram showing streets. This should include the source of borrow and/or disposal and any BMPs tied to the imported material.
26. Submit a final Hydrology Report and Storm Water Quality Management Plan (SWQMP) to determine and analyze the increased volume of storm water runoff as a result of the proposed design. The SWQMP must be revised to incorporate all comments presented within the March 25, 2016 letter from DMax Engineering. Analysis of the downstream onsite detention basin must be based on hydrology calculations. Any modifications must be reflected on the plans. This report should contain calculations and diagrams of pre and post-development conditions. The SWQMP shall be completed and approved prior to the issuance of any other permits. Grading and site improvements shall be in accordance with the SWQMP for the proposed project. The SWQMP shall specify implementation of BMPs required in 8.48 and 18.08 of Municipal Code and the BMP Design Manual. Provide evidence that treatment Best Management Practices (BMPs) are adequately sized for the increase in impervious surfaces.

27. Plans for an erosion control system shall be prepared and submitted for the review and approval of the City Engineer and Water Quality Coordinator as a part of any application for a construction permit. The erosion control system shall comply with the requirements of the latest state general construction stormwater permit and any amendments thereto, the MS4 Permit, Lemon Grove Municipal Code Chapter 8.48, and 18.08.170.
28. A private Stormwater Facilities and Best Management Practices maintenance agreement shall be submitted for the future repair and rehabilitation of the proposed private drainage and stormwater treatment facilities prior to the issuance of a grading or improvement permit.
29. An agreement not-to-oppose the formation of a future utility undergrounding district will be required to be submitted prior to issuance of grading or improvement permits (frontages on 69th Street and Mallard Street will be considered to be a part).
30. An agreement not-to-oppose the formation of a future street improvement district will be required to be submitted prior to issuance of grading or improvement permits (frontages on 69th Street and Mallard Street will be considered to be a part).
31. The developer shall submit erosion and sediment control plans with construction Best Management Practices (BMPs) and an irrigation plan for review and approval by the Water Quality Coordinator, which will be required to be abided by during grading activities.
32. The applicant shall submit sewer lateral plans with the improvement plans. These sewer lateral plans shall be submitted to the satisfaction of the City Engineer.
33. The structural pavement section for the private access located on the subject property shall be based on the soils report prepared by a Geotechnical Engineer to the satisfaction of the City Engineer.
34. Improvements, where applicable, shall conform to the San Diego Regional Standard Drawings unless otherwise specified by the City Engineer.
35. The subdivider shall provide proof satisfactory to the Director of Public Health that there exists an adequate potable water supply available to each lot or parcel, and that the subdivider install or agree to install water supply pipes of a minimum six inches in diameter, provided that the City Engineer may required such other diameter of water supply pipe as may be recommended by Helix Water District.
36. Sight distance requirements along streets and at all intersections shall conform to the intersectional sight distance criteria as provided by the Caltrans Highway Design Manual.
37. The subdivider shall provide the City Engineer with letters from the serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels created. No letter will be required from the Pacific Bell Telephone Company.
38. A private Sewer Maintenance Agreement shall be submitted for the future repair and rehabilitation of the proposed private sewer prior to the issuance of grading or improvement permits. The City will provide the template for the agreement.
39. The Sewer main for this project shall be designated as private, not public.
40. Provide the City with a final drainage/hydrology report indicating that the site design is in accordance with the report and the National Pollutant Discharge Elimination

System (NDPES) permit. On-site drainage shall be in compliance with the NDPES permit.

41. Submit a maintenance agreement for the on-going maintenance of the private street and access improvements, parking and other proposed paved areas, fencing, landscape and irrigation (private and within the public right-of-way along the property's frontage), drainage and water quality facilities required by the SWQMP, and recreational and other facilities as specified to be reviewed and approved by the City Engineer and Director of Development Services. This maintenance agreement shall be adhered to by the HOA and incorporated into the CC&Rs to the satisfaction of the Director of Development Services and City Engineer.
42. All plans and technical studies required to be submitted to the Engineering Department for review and approval shall be prepared by a California Registered Professional Engineer or applicable utility provider.
43. The permittee shall be responsible to maintain in an obvious and accessible location on the site, a copy of the grading and improvement permit and grading plans bearing the approval of the City Engineer.
44. After grading permit issuance, but prior to any land development work involving grading, brushing or clearing, there shall be a pre-grading meeting. Prior to pouring curbs and gutters or placement of base materials, there shall be a pre-paving meeting held on the site. The permittee, or his or her agent, shall notify the City Engineer at least two working days prior to the meeting and shall be responsible for notifying all principals responsible for grading and paving related operations. The Storm Water Coordinator shall be a part of the meeting.
45. All land development work shall be performed by a contractor licensed by the state to perform the types of work required by the permit.
46. The property owner shall pay the City for all costs of placing, repairing, replacing or maintaining a city-owned facility within the public right-of-way when the city facility has been damaged or has failed as a result of the construction or existence of the owner's land development work during the progress of such work. The costs of placing, replacing or maintaining the city-owned facility shall include the cost of obtaining an alternate easement if necessary. The City may withhold certification of the completion of a building or other work where a notice has been issued.
47. The subdivider shall submit record drawings (as-builts) and engineering documentation with applicable fees for all public improvements to the City to the satisfaction of the City Engineer.
48. In accordance with Municipal Code Sections 12.10.080 and 16.12.240, the property owner(s) shall underground all existing utility distribution facilities, including telecommunication lines, on and along the frontage of the subject property as required by the City Engineer. The property owner(s) shall make the necessary arrangements with each of the serving utilities, including licensed communication operators for the installation or relocation of such facilities. No new overhead poles shall result from undergrounding activities.
49. Submit street improvement plans with roadway cross-sections with rolled curb configuration to the Fire Marshal for review and approval. Minimum 20 foot fire lane for emergency access required.

50. Prior to combustibles being brought to the site, the developer shall provide written certification from the Water Purveyor, dated within the last thirty days, that:
 - a. All public fire hydrants required of the project have been installed, tested, and approved by the Water Purveyor; and
 - b. Are permanently connected to the public water main system; and
 - c. Are capable of supplying the required fire flow as required by Heartland Fire & Rescue.
51. Group R-3 and U Occupancies: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 400 feet (122 mm) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required flow shall be provided when required by the Fire Code official. The size of fire hydrant outlets shall be a minimum of one 4 inch and one 2-½ inch NST outlet or greater as required by the Fire Code official.
52. The subdivider/applicant shall conduct a Sacred Lands File search of the project area to determine if there is likelihood for on-site Native American cultural resources. A copy of a letter regarding the records search shall be provided to the Development Services Department prior to issuance of grading or improvement permits. Additional mitigation measures may be required as a result.
53. If cultural resources are discovered during site preparation and/or grading, then any further work shall cease and programs and procedures shall be initiated as outlined in CEQA guidelines 15064.5.
54. The geotechnical engineer shall monitor and inspect cuts into the soil. If cuts are found to impact the Mission Valley Formation (currently not anticipated), then, in order to mitigate any impacts that grading may cause to paleontological and archaeological resources, the following conditions shall be complied with:
 - a. A qualified paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall be present at the pre-grading meeting to consult with the grading and excavation contractors. A qualified paleontologist is defined as an individual with a Bachelor's or higher degree in paleontology or geology experienced in pale ontological techniques and procedures.
 - b. A qualified paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall be present at all times during the original cutting of previously undisturbed sediments of the Mission Valley Formation. These monitors shall inspect an excavation which exposes sediments of the Mission Valley Formation. Said monitors shall salvage remains as they are uncovered.
 - c. The paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall be allowed to temporarily direct, divert or halt grading to allow recovery of fossil and artifact remains.
 - d. The paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall document the stratigraphic and geologic context of salvaged fossil and artifact remains.

- e. The paleontologist, archaeologist, and culturally affiliated Native American with cultural resource knowledge shall clean, repair and sort salvaged fossils and artifacts for eventual donation.
 - f. Prior to final inspection, a report shall be prepared summarizing the results of the mitigation program and submitted to the Development Services Director. This report will include a discussion of methods employed, fossils and artifacts recovered, geologic context of fossil and artifact remains and the significance of the mitigation program.
 - g. Donate all curated fossil and artifact specimens to an institution with a proven history of professional, long term care and storage of paleontological and archaeological collections, such as the San Diego Natural History Museum.
55. One temporary on-site sign legible from the major vehicle travel lanes adjacent to the project shall be posted on the property for the duration of all construction on-site. The sign shall be a minimum of six feet high, six feet wide, and not to exceed 64 square feet total for two sides or 32 square feet for one side. Such sign shall include the permit numbers, property location and APN number, a site plan and description of the project, project name, and the developer's name, address and telephone number. Such sign shall be removed prior to grading permit final. Signs shall be maintained in good condition at all times.
56. Private residential, public residential, commercial and industrial fire access roads shall provide an access roadway with a minimum unobstructed width of 20-feet wide and a minimum 13'6" vertical clearance. All fire apparatus access roadways must be maintained unobstructed and drivable by fire apparatus throughout the construction process. Access roadways shall be capable of holding an imposed load of 75,000 pounds including in adverse weather conditions.
57. Grades for driveway and fire apparatus access roads shall not exceed 10 percent. Fire Department approval and additional conditions are required for grades up to 20 percent maximum. Angle of approach and departure for driveways shall not exceed five (5) percent.
58. Fire lane designations shall be required for all fire access roadways as determined by Heartland Fire & Rescue. Posted signs shall be required for all fire access roadways as determined by Heartland Fire & Rescue. Posted signs which state "FIRE LANE, NO PARKING" shall be installed every 50 feet. Curbs shall be painted red and stenciled with white letters indicating the same on the face and top of any curb as directed by Heartland Fire & Rescue. All fire lanes shall be marked and identified prior to Certificate of Occupancy. Fire lane maintenance must be addressed in the CC&R's for the project.
59. All required fire apparatus access roads, fire lanes, fire department turn-around and entry/exit drives shall have a minimum 28-foot turning radius for fire apparatus depending on size, location, and type of project. Site plans shall provide a fire department turning radius template along the access roadway or within a detail confirming that the radius meets Heartland Fire & Rescue requirements.
60. Fire apparatus access roads (all roads in the project) shall be paved, accessible and fire hydrants shall be capable of flowing required GPM and shall be tested and accepted by the Fire Department prior to dropping any lumber for construction.

61. Roadway design features (speed humps, bumps, speed control dips, etc.) which may interfere or delay emergency apparatus responses shall not be installed or allowed to remain on the emergency access roadways.
62. Any gate or barrier across a fire access roadway, whether manual or automatic, must meet the Heartland Fire & Rescue requirements and have specific plans and permits approved prior to installation. Knox brand key-operated electric key switch keyed to Heartland Fire & Rescue specification are required. The Knox switch shall override all gate functions and open the gate. Other access control systems such as Opticom, siren, etc. shall be permitted with the approval of Heartland Fire & Rescue.

C. PRIOR TO ISSUANCE OF A BUILDING PERMIT, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:

1. All physical elements of the proposed project shown on the approved plans dated March 17, 2016 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes to the satisfaction of the Development Services Director.
2. Pay all outstanding fees prior to issuance of a building permit(s) for new dwelling units authorized by this tentative map.
3. Per Ordinance 372 a Uniform Transportation Mitigation Fee for each unit must be paid at the time of building permit issuance. The fee is subject to annual increase and the actual fee will be calculated at the time of payment.
4. Pay appropriate school, parkland, diversion deposit, and other fees as applicable.
5. Submit for Development Services Director approval, a detailed landscape and irrigation plan. Provide reference sheets for the grading and landscape erosion control plans. The plan shall indicate all surface improvements including, but not limited to, the design and locations of all walls, fences, driveways, walkways, botanical and common names of all plant materials, number, size and location of all plantings; all irrigation lines including valves and back-flow devices; and soil amendments. Said landscape plan shall comply with the requirements of Section 17.24.050(B) and Chapter 18.44 of the Municipal Code. The landscape plan shall be in substantial conformance to the approved landscape concept plan.
6. Water supply, access, and fire protection system requirements shall meet City of Lemon Grove Fire Department standards.
7. An 18 foot wide by 19 foot clear space is required within all required two-car garages. Driveways shall be a minimum of 18 feet wide by 19 feet deep.
8. Future development shall comply with all applicable California Building Codes.
9. The project shall comply with applicable provisions of the current California Building and Fire Codes.
10. All new utility distribution facilities, including cable television lines, within the boundaries of any new subdivision or within any half street abutting a new subdivision shall be placed underground. The subdivider shall coordinate with the necessary cable television operators for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to such underground utilities and street lighting systems may be placed above ground unless directed otherwise by the City

Engineer. All proposed structures on the subject property shall connect to the utility system via underground system.

11. Submit a written statement signed by the civil engineer reporting that the site is rough graded in conformance with the approved grading plan, as modified or amended by any construction changes approved by the city engineer, and which specifically states the items which were performed under his/her supervision, and are shown correctly on the as-graded drawings.
12. Prior to issuance of building permits, incorporate best management practices including site design, source control and treatment control, construction and on-going maintenance identified in the SWQMP and Drainage Report into the Building Plans.
13. Provide the City with, upon completion of the grading, a compaction report from the geotechnical firm and a letter from a licensed civil engineer that the grading and elevations of the pad were done in accordance with the approved grading plans and prior to the issuance of building plans.
14. Provide plans on Auto CAD (any release) for pre-fire planning use by the Fire Department. Information shall include locations of all exits, stairwells, and roof access. Also, gas, electrical, water, fire sprinkler, and standpipe valves and shutoffs, and elevator and electrical equipment rooms, fire alarm panels, remote annunciators, and RTU/HVAC detectors.

D. DURING GRADING ACTIVITY AND PRIOR TO GRADING PERMIT FINAL APPROVAL, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:

1. All physical elements of the project shown on the approved grading, improvement and related plans shall be located substantially where they are shown and shall be constructed in accordance with appropriate Lemon Grove City Codes.
2. All trash, debris, and waste materials should be disposed of offsite, in accordance with current local, state, and federal disposal regulations. Any materials containing petroleum residues encountered during property improvements should be evaluated prior to removal and disposal, following proper procedures. Any buried trash/debris encountered should be evaluated by an experienced environmental consultant prior to removal.
3. Soil sampling and analysis for the presence of organochlorine pesticides in soil shall be performed.
4. Soil sampling and analysis for the presence of lead in soil shall be performed.
5. For any work within the public right-of-way, the subdivider shall secure an encroachment permit to work within the City right-of-way and place a special deposit with the City to ensure that any damage to the existing roadway or other public improvements is repaired in a timely manner. The subdivider shall be responsible for all unforeseen costs related to work performed in the right-of-way.
6. The development and preparation of the site shall conform to all recommendations of the approved geotechnical reports submitted to the City.
7. The drainage structures, bioretention areas, underground storage pipes, and outlet structures identified in the Standard Water Quality Management Plan (SWQMP) shall be installed. Any modifications to the bioretention areas shall require modifications to the SWQMP and review and approval by the City Engineer.

8. Provide the City with a final drainage/hydrology report/letter indicating that the site design is in accordance with the report and the National Pollutant Discharge Elimination System (NPDES) permit.
9. The fire hydrant system shall be tested to ensure adequate fire flow. The required fire hydrant flow shall be 1,000 GPM for a 2-hour duration at 20 PSI residual operating pressure. Documentation is required from the Water Purveyor verifying that the system is capable of meeting the required fire flow prior to building permit issuance. If the system is not capable of meeting the required fire flow documentation shall be provided showing financial arrangements have been made and water system improvement plans have been submitted and approved by Heartland Fire & Rescue and the Water Purveyor to upgrade the existing system prior to release of building permits. The terms and conditions of the Tentative Subdivision Map shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Planned Development Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts. Fire hydrants shall be painted per Heartland Fire & Rescue and the local Water Purveyor standards and be maintained free of obstructions. Blue reflective raised pavement markers shall be installed on the pavement at approved locations marking each fire hydrant.
10. Public and private water utility mains must provide the level of reliability/redundancy determined necessary by Heartland Fire & Rescue and the local Water Purveyor Engineer.
11. The subdivider shall construct or shall cause to be constructed, at his/her own cost, a street lighting system conforming to the City standards.
12. Street signs for private and public streets meeting the requirements of the City Engineer standards shall be installed at all intersections prior to final occupancy approval.
13. A street naming request application shall be completed for the proposed private street. Appropriate signage shall be required to be installed.
14. The installation of gas, electric, sewer, and water lines and any other below surface utilities is required to take place before the installation of any concrete curbs, gutters, sidewalks, and surfacing of the streets (including repair or replacement). Sewer and water lines shall not be laid in the same trench in any part of this subdivision.
15. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
16. The contractor/permittee conducting any earth moving operation shall be responsible for controlling dust created by its grading operation or activities at all times.
17. Reporting for earthwork, asphalt, and concrete testing shall be required and prepared in accordance with the latest version of the "Greenbook" Standard Specifications for Public Works Construction. Reports shall be submitted to the City for review and approval prior to the applicant's request for final inspection on the grading or improvement permits. The reports shall be signed and stamped by a California registered engineer.
18. All flammable vegetation shall be removed from each building site with slopes less than 15% at a minimum distance of thirty (30) feet from all structures or to the

property line, whichever is less to the satisfaction of the Deputy Fire Marshal and Development Services Director.

19. A pad certification and compaction report shall be submitted to the City for review and approval prior to the applicant's request for final inspection on the grading permit.
 20. Submit a certification letter stating that the grading was done per the approved plan or an as-graded version of the grading plan (as-graded drawings) prepared, signed and dated by the responsible civil engineer which shall include original and "as-graded" ground surface elevations, pad elevations, slope ratios, and elevations and locations of all surface and subsurface drainage facilities, location and scaled sections of all buttress/stabilization and fills, subdrains and general location and depth of all areas or removal of unusable soil.
 21. Submit a final soils engineering report prepared by a soil engineer, including type of field testing performed, compaction reports, final pad elevations, suitability of utility trench and retaining wall backfill, the maximum allowable soil bearing pressure and the required pavement structural sections, summaries of field laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the preliminary soils engineering report. Each field density test shall be identified, located on a plan or map, the elevation of the test, and the test method of obtaining the in-place density described.
 22. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, required irrigation system installed protective devices, required planting, and all erosion control measures have been completed in accordance with the final approved grading plan and the as-graded drawing, required reports and statements of compliance consistent with section 18.08.030 and Chapter 18.44 of the Lemon Grove Municipal Code have been submitted.
 23. The Developer and Current and Future Property Owners shall adhere to the recommendations of the requirements of the Storm Water Quality Management Plan (SWQMP) prepared for this project to the satisfaction of the Water Quality Program Coordinator.
 24. The exterior boundary of the subdivision and all lot corners shall be monumented with permanent monuments in accordance with Section 16.12.250 to the satisfaction of the City Engineer.
- E. PRIOR TO BUILDING FINAL, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. All physical elements of the project, including public street improvements, shown on the approved building, landscape, grading, improvement and related plans shall be located substantially where they are shown and shall be constructed in accordance with appropriate City Codes.
 2. Permanent residential three-dimensional street numbers, minimum 4 inches in height, shall be provided on the address side of the building at the highest point and furthest projection of the structure. The address shall be visible from the street and shall not be obstructed in any manner.
 3. Comply with the new "solar ready" requirements in Title 24 (Section 110.10). This includes reserved solar zones on the roof, conduit installation, 200 amp service, etc.

4. Prior to Fire Department clearance for occupancy, an automatic fire sprinkler system shall be installed. The system shall comply with NFPA #13-D Standard for Automatic Fire Sprinkler Systems-Single Family Dwelling. Three (3) sets of plans, hydraulic calculations, and material specifications sheets for all equipment used in the system shall be submitted by a State of California Licensed C-16 Contractor for review, approval, and permits issued prior to commencing work.
 5. All dwelling units shall comply with the interior noise level requirements of California Code Title 24.
 6. The developer/owner shall be required to repair and/or replace any damaged public improvements fronting the project and within 100 feet to the satisfaction of the City Engineer.
- F. PRIOR TO RECORDATION OF A FINAL MAP, THE SUBDIVIDER/APPLICANT SHALL COMPLY WITH THE FOLLOWING:
1. All physical elements of the project, excepting improvements for buildings, including public street improvements, shown on the approved building, landscape, grading, improvement and related plans shall have obtained final approval or appropriate securities associated with such improvements shall be provided for in accordance with appropriate City Codes.
 2. The property owner shall execute an agreement imposing restrictions on real property within the development in which the Owner agrees to reserve four (4) parcels with dwelling units as provided in Tentative Map TM0-000-0061 in association with Planned Development Permit PDP-150-0002 (hereafter called the "affordable units") in the Project exclusively for sale and/or occupancy by moderate-income households whose annual income does not exceed 80 to 120 percent of the San Diego area median income (AMI) as determined by the California Department of Housing and Community Development (HCD). The affordable units shall be maintained for 45 years for owner-occupied dwelling units and 55 years for rentals. The moderate income households occupying the affordable units shall expend no more than 30 percent of the gross household income on all housing costs related to their designated affordable unit as determined by the Development Services Department. These covenants or restrictions shall be recorded in the office of the County Recorder for each unit of real property subject to this subdivision in a form acceptable to the City Attorney. Notwithstanding any other provision of the law, these covenants or restrictions shall run with the land and shall be enforceable against the original owner and successors in interest by the City or the community. The affordable units shall be dispersed so that no two affordable units are directly adjacent to one another. Certification of household income shall be established by the Director.
 3. Street right-of-way shall be dedicated to the City prior to recordation of the final map. Specifically, the dedication shall include the 30-foot frontage along Mallard Street and the 3-foot frontage on 69th Street. The City will prepare the dedication documents for signature.
 4. Submit a copy of the Preliminary Title Report, Subdivision Guarantee and Tax Clearance Certificate no more than 60 days in advance of the recordation of the Final Map to the City Engineer for review.
 5. The subdivider shall provide the City Engineer with one reproducible Mylar copy of the final map for recordation.

6. Each parcel shall be subject to inclusion into the Lemon Grove Roadway Lighting District which includes an annual assessment.
7. A formal written request to add street lights to the Lemon Grove Lighting District shall be submitted to the City of Lemon Grove Lighting District prior to permanently energizing. If required, a deposit for the initial operation costs expended by the Lighting District for the subject property shall be submitted until the units are placed on the Tax Assessor's yearly statement.
8. Water improvement plans shall be approved by Heartland Fire & Rescue prior to recordation. The developer shall furnish Heartland Fire & Rescue with three (3) copies of the water improvement plans designed by a Registered Engineer and/or Licensed Contractor. On-site fire service mains shall have a minimum of eight (8) inch water mains with six (6) inch laterals and risers. Larger pipes may be required to meet required fire flow requirements. Fire hydrants shall provide one 4-inch port and 2- 2 ½ ports and must be an approved fire hydrant type.
9. Backflow prevention devices for private building sewers shall be required pursuant to Section 710.0 of the CBC (2000 UPC).
10. Pay \$85 for the preparation and recordation of each document as required for the subject permit.
11. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: a) they have received from the developer a copy of the proposed final map; b) they object to/do not object to the filing of the map without their signature. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the tentative map.
12. The protection of the public interest requires that the subdivider, contractors, builders, lot or parcel owners, and other persons, firms, and corporations concerned with the development of said subdivision conform to the following standards, and all permits required by the City of Lemon Grove will be issued pursuant to such standards:
 - a. All domestic water supplied for this subdivision shall come from Helix Water District.
 - b. All buildings constructed for this subdivision shall be connected to the public sewer system (proposed to connect to City of San Diego sewer system). Appropriate sewer permits shall be obtained with payment of capacity and related fees.
 - c. The project shall comply with applicable provisions of Title 15 (Buildings and Construction).
 - d. Sewer and water lines shall not be laid in the same trench in any part of this subdivision.
 - e. Proper drainage shall be maintained throughout this subdivision as to prevent ponding and/or storage of surface water and shall be in compliance with the NPDES permit to the satisfaction of the Water Quality Coordinator and the City Engineer.

13. The final map shall show or provide for the following:
 - a. The design and area of all lots and the design of the final map shall be in substantial conformance to that shown on the approved tentative map to the satisfaction of the Development Services Director.
 - b. The final map shall indicate that this project is a planned development for twelve (12) dwelling units.
 - c. The final map shall include the signature of the Development Services Director prior to recording.
 - d. The final map shall identify any easements indicated within the Title Report, proposed on the approved Tentative Map, and as required by the Lemon Grove Fire Department or City Engineer.
 - e. The Final Map shall include all easements as shown on Tentative Subdivision Map TM0-000-0061 in association with Planned Development Permit PDP-150-0002, including but not limited to private sewer, utility, drainage, and open space, and public access and emergency access easements.
 - f. A note shall be placed on the final map indicating that domestic water supplied for this project shall come from Helix Water District.
14. Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the City for review and shall be written to the satisfaction of the Development Services Director and the City Engineer. The CC&Rs shall include the conditions herein to the satisfaction of the Fire Marshal, Water Quality Program Coordinator, City Engineer, and Development Services Director and shall be recorded prior to or concurrent with the final map and shall include but not be limited to the following:
 - a. The Developer, Current and Future Property Owners shall adhere to the CC&Rs approved for this project.
 - b. The formation of a home owner's association (HOA) with maintenance responsibilities is required.
 - c. A Best Management Practices (BMP's) and a Private Driveway and Drainage Maintenance Agreement to the satisfaction of the City Engineer. The maintenance and the preservation of drainage and BMP facilities shall be included.
 - d. The CC&Rs shall identify and implement the BMP's identified in the SWQMP prepared for this project and state that the Developer, Current and Future Property Owners shall comply with the recommendations of the SWQMP prepared for this project to the satisfaction of the Water Quality Program Coordinator and the City Engineer. Funding of the long term maintenance of all facilities required by the SWQMP shall be included in the annual HOA budget.
 - e. A long-term operation and maintenance program (OMP) will be a requirement and the responsibility of HOA to maintain. Funding for the program is required to be accounted for in the annual budget of the HOA.
 - f. The CC&Rs shall include on-going maintenance of landscaping and irrigation (private and within public right-of-way fronting the property) of slopes, parkways, open space and park areas as illustrated on approved landscape and irrigation plans (Exhibit A). This Exhibit A shall be included in the CC&Rs. All landscaping shall be well maintained in a healthy growing condition at all times in substantially

the same condition as approved in accordance with the approved landscape and irrigation plans. Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The HOA or, its successors or assigns, shall remove and relocate all irrigation items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer. An Encroachment, Maintenance, and Removal Agreement shall be signed and recorded prior to recordation of the final map or building permitting. The City will provide the template for the agreement.

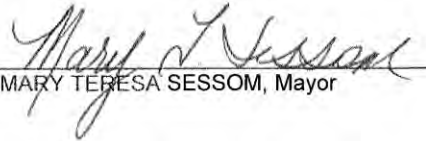
- g. Immediate removal of graffiti and any other type of offensive debris is required.
- h. All garage doors shall be automatic roll-up type doors and equipped with remote control devices.
- i. All garages shall be available for required off-street parking (18 foot wide by 19 foot deep interior clear space) at all times.
- j. No parking is permitted within the private street, pedestrian pathways, or designated fire lane area at any time. Parking on-site is only permitted within designated parking spaces and within the dwelling units' garages.
- k. Maintain the drainage facilities and any access easements (where they occur) on the property.
- l. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
- m. The property shall comply with all performance standards relating to the generation of noise, glare, dust, and odor.
- n. If any fire hydrant is taken "OUT OF SERVICE," Heartland Fire & Rescue shall be notified immediately and the hydrant marked, bagged, or otherwise identified as "OUT OF SERVICE" as directed by the Fire Marshal.
- o. Designated fire apparatus streets and turn-arounds shall be maintained accessible and usable by emergency vehicles. Usable conditions include but are not limited to the following:
 - i. An all-weather road surface shall be maintained.
 - ii. Road shall support imposed loads of fire apparatus at 75,000 pounds.
 - iii. No parking-fire lane signs shall be repaired or replaced as needed.
 - iv. Fire lanes shall remain free at all times of any obstruction including but not limited to: vehicles, storage, debris, etc.
 - v. Fire lane or hammerhead turn-around shall maintain an unobstructed width of 20 feet and a minimum 13' 6" vertical clearance.
- p. Trees shall not grow within five feet of any proposed chimneys.
- q. Safety features including fire sprinklers, ignition resistant construction, smoke and carbon monoxide detectors and fire resistive landscaping shall be maintained in accordance with California Fire Code, California Building Code, California Vehicle Code (fire lanes), City Municipal Code and any other applicable codes.

- r. All trash and recycling receptacles are required to be within the individual residences of the proposed planned development at all times, except that one recycling container and one refuse container per dwelling unit is permitted directly outside of the individual dwelling unit's garage within ten hours of the trash pick-up times specified by EDCO waste and recycling company.
 - s. Rooftop mechanical equipment, including but not limited to heating, air conditioning and ventilating equipment, shall be screened so that it may not be seen from the level of adjacent streets and sidewalks.
 - t. The use of barbed wire or razor ribbon on any fences, gates, or walls is prohibited.
 - u. Ongoing maintenance of the onsite private sewer is required.
 - v. The CC&Rs shall clearly establish the responsibilities of the individual home owners and the HOA with regard to the continuing maintenance and preservation of the project.
 - w. The CC&Rs shall specifically limit the number of dwelling units to twelve (12) on the site.
 - x. The CC&Rs shall give the City the right but not the duty to enter the premises to do maintenance and levy assessments if the home owners fail or refuse to maintain said facilities, and shall forbid amendments to the CC&Rs without express written consent of the City.
 - y. Common open space areas shall be well maintained at all times (e.g., bike racks, barbeques, tables, landscape, signage, and public art features).
 - z. Street trees along the roadway shall not obstruct the ability of fire apparatus access and fire department aerial operations. Tree height and type should be considered in the ultimate landscape design.
- G. The terms and conditions of the Tentative Subdivision Map shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to Planned Development Permit PDP-150-0002 and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.
- H. This Tentative Subdivision Map approval expires on April 19, 2018 or such longer period as may be extended by State Law or through time extensions approved by the Development Services Director or City Council. A Final Map must be recorded within **two (2) years** (excluding extensions granted by State Law) from the date of approval unless time extension is granted.
- I. The subdivider shall indemnify, protect, defend, and hold harmless, the City and any agency thereof, and/or any of its officers, employees, and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees, or agents to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project. City shall promptly notify the applicant/subdivider of any claim, action, or proceeding brought within this time period, and City shall further cooperate fully.


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PASSED AND ADOPTED: On April 19, 2016, the City Council of the City of Lemon Grove, California adopted resolution No. 2016-3406 by the following vote:

<u>COUNCILMEMBERS</u>	AYES	NOES	ABSTAIN	ABSENT
Mary Teresa Sessom	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Gastil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Racquel Vasquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


MARY TERESA SESSOM, Mayor

Attest:


SUSAN GARCIA, City Clerk

RESOLUTION NO. 2016-3407

RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING PLANNED DEVELOPMENT PERMIT PDP-150-0002 AUTHORIZING THE DEVELOPMENT OF A TWELVE UNIT SINGLE-FAMILY PLANNED DEVELOPMENT PROJECT ON A 1.59-ACRE UNDEVELOPED SITE AT 6800 MALLARD STREET, LEMON GROVE, CALIFORNIA.

WHEREAS, the applicant, Lorraine Weiland of Infill Development Company, filed a complete application for a Planned Development Permit Modification PDP-150-0002 in association with and a Tentative Map TM0-000-0061 on March 17, 2016 to authorize development of a 12 unit single-family planned development in association with the subdivision of 1.59 acres of land into 12 residential lots, a lot for a private street, and an open space lot on an undeveloped site located at the 6800 Mallard Street, Lemon Grove, California; and

WHEREAS, a Negative Declaration of Environmental Impact (ND16-03) will be filed subsequent to its adoption and the approval of the proposed project. The Initial Environmental Study prepared for this project found that the project would have no significant effect on the environment. A notice of intent to adopt a negative declaration was filed with the County Clerk prior to the City Council public hearing; and

WHEREAS, a public hearing was duly noticed and held by the Lemon Grove City Council on April 19, 2016; and

WHEREAS, the City Council has determined that the following Planned Development Permit findings of fact, as required by Section 17.28.030(C), can be made as follows:

1. That the development is not detrimental to the public interest, health, safety, or general welfare.
 - a. The City Council finds that the design of the proposed project complies, or will be made to comply with all of the applicable requirements of the City Zoning Ordinance relating to public safety and no such detriment should occur.
2. That the development complies with applicable provision of the Zoning Ordinance (Title 17) and/or deviations that comply with applicable provisions in subsection D of the Planned Development Permit regulations (Section 17.28.030).
 - a. The City Council finds that the proposed project complies with, or conditions have been included for this project to require it comply with the Zoning Ordinance requirements relating to off-street parking, screening, and landscaping and waivers or modifications to the minimum lot area, width, and depth, setbacks, and usable open space requirements are offset by the provision of enhanced pedestrian oriented design and a direct pedestrian connection to 69th Street, open space and recreational/outdoor amenities, and the provision of four affordable housing units..
3. That the development is consistent with general plan policies and standards and other applicable plans or policies adopted by the City Council.
 - a. The City Council finds that the planned development is consistent with the General Plan policies and standards because the General Plan allows residential development at the form and scale proposed; and
4. That the development density or intensity does not exceed general plan limitations.

- a. The City Council finds that the planned development of 12 single-family dwelling units at a density of 9.7 dwelling units per acre in the Low/Medium Density Residential land use designation of the General Plan, including the requested density bonus to allow four affordable dwelling units pursuant to California State law, is consistent with the General Plan because it complies with density bonus regulations and provides affordable housing pursuant to the goals of the City's Housing Element; and
- 5. That the existing infrastructure such as utilities, transportation systems, and communications networks adequately serve the development or will be upgraded to efficiently accommodate the additional burdens imposed.
 - a. This Commission finds that public improvements proposed on Mallard Street allow for safe circulation of pedestrian, bicyclists, and motor vehicles and improves the general welfare of the community; and

WHEREAS, the City Council has determined that the following deviations as permitted by the Planned Development Permit regulations (Section 17.28.020D) are adequately offset by equivalent benefits associated with enhanced pedestrian and bicycle improvements, landscape, open space and recreational/outdoor amenities:

- 1. A deviation of Section 17.16.020D3 (Minimum Yards) to allow reduced front setbacks (minimum 25' is required, 17' to 20' is proposed); the side setback (minimum 5' is required, 4' is proposed); and the rear setback (minimum 20' is required, 17' to 35' is proposed); and
- 2. A deviation of Section 17.16.020D1 (Minimum Site Area) to allow reduced lot size (minimum 6,000 sq. ft. is required, minimum 2,715 sq. ft. is proposed); and
- 3. A deviation of 17.16.020D2 (Minimum Site Width and Depth) to allow reduced lot dimensions (minimum 60' wide by 90' deep required, minimum 34' wide by minimum 67 feet deep provided); and
- 4. A deviation of Section 17.16.020D5 (Minimum Usable Open Space) to allow reduced open space (minimum 1,500 sq. ft. per dwelling unit or 18,000 common usable open space required, 12,771 sq. ft. of common usable open space for the project or an average of 1,064 sq. ft. per lot provided); and
- 5. A deviation of Section 16.16.291A (Residential Lot Design Standards) to allow the reduction of the minimum building envelope (minimum 28' wide by 50' deep is required, minimum 26' wide by 37' deep provided); and
- 6. Deviations of Section 16.12.220 related to all units fronting on a dedicated public street, where instead a private street is provided with pedestrian paths on both sides as follows:
 - a. Minimum 56' wide public street right-of-way required; 20' and 36' private street lot width provided; and
 - b. Minimum 5' wide landscaped parkways required; 4' wide landscaped parkways provided; and
 - c. Parking on both sides of street required; no parking on private street provided except one parallel space; and

WHEREAS, the City Council has considered Tentative Map TM0-000-0061 associated with Planned Development Permit PDP-150-0002; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California hereby:

SECTION 1. Finds and determines that the facts set forth in the recitals of this Resolution are declared to be true; and

SECTION 2. Modifies the following Development Standards in accordance with Section 17.28.020D (Deviations):

1. A deviation of Section 17.16.020D3 (Minimum Yards) to allow reduced front setbacks (minimum 25' is required, 17' to 20' is proposed); the side setback (minimum 5' is required, 4' is proposed); and the rear setback (minimum 20' is required, 17' to 35' is proposed); and
2. A deviation of Section 17.16.020D1 (Minimum Site Area) to allow reduced lot size (minimum 6,000 sq. ft. is required, minimum 2,715 sq. ft. is proposed); and
3. A deviation of 17.16.020D2 (Minimum Site Width and Depth) to allow reduced lot dimensions (minimum 60' wide by 90' deep required, minimum 34' wide by minimum 67 feet deep provided); and
4. A deviation of Section 17.16.020D5 (Minimum Usable Open Space) to allow reduced open space (minimum 1,500 sq. ft. per dwelling unit or 18,000 common usable open space required, 12,771 sq. ft. of common usable open space for the project or an average of 1,064 sq. ft. per lot provided); and
5. A deviation of Section 16.16.291A (Residential Lot Design Standards) to allow the reduction of the minimum building envelope (minimum 28' wide by 50' deep is required, minimum 26' wide by 37' deep provided); and
6. Deviations of Section 16.12.220 related to all units fronting on a dedicated public street, where instead a private street is provided with pedestrian paths on both sides as follows:
 - a. Minimum 56' wide public street right-of-way required; 20' and 36' private street lot width provided; and
 - b. Minimum 5' wide landscaped parkways required; 4' wide landscaped parkways provided; and
 - c. Parking on both sides of street required; no parking on private street provided except one parallel space; and

SECTION 3. Conditionally Approves Planned Development Permit PDP-150-0002 in conjunction with Tentative Map TM0-000-0061 and the grading, site, landscape, and architectural plans dated received March 17, 2016 (incorporated herein by reference as Exhibit A), except as noted herein. This approval authorizes the development of a 1.59 acre parcel into 12 single-family residential units with associated common area improvements on an undeveloped site at 6800 Mallard Street, Lemon Grove, California. Except as amended, the approval of this project shall be subject to the following conditions:

- A. PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT PDP-150-0002:
 1. All physical elements shown on the approved plans dated March 17, 2016 shall be located substantially where they are shown, except as noted herein, and shall be constructed in accordance with the Municipal Code. The Development Services Director has the authority to allow modifications to the approved plans when the modifications are

- found to be in substantial conformance (minor deviations in colors, roof and siding material acceptable) and in compliance with the Municipal Code and General Plan.
2. Pay parkland fees, school fees, Helix Water District Capacity fees, Regional Transportation Congestion Improvement Program (RTCIP) fees, and other applicable development fees.
 3. Record the Final Map for TM0-000-0061 unless otherwise determined by the Development Services Director.
 4. A two-car garage is required for each single-family residence with appropriate access.
 5. An 18 foot wide by 19 foot clear space is required within all required two-car garages.
 6. All garage doors shall be equipped with an automatic roll-up garage door and remote control.
 7. Note a minimum of one ceiling-mounted bike rack shall be provided within each garage.
 8. Show the location, height, and materials of all fencing.
 9. Submit a landscape documentation package in compliance with Chapter 18.44. The documentation package shall include a detailed landscape and irrigation plan for the entire project. Provide reference sheets for the grading and landscape erosion control plans. The plan shall indicate all surface improvements including but not limited to the design and locations of all walls, fences, driveways, walkways, botanical and common names of all plant materials, number, size and location of all plantings; all irrigation lines including valves and back-flow devices; and soil amendments. Said landscape plan shall comply with the requirements of Section 17.24.050(B) and Chapter 18.44 of the Municipal Code. The landscape plan shall be in substantial conformance to the approved landscape concept plan.
 10. The building plans for the proposed condominium units shall include a color and materials board to the satisfaction of the Development Services Director. A minimum of four color schemes shall be provided for proposed wood siding, lower roofs, and composite shingle roofing; three schemes shall be provided for stone columns; and two color schemes shall be provided for garage doors and wood trims.
 11. All dwelling units shall comply with the interior noise level requirements of California Code Title 24.
 12. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
 13. Vehicular sight distance of all driveway entrances shall be to the satisfaction of the City Engineer.
 14. Each dwelling unit in the development shall be protected with an approved automatic fire suppression sprinkler system to the satisfaction of the Fire Marshal.
 15. The private driveway is to be designated as a Fire Lane. Fire lanes (20-foot clear with no parking) and fire lane markings shall be provided to the satisfaction of the Lemon Grove Fire Department along the private vehicular driveway within the project. The fire lane will be designated per City Fire Department standards and shall be marked and posted "No Parking-Fire Lane" and the curb shall be painted red to the satisfaction of the City of Lemon Grove Fire District. A final inspection by the Fire Department shall be required to confirm compliance with this requirement prior to the construction with combustible materials and final occupancy.

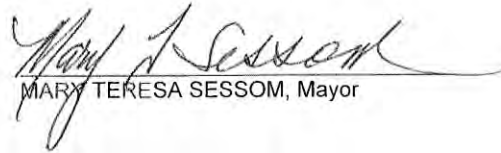
16. All access roadways and driveways shall maintain a minimum vertical clearance of 13'-6" to the satisfaction of the Fire Marshal.
 17. Install only high efficiency appliances, use only high-efficiency watering technologies, and landscape using low-water-use plants as follows:
 - a. Install the following indoor fixtures:
 - i. High-efficiency toilets (1.28 gallons or less per flush);
 - ii. High-efficiency dishwashers (Energy Star, WaterSense or equivalent);
 - iii. High-efficiency clothes washers (3.7 water factor or lower); and
 - iv. Low-flow shower heads (2.0 gallons per minute or less).
 - b. Install dedicated meters for common area outdoor water use. Enroll all new irrigation meters (except those at single-family residences) in the Helix Water Budget Program and provide documentation of irrigated landscape area at the time of meter purchase.
 - c. Install automatic irrigation controllers with a rain sensor that utilize either evapotranspiration (weather-based) or soil moisture data and install high-efficiency, matched-precipitation rate sprinkler nozzles at all residential landscapes and common areas.
 18. The project shall comply with all applicable provisions of the California Fire Code and the California Building Code.
- B. PRIOR TO FINAL APPROVAL OF A BUILDING PERMIT FOR THE CONSTRUCTION AUTHORIZED BY PLANNED DEVELOPMENT PERMIT MODIFICATION PDP-150-0002:
1. All physical elements of the proposed project shown on the approved plans dated March 17, 2016 except as noted herein, shall be located substantially where they are shown and shall be constructed in accordance with applicable Lemon Grove City Codes to the satisfaction of the Development Services Director.
 2. The color palette shall be consistent with the conceptual drawing on the approved plans dated March 17, 2016 and the color and materials board to the satisfaction of the Development Services Director.
 3. A minimum of one ceiling-mounted bike rack shall be provided within each garage.
 4. Schedule a Helix Water District inspection for compliance with water efficiency requirements.
 5. E-file FAA Form 7460-2 to the Federal Aviation Administration, Notice of Actual Construction or Alteration within five days after the construction reaches its greatest height.
 6. A six-foot high solid fence shall be provided along the perimeter of the property to the satisfaction of the Development Services Director.
- C. UPON ESTABLISHMENT OF USE IN RELIANCE WITH TENTATIVE MAP REVISION:
1. Comply with all of the Conditions of this resolution and the requirements of TM0-000-0061, as applicable.

2. All physical elements of the project shown on the approved grading, improvement, building, landscape, and related plans shall be maintained and located substantially where they are in accordance with appropriate City Codes.
 3. The City approved CC&Rs shall be abided by at all times.
 4. All landscaping shall be well maintained and adequately watered at all times. The landscaping located on the subject property shall be maintained in a healthy and growing condition at all times. All on-site & off-site landscaped areas shall be planted and irrigated by a permanent irrigation system.
 5. The proposed facility shall fully comply with the requirements of the California Fire Code to the satisfaction of the Fire Chief.
 6. All fences and walls on the subject property shall be maintained in good condition at all times.
 7. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
 8. All graffiti shall be removed or painted over with a paint that closely matches the color of the exterior of the building within 48 hours of the discovery of the graffiti.
 9. Any deviations proposed from the approved plans relating to the construction of facilities and maintenance of improvements shall substantially conform to the approved plans dated March 17, 2016 to the satisfaction of the Development Services Department.
- D. This approval of this Planned Development Permit will expire two years from the date of approval or such longer period as may be extended by State Law (the Planned Development Permit will be extended automatically with any extensions required of Tentative Map TM0-000-0061 in accordance with State Law).
- E. The terms and conditions of the Planned Development Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Planned Development Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.

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 ////

PASSED AND ADOPTED: On April 19, 2016, the City Council of the City of Lemon Grove, California adopted resolution No. 2016-3407 by the following vote:

<u>COUNCILMEMBERS</u>	AYES	NOES	ABSTAIN	ABSENT
Mary Teresa Sessom	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Gastil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerry Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Mendoza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Racquel Vasquez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


MARY TERESA SESSOM, Mayor

Attest:

SUSAN GARCIA, City Clerk



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.H

Meeting Date: December 18, 2018

Submitted to: Honorable Mayor and Members of the City Council

Department: Development Services Department

Staff Contact: Paolo Romero, Code Enforcement Officer
promero@lemongrove.ca.gov

Item Title: City Council Resolution Approving the Authorization of Application Submittal for the CalRecycle Beverage Container Recycling City/County Payment Program

Recommended Action: Adopt a Resolution, Entitled, “**A Resolution** of the City Council of the City of Lemon Grove, California, Approving the Authorization of Application Submittal for the CalRecycle Beverage Container Recycling City/County **Payment Program,**” and direct staff to submit the application to CalRecycle for any and all payment programs offered.

Summary: Each fiscal year, the California Department of Resources Recycling and Recovery (CalRecycle) offers funding opportunities authorized by legislation to assist public and private entities in the safe and effective management of the waste stream. This year staff is applying for a grant in the amount of \$6,945.00 to fund community outreach education at community events and in elementary and/or middle school classrooms in the City of Lemon Grove highlighting the importance of beverage container recycling.

Discussion: The City of Lemon Grove has participated in the CalRecycle Beverage **Container Recycling City/County Payment Program since 2005. The goal of CalRecycle’s** beverage container recycling program is to reach and maintain an 80 percent recycling rate for all California refund value beverage containers - aluminum, glass, plastic and bi-metal. Projects implemented by cities and counties will assist in reaching and maintaining this goal. Eligible applicants include cities, counties, or cities and counties in California, as identified by the California Department of Finance, unless otherwise determined by CalRecycle.

Environmental Review:

Not subject to review

Negative Declaration

Categorical Exemption, Section | |

Mitigated Negative Declaration

Fiscal Impact: If the application is approved by CalRecycle, the City will receive funds in the amount of \$6,945.00 to be used for beverage container recycling education in the community.

Public Notification: None

Attachments:

Attachment A – Resolution Approving the Authorization of Application Submittal for the CalRecycle Beverage Container Recycling City/County Payment Program

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, APPROVING THE AUTHORIZATION OF APPLICATION SUBMITTAL FOR THE CALRECYCLE BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM

WHEREAS, pursuant to Public Resources Code sections 48000 et seq, 14581, and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, **CalRecycle's** procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program; and

WHEREAS, the City of Lemon Grove has participated in the past in the CalRecycle Beverage Container Recycling City/County Payment Program; and

WHEREAS, the City of Lemon Grove intends to continue to participate in the CalRecycle Beverage Container Recycling City/County Payment Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California, hereby approves:

1. The submittal of an application to CalRecycle for any and all payment programs offered; and
2. The Authorization of the City Manager or her designee with Signature Authority to execute all documents necessary to implement and secure payment, and
3. The authorization to be effective until rescinded by the Signature Authority or this governing body.

PASSED AND ADOPTED on _____, 2018, the City Council of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Raquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to Form:

James Lough, City Attorney



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 2

Meeting Date: December 18, 2018

Submitted to: Honorable Mayor and Members of the City Council

Department: City Manager's Office

Staff Contact: Shelley Chapel, City Clerk

Schapel@lemongrove.ca.gov

Item Title: **Declaring the Results of the November 6, 2018, General Municipal Election Certified Results, and Induction and Administration of Oath of Office**

Recommended Action: Adopt a Resolution entitled, "Resolution of City Council of the City of Lemon Grove, California, Reciting the Fact of the General Municipal Election Conducted on November 6, 2018, and Declaring the Results," and Authorize the City Clerk to Induct the Re-Elected City Councilmembers into Office by Reciting the Oath of Office.

Summary:

Pursuant to the California Elections Code Section 10264; the purpose of this report is to present the results of the General Municipal Election held on Tuesday, November 6, 2018, and certify by the adoption of the resolution by the City Council accepting said results.

June 5, 2018, the City Council adopted Resolution No. 2018-3580 Calling for the Holding of a General Municipal Election for November 6, 2018, for the election of certain officers consolidated with the Statewide General Election to be held on the Same Date Pursuant to Section 10403 of the California Elections Code.

The following is the list of the candidate who qualified for the ballot, in ballot order:

1. Jerry Jones
2. Teresa Rosiak
3. Kamaal Martin
4. Jennifer L. Mendoza

The Notice of Election was given, and Election was consolidated with the County of San Diego Registrar of Voters, the votes cast were received and canvassed as required by law.

The General Municipal Election was held on November 6, 2018, for the purpose of electing two (2) members of the City Council for four-year terms. The official canvass was certified by the San Diego County Registrar of Voters on December 6, 2018.

Based on whole number 14,651 of eligible Lemon Grove registered voters, a total of 8,587 votes were cast, received and canvassed as required by law. The votes cast represent a 52.19% percent voter turnout rate.

The Summary indicates the following results for Member of City Council Seats (2):

CANDIDATE	VOTES RECEIVED	PERCENTAGE OF VOTES
Jennifer L. Mendoza	4,241	33.60%
Jerry Jones	3,269	25.90%
Teresa Rosiak	2,670	21.15%
Kamaal Martin	2,401	19.02%

The certified canvass of the November 6, 2018 General Municipal Election has been completed by the San Diego County Registrar’s Office. The Registrar declares that Jennifer L. Mendoza, and Jerry Jones were elected as Members of the City Council for full terms of four years ending November 2022.

Based on the official canvass of the San Diego County Registrar of Voters, it is appropriate to adopt a resolution reciting the election results and recording into official record.

Environmental Review:

- Not subject to review
- Negative Declaration
- Categorical Exemption, Section | |
- Mitigated Negative Declaration

Fiscal Impact: The total costs for this election are not yet available, the final billing has not been received from the San Diego County Registrar of Voters.

Public Notification: None.

Public Information:

- None
- Newsletter article
- Notice to property owners within 300 ft.
- Notice published in local newspaper
- Neighborhood meeting

Attachments:

A. **Attachment A** – Resolution including Exhibit A Official Canvass

RESOLUTION NO. 2018 -

RESOLUTION OF CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION CONDUCTED ON NOVEMBER 6, 2018, AND DECLARING THE RESULTS

WHEREAS, a regular general municipal election was conducted in the City of Lemon Grove, California on Tuesday, November 6, 2018; and

WHEREAS, the Registrar of Voters of the County of San Diego has certified the results and the official canvass is attached as "Exhibit A"; and

WHEREAS, California Election Code Section 10264 requires the governing body enter the following statements onto its record: the whole number of votes cast in the city, the names of the persons voted for, for what office each person was voted for, and the number of votes given at each precinct to each person.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lemon Grove, California, hereby:

1. Declares the election results according to certification provided by the County of San Diego Registrar of Voters; and
2. Directs the oath of office to be administered to the newly elected officers.

PASSED AND ADOPTED: On December ____, 2018 the City Council of the City of Lemon Grove, California adopted Resolution No. 2018-_____, passed by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to form:

James Lough, City Attorney



County of San Diego

MICHAEL VU
Registrar of Voters

REGISTRAR OF VOTERS
County Operations Center Campus
5600 Overland Avenue, Suite 100, San Diego, California 92123-1266

CYNTHIA L. PAES
Assistant Registrar of Voters

Telephone: (858) 565-5800 Toll-free: 1 (800) 696-0136 TDD: (858) 694-3441
Facsimile: (858) 694-2955 Web Address: www.sdvote.com

December 6, 2018

TO: David Hall
Clerk of the Board of Supervisors

FROM: Michael Vu
Registrar of Voters

GUBERNATORIAL GENERAL ELECTION NOVEMBER 6, 2018 ELECTION CERTIFICATION

Enclosed are the certification documents for the following election:

Jurisdiction: Gubernatorial General Election

Election Date: November 6, 2018

Please contact my staff at (858) 505-7210 if you have any questions regarding this matter.

Enclosure

- c: Supervisor Kristin Gaspar, Chair
Supervisor Dianne Jacob, Vice Chair
Supervisor Greg Cox
Supervisor Ron Roberts
Supervisor Bill Horn
Helen N. Robbins-Meyer, Chief Administrative Officer
Donald F. Steuer, Assistant Chief Administrative Officer, Chief Operating Officer
April Heinze, P.E., Deputy Chief Administrative Officer, Community Services Group
County Office of Education
Department of Planning & Land Use

c: Continued

Incorporated Cities:

Carlsbad
Chula Vista
Coronado
Del Mar
El Cajon
Encinitas
Escondido
Imperial Beach
La Mesa
Lemon Grove
National City
Oceanside
Poway
San Diego
San Marcos
Santee
Solana Beach
Vista

Community College Districts:

Grossmont-Cuyamaca
Mira Costa
San Diego
Southwestern

Unified School Districts:

Bonsall
Borrego Springs
Carlsbad
Coronado
Mountain Empire
Oceanside
Poway
Ramona
San Diego
San Marcos
Valley Center-Pauma
Vista
Warner

High School Districts:

Escondido
Fallbrook
Grossmont
San Dieguito
Sweetwater

Union/Elementary School Districts:

Alpine
Cajon Valley
Chula Vista
Del Mar
Encinitas
Escondido
Fallbrook
Lemon Grove
La Mesa-Spring Valley
National
Rancho Santa Fe
San Pasqual
San Ysidro
Santee
Solana Beach
South Bay

Special Districts:

Alpine Community Planning
Alpine Fire Protection
Borrego Springs Fire Protection
Deer Springs Fire Protection
Fallbrook Community Planning
Fallbrook Regional Healthcare
Fallbrook Public Utility
Grossmont Healthcare
Helix Water
Julian-Cuyamaca Fire Protection
Lakeside Fire Protection
North County Fire Protection
Palomar Health
Pauma Valley Community Services
Rainbow Municipal Water
Ramona Municipal Water
Rancho Santa Fe Fire Protection
Rincon Ranch Community Services
San Miguel Consolidated Fire Protection
South Bay Irrigation
Tri-City Healthcare
Valle De Oro Community Planning
Valley Center Parks & Recreation
Valley Center Fire Protection
Whispering Palms Community Services

CERTIFICATION OF
COUNTY CLERK/REGISTRAR OF VOTERS
OF THE RESULTS OF THE CANVASS
OF THE November 6, 2018,
GENERAL ELECTION

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

SS.

I, Michael Vu, County Clerk/Registrar of Voters of said county, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the General Election held in said County on November 6, 2018, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached is full, true, and correct.

I hereby set my hand and official seal this 6TH day of November 2018 at
the County of San Diego.





Registrar of Voters

County of San Diego
State of California

County of San Diego
 Gubernatorial General Election
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Registered Voters 1767300

Num. Report Precinct 2136 - Num. Reporting 2136 100.00%

GOVERNOR			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		1157878	
GAVIN NEWSOM	DEM	658346	56.86%
JOHN H. COX	REP	499532	43.14%

ATTORNEY GENERAL			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		1130635	
XAVIER BECERRA	DEM	662897	58.63%
STEVEN C BAILEY	REP	467738	41.37%

LIEUTENANT GOVERNOR			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		912594	
ELENI KOUNALAKIS	DEM	570795	62.55%
ED HERNANDEZ	DEM	341799	37.45%

INSURANCE COMMISSIONER			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		1069185	
RICARDO LARA	DEM	541730	50.67%
STEVE POIZNER		527455	49.33%

SECRETARY OF STATE			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		1137586	
ALEX PADILLA	DEM	676273	59.45%
MARK P. MEUSER	REP	461313	40.55%

STATE BOARD OF EQUALIZATION 4TH DISTRICT			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		1088389	
MIKE SCHAEFER	DEM	602111	55.32%
JOEL ANDERSON	REP	486278	44.68%

CONTROLLER			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		1131688	
BETTY T. YEE	DEM	678633	59.97%
KONSTANTINOS RODITIS	REP	453055	40.03%

UNITED STATES SENATOR			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		995192	
DIANNE FEINSTEIN	DEM	526628	52.92%
KEVIN DE LEON	DEM	468564	47.08%

TREASURER			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		1123452	
FIONA MA	DEM	661376	58.87%
GREG CONLON	REP	462076	41.13%

US REPRESENTATIVE 49TH DIST (SAN DIEGO PORTION ONLY)			
		Total	
Number of Precincts		442	
Precincts Reporting		442	100.0 %
Vote For		1	
Times Counted	225199/307676		73.2 %
Total Votes		219581	
MIKE LEVIN	DEM	131329	59.81%
DIANE L. HARKEY	REP	88252	40.19%

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Registered Voters 1767300

Num. Report Precinct 2136 - Num. Reporting 2136 100.00%

US REPRESENTATIVE 50TH DIST (SAN DIEGO PORTION ONLY)			
		Total	
Number of Precincts		490	
Precincts Reporting		490	100.0 %
Vote For		1	
Times Counted		240487/350985	68.5 %
Total Votes		231557	
DUNCAN HUNTER	REP	118712	51.27%
AMMAR CAMPA-NAJJAR	DEM	112845	48.73%

STATE SENATE 38TH DIST			
		Total	
Number of Precincts		729	
Precincts Reporting		729	100.0 %
Vote For		1	
Times Counted		368130/536189	68.7 %
Total Votes		353437	
BRIAN W. JONES	REP	187345	53.01%
JEFF GRIFFITH	DEM	166092	46.99%

US REPRESENTATIVE 51ST DIST (SAN DIEGO PORTION ONLY)			
		Total	
Number of Precincts		261	
Precincts Reporting		261	100.0 %
Vote For		1	
Times Counted		123663/248681	49.7 %
Total Votes		120491	
JUAN VARGAS	DEM	87415	72.55%
JUAN M. HIDALGO JR	REP	33076	27.45%

STATE SENATE 40TH DIST (SAN DIEGO PORTION ONLY)			
		Total	
Number of Precincts		413	
Precincts Reporting		413	100.0 %
Vote For		1	
Times Counted		204950/385236	53.2 %
Total Votes		198869	
BEN HUESO	DEM	131627	66.19%
LUIS R. VARGAS	REP	67242	33.81%

US REPRESENTATIVE 52ND DIST			
		Total	
Number of Precincts		457	
Precincts Reporting		457	100.0 %
Vote For		1	
Times Counted		307204/432600	71.0 %
Total Votes		296007	
SCOTT PETERS	DEM	188992	63.85%
OMAR QUDRAT	REP	107015	36.15%

STATE ASSEMBLY 71ST DIST (SAN DIEGO PORTION ONLY)			
		Total	
Number of Precincts		367	
Precincts Reporting		367	100.0 %
Vote For		1	
Times Counted		158355/240438	65.9 %
Total Votes		151385	
RANDY VOEPEL	REP	91335	60.33%
JAMES ELIA	DEM	60050	39.67%

US REPRESENTATIVE 53RD DIST			
		Total	
Number of Precincts		486	
Precincts Reporting		486	100.0 %
Vote For		1	
Times Counted		277371/427358	64.9 %
Total Votes		268794	
SUSAN A. DAVIS	DEM	185667	69.07%
MORGAN MURTAUGH	REP	83127	30.93%

STATE ASSEMBLY 75TH DIST (SAN DIEGO PORTION ONLY)			
		Total	
Number of Precincts		272	
Precincts Reporting		272	100.0 %
Vote For		1	
Times Counted		132381/190746	69.4 %
Total Votes		126506	
MARIE WALDRON	REP	69493	54.93%
ALAN GERACI	DEM	57013	45.07%

STATE SENATE 36TH DIST (SAN DIEGO PORTION ONLY)			
		Total	
Number of Precincts		364	
Precincts Reporting		364	100.0 %
Vote For		1	
Times Counted		193157/266747	72.4 %
Total Votes		185611	
MARGGIE CASTELLANO	DEM	99982	53.87%
PATRICIA PAT BATES	REP	85629	46.13%

STATE ASSEMBLY 76TH DIST			
		Total	
Number of Precincts		343	
Precincts Reporting		343	100.0 %
Vote For		1	
Times Counted		189001/261133	72.4 %
Total Votes		146196	
TASHA BOERNER H.	DEM	79769	54.56%
ELIZABETH WARREN	DEM	66427	45.44%

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Registered Voters 1767300

Num. Report Precinct 2136 - Num. Reporting 2136 100.00%

STATE ASSEMBLY 77TH DIST			
		Total	
Number of Precincts		339	
Precincts Reporting		339	100.0 %
Vote For		1	
Times Counted	208762/290453		71.9 %
Total Votes		199153	
BRIAN MAIENSCHIN	REP	99880	50.15%
SUNDAY GOVER	DEM	99273	49.85%

CA SUP CT ASSOC JUST KRUGER			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		821076	
YES		603531	73.50%
NO		217545	26.50%

STATE ASSEMBLY 78TH DIST			
		Total	
Number of Precincts		304	
Precincts Reporting		304	100.0 %
Vote For		1	
Times Counted	207841/292235		71.1 %
Total Votes		197815	
TODD GLORIA	DEM	140598	71.08%
MAGGIE J. CAMPBELL	REP	57217	28.92%

CA APP CT ASSOC JUST DIV 1 IRION			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		804460	
YES		606581	75.40%
NO		197879	24.60%

STATE ASSEMBLY 79TH DIST			
		Total	
Number of Precincts		287	
Precincts Reporting		287	100.0 %
Vote For		1	
Times Counted	162845/268174		60.7 %
Total Votes		155081	
SHIRLEY N. WEBER	DEM	103533	66.76%
JOHN MOORE	REP	51548	33.24%

CA APP CT ASSOC JUST DIV 1 HALLER			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		800299	
YES		590223	73.75%
NO		210076	26.25%

STATE ASSEMBLY 80TH DIST			
		Total	
Number of Precincts		224	
Precincts Reporting		224	100.0 %
Vote For		1	
Times Counted	114739/224121		51.2 %
Total Votes		110184	
LORENA GONZALEZ	DEM	82621	74.98%
LINCOLN PICKARD	REP	27563	25.02%

CA APP CT ASSOC JUST DIV 1 HUFFMAN			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		803255	
YES		542889	67.59%
NO		260366	32.41%

CA SUP CT ASSOC JUST CORRIGAN			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		831341	
YES		572351	68.85%
NO		258990	31.15%

CA APP CT ASSOC JUST DIV 1 BENKE			
		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300		66.4 %
Total Votes		807542	
YES		594403	73.61%
NO		213139	26.39%

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CA APP CT ASSOC JUST DIV 1			
AARON		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300	66.4 %	
Total Votes		804434	
YES		582177	72.37%
NO		222257	27.63%

CA APP CT ASSOC JUST DIV 2			
MCKINSTER		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300	66.4 %	
Total Votes		778436	
YES		521754	67.03%
NO		256682	32.97%

CA APP CT ASSOC JUST DIV 1			
DATO		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300	66.4 %	
Total Votes		795705	
YES		535184	67.26%
NO		260521	32.74%

CA APP CT ASSOC JUST DIV 2			
SLOUGH		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300	66.4 %	
Total Votes		782803	
YES		549802	70.24%
NO		233001	29.76%

CA APP CT ASSOC JUST DIV 1			
GUERRERO		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300	66.4 %	
Total Votes		789892	
YES		592026	74.95%
NO		197866	25.05%

CA APP CT ASSOC JUST DIV 3			
THOMPSON		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300	66.4 %	
Total Votes		774826	
YES		519202	67.01%
NO		255624	32.99%

CA APP CT ASSOC JUST DIV 2			
MILLER		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300	66.4 %	
Total Votes		792121	
YES		502632	63.45%
NO		289489	36.55%

CA APP CT ASSOC JUST DIV 3			
IKOLA		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300	66.4 %	
Total Votes		774225	
YES		544138	70.28%
NO		230087	29.72%

CA APP CT ASSOC JUST DIV 2			
FIELDS		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300	66.4 %	
Total Votes		792283	
YES		542018	68.41%
NO		250265	31.59%

CA APP CT ASSOC JUST DIV 3			
GOETHALS		Total	
Number of Precincts		2136	
Precincts Reporting		2136	100.0 %
Vote For		1	
Times Counted	1173924/1767300	66.4 %	
Total Votes		772048	
YES		512064	66.33%
NO		259984	33.67%

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SUPERIOR COURT OFFICE NO. 37			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0	%
Vote For	1		
Times Counted	1173924/1767300	66.4	%
Total Votes	899162		
MATT BROWER	550044	61.17%	
GARY KREEP	349118	38.83%	

MIRACOSTA COMM COLLEGE TA-2			
	Total		
Number of Precincts	80		
Precincts Reporting	80	100.0	%
Vote For	1		
Times Counted	31862/39969	79.7	%
Total Votes	22036		
RICK CASSAR	16534	75.03%	
HAROLD FAIRMAN IV	5431	24.65%	

SUPERINTENDENT OF PUBLIC INSTRUCTION			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0	%
Vote For	1		
Times Counted	1173924/1767300	66.4	%
Total Votes	942297		
MARSHALL TUCK	513201	54.46%	
TONY K. THURMOND	425096	45.11%	

MIRACOSTA COMM COLLEGE TA-7			
	Total		
Number of Precincts	32		
Precincts Reporting	32	100.0	%
Vote For	1		
Times Counted	18836/28432	66.2	%
Total Votes	15290		
WILLIAM FISCHER	8829	57.74%	
STEVE HASTY	6387	41.77%	

GROSSMONT-CUYAMACA COMM COLLEGE TA-1			
	Total		
Number of Precincts	71		
Precincts Reporting	71	100.0	%
Vote For	1		
Times Counted	39256/57756	68.0	%
Total Votes	33246		
LINDA CARTWRIGHT	22226	66.85%	
JONATHAN JOHN OLSEN	10932	32.88%	

PALOMAR COMM COLLEGE			
	Total		
Number of Precincts	577		
Precincts Reporting	577	100.0	%
Vote For	2		
Times Counted	296857/421458	70.4	%
Total Votes	377161		
NORMA MIYAMOTO	91100	24.15%	
MARK R. EVILSIZER	86555	22.95%	
ROSE MARIE DISHMAN	79773	21.15%	
LEE DULGEROFF	70618	18.72%	
AIMEE R. KEITH	48200	12.78%	

GROSSMONT-CUYAMACA COMM COLLEGE TA-2			
	Total		
Number of Precincts	70		
Precincts Reporting	70	100.0	%
Vote For	1		
Times Counted	40321/57987	69.5	%
Total Votes	31084		
DEBBIE JUSTESON	21767	70.03%	
BILL EXETER	9208	29.62%	

SAN DIEGO COMM COLLEGE DISTRICT A			
	Total		
Number of Precincts	613		
Precincts Reporting	613	100.0	%
Vote For	1		
Times Counted	383923/586316	65.5	%
Total Votes	289885		
MARIA NIETO SENOUR	176691	60.95%	
DIANE HICKMAN	112211	38.71%	

GROSSMONT-CUYAMACA COMM COLLEGE TA-5			
	Total		
Number of Precincts	70		
Precincts Reporting	70	100.0	%
Vote For	1		
Times Counted	29678/51328	57.8	%
Total Votes	23942		
BRAD MONROE	14403	60.16%	
TERESA A. ROSIAK	9411	39.31%	

SAN DIEGO COMM COLLEGE DISTRICT C			
	Total		
Number of Precincts	613		
Precincts Reporting	613	100.0	%
Vote For	1		
Times Counted	383923/586316	65.5	%
Total Votes	283960		
CRAIG MILGRIM	191297	67.37%	
LOREN SETH CASUTO	91500	32.22%	

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SAN DIEGO COMM COLLEGE DISTRICT E			
	Total		
Number of Precincts	613		
Precincts Reporting	613	100.0 %	
Vote For	1		
Times Counted	383923/586316	65.5 %	
Total Votes	283621		
SEAN ELO	140895	49.68%	
DAVID ALVAREZ	137638	48.53%	

MOUNTAIN EMPIRE UNIFIED SCHOOL DIST TA NO. 3			
	Total		
Number of Precincts	17		
Precincts Reporting	17	100.0 %	
Vote For	1		
Times Counted	4559/7079	64.4 %	
Total Votes	3415		
BERYL BUCHANAN	2034	59.56%	
ROB ROMERO	1358	39.77%	

SOUTHWESTERN COMM COLLEGE DIST SEAT NO. 4			
	Total		
Number of Precincts	257		
Precincts Reporting	257	100.0 %	
Vote For	1		
Times Counted	142663/255739	55.8 %	
Total Votes	122401		
LETICIA Y. CAZARES	56939	46.52%	
NICOLE JONES	39993	32.67%	
TAMARA RODRIGUEZ	24993	20.42%	

MOUNTAIN EMPIRE UNIFIED SCHOOL DIST TA NO. 4			
	Total		
Number of Precincts	17		
Precincts Reporting	17	100.0 %	
Vote For	1		
Times Counted	4559/7079	64.4 %	
Total Votes	3137		
GENE PATTEN	1848	58.91%	
STEPHEN M. GREIFZU	1266	40.36%	

BORREGO SPRINGS UNIFIED SCHOOL DISTRICT			
	Total		
Number of Precincts	4		
Precincts Reporting	4	100.0 %	
Vote For	2		
Times Counted	1331/1754	75.9 %	
Total Votes	1744		
JUDY K. COYLE	708	40.60%	
VALEEN SZABO	553	31.71%	
CURT YAWS	465	26.66%	

OCEANSIDE UNIFIED SCHOOL DIST TRUSTEE AREA NO. 1			
	Total		
Number of Precincts	14		
Precincts Reporting	14	100.0 %	
Vote For	1		
Times Counted	6925/11165	62.0 %	
Total Votes	5826		
ERIC JOYCE	2407	41.31%	
ESTEBAN BALDERAS	1674	28.73%	
DANIEL A. IMAN	1135	19.48%	
OSCAR OSCARIN ORTEGA	591	10.14%	

CARLSBAD UNIFIED SCHOOL DIST TRUSTEE AREA NO. 1			
	Total		
Number of Precincts	10		
Precincts Reporting	10	100.0 %	
Vote For	1		
Times Counted	6471/8648	74.8 %	
Total Votes	5044		
VERONICA C. WILLIAMS	2657	52.68%	
MELANIE BURKHOLDER	2367	46.93%	

OCEANSIDE UNIFIED SCHOOL DIST TRUSTEE AREA NO. 3			
	Total		
Number of Precincts	13		
Precincts Reporting	13	100.0 %	
Vote For	1		
Times Counted	5006/7841	63.8 %	
Total Votes	3993		
STACY BEGIN	2596	65.01%	
ANN CORWIN	1377	34.49%	

CORONADO UNIFIED SCHOOL DISTRICT			
	Total		
Number of Precincts	10		
Precincts Reporting	10	100.0 %	
Vote For	3		
Times Counted	8080/10806	74.8 %	
Total Votes	14154		
LEE PONTES	4472	31.60%	
HELEN ANDERSON-CRUZ	4080	28.83%	
ESTHER RUTH VALDÉS	4073	28.78%	
KYLE R. TUPAS	1445	10.21%	

POWAY UNIFIED SCHOOL DIST TRUSTEE AREA B			
	Total		
Number of Precincts	30		
Precincts Reporting	30	100.0 %	
Vote For	1		
Times Counted	21516/27340	78.7 %	
Total Votes	17202		
GINGER COUVRETTE	7624	44.32%	
KEVIN JUZA	5978	34.75%	
KIM GARNIER	3576	20.79%	

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POWAY UNIFIED SCHOOL DIST TRUSTEE AREA C		
	Total	
Number of Precincts	24	
Precincts Reporting	24	100.0 %
Vote For	1	
Times Counted	16958/23005	73.7 %
Total Votes	12999	
T.J. ZANE	6335	48.73%
TERESA TERRY NORWOOD	4467	34.36%
CHARLES SELLERS	2154	16.57%

SAN MARCOS UNIFIED SCHOOL DIST TRUSTEE AREA E		
	Total	
Number of Precincts	22	
Precincts Reporting	22	100.0 %
Vote For	1	
Times Counted	9426/13462	70.0 %
Total Votes	7167	
STACY CARLSON	5306	74.03%
CHRISTINA LINDEN	1839	25.66%

POWAY UNIFIED SCHOOL DIST TRUSTEE AREA D		
	Total	
Number of Precincts	23	
Precincts Reporting	23	100.0 %
Vote For	1	
Times Counted	15623/22442	69.6 %
Total Votes	12056	
M. O'CONNOR-RATCLIFF	7866	65.25%
STAN RODKIN	4143	34.36%

VALLEY CENTER-PAUMA UNIFIED SCHOOL DISTRICT		
	Total	
Number of Precincts	25	
Precincts Reporting	25	100.0 %
Vote For	3	
Times Counted	11175/15538	71.9 %
Total Votes	20297	
JULIE A. STROH	4617	22.75%
WENDY HEREDIA	4588	22.60%
CRAIG ADAMS	4379	21.57%
JERRY C. FENTON	4274	21.06%
JEANA BOULOS	2360	11.63%

RAMONA UNIFIED SCHOOL DISTRICT		
	Total	
Number of Precincts	25	
Precincts Reporting	25	100.0 %
Vote For	3	
Times Counted	15568/22100	70.4 %
Total Votes	27396	
RODGER DOHM	7552	27.57%
BOB STOODY	7472	27.27%
KIM LASLEY	6871	25.08%
EDWARD L. ANDERSON	5332	19.46%

VALLEY CENTER-PAUMA UNIFIED SCH DIST (Short Term)		
	Total	
Number of Precincts	25	
Precincts Reporting	25	100.0 %
Vote For	1	
Times Counted	11175/15538	71.9 %
Total Votes	8567	
MIKE ADAMS	5344	62.38%
GINA ROBERTS	3186	37.19%

SAN DIEGO UNIFIED SCHOOL DISTRICT B		
	Total	
Number of Precincts	612	
Precincts Reporting	612	100.0 %
Vote For	1	
Times Counted	383674/585998	65.5 %
Total Votes	298005	
KEVIN RICHARD BEISER	216657	72.70%
TOM KELIINOI	80388	26.98%

VISTA UNIFIED SCHOOL DIST TRUSTEE AREA NO. 2		
	Total	
Number of Precincts	27	
Precincts Reporting	27	100.0 %
Vote For	1	
Times Counted	10553/15658	67.4 %
Total Votes	8252	
DEBBIE MORTON	4786	58.00%
CAROL W. HERRERA	3436	41.64%

SAN DIEGO UNIFIED SCHOOL DISTRICT C		
	Total	
Number of Precincts	612	
Precincts Reporting	612	100.0 %
Vote For	1	
Times Counted	383674/585998	65.5 %
Total Votes	294290	
MICHAEL G. MCQUARY	177300	60.25%
MARCIA NORDSTROM	116022	39.42%

WARNER UNIFIED SCHOOL DISTRICT		
	Total	
Number of Precincts	6	
Precincts Reporting	6	100.0 %
Vote For	3	
Times Counted	975/1327	73.5 %
Total Votes	1615	
JEANNEAN ROMBAL	474	29.35%
PJ STONEBURNER	398	24.64%
TERRY L COX	374	23.16%
MELODY SEES	347	21.49%

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FALLBROOK UNION HIGH SCHOOL DISTRICT		
	Total	
Number of Precincts	33	
Precincts Reporting	33	100.0 %
Vote For	3	
Times Counted	16860/24254	69.5 %
Total Votes	31781	
DIANE SUMMERS	6751	21.24%
LITA TABISH	5924	18.64%
ELANA STERLING	5228	16.45%
D.J. CAMPE	4003	12.60%
JAMES O'DONNELL	3708	11.67%
RICHARD L. GOODLAKE	3579	11.26%
SHERRY Z. LUDWIG	2510	7.90%

ALPINE UNION SCHOOL DISTRICT		
	Total	
Number of Precincts	17	
Precincts Reporting	17	100.0 %
Vote For	3	
Times Counted	8901/12335	72.2 %
Total Votes	16415	
AL GUERRA	4690	28.57%
GLENN DICKIE	4278	26.06%
ERIC WRAY	4212	25.66%
LOUIS RUSSO	3151	19.20%

SAN DIEGUITO UNION HIGH SCHOOL DIST TA NO. 1		
	Total	
Number of Precincts	30	
Precincts Reporting	30	100.0 %
Vote For	1	
Times Counted	18668/23481	79.5 %
Total Votes	14809	
MAUREEN "MO" MUIR	7486	50.55%
AMY FLICKER	7291	49.23%

BONSALL UNIFIED SCHOOL DISTRICT		
	Total	
Number of Precincts	33	
Precincts Reporting	33	100.0 %
Vote For	3	
Times Counted	8421/11208	75.1 %
Total Votes	14850	
LOU RIDDLE	2793	18.81%
ROGER MERCHAT	2651	17.85%
MICHAEL GADDIS	2621	17.65%
ERIC ORTEGA	2342	15.77%
BRIAN C. OLSON	2341	15.76%
TIMOTHY J. COEN	2029	13.66%

SAN DIEGUITO UNION HIGH SCHOOL DIST TA NO. 3		
	Total	
Number of Precincts	47	
Precincts Reporting	47	100.0 %
Vote For	1	
Times Counted	18804/23638	79.5 %
Total Votes	14005	
MELISSE C. MOSSY	7389	52.76%
RHEA A. STEWART	6579	46.98%

BONSALL UNIFIED SCHOOL DISTRICT (Short Term)		
	Total	
Number of Precincts	33	
Precincts Reporting	33	100.0 %
Vote For	1	
Times Counted	8421/11208	75.1 %
Total Votes	6087	
LARISSA ANDERSON	3048	50.07%
SYLVIA B TUCKER	3009	49.43%

SAN DIEGUITO UNION HIGH SCHOOL DIST TA NO. 5		
	Total	
Number of Precincts	22	
Precincts Reporting	22	100.0 %
Vote For	1	
Times Counted	16482/22648	72.8 %
Total Votes	12807	
KRISTIN GIBSON	5204	40.63%
CHERYL JAMES-WARD	4899	38.25%
LEA WOLF	2660	20.77%

CAJON VALLEY UNION SCHOOL DIST TRUSTEE AREA NO. 2		
	Total	
Number of Precincts	30	
Precincts Reporting	30	100.0 %
Vote For	1	
Times Counted	8486/15253	55.6 %
Total Votes	6724	
JILL D. BARTO	4584	68.17%
ANDREW ALEGRIA	2109	31.37%

GROSSMONT UNION HIGH SCHOOL DIST TA NO. 3		
	Total	
Number of Precincts	67	
Precincts Reporting	67	100.0 %
Vote For	1	
Times Counted	20595/37112	55.5 %
Total Votes	16204	
GARY WOODS	10246	63.23%
PEGGY "LIZ" WEAVER	5909	36.47%

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CHULA VISTA ELEMENTARY SCHOOL DIST SEAT NO. 3			
	Total		
Number of Precincts	162		
Precincts Reporting	162	100.0 %	
Vote For	1		
Times Counted	94129/163480	57.6 %	
Total Votes	81660		
LESLIE RAY BUNKER	34211	41.89%	
FAMELA RAMOS	30034	36.78%	
AARON MORENO	17186	21.05%	

ESCONDIDO UNION SCHOOL DIST TRUSTEE AREA NO. 4			
	Total		
Number of Precincts	22		
Precincts Reporting	22	100.0 %	
Vote For	1		
Times Counted	10830/16557	65.4 %	
Total Votes	8513		
GEORGINE M. TOMASI	4337	50.95%	
ZESTY HARPER	4150	48.75%	

CHULA VISTA ELEMENTARY SCHOOL DIST SEAT NO. 5			
	Total		
Number of Precincts	162		
Precincts Reporting	162	100.0 %	
Vote For	1		
Times Counted	94129/163480	57.6 %	
Total Votes	78806		
EDUARDO REYES	46029	58.41%	
TANIA A. SOLIS	16463	20.89%	
KATE BISHOP	16017	20.32%	

ESCONDIDO UNION SCHOOL DIST TRUSTEE AREA NO. 5			
	Total		
Number of Precincts	20		
Precincts Reporting	20	100.0 %	
Vote For	1		
Times Counted	11747/17581	66.8 %	
Total Votes	8918		
GARY M. ALTENBURG	5103	57.22%	
FRANK HUSTON	3789	42.49%	

DEL MAR UNION SCHOOL DISTRICT			
	Total		
Number of Precincts	31		
Precincts Reporting	31	100.0 %	
Vote For	3		
Times Counted	21339/28373	75.2 %	
Total Votes	37076		
K. FITZPATRICK	7040	18.99%	
SCOTT WOODEN	7038	18.98%	
DOUG RAFNER	6564	17.70%	
LIBBY HELLMANN	6375	17.19%	
GEE WAH MOK	6024	16.25%	
CHRIS TYLER	3921	10.58%	

FALLBROOK UNION ELEMENTARY SCHOOL DISTRICT			
	Total		
Number of Precincts	28		
Precincts Reporting	28	100.0 %	
Vote For	3		
Times Counted	16054/23080	69.6 %	
Total Votes	28527		
SUSAN LIEBES	6342	22.23%	
PATTY DE JONG	5673	19.89%	
CARON LIEBER	5037	17.66%	
EREN MELENDEZ	4433	15.54%	
PATRICK RUSNELL	4280	15.00%	
DARRYL E. BUNTIN	2697	9.45%	

ENCINITAS UNION SCHOOL DISTRICT			
	Total		
Number of Precincts	73		
Precincts Reporting	73	100.0 %	
Vote For	3		
Times Counted	40281/50632	79.6 %	
Total Votes	73648		
MARLA STRICH	18384	24.96%	
EMILY ANDRADE	17746	24.10%	
GREGG M SONKEN	15359	20.85%	
CHRISTIAN S ADAMS	11373	15.44%	
AMY C. GLANCY	10577	14.36%	

LA MESA-SPRING VALLEY SCHOOL DISTRICT			
	Total		
Number of Precincts	86		
Precincts Reporting	86	100.0 %	
Vote For	3		
Times Counted	50852/78072	65.1 %	
Total Votes	98987		
REBECCA MCRAE	21640	21.86%	
CHARDÁ FONTENOT	16148	16.31%	
MEGAN EPPERSON	14520	14.67%	
BRIANNA GARZA	14274	14.42%	
STEVE BABBITT	13877	14.02%	
JERRY LECKO	12734	12.86%	
MATTHEW A. SABLOVE	5572	5.63%	

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LEMON GROVE SCHOOL DISTRICT		
	Total	
Number of Precincts	25	
Precincts Reporting	25	100.0 %
Vote For	3	
Times Counted	11398/19568	58.2 %
Total Votes	21094	
TIMOTHY SHAW	4448	21.09%
KATIE DEXTER	4181	19.82%
LARRY LOSCHEN	3560	16.88%
YAJAIRA PRECIADO	3509	16.64%
ANGELES G. NELSON	2924	13.86%
KATHERINE NUNCIO	2391	11.33%

SAN YSIDRO SCHOOL DISTRICT		
	Total	
Number of Precincts	22	
Precincts Reporting	22	100.0 %
Vote For	3	
Times Counted	7812/17472	44.7 %
Total Votes	12561	
HUMBERTO GURMILAN JR	3728	29.68%
IRENE LOPEZ	3238	25.78%
RODOLFO "RUDY" LOPEZ	2663	21.20%
OLGA ESPINOZA	1803	14.35%
MARCOS DIAZ	1050	8.36%

NATIONAL SCHOOL DISTRICT		
	Total	
Number of Precincts	27	
Precincts Reporting	27	100.0 %
Vote For	3	
Times Counted	12693/24582	51.6 %
Total Votes	26164	
MARIA CASTANEDA	5315	20.31%
MARIA DALLA	4552	17.40%
ALMA SARMIENTO	4505	17.22%
GONZALO J. QUINTERO	4276	16.34%
RANDI MARIE CASTLE	2811	10.74%
THELMA SANCHEZ	2597	9.93%
JILL ANN MILLIGAN	2041	7.80%

SOLANA BEACH SCHOOL DISTRICT		
	Total	
Number of Precincts	46	
Precincts Reporting	46	100.0 %
Vote For	3	
Times Counted	20210/25927	77.9 %
Total Votes	32607	
VICKI KING	10062	30.86%
DEBRA H. SCHADE	9732	29.85%
GAYLIN ALLBAUGH	7904	24.24%
JULIE WESTCOT O'DELL	4815	14.77%

RANCHO SANTA FE SCHOOL DISTRICT		
	Total	
Number of Precincts	16	
Precincts Reporting	16	100.0 %
Vote For	2	
Times Counted	3568/4504	79.2 %
Total Votes	4708	
KALI KIM	1429	30.35%
JEE MANGHANI	1209	25.68%
BEN B. BROWN	1104	23.45%
DAN A. DUFRESNE	501	10.64%
GLEN GRIFFIN	460	9.77%

SOUTH BAY UNION SCHOOL DISTRICT		
	Total	
Number of Precincts	37	
Precincts Reporting	37	100.0 %
Vote For	3	
Times Counted	19965/39434	50.6 %
Total Votes	38608	
LOUIS BARRIOS	7380	19.12%
MARY SUSAN DOYLE	6882	17.83%
MARCO O.R. AMARAL	6668	17.27%
DAVID C. LOPEZ	5822	15.08%
ELVIA AGUILAR	5338	13.83%
MELANIE ELLSWORTH	3608	9.35%
BETH GILLEN	2760	7.15%

SAN PASQUAL UNION SCHOOL DISTRICT		
	Total	
Number of Precincts	13	
Precincts Reporting	13	100.0 %
Vote For	3	
Times Counted	1586/2080	76.3 %
Total Votes	2596	
MATTHEW ZDUNICH	594	22.88%
DARA P CZERWONKA	569	21.92%
JOHN MERZ	562	21.65%
DAVID R. HERSEY	545	20.99%
JESSICA ADAMS	323	12.44%

BOARD OF SUPERVISORS DISTRICT NO. 4		
	Total	
Number of Precincts	390	
Precincts Reporting	390	100.0 %
Vote For	1	
Times Counted	248429/376979	65.9 %
Total Votes	211930	
NATHAN FLETCHER	142785	67.37%
BONNIE DUMANIS	69145	32.63%

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BOARD OF SUPERVISORS DISTRICT NO. 5			
	Total		
Number of Precincts	511		
Precincts Reporting	511	100.0 %	
Vote For	1		
Times Counted	247258/346312	71.4 %	
Total Votes	199313		
JIM DESMOND	112267	56.33%	
MICHELLE GOMEZ	87046	43.67%	

CITY OF CARLSBAD TREASURER			
	Total		
Number of Precincts	94		
Precincts Reporting	94	100.0 %	
Vote For	1		
Times Counted	57678/73890	78.1 %	
Total Votes	38948		
CRAIG LINDHOLM	38473	98.78%	

CITY OF CARLSBAD MAYOR			
	Total		
Number of Precincts	94		
Precincts Reporting	94	100.0 %	
Vote For	1		
Times Counted	57678/73890	78.1 %	
Total Votes	53337		
MATT HALL	29558	55.42%	
CORI SCHUMACHER	23649	44.34%	

CITY OF CHULA VISTA MAYOR			
	Total		
Number of Precincts	122		
Precincts Reporting	122	100.0 %	
Vote For	1		
Times Counted	80530/140099	57.5 %	
Total Votes	75237		
MARY CASILLAS SALAS	54062	71.86%	
HECTOR RAUL GASTELUM	21175	28.14%	

CITY OF CARLSBAD CITY COUNCIL DISTRICT NO. 1			
	Total		
Number of Precincts	18		
Precincts Reporting	18	100.0 %	
Vote For	1		
Times Counted	12468/16484	75.6 %	
Total Votes	10785		
BARBARA HAMILTON	4130	38.29%	
TRACY CARMICHAEL	3893	36.10%	
LINDA BREEN	1576	14.61%	
DAVID MCGEE	1162	10.77%	

CITY OF CHULA VISTA CITY COUNCIL DISTRICT NO. 1			
	Total		
Number of Precincts	33		
Precincts Reporting	33	100.0 %	
Vote For	1		
Times Counted	25178/38845	64.8 %	
Total Votes	23123		
JOHN McCANN	11945	51.66%	
MARK BARTLETT	11178	48.34%	

CITY OF CARLSBAD CITY COUNCIL DISTRICT NO. 3			
	Total		
Number of Precincts	26		
Precincts Reporting	26	100.0 %	
Vote For	1		
Times Counted	15070/19466	77.4 %	
Total Votes	12901		
PRIYA BHAT-PATEL	6572	50.94%	
CORRINE BUSTA	6302	48.85%	

CITY OF CHULA VISTA CITY COUNCIL DISTRICT NO. 2			
	Total		
Number of Precincts	31		
Precincts Reporting	31	100.0 %	
Vote For	1		
Times Counted	18566/32794	56.6 %	
Total Votes	16898		
JILL M. GALVEZ	8871	52.50%	
STEVE STENBERG	8027	47.50%	

CITY OF CARLSBAD CITY CLERK			
	Total		
Number of Precincts	94		
Precincts Reporting	94	100.0 %	
Vote For	1		
Times Counted	57678/73890	78.1 %	
Total Votes	39329		
BARBARA ENGLESON	38882	98.86%	

CITY OF CHULA VISTA CITY ATTORNEY			
	Total		
Number of Precincts	122		
Precincts Reporting	122	100.0 %	
Vote For	1		
Times Counted	80530/140099	57.5 %	
Total Votes	71834		
GLEN GOOGINS	43333	60.32%	
ANDREW DEDDEH	28501	39.68%	

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CITY OF CORONADO CITY COUNCIL		Total
Number of Precincts	11	
Precincts Reporting	11	100.0 %
Vote For	2	
Times Counted	8080/10806	74.8 %
Total Votes	13166	
BILL SANDKE	3492	26.52%
MARVIN HEINZE	3078	23.38%
MARY D. SIKES	2724	20.69%
PETER J. JENSEN	1924	14.61%
DERIK MUNDT	1558	11.83%

CITY OF ENCINITAS CITY COUNCIL DISTRICT NO. 3		Total
Number of Precincts	16	
Precincts Reporting	16	100.0 %
Vote For	1	
Times Counted	8851/11094	79.8 %
Total Votes	7822	
JODY HUBBARD	4184	53.49%
MARK MUIR	3617	46.24%

CITY OF DEL MAR CITY COUNCIL		Total
Number of Precincts	6	
Precincts Reporting	6	100.0 %
Vote For	2	
Times Counted	2722/3273	83.2 %
Total Votes	4266	
TERRY GAASTERLAND	1453	34.06%
DWIGHT WORDEN	1179	27.64%
BRIAN FLETCHER	1054	24.71%
DANIEL J. QUIRK	568	13.31%

CITY OF ENCINITAS CITY COUNCIL DISTRICT NO. 4		Total
Number of Precincts	17	
Precincts Reporting	17	100.0 %
Vote For	1	
Times Counted	8886/10991	80.8 %
Total Votes	7763	
JOE MOSCA	3959	51.00%
TONY BRANDENBURG	3774	48.62%

CITY OF EL CAJON MAYOR		Total
Number of Precincts	86	
Precincts Reporting	86	100.0 %
Vote For	1	
Times Counted	26124/44483	58.7 %
Total Votes	23126	
BILL WELLS	14803	64.01%
JOEL A. SCALZITTI	6295	27.22%
ROBERT M. WEAVER JR.	1917	8.29%

CITY OF ESCONDIDO MAYOR		Total
Number of Precincts	74	
Precincts Reporting	74	100.0 %
Vote For	1	
Times Counted	44344/67979	65.2 %
Total Votes	41076	
PAUL "MAC" MCNAMARA	21183	51.57%
SAM ABED	19639	47.81%

CITY OF EL CAJON CITY COUNCIL DISTRICT NO. 1		Total
Number of Precincts	32	
Precincts Reporting	32	100.0 %
Vote For	1	
Times Counted	9445/14371	65.7 %
Total Votes	8150	
GARY KENDRICK	6826	83.75%
BEN KALASHO	1281	15.72%

CITY OF ESCONDIDO CITY COUNCIL DISTRICT NO. 1		Total
Number of Precincts	13	
Precincts Reporting	13	100.0 %
Vote For	1	
Times Counted	6315/11219	56.3 %
Total Votes	5676	
CONSUELO MARTINEZ	3692	65.05%
ED GALLO	1972	34.74%

CITY OF ENCINITAS MAYOR		Total
Number of Precincts	57	
Precincts Reporting	57	100.0 %
Vote For	1	
Times Counted	33715/42394	79.5 %
Total Votes	30016	
CATHERINE BLAKESPEAR	24851	82.79%
JOHN PAUL ELLIOTT	4845	16.14%

CITY OF ESCONDIDO CITY COUNCIL DISTRICT NO. 2		Total
Number of Precincts	26	
Precincts Reporting	26	100.0 %
Vote For	1	
Times Counted	14326/21185	67.6 %
Total Votes	11767	
JOHN MASSON	5899	50.13%
VANESSA VALENZUELA	4529	38.49%
NICOLE A. DOWNEY	1302	11.06%

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CITY OF IMPERIAL BEACH MAYOR			
	Total		
Number of Precincts	11		
Precincts Reporting	11	100.0 %	
Vote For	1		
Times Counted	7112/13114	54.2 %	
Total Votes	6796		
SERGE DEDINA	4607	67.79%	
VALERIE ACEVEZ	2142	31.52%	

CITY OF LEMON GROVE CITY COUNCIL			
	Total		
Number of Precincts	14		
Precincts Reporting	14	100.0 %	
Vote For	2		
Times Counted	8587/14651	58.6 %	
Total Votes	12622		
JENNIFER L. MENDOZA	4241	33.60%	
JERRY JONES	3269	25.90%	
TERESA ROSIAK	2670	21.15%	
KAMAAL MARTIN	2401	19.02%	

CITY OF IMPERIAL BEACH CITY COUNCIL			
	Total		
Number of Precincts	11		
Precincts Reporting	11	100.0 %	
Vote For	2		
Times Counted	7112/13114	54.2 %	
Total Votes	11368		
PALOMA AGUIRRE	3345	29.42%	
ED SPRIGGS	3009	26.47%	
DANE CROSBY	2147	18.89%	
DARNISHA HUNTER	1779	15.65%	
MO CAMACHO	1056	9.29%	

CITY OF NATIONAL CITY MAYOR			
	Total		
Number of Precincts	25		
Precincts Reporting	25	100.0 %	
Vote For	1		
Times Counted	12776/24643	51.8 %	
Total Votes	11971		
A SOTELO-SOLIS	5506	45.99%	
D DELOSSANTOS YAMANE	3468	28.97%	
R. MITCHEL BEAUCHAMP	1576	13.17%	
DANIEL PEREZ	1383	11.55%	

CITY OF LA MESA MAYOR			
	Total		
Number of Precincts	33		
Precincts Reporting	33	100.0 %	
Vote For	1		
Times Counted	24320/35341	68.8 %	
Total Votes	18639		
MARK ARAPOSTATHIS	17986	96.50%	

CITY OF NATIONAL CITY CITY COUNCIL			
	Total		
Number of Precincts	25		
Precincts Reporting	25	100.0 %	
Vote For	2		
Times Counted	12776/24643	51.8 %	
Total Votes	19615		
RON MORRISON	4966	25.32%	
MONA ALVARADO-RIOS	4844	24.70%	
JOSE RODRIGUEZ	4770	24.32%	
CANDY MORALES	2843	14.49%	
SHERRY GOGUE	1545	7.88%	
JAMES KIM III	627	3.20%	

CITY OF LA MESA CITY COUNCIL			
	Total		
Number of Precincts	33		
Precincts Reporting	33	100.0 %	
Vote For	2		
Times Counted	24320/35341	68.8 %	
Total Votes	36984		
AKILAH WEBER	11149	30.15%	
BILL BABER	8978	24.28%	
GUY MCWHIRTER	8557	23.14%	
DAVE MYERS	8214	22.21%	

CITY OF OCEANSIDE CITY COUNCIL DISTRICT NO. 1			
	Total		
Number of Precincts	26		
Precincts Reporting	26	100.0 %	
Vote For	1		
Times Counted	12937/19466	66.5 %	
Total Votes	11415		
ESTHER C. SANCHEZ	4137	36.24%	
CHUCK LOWERY	3808	33.36%	
SUSAN CUSTER	2340	20.50%	
MICHAEL M. ODEGAARD	1094	9.58%	

CITY OF LA MESA TREASURER			
	Total		
Number of Precincts	33		
Precincts Reporting	33	100.0 %	
Vote For	1		
Times Counted	24320/35341	68.8 %	
Total Votes	16830		
ELDON "BUD" VOGT	16587	98.56%	

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CITY OF OCEANSIDE CITY COUNCIL DISTRICT NO. 2		Total
Number of Precincts	29	
Precincts Reporting	29	100.0 %
Vote For	1	
Times Counted	14798/22027	67.2 %
Total Votes	13043	
CHRIS RODRIGUEZ	5610	43.01%
DANA CORSO	3449	26.44%
TERRY W. JOHNSON SR.	1941	14.88%
LARRY KORNI	1248	9.57%
KRISTOPHER R. KAGAN	760	5.83%

CITY OF POWAY CITY COUNCIL DISTRICT NO. 3		Total
Number of Precincts	9	
Precincts Reporting	9	100.0 %
Vote For	1	
Times Counted	5813/7836	74.2 %
Total Votes	4881	
JOHN MULLIN	3140	64.33%
JOE CALABRESE	1723	35.30%

CITY OF OCEANSIDE TREASURER		Total
Number of Precincts	113	
Precincts Reporting	113	100.0 %
Vote For	1	
Times Counted	65312/93911	69.5 %
Total Votes	51745	
VICTOR ROY	28869	55.79%
RAFE E. TRICKEY JR.	22588	43.65%

CITY OF POWAY CITY COUNCIL SHORT TERM		Total
Number of Precincts	37	
Precincts Reporting	37	100.0 %
Vote For	1	
Times Counted	22430/30171	74.3 %
Total Votes	18554	
CAYLIN FRANK	9338	50.33%
TORREY POWERS	6811	36.71%
TONY T. RUSSO	2331	12.56%

CITY OF POWAY MAYOR		Total
Number of Precincts	37	
Precincts Reporting	37	100.0 %
Vote For	1	
Times Counted	22430/30171	74.3 %
Total Votes	20687	
STEVE VAUS	12895	62.33%
BRIAN EDMONSTON	3929	18.99%
EMILY JOHNSON	3169	15.32%
YURI BOHLEN	634	3.06%

CITY OF SAN DIEGO CITY COUNCIL DISTRICT NO. 2		Total
Number of Precincts	89	
Precincts Reporting	89	100.0 %
Vote For	1	
Times Counted	63886/90354	70.7 %
Total Votes	55955	
JENNIFER CAMPBELL	32439	57.97%
LORIE ZAPF	23516	42.03%

CITY OF POWAY CITY COUNCIL DISTRICT NO. 1		Total
Number of Precincts	10	
Precincts Reporting	10	100.0 %
Vote For	1	
Times Counted	5362/7329	73.2 %
Total Votes	4653	
DAVE GROSCH	2257	48.51%
JON RYAN	1181	25.38%
PETE NEILD	863	18.55%
JOHN CARSON	343	7.37%

CITY OF SAN DIEGO CITY COUNCIL DISTRICT NO. 4		Total
Number of Precincts	79	
Precincts Reporting	79	100.0 %
Vote For	1	
Times Counted	39384/76541	51.5 %
Total Votes	34949	
MONICA MONTGOMERY	20180	57.74%
MYRTLE COLE	14769	42.26%

CITY OF SAN DIEGO CITY COUNCIL DISTRICT NO. 6		Total
Number of Precincts	79	
Precincts Reporting	79	100.0 %
Vote For	1	
Times Counted	54391/81157	67.0 %
Total Votes	46527	
CHRIS CATE	25022	53.78%
TOMMY HOUGH	21505	46.22%

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CITY OF SAN DIEGO CITY COUNCIL DISTRICT NO. 8		Total
Number of Precincts		80
Precincts Reporting		80 100.0 %
Vote For		1
Times Counted	33513/70729	47.4 %
Total Votes		29351
VIVIAN MORENO	14950	50.94%
ANTONIO MARTINEZ	14401	49.06%

CITY OF SANTEE CITY COUNCIL DISTRICT NO. 2		Total
Number of Precincts		11
Precincts Reporting		11 100.0 %
Vote For		1
Times Counted	5506/8238	66.8 %
Total Votes		4855
RONN HALL	3316	68.30%
RUDY REYES	1510	31.10%

CITY OF SAN MARCOS MAYOR		Total
Number of Precincts		52
Precincts Reporting		52 100.0 %
Vote For		1
Times Counted	31715/45584	69.6 %
Total Votes		28504
REBECCA JONES	14569	51.11%
CHRIS ORLANDO	12284	43.10%
BRADLEY ZINK	1595	5.60%

CITY OF SANTEE CITY COUNCIL DISTRICT NO. 3 - SHORT TERM		Total
Number of Precincts		9
Precincts Reporting		9 100.0 %
Vote For		1
Times Counted	5886/8573	68.7 %
Total Votes		5252
LAURA KOVAL	3099	59.01%
ZACK GIANINO	1588	30.24%
LYNDA MARROKAL	555	10.57%

CITY OF SAN MARCOS CITY COUNCIL DISTRICT NO. 1		Total
Number of Precincts		7
Precincts Reporting		7 100.0 %
Vote For		1
Times Counted	4483/7491	59.8 %
Total Votes		3783
MARIA NUNEZ	1881	49.72%
CRAIG GARCIA	1431	37.83%
CLIFF IRELAND	465	12.29%

CITY OF SOLANA BEACH CITY COUNCIL		Total
Number of Precincts		11
Precincts Reporting		11 100.0 %
Vote For		2
Times Counted	7229/9004	80.3 %
Total Votes		11099
KRISTI BECKER	3886	35.01%
KELLY HARLESS	3628	32.69%
CRAIG NELSON	1826	16.45%
VALERI PAUL	879	7.92%
SHAWN MCCLONDON	852	7.68%

CITY OF SAN MARCOS CITY COUNCIL DISTRICT NO. 2		Total
Number of Precincts		18
Precincts Reporting		18 100.0 %
Vote For		1
Times Counted	10658/13979	76.2 %
Total Votes		9192
RANDY WALTON	4754	51.72%
MIKE SANNELLA	2958	32.18%
ERIC FLODINE	1457	15.85%

CITY OF VISTA MAYOR		Total
Number of Precincts		58
Precincts Reporting		58 100.0 %
Vote For		1
Times Counted	29329/45253	64.8 %
Total Votes		27021
JUDY RITTER	13425	49.68%
JOE GREEN	10819	40.04%
DOMINIC D'AGOSTINI	2683	9.93%

CITY OF SANTEE CITY COUNCIL DISTRICT NO. 1		Total
Number of Precincts		9
Precincts Reporting		9 100.0 %
Vote For		1
Times Counted	6004/8623	69.6 %
Total Votes		5554
ROB MCNELIS	3107	55.94%
E ANDRADE-HEYMSFIELD	2422	43.61%

CITY OF VISTA CITY COUNCIL DISTRICT NO. 1		Total
Number of Precincts		10
Precincts Reporting		10 100.0 %
Vote For		1
Times Counted	4656/8302	56.1 %
Total Votes		4131
CORINNA CONTRERAS	2088	50.54%
JOHN J. AGUILERA	2022	48.95%

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CITY OF VISTA CITY COUNCIL DISTRICT NO. 4			
	Total		
Number of Precincts	20		
Precincts Reporting	20	100.0 %	
Vote For	1		
Times Counted	8781/12566	69.9 %	
Total Votes	7661		
JOHN B. FRANKLIN	4015	52.41%	
TAZHEEN NIZAM	3082	40.23%	
JAMES STUCKRAD	548	7.15%	

ALPINE COMMUNITY PLANNING AREA GROUP			
	Total		
Number of Precincts	19		
Precincts Reporting	19	100.0 %	
Vote For	7		
Times Counted	8396/11701	71.8 %	
Total Votes	26547		
JAMES J. EASTERLING	3875	14.60%	
GEORGE P BARNETT	3573	13.46%	
ALBERT V. HAVEN	3321	12.51%	
LOUIS RUSSO	3196	12.04%	
JENIFER L. SWANSON	3189	12.01%	
GLENDA L. ARCHER	2791	10.51%	
JUSTIN M. JOHNSTON	2525	9.51%	
RICHARD M SALDANO JR	2224	8.38%	
MARY HARRIS	1732	6.52%	

ALPINE FIRE PROTECTION DISTRICT			
	Total		
Number of Precincts	12		
Precincts Reporting	12	100.0 %	
Vote For	3		
Times Counted	7431/10247	72.5 %	
Total Votes	12637		
JIM EASTERLING	4409	34.89%	
PATRICK D. PRICE	2520	19.94%	
BARON BARRY WILLIS	2396	18.96%	
MARTIN MARUGG	2060	16.30%	
RICHARD M SALDANO JR	1208	9.56%	

DEER SPRINGS FIRE PROTECTION DISTRICT			
	Total		
Number of Precincts	19		
Precincts Reporting	19	100.0 %	
Vote For	3		
Times Counted	6440/8595	74.9 %	
Total Votes	10848		
JEAN FRANK SLAUGHTER	3263	30.08%	
BRIAN SHIELD HOLLEY	2666	24.58%	
JAMES E. GORDON	2530	23.32%	
ROBERT E. OSBY	2368	21.83%	

FALLBROOK COMMUNITY PLANNING AREA GROUP			
	Total		
Number of Precincts	35		
Precincts Reporting	35	100.0 %	
Vote For	7		
Times Counted	18288/25248	72.4 %	
Total Votes	53835		
JIM RUSSELL	9106	16.91%	
MARK MERVICH	7053	13.10%	
VICTORIA STOVER	6403	11.89%	
KIM MURPHY	6211	11.54%	
GUY R. HOWARD	6141	11.41%	
EILEEN DELANEY	6112	11.35%	
STEPHEN E BROWN	4524	8.40%	
JERRY KALMAN	4294	7.98%	
RICHARD J. BILLBURG	3805	7.07%	

FALLBROOK REGIONAL HEALTH DISTRICT			
	Total		
Number of Precincts	49		
Precincts Reporting	49	100.0 %	
Vote For	3		
Times Counted	21937/30233	72.6 %	
Total Votes	30396		
KATE SCHWARTZ	10836	35.65%	
JENNIFER JEFFRIES	7887	25.95%	
HOWARD SALMON	7207	23.71%	
ARMANDO J. TELLES	4369	14.37%	

FALLBROOK PUBLIC UTILITY DISTRICT DIV NO. 2			
	Total		
Number of Precincts	3		
Precincts Reporting	3	100.0 %	
Vote For	1		
Times Counted	1689/2695	62.7 %	
Total Votes	1191		
KENNETH ENDTER	720	60.45%	
JOHN COULTER NEWMAN	467	39.21%	

GROSSMONT HEALTHCARE DISTRICT			
	Total		
Number of Precincts	391		
Precincts Reporting	391	100.0 %	
Vote For	2		
Times Counted	186354/283306	65.8 %	
Total Votes	210595		
GLORIA A. CHADWICK	92171	43.77%	
RANDY LENAC	75213	35.71%	
ED MARTINEZ	42539	20.20%	

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HELIX WATER DISTRICT DIV NO. 1 (Short Term)		
	Total	
Number of Precincts	57	
Precincts Reporting	57	100.0 %
Vote For	1	
Times Counted	17441/27983	62.3 %
Total Votes	13642	
DAN MCMILLAN	6025	44.17%
TABITHA REMUND-BURKE	4109	30.12%
JAMES STIERINGER	3468	25.42%

PALOMAR HEALTH		
	Total	
Number of Precincts	360	
Precincts Reporting	360	100.0 %
Vote For	4	
Times Counted	199775/283288	70.5 %
Total Votes	445399	
LINDA CAROL GREER	66911	15.02%
RICHARD C. ENGEL	65526	14.71%
LAURIE EDWARDS-TATE	61522	13.81%
JOHN CLARK	53887	12.10%
DALE BARDIN	53029	11.91%
HANS CHRISTIAN SISON	52470	11.78%
VANESSA GUTIERREZ	49110	11.03%
CHRISTOPHER K. LEE	32964	7.40%
CODY JAMES RYAN	9017	2.02%

JULIAN-CUYAMACA FIRE PROTECTION DISTRICT		
	Total	
Number of Precincts	4	
Precincts Reporting	4	100.0 %
Vote For	2	
Times Counted	1945/2453	79.3 %
Total Votes	2449	
MICHAEL MENGHINI	936	38.22%
EVELINA "EVA" HATCH	737	30.09%
PATRICIA PAT LANDIS	657	26.83%

PAUMA VALLEY COMMUNITY SERVICES DISTRICT		
	Total	
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Vote For	3	
Times Counted	345/445	77.5 %
Total Votes	660	
SAMUEL R LOGAN	176	26.67%
BILL JACOBS	160	24.24%
CLARENCE W. WINN	157	23.79%
RICHARD HENRY NOLAN	151	22.88%

LAKESIDE FIRE PROTECTION DISTRICT		
	Total	
Number of Precincts	42	
Precincts Reporting	42	100.0 %
Vote For	3	
Times Counted	24878/37232	66.8 %
Total Votes	47362	
TIM ROBLES	13081	27.62%
ROBERT "BOB" ROBESON	10476	22.12%
PETER A. LIEBIG	9011	19.03%
MIKE HAWORTH	8322	17.57%
RONALD RON KASPER	6365	13.44%

RAINBOW MUNICIPAL WATER DISTRICT DIV NO. 4		
	Total	
Number of Precincts	6	
Precincts Reporting	6	100.0 %
Vote For	1	
Times Counted	1953/2705	72.2 %
Total Votes	1375	
CARL RINDFLEISCH	770	56.00%
BILL STEWART	598	43.49%

NORTH COUNTY FIRE PROTECTION DISTRICT		
	Total	
Number of Precincts	45	
Precincts Reporting	45	100.0 %
Vote For	2	
Times Counted	21086/29111	72.4 %
Total Votes	22134	
JOHN VAN DOORN	8779	39.66%
KENNETH E MUNSON	8060	36.41%
JOHN A DEL-ZIO	5241	23.68%

RAMONA MUNICIPAL WATER DISTRICT DIV NO. 2		
	Total	
Number of Precincts	8	
Precincts Reporting	8	100.0 %
Vote For	1	
Times Counted	3539/4774	74.1 %
Total Votes	2570	
JAMES HICKLE	1408	54.79%
JAMES ZENOVIC	1148	44.67%

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RANCHO SANTA FE FIRE PROTECTION DISTRICT		Total	
Number of Precincts	54		
Precincts Reporting	54	100.0 %	
Vote For	2		
Times Counted	15390/20358	75.6 %	
Total Votes	17187		
JOHN C. TANNER	7756	45.13%	
TUCKER STINE	6580	38.28%	
DOUGLAS S. DILL	2801	16.30%	

TRI-CITY HEALTHCARE DIV NO. 4		Total	
Number of Precincts	25		
Precincts Reporting	25	100.0 %	
Vote For	1		
Times Counted	12208/21069	57.9 %	
Total Votes	9502		
GEORGE W. COULTER	5728	60.28%	
ERUBEY LOPEZ	3728	39.23%	

SAN MIGUEL CONSOLIDATED FIRE PROTECTION DISTRICT BOARD OF		Total	
Number of Precincts	90		
Precincts Reporting	90	100.0 %	
Vote For	3		
Times Counted	45059/70333	64.1 %	
Total Votes	75668		
THERESA MCKENNA	25332	33.48%	
JIM EK	19682	26.01%	
MICHAEL VACIO	19674	26.00%	
WILLIAM A. KIEL II	10787	14.26%	

TRI-CITY HEALTHCARE DIV NO. 6		Total	
Number of Precincts	46		
Precincts Reporting	46	100.0 %	
Vote For	1		
Times Counted	25776/33226	77.6 %	
Total Votes	18538		
TRACY M. YOUNGER	9484	51.16%	
JIM DAGOSTINO	8987	48.48%	

SOUTH BAY IRRIGATION DISTRICT DIV NO. 1		Total	
Number of Precincts	9		
Precincts Reporting	9	100.0 %	
Vote For	1		
Times Counted	5704/11548	49.4 %	
Total Votes	4934		
STEVE CASTANEDA	3813	77.28%	
PAUL CRAWFORD	1098	22.25%	

VALLE DE ORO COMMUNITY PLANNING AREA GROUP		Total	
Number of Precincts	38		
Precincts Reporting	38	100.0 %	
Vote For	7		
Times Counted	19187/26585	72.2 %	
Total Votes	51369		
DAVID R. STEELE	7077	13.78%	
LORI M. MYERS	6678	13.00%	
W. TINSLEY BECKER	5950	11.58%	
CATHERINE G. GERHART	5758	11.21%	
ALYSSA BURLEY	5695	11.09%	
KYLE HERMANN	5662	11.02%	
MARK SCHUPPERT	5478	10.66%	
CHARLES R. KOSSMAN	5319	10.35%	
KOUWTHAR COOKIE	3541	6.89%	

SOUTH BAY IRRIGATION DISTRICT DIV NO. 4		Total	
Number of Precincts	13		
Precincts Reporting	13	100.0 %	
Vote For	1		
Times Counted	7748/14250	54.4 %	
Total Votes	6613		
HECTOR M. MARTINEZ	4301	65.04%	
JERRY THOMAS	1164	17.60%	
M. KEVIN O'NEILL	1129	17.07%	

VALLEY CENTER PARKS AND RECREATION		Total	
Number of Precincts	14		
Precincts Reporting	14	100.0 %	
Vote For	3		
Times Counted	8619/11876	72.6 %	
Total Votes	13637		
SHANNON LAIRD	3628	26.60%	
KATHY MACKENZIE	3616	26.52%	
BILL TROK	3193	23.41%	
JON VICK	3146	23.07%	

TRI-CITY HEALTHCARE DIV NO. 2		Total	
Number of Precincts	39		
Precincts Reporting	39	100.0 %	
Vote For	1		
Times Counted	18849/28625	65.8 %	
Total Votes	16051		
ROCKY J. CHÁVEZ	5766	35.92%	
JIM S. BURLEW	5195	32.37%	
LAURA MITCHELL	5026	31.31%	

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WHISPERING PALMS COMMUNITY SERVICES DISTRICT BOARD OF			
	Total		
Number of Precincts	4		
Precincts Reporting	4	100.0 %	
Vote For	2		
Times Counted	1511/1867	80.9 %	
Total Votes	1916		
WILLIAM W. HAYNOR	649	33.87%	
AL PANTON	533	27.82%	
SHANNON BISZANTZ	387	20.20%	
VIVIAN LEE FORD	342	17.85%	

PROP 5 CHANGES REQ. CERTAIN PROPERTY OWNERS			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1097039		
NO	613573	55.93%	
YES	483466	44.07%	

PROP 1 AUTHORIZES BONDS TO FUND HOUSING PGMS			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1116803		
YES	590056	52.83%	
NO	526747	47.17%	

PROP 6 ELIMINATES ROAD REPAIR/TRANS. FUNDING			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1136393		
YES	578961	50.95%	
NO	557432	49.05%	

PROP 2 AUTHORIZES BONDS TO FUND EXIST. HOUSING PGM			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1116646		
YES	699283	62.62%	
NO	417363	37.38%	

PROP 7 DAYLIGHT SAVING TIME			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1110437		
YES	755276	68.02%	
NO	355161	31.98%	

PROP 3 AUTHORIZES BONDS FUND PROJECTS WTR			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1078798		
NO	549979	50.98%	
YES	528819	49.02%	

PROP 8 REGULATES KIDNEY DIALYSIS CLINICS			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1113740		
NO	665096	59.72%	
YES	448644	40.28%	

PROP 4 AUTHORIZES BONDS FUNDING CONST. HOSP.			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1106435		
YES	667874	60.36%	
NO	438561	39.64%	

PROP 10 ENACT RENT CONTROL			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1120991		
NO	688240	61.40%	
YES	432751	38.60%	

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PROP 11 PRIVATE-SECTOR EMER. AMBULANCE			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1110723		
YES	693218	62.41%	
NO	417505	37.59%	

MEASURE D- SAN DIEGO COUNTY CH. AMD. REQ. RUN-OFF ELECTS.			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1010425		
YES	641536	63.49%	
NO	368889	36.51%	

PROP 12 ESTABLISHES NEW STANDARDS FARM ANIMALS			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1105119		
YES	679513	61.49%	
NO	425606	38.51%	

MEASURE E- CITY OF SAN DIEGO SOCCER CITY			
	Total		
Number of Precincts	813		
Precincts Reporting	813	100.0 %	
Vote For	1		
Times Counted	497613/761959	65.3 %	
Total Votes	466281		
NO	314427	67.43%	
YES	151854	32.57%	

MEASURE A- SAN DIEGO COUNTY CH. AMD. "CLEAN-UP"			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1021086		
YES	753899	73.83%	
NO	267187	26.17%	

MEASURE G- CITY OF SAN DIEGO SDSU WEST			
	Total		
Number of Precincts	813		
Precincts Reporting	813	100.0 %	
Vote For	1		
Times Counted	497613/761959	65.3 %	
Total Votes	464229		
YES	252839	54.46%	
NO	211390	45.54%	

MEASURE B- SAN DIEGO COUNTY CH. AMD. REP. UNINC. AREAS			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	991677		
YES	592706	59.77%	
NO	398971	40.23%	

MEASURE J- CITY OF SAN DIEGO CH. AMD. DISC. BUSINESS			
	Total		
Number of Precincts	813		
Precincts Reporting	813	100.0 %	
Vote For	1		
Times Counted	497613/761959	65.3 %	
Total Votes	431932		
YES	368481	85.31%	
NO	63451	14.69%	

MEASURE C- SAN DIEGO COUNTY CH. AMD. GOOD GOVT.			
	Total		
Number of Precincts	2136		
Precincts Reporting	2136	100.0 %	
Vote For	1		
Times Counted	1172517/1767300	66.3 %	
Total Votes	1007910		
YES	704163	69.86%	
NO	303747	30.14%	

MEASURE K- CITY OF SAN DIEGO CH. AMD. LIMIT 2-FOUR YR TRMS			
	Total		
Number of Precincts	813		
Precincts Reporting	813	100.0 %	
Vote For	1		
Times Counted	497613/761959	65.3 %	
Total Votes	439651		
YES	382684	87.04%	
NO	56967	12.96%	

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MEASURE L- CITY OF SAN DIEGO			
CH. AMD. ETHICS-COMP.			
	Total		
Number of Precincts	813		
Precincts Reporting	813	100.0 %	
Vote For	1		
Times Counted	497613/761959	65.3 %	
Total Votes	434179		
YES	340828	78.50%	
NO	93351	21.50%	

MEASURE R- CITY OF DEL MAR			
SHORELINE PROT. AREA			
	Total		
Number of Precincts	6		
Precincts Reporting	6	100.0 %	
Vote For	1		
Times Counted	2715/3273	83.0 %	
Total Votes	2437		
NO	1988	81.58%	
YES	449	18.42%	

MEASURE M- CITY OF SAN DIEGO			
CH. AMD. APPT. AUDIT COM			
	Total		
Number of Precincts	813		
Precincts Reporting	813	100.0 %	
Vote For	1		
Times Counted	497613/761959	65.3 %	
Total Votes	415208		
YES	248018	59.73%	
NO	167190	40.27%	

MEASURE T- CITY OF DEL MAR			
PROPOSING ORD. 939			
	Total		
Number of Precincts	6		
Precincts Reporting	6	100.0 %	
Vote For	1		
Times Counted	2715/3273	83.0 %	
Total Votes	2374		
YES	1898	79.95%	
NO	476	20.05%	

MEASURE N- CITY OF SAN DIEGO			
REINSTATE DISABILITY			
	Total		
Number of Precincts	813		
Precincts Reporting	813	100.0 %	
Vote For	1		
Times Counted	497613/761959	65.3 %	
Total Votes	438481		
YES	343070	78.24%	
NO	95411	21.76%	

MEASURE U- CITY OF ENCINITAS			
HOUSING PLAN UPDATE 2018			
	Total		
Number of Precincts	57		
Precincts Reporting	57	100.0 %	
Vote For	1		
Times Counted	33650/42394	79.4 %	
Total Votes	30002		
NO	15882	52.94%	
YES	14120	47.06%	

MEASURE Q- CITY OF CHULA			
VISTA CANNABIS BUS. TAX			
	Total		
Number of Precincts	122		
Precincts Reporting	122	100.0 %	
Vote For	1		
Times Counted	80462/140099	57.4 %	
Total Votes	75572		
YES	48607	64.32%	
NO	26965	35.68%	

MEASURE V- CITY OF LA MESA			
CITY TAX CANNABIS			
	Total		
Number of Precincts	33		
Precincts Reporting	33	100.0 %	
Vote For	1		
Times Counted	24284/35341	68.7 %	
Total Votes	21651		
YES	15862	73.26%	
NO	5789	26.74%	

MEASURE P- CITY OF DEL MAR			
CH. AMD. CITY'S GENERAL PLAN			
	Total		
Number of Precincts	6		
Precincts Reporting	6	100.0 %	
Vote For	1		
Times Counted	2715/3273	83.0 %	
Total Votes	2350		
YES	1385	58.94%	
NO	965	41.06%	

MEASURE W- CITY OF NATIONAL			
CITY RENT CONTROL			
	Total		
Number of Precincts	25		
Precincts Reporting	25	100.0 %	
Vote For	1		
Times Counted	12756/24643	51.8 %	
Total Votes	12075		
NO	6115	50.64%	
YES	5960	49.36%	

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MEASURE X- CITY OF OCEANSIDE ONE-HALF CENT SALES TAX			
	Total		
Number of Precincts	113		
Precincts Reporting	113	100.0 %	
Vote For	1		
Times Counted	65231/93911	69.5 %	
Total Votes	61299		
YES	34133	55.68%	
NO	27166	44.32%	

MEASURE CC- SOUTHWESTERN CC DIST - TERM LIMITS			
	Total		
Number of Precincts	257		
Precincts Reporting	257	100.0 %	
Vote For	1		
Times Counted	142469/255739	55.7 %	
Total Votes	131635		
YES	116125	88.22%	
NO	15510	11.78%	

MEASURE Y- CITY OF OCEANSIDE AMEND. LAND USE ELEMENT			
	Total		
Number of Precincts	113		
Precincts Reporting	113	100.0 %	
Vote For	1		
Times Counted	65231/93911	69.5 %	
Total Votes	60957		
NO	32228	52.87%	
YES	28729	47.13%	

MEASURE DD- SWEETWATER UN HS DIST \$403M BONDS (REQ 55%)			
	Total		
Number of Precincts	248		
Precincts Reporting	248	100.0 %	
Vote For	1		
Times Counted	134437/244968	54.9 %	
Total Votes	125113		
YES	86510	69.15%	
NO	38603	30.85%	

MEASURE Z- CITY OF VISTA CITIZEN'S MED. CANNABIS			
	Total		
Number of Precincts	58		
Precincts Reporting	58	100.0 %	
Vote For	1		
Times Counted	29306/45253	64.8 %	
Total Votes	27689		
YES	14900	53.81%	
NO	12789	46.19%	

MEASURE EE- BONSALL UN SCHL \$38M BONDS (REQ 55%)			
	Total		
Number of Precincts	33		
Precincts Reporting	33	100.0 %	
Vote For	1		
Times Counted	8400/11208	74.9 %	
Total Votes	7812		
NO	4491	57.49%	
YES	3321	42.51%	

MEASURE AA- CITY OF VISTA CANNABIS BUS. TAX			
	Total		
Number of Precincts	58		
Precincts Reporting	58	100.0 %	
Vote For	1		
Times Counted	29306/45253	64.8 %	
Total Votes	26997		
YES	14210	52.64%	
NO	12787	47.36%	

MEASURE GG- BORREGO SPGS UN SCHL \$8.6M BONDS (REQ 55%)			
	Total		
Number of Precincts	4		
Precincts Reporting	4	100.0 %	
Vote For	1		
Times Counted	1325/1754	75.5 %	
Total Votes	1259		
YES	835	66.32%	
NO	424	33.68%	

MEASURE BB- CITY OF VISTA CANNABIS BUS. ORD.			
	Total		
Number of Precincts	58		
Precincts Reporting	58	100.0 %	
Vote For	1		
Times Counted	29306/45253	64.8 %	
Total Votes	26776		
NO	14346	53.58%	
YES	12430	46.42%	

MEASURE HH- CARLSBAD UN SCHL \$265M BONDS (REQ 55%)			
	Total		
Number of Precincts	57		
Precincts Reporting	57	100.0 %	
Vote For	1		
Times Counted	37496/48721	77.0 %	
Total Votes	34260		
YES	21416	62.51%	
NO	12844	37.49%	

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Registered Voters 1767300

Num. Report Precinct 2136 - Num. Reporting 2136 100.00%

MEASURE JJ- MTN EMPIRE UN SCHL \$15M BONDS (REQ 55%)		
	Total	
Number of Precincts	17	
Precincts Reporting	17	100.0 %
Vote For	1	
Times Counted	4553/7079	64.3 %
Total Votes	4210	
YES	2332	55.39%
NO	1878	44.61%

MEASURE NN- SOUTH BAY UN SCHL \$18M BONDS (REQ 55%)		
	Total	
Number of Precincts	37	
Precincts Reporting	37	100.0 %
Vote For	1	
Times Counted	19927/39434	50.5 %
Total Votes	18274	
YES	12464	68.21%
NO	5810	31.79%

MEASURE H- SD UN SCHL DIST TERM LIMITS		
	Total	
Number of Precincts	612	
Precincts Reporting	612	100.0 %
Vote For	1	
Times Counted	383466/585998	65.4 %
Total Votes	333005	
YES	260232	78.15%
NO	72773	21.85%

MEASURE VV- CHULA VISTA ELEM \$150M BONDS (REQ 55%)		
	Total	
Number of Precincts	162	
Precincts Reporting	162	100.0 %
Vote For	1	
Times Counted	94036/163480	57.5 %
Total Votes	87434	
YES	59235	67.75%
NO	28199	32.25%

MEASURE YY- SD UN SCHL DIST \$3.5B BONDS (REQ 55%)		
	Total	
Number of Precincts	612	
Precincts Reporting	612	100.0 %
Vote For	1	
Times Counted	383466/585998	65.4 %
Total Votes	344573	
YES	224262	65.08%
NO	120311	34.92%

MEASURE S- SANTEE SCHL DIST \$15.37M BONDS (REQ 55%)		
	Total	
Number of Precincts	51	
Precincts Reporting	51	100.0 %
Vote For	1	
Times Counted	25058/36240	69.1 %
Total Votes	22713	
YES	13778	60.66%
NO	8935	39.34%

MEASURE LL- VISTA UN SCHL \$247M BONDS (REQ 55%)		
	Total	
Number of Precincts	108	
Precincts Reporting	108	100.0 %
Vote For	1	
Times Counted	54990/80164	68.6 %
Total Votes	50864	
YES	32661	64.21%
NO	18203	35.79%

MEASURE O- OTAY MESA EIFD BOND ISSUANCE (REQ 55%)		
	Total	
Number of Precincts	10	
Precincts Reporting	10	100.0 %
Vote For	1	
Times Counted	4552/8930	51.0 %
Total Votes	4206	
YES	3164	75.23%
NO	1042	24.77%

MEASURE MM- DEL MAR UN SCHL \$186M BONDS (REQ 55%)		
	Total	
Number of Precincts	31	
Precincts Reporting	31	100.0 %
Vote For	1	
Times Counted	21294/28373	75.1 %
Total Votes	19252	
YES	11771	61.14%
NO	7481	38.86%

MEASURE PP- BORREGO SPR FIRE SPECIAL PARCEL TAX (REQ 2/3)		
	Total	
Number of Precincts	2	
Precincts Reporting	2	100.0 %
Vote For	1	
Times Counted	1235/1602	77.1 %
Total Votes	1183	
YES	668	56.47%
NO	515	43.53%

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Registered Voters 1767300

Num. Report Precinct 2136 - Num. Reporting 2136 100.00%

MEASURE QQ- JULIAN-CUY FIRE PROT DIST ANNUAL BENEFIT FEE			
	Total		
Number of Precincts	4		
Precincts Reporting	4	100.0	%
Vote For	1		
Times Counted	1943/2453	79.2	%
Total Votes	1812		
NO	976	53.86%	
YES	836	46.14%	

MEASURE RR- RINCON RANCH CSD SPECIAL TAX (REQ 2/3)			
	Total		
Number of Precincts	1		
Precincts Reporting	1	100.0	%
Vote For	1		
Times Counted	81/115	70.4	%
Total Votes	76		
YES	46	60.53%	
NO	30	39.47%	

MEASURE SS- VALLEY CENTER FIRE SPECIAL TAX (REQ 2/3)			
	Total		
Number of Precincts	15		
Precincts Reporting	15	100.0	%
Vote For	1		
Times Counted	8247/11379	72.5	%
Total Votes	7767		
YES	4512	58.09%	
NO	3255	41.91%	

SAN DIEGO COUNTY - GUBERNATORIAL GENERAL ELECTION
November 6, 2018

APPENDIX A

FINAL OFFICIAL - WRITE-IN TOTALS

as of 12/6/2018

CITY OF CORONADO - CITY COUNCIL

DARON
CASE
334

CITY OF ESCONDIDO - MAYOR

RANDY I.
ELDRED
105

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Official Results - CITY OF LEMON GROVE

	TURN OUT		
	Reg. Voters	Cards Cast	% Turnout
Jurisdiction Wide			
504500-LEMON GROVE			
Polls Ballots	1037	364	35.10%
Mail Ballots	1037	628	60.56%
Total	1037	992	95.66%
504610-LEMON GROVE			
Polls Ballots	815	250	30.67%
Mail Ballots	815	503	61.72%
Total	815	753	92.39%
504800-LEMON GROVE			
Polls Ballots	1359	588	43.27%
Mail Ballots	1359	908	66.81%
Total	1359	1496	110.08%
505100-LEMON GROVE			
Polls Ballots	899	462	51.39%
Mail Ballots	899	636	70.75%
Total	899	1098	122.14%
505300-LEMON GROVE			
Polls Ballots	828	440	53.14%
Mail Ballots	828	601	72.58%
Total	828	1041	125.72%
505350-LEMON GROVE			
Polls Ballots	1133	530	46.78%
Mail Ballots	1133	847	74.76%
Total	1133	1377	121.54%
505500-LEMON GROVE			
Polls Ballots	988	514	52.02%
Mail Ballots	988	701	70.95%
Total	988	1215	122.98%
505710-LEMON GROVE			
Polls Ballots	1055	481	45.59%
Mail Ballots	1055	809	76.68%
Total	1055	1290	122.27%
506000-LEMON GROVE			
Polls Ballots	1192	594	49.83%
Mail Ballots	1192	928	77.85%
Total	1192	1522	127.68%
506200-LEMON GROVE			
Polls Ballots	1330	512	38.50%
Mail Ballots	1330	976	73.38%
Total	1330	1488	111.88%
506400-LEMON GROVE			
Polls Ballots	1270	536	42.20%
Mail Ballots	1270	1081	85.12%
Total	1270	1617	127.32%
506500-LEMON GROVE			
Polls Ballots	1299	546	42.03%
Mail Ballots	1299	923	71.05%
Total	1299	1469	113.09%
507000-LEMON GROVE			
Polls Ballots	1231	589	47.85%
Mail Ballots	1231	953	77.42%
Total	1231	1542	125.26%
999524-LEMON GROVE-VBM			
Polls Ballots	215	0	0.00%
Mail Ballots	215	264	122.79%
Total	215	264	122.79%
Total			
Polls Ballots	14651	6406	43.72%
Mail Ballots	14651	10758	73.43%
Total	14651	17164	117.15%

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Official Results - CITY OF LEMON GROVE

CITY OF LEMON GROVE CITY COUNCIL							
	Reg. Voters	Times Counted	Total Votes	JERRY JONES		TERESA ROSIAK	
Jurisdiction Wide							
Polls Ballots	1037	182	208	45	21.63%	44	21.15%
Mail Ballots	1037	314	471	118	25.05%	76	16.14%
Total	1037	496	679	163	24.01%	120	17.67%
Polls Ballots	815	125	163	35	21.47%	50	30.67%
Mail Ballots	815	251	382	94	24.61%	67	17.54%
Total	815	376	545	129	23.67%	117	21.47%
Polls Ballots	1359	294	373	92	24.66%	82	21.98%
Mail Ballots	1359	455	687	156	22.71%	129	18.78%
Total	1359	749	1060	248	23.40%	211	19.91%
Polls Ballots	899	231	286	84	29.37%	72	25.17%
Mail Ballots	899	319	472	116	24.58%	103	21.82%
Total	899	550	758	200	26.39%	175	23.09%
Polls Ballots	828	220	306	88	28.76%	76	24.84%
Mail Ballots	828	301	478	117	24.48%	106	22.18%
Total	828	521	784	205	26.15%	182	23.21%
Polls Ballots	1133	265	400	87	21.75%	107	26.75%
Mail Ballots	1133	424	662	186	28.10%	163	24.62%
Total	1133	689	1062	273	25.71%	270	25.42%
Polls Ballots	988	257	362	101	27.90%	78	21.55%
Mail Ballots	988	352	554	142	25.63%	134	24.19%
Total	988	609	916	243	26.53%	212	23.14%
Polls Ballots	1055	241	326	80	24.54%	68	20.86%
Mail Ballots	1055	404	637	183	28.73%	140	21.98%
Total	1055	645	963	263	27.31%	208	21.60%
Polls Ballots	1192	297	397	107	26.95%	77	19.40%
Mail Ballots	1192	464	711	205	28.83%	138	19.41%
Total	1192	761	1108	312	28.16%	215	19.40%
Polls Ballots	1330	255	389	113	29.05%	83	21.34%
Mail Ballots	1330	488	724	178	24.59%	143	19.75%
Total	1330	743	1113	291	26.15%	226	20.31%
Polls Ballots	1270	268	352	82	23.30%	73	20.74%
Mail Ballots	1270	541	833	222	26.65%	157	18.85%
Total	1270	809	1185	304	25.65%	230	19.41%
Polls Ballots	1299	273	374	94	25.13%	91	24.33%
Mail Ballots	1299	462	718	180	25.07%	150	20.89%
Total	1299	735	1092	274	25.09%	241	22.07%
Polls Ballots	1231	295	439	99	22.55%	82	18.68%
Mail Ballots	1231	477	741	215	29.01%	143	19.30%
Total	1231	772	1180	314	26.61%	225	19.07%
Polls Ballots	215	0	0	0	-	0	-
Mail Ballots	215	132	177	50	28.25%	38	21.47%
Total	215	132	177	50	28.25%	38	21.47%
Polls Ballots	14651	3203	4375	1107	25.30%	983	22.47%
Mail Ballots	14651	5384	8247	2162	26.22%	1687	20.46%
Total	14651	8587	12622	3269	25.90%	2670	21.15%

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Official Results - CITY OF LEMON GROVE

	CITY OF LEMON GROVE CITY COUNCIL					
	KAMAAL MARTIN		JENNIFER L. MENDOZA		Write-In Votes	
Jurisdiction Wide						
Polls Ballots	47	22.60%	72	34.62%	0	0.00%
Mail Ballots	101	21.44%	176	37.37%	0	0.00%
Total	148	21.80%	248	36.52%	0	0.00%
Polls Ballots	24	14.72%	52	31.90%	2	1.23%
Mail Ballots	67	17.54%	154	40.31%	0	0.00%
Total	91	16.70%	206	37.80%	2	0.37%
Polls Ballots	64	17.16%	135	36.19%	0	0.00%
Mail Ballots	137	19.94%	261	37.99%	4	0.58%
Total	201	18.96%	396	37.36%	4	0.38%
Polls Ballots	42	14.69%	86	30.07%	2	0.70%
Mail Ballots	92	19.49%	161	34.11%	0	0.00%
Total	134	17.68%	247	32.59%	2	0.26%
Polls Ballots	54	17.65%	87	28.43%	1	0.33%
Mail Ballots	85	17.78%	169	35.36%	1	0.21%
Total	139	17.73%	256	32.65%	2	0.26%
Polls Ballots	70	17.50%	132	33.00%	4	1.00%
Mail Ballots	103	15.56%	208	31.42%	2	0.30%
Total	173	16.29%	340	32.02%	6	0.56%
Polls Ballots	73	20.17%	109	30.11%	1	0.28%
Mail Ballots	106	19.13%	171	30.87%	1	0.18%
Total	179	19.54%	280	30.57%	2	0.22%
Polls Ballots	73	22.39%	105	32.21%	0	0.00%
Mail Ballots	138	21.66%	175	27.47%	1	0.16%
Total	211	21.91%	280	29.08%	1	0.10%
Polls Ballots	78	19.65%	135	34.01%	0	0.00%
Mail Ballots	125	17.58%	241	33.90%	2	0.28%
Total	203	18.32%	376	33.94%	2	0.18%
Polls Ballots	63	16.20%	130	33.42%	0	0.00%
Mail Ballots	153	21.13%	250	34.53%	0	0.00%
Total	216	19.41%	380	34.14%	0	0.00%
Polls Ballots	75	21.31%	121	34.38%	1	0.28%
Mail Ballots	156	18.73%	288	34.57%	10	1.20%
Total	231	19.49%	409	34.51%	11	0.93%
Polls Ballots	69	18.45%	119	31.82%	1	0.27%
Mail Ballots	115	16.02%	271	37.74%	2	0.28%
Total	184	16.85%	390	35.71%	3	0.27%
Polls Ballots	110	25.06%	147	33.49%	1	0.23%
Mail Ballots	152	20.51%	228	30.77%	3	0.40%
Total	262	22.20%	375	31.78%	4	0.34%
Polls Ballots	0	-	0	-	0	-
Mail Ballots	29	16.38%	58	32.77%	2	1.13%
Total	29	16.38%	58	32.77%	2	1.13%
Polls Ballots	842	19.25%	1430	32.69%	13	0.30%
Mail Ballots	1559	18.90%	2811	34.09%	28	0.34%
Total	2401	19.02%	4241	33.60%	41	0.32%



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 3

Meeting Date: December 18, 2018

Submitted to: Honorable Mayor and Members of the City Council

Department: Development Services Department

Staff Contact: Mike Viglione, Associate Planner

mviglione@lemongrove.ca.gov

Item Title: Public Hearing to consider Ordinance No. 2018-450, Zoning
Amendment ZA1-800-0002 Separation Findings for Discretionary
Permits

Recommended Action: Conduct the Public Hearing, and Introduce Ordinance No. 2018-450

Summary:

Municipal Code Title 17 Zoning and Title 18 Citywide Regulations require large family daycares, medical marijuana dispensaries (MMDs), alcoholic beverage related businesses requiring a Conditional Use Permit, beekeeping and adult entertainment uses to observe distance separations from specifically listed land uses as a condition of establishment. A separation finding must be made by the decision body at the time of final decision. The proposed Zoning Amendment would allow an applicant to obtain the required separation finding prior to preparing costly plans and reports and prior to final decision. Land uses or land use applications initiated after the filing of a separation finding application would not be grounds for denial. Planning Commission recommended that the City Council approve the proposed amendment at the November 26, 2018 Planning Commission meeting.

Background:

During the April 17, 2018 City Council meeting, the City Council directed staff to present alternatives for making separation findings prior to final decision by the Development Services Director, Planning Commission and City Council. At the July 17, 2018 City Council meeting, the City Council reviewed four alternatives and directed staff to prepare a draft ordinance providing a process for making early separation findings. At the September 24, 2018 Planning Commission meeting, the Planning Commission reviewed

the alternatives and recommended City Council approval of the draft ordinance with minor revisions.

During the October 16, 2018 City Council meeting, the City Council expressed concern about the timing of the establishment of land uses or submittal of land use applications, and the potential effect upon separation findings. The City Council directed staff to add language to the ordinance clarifying how competing applications would be prioritized. The City Council asked staff to return to the Planning Commission for review of the amended ordinance, and to provide a subsequent recommendation to the City Council. Planning Commission held a Public Hearing on November 26, 2018 to consider the revised Zoning Amendment and resolved unanimously to recommend City Council approval.

Regulatory Background

The Lemon Grove Municipal Code (LGMC) requires large family daycares, medical marijuana dispensaries (MMDs), beekeeping uses, alcoholic beverage related businesses requiring a Conditional Use Permit and adult entertainment uses to observe distance separations from specific land uses prior to establishment. In summary:

1. Large Family Daycares require a Minor Use Permit and cannot be established within 1,000 feet of another such facility (LGMC Section 17.24.060(D)(3) Accessory buildings and uses -Daycares).
2. Medical Marijuana Dispensaries require a Zoning Clearance followed by a Conditional Use Permit and generally cannot be established within 1,000 feet of public parks, playgrounds, licensed day care facilities, schools, alcohol and substance abuse treatment centers, or other MMDs (LGMC Chapter 17.32 Medical Marijuana Regulations).
3. Beekeeping uses require a Beekeeping Permit, which is similar to a Zoning Clearance. Beehives must be 25 feet from private or public streets and neighboring dwelling units and 15 feet from side or rear lot lines. A 100 foot separation from neighboring dwelling units is required if more than two hives are proposed. Beehives must also be 100 feet from the border of sensitive areas frequented by populations susceptible to stinging incidents. Examples of sensitive areas include schools, playgrounds, picnic areas, outdoor sports facilities, daycare centers, senior care facilities, medical facilities, and animal-boarding facilities (LGMC Section 18.16.060 Exotic animals and beekeeping).
4. Alcoholic beverage sales uses require a Conditional Use Permit unless the use qualifies as incidental under specific provisions of the LGMC. Incidental uses are limited to large grocery stores and pharmacies, restaurants with table service, and alcoholic beverage manufacturers. Uses requiring a Conditional Use Permit for sales of alcoholic beverages for off-site consumption cannot be within 500 feet of

any non-incidental alcohol sales use. Uses requiring a Conditional Use Permit for sales of alcoholic beverages for on-site consumption must be 1,000 feet from any other use selling or serving alcohol for on-site consumption and 500 feet from any non-incidental alcohol sales uses, place of worship, school, park, playground, health care facility, residential zones, and most residences (LGMC Chapter 18.27– Alcoholic Beverage Sales).

5. Adult Entertainment establishments are currently prohibited in all zones but were previously allowed in the General Commercial zone. The LGMC stipulates that Adult Entertainment establishments cannot be permitted within: 1,000 feet of another such business; 600 feet of any church, school, public playground, park or recreational area; or 500 feet of any area zoned for residential use (LGMC Chapter 18.28 – Adult Entertainment).

Discussion:

Since certain land uses are subject to separation requirements, as described above, the applicable separation distance must be met before the land use can be established. Current LGMC regulations require a separation finding to be made by the decision body at the time of final decision on the application. This requires the applicant to prepare all necessary plans and studies to the satisfaction of staff before eligibility for the required separation finding with the final decision.

The City Council considered the following four alternatives for the timing of making early separation findings for land use applications:

1. At time of initial notice of complete or incomplete and within 30 days of initial application submittal.
2. At time of being deemed complete which requires all architectural and engineering drawings and required reports and studies to be complete and approved by City staff.
3. At time of conditional approval by the Development Services Director, Planning Commission or City Council.
4. As a part of a separate Zoning Clearance, Minor Use Permit or Conditional Use Permit for the specific purpose of making an early separation finding. A Zoning Clearance would include no public noticing with appeal rights by the applicant. A Minor Use Permit would require a 500 foot radius public notice to property owners with conditional approval by the Development Services Director and appeal rights by the applicant and any member of the public. A Conditional Use Permit would require a 500 foot radius public notice to property owners, a sign posted on the property and conditional approval by the Planning Commission and appeal rights by the applicant and any member of the public.

At the City Council meeting, further discussion took place regarding public noticing. Lemon Grove Measure V stipulates that a MMD shall not be established within 1,000 feet of protected uses, like daycares. The daycare location lists are only requested from the State of California once per year due to the approximate \$500 cost charged by the State daycare licensing division. Small family daycares which are protected uses in accordance with LGMC Chapter 17.32 (Measure V) do not require any permit or business license from the City and their location will not be known unless the list is requested by the City at the aforementioned cost. The LGMC currently requires a 500 foot radius public notice to property owners, not renters or tenants, for public notifications associated with Minor Use Permits, Conditional Use Permits, Planned Development Permits, Tentative Maps and Tentative Parcel Maps. If an early finding option could be made, the Development Services Director could require the public radius notice distance to match the specific separation requirement (e.g. 1000 feet for a MMD) to give all affected properties an opportunity to appeal the decision or attend the public hearing. A public notice in the East County Californian could also be required.

At the July 17, 2018 City Council meeting, the City Council preferred the part of Alternative 4 which would require an applicant to apply for a Minor Use Permit (MUP) for the specific purpose of making an early separation finding. The Planning Commission also concurred with the use of a Minor Use Permit for making early separation findings on September 24, 2018 and again on November 26, 2018. To ensure adequate noticing, staff recommends the MUP require a notice to all real property owners within 500 feet *or the maximum distance separation requirement for a regulated use where applicable, whichever is greater*, of all exterior boundaries of the subject property at least ten days **prior to the decision on the separation finding. Staff also recommends that a “sign posted on property” requirement be codified for all discretionary permits requiring public hearing, including:**

- Conditional Use Permits,
- Planned Development Permits,
- Tentative Maps and
- Tentative Parcel Maps.

In addition, staff recommends codification of a requirement to publish a public notice in a newspaper of general circulation for Separation Findings MUP applications to supplement the required public radius notice. This will ensure appropriate public noticing is provided for early separation findings and allows members of the public to appeal to the Planning Commission and further to the City Council.

At the October 16, 2018 City Council meeting, the Council expressed concern about potential conflicts which could arise between an application for an early separation finding permit and land use applications for uses which would impose required separations. For instance, such a scenario could occur if a developer submits an

application requesting an early separation finding for a MMD and, prior to review by staff, a daycare operator applies for a new daycare facility within the separation distance thereby leaving the treatment of the applications in doubt. The City Council directed staff to add language to the ordinance clarifying how conflicting applications would be prioritized.

Staff recommends adding language to the ordinance specifying that the order of actions dictates the decision, shown in italics as follows and in Attachment C. *Should land use changes or land use applications which would conflict with an early separation finding determination be established or filed in advance of an application for an early separation finding, the land use would be considered as grounds for denial of the early separation finding permit. Land uses or land use applications initiated after the filing of an early separation finding application would not be grounds for denial of the permit.*

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section [] Mitigated Negative Declaration

Fiscal Impact: None.

Public Notification: Notice published in December 6, 2018 edition of the East County Californian.

Attachments:

- Attachment A – Ordinance No. 2018-450 – ZA1-800-0002
Attachment B – Planning Commission Resolution 18-06

ORDINANCE NO. 2018-450

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, AMENDING SECTION 17.28.020 (APPLICATION
PROCEDURES) OF THE LEMON GROVE MUNICIPAL CODE TO CREATE A
NEW PROCESS TO ALLOW FOR EARLY SEPARATION FINDINGS FOR LAND
USES WITH SEPARATION REQUIREMENTS

WHEREAS, an applicant seeking to establish a land use subject to separation findings must wait until the final decision is made by the Development Services Director, Planning Commission, or City Council to ensure a separation finding can be made; and

WHEREAS, providing a new process through the use of a Minor Use Permit (MUP), for making an early separation finding prior to an applicant preparing costly plans and reports would streamline the approval process and would not restrict an applicant from obtaining a permit at the time of project approval; and

WHEREAS, should conflicting land uses or land use applications occur that affect the granting of the early separation finding permit, the order of the application dictates the decision, such that whichever land use, land use application or early separation finding application occurs first is given the first consideration; and

WHEREAS, noticing procedures would be enhanced to ensure the distribution of a public notices would match the separation distance for each application, and add a requirement for a sign to be posted on the subject property announcing the time and location of the public hearing; and

WHEREAS, on November 26, 2018, the Planning Commission held a duly noticed Public Hearing to consider Zoning Amendment ZA1-800-002 and resolved to recommend City Council approval; and

WHEREAS, this action is not subject to Environmental Review under the Environmental Quality Act (CEQA) because it does not constitute a project as defined by Section 15378 of the CEQA Guidelines; and

WHEREAS, on December 18, 2018, a public hearing was duly noticed and held by the Lemon Grove City Council; and

WHEREAS, the City Council finds that the following findings required to approve a Zoning Amendment can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. That the proposed amendment is consistent with the General Plan, in accordance with Government Code Section 65860, as amended.
 - The proposed zoning change is procedural and is consistent with the General Plan.
2. That the public health, safety, and general welfare benefit from the adoption of the proposed amendment.
 - Adopting a new process to allow for early separation findings saves applicants time and money, and improving public noticing for certain discretionary actions enhances community outreach, which provides a **benefit to the public health, safety and general welfare for the City's** residents and business owners; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California, does ordain as follows:

- Section 1. The foregoing recitals are true and correct.
- Section 2. Amendments to Chapter 17.28.020 Application Procedures of the Lemon Grove Municipal Code to Create a New Process to Allow for Early Separation Findings for Land Uses with Separation Requirements are hereby added to the City of Lemon Grove Municipal Code to read as shown in Exhibit A.
- Section 3. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish the title thereof, as a summary as required by state law.

INTRODUCED by the City Council on December 18, 2018.

PASSED AND ADOPTED by the City Council of the City of Lemon Grove, State of California, on December 18, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to Form:

Jim Lough, City Attorney

EXHIBIT A

TEXT OF PROPOSED REGULATIONS

NOTE:

- Text proposed to be added is displayed in underlined type.
- Text proposed to be deleted is displayed in strikethrough type.

The City of Lemon Grove Municipal Code to amend Application Procedures, Section 17.28.020, to read as follows:

17.28.020 Application Procedures.

A. Purpose. This section establishes procedures for submitting and processing applications for proposed uses, structures, and/or improvements of real property, and related matters subject to this title; authorize the city to establish, modify, and collect fees, and set time limits for processing.

1. Definitions. Italicized words and terms found in this chapter are defined in Chapter 17.08.

2. Interpretation. In interpreting and applying the provisions of this title, uses, structures, and/or improvements shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare.

3. Conflicts. Except as specifically provided, this title is not intended to impair or interfere with any previously issued permits or approvals relating to matters subject to this title. This title is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties, provided that in cases in which this title imposes a greater restriction than is imposed or required by existing provisions of law or ordinance or by such easements, covenants, or agreements, the provisions of this title shall control.

B. Initiation. A proposed action may be initiated by application of the property owner, owner's agent, or another interested party, by the city council.

C. Pre-Application Conference. Prior to submission of an application package for a complicated or multi-faceted project, an applicant may request an unofficial conference with city staff to review the proposed project. Staff will evaluate the project in light of applicable city regulations, indicate possible concerns, identify required information, and note probable environmental impacts and possible mitigation requirements. Nothing in this conference shall be construed as actual or implied approval of any aspect of the proposed project.

D. Application Submittal. Prior to submitting application packages for permits or other approvals, the applicant shall obtain a zoning clearance according to Section 17.28.070. Thereafter, application packages shall be submitted to the development services department upon a prescribed form, accompanied by applicable fees according to subsection (D)(1), and related materials necessary to show that the proposed use, structures, and/or improvements of the property comply with applicable provisions of this code, state law, federal law and the requirements and conditions of any associated permit. Each application filed by, or on behalf of, one or more property owners shall be verified by at least one such owner or the owner's

authorized agent attesting to the truth and correctness of all facts, statements, and information presented.

1. Fees. The city council shall establish and modify, by resolution, a schedule of fees and deposits for matters subject to this title. All applicable fees and deposits shall be paid in full prior to processing any application, appeal, or other matter for which a fee is required.

Applicable fees and/or deposits may be waived for charitable, youth or nonprofit organization activities upon approval by the city manager.

No fee shall be refundable except in any case where the development services director determines and certifies any such fee or portion thereof has been received in error, in which case the amount of money received in error shall be refunded to the proper party. Refunds will be processed in the same manner as other demands against the city.

2. Concurrent Processing. Applicants with more than one application related to the same project may have all applications processed simultaneously.

E. Time Limits.

1. Staff Review. Upon initial submittal, application packages shall be distributed to applicable departments for review. No more than thirty days following the date of initial submittal, application packages shall be deemed complete or incomplete with a request for more information. Once the requested information is received, the thirty day staff review cycle restarts. No action shall be taken on applications not yet deemed complete.

2. Deemed Complete Applications. Once deemed complete, applications then progress, in accordance with specific permit regulations in this title, to notices according to subsection F, to public hearing according to subsection G, then to decisions according to subsection H.

F. Notices. The notice shall state the purpose of the notice, a project description, and an explanation of the permit process, and be given by a date certain to affected parties according to subsections (F)(1), (2) and-(3), as appropriate.

1. Public Hearings. Notices for public hearings shall also state the time, place, and purpose of the public hearing and shall be given by publication at least ten days prior to the public hearing. Notices to affected property owners shall be given at least ten days prior to the public hearing according to subsection (F)(2).

2. Affected Property Owners. The notice shall be mailed to all real property owners within five hundred feet or the maximum distance separation requirement for a regulated use where applicable, whichever is greater, of all exterior boundaries of the subject property at least ten days prior to the decision. Notices shall be mailed using the names and addresses of the owners as shown on the latest equalized assessment roll in the office of the county assessor. Where the address of such owner is not shown on such assessment roll, failure to send notice by mail to such property owner shall not invalidate any proceedings in connection with such action. In the event that the number of owners to whom notice would be sent according to this subsection is greater than one thousand, then notices may, instead, be given by placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the affected area.

In addition, temporary on-site sign(s) along the properties' street frontage(s) and legible from across the street on pedestrian pathways shall be posted on the property at least ten days prior to the public hearing and until certificate of occupancy is granted for the proposed land use, but not to exceed a period of one year. The signs shall be a minimum of six feet high, six feet wide,

and not to exceed 72 square feet total for two sides or 36 square feet for one side. Such sign shall include the permit numbers, property location and APN number, a site plan and description of the project, project name, and the applicant's name, address and telephone number to the satisfaction of the development services director. Signs shall be maintained in good condition at all times.

3. California Environmental Quality Act (CEQA) and State Law. Notices shall be made according to Government Code Sections 65090 through 65091, as amended. Processing time frames will apply unless extended environmental review is required by state law or this code.

G. Public Hearings. A public hearing is the opportunity for the advisory body, the hearing body, or the appellate body to obtain public testimony or comments prior to making a decision. The public hearing shall be conducted in accordance with this chapter and Section 2.14.090 of this code. Public hearings may be continued to another time without requiring further public notice, so long as the future time and place are announced before adjournment of the hearing.

1. Scheduling. Public hearings of the city council shall be subject to the rules regarding the placing of matters on its agenda, respectively. Subject to state planning and environmental laws, public hearings shall not be held earlier than ten or later than sixty days following submission of an appeal application or a deemed complete application according to subsection (E)(2). The time limit specified in this subsection may be extended by mutual consent of the applicant and the development services director; however, in no case shall this time period exceed one hundred eighty days.

2. Notice. Notices of public hearings shall be given according to subsection (F)(1).

3. Outcome. At the close of the public hearing, the advisory body may recommend approval, conditions, limitations, or denial; while the hearing body or the appellate body may make a decision. The hearing body may impose such conditions or limitations as it deems necessary to serve the general purpose and intent of this title. The matter may also be referred back to the lower body for further consideration or action. The appellate body may sustain, modify, deny or reverse, wholly or in part, any decision by a lower body. The decision may also be referred back to the lower body for further consideration or action.

H. Decisions and Effective Date of Decisions. Development services director decisions are made within thirty days of applications being deemed complete. City council and city council decisions are made within twenty days of the close of the public hearing. Decisions shall become effective ten days following the decision date, unless an appeal has been filed according to subsection K.

Unless otherwise stated in the approval or permit, or in the conditions of approval, approvals and permits shall run with the land and shall continue to be valid upon a change of ownership of the site or structure.

1. Conditions of Approval. The development services director, the city council may attach such conditions as deemed necessary to ensure compliance with this code.

2. Response to Referral. Where an application, appeal or other matter is referred to a lower body for further consideration, a response to that referral shall be submitted to the applicant and the referring body within forty days following said referral.

I. Appeals. Any applicant or other interested person who is dissatisfied with the denial, approval, conditional approval, or other application decision made in the administration of this

title may appeal the decision. Decisions made by the development services director are appealed to the city council. Decisions made by the city council are final.

Appeal applications, accompanied by the filing fee, shall be filed within ten days following the date a decision is made, on forms provided by the development services department. Appeals of development services director decisions shall be submitted to the city clerk. Appeals will be heard at a public hearing that has been noticed according to subsection F and conducted according to subsection G. Failure of the appellate body to make a decision according to subsection H shall be deemed in agreement with the previous decision.

All rights of appeal are exhausted when the proceedings set forth herein have been completed. An applicant shall not apply for the same or similar use affecting all or part of the property within twelve months of the effective date of the decision of denial, or as otherwise specified at the time of the decision of denial.

J. Expirations. Applications, approvals and permits issued according to this title will expire in accordance with the following:

1. Application Expiration. Unless there has been substantial activity toward submitting a deemed complete application package according to subsection D, such application package shall expire after a continuous twelve-month period of inactivity. Thereafter, the applicant may submit a new application package according to subsection D.

2. Approval and Permit Expiration.

a. Any temporary use permit expires at the conclusion of the permitted use.

b. Other approvals or permits subject to this title shall expire:

i. Twelve months from the effective date of the decision, unless construction and/or use in reliance has commenced or as otherwise stated in the conditions of approval; or

ii. If the use for which it was issued is discontinued for a continuous period of twelve months.

K. Time Extensions. At any time prior to the expiration of approvals or permits subject to this title, the permittee for such approval or permit may file a written request for an extension of time. The development services director may grant an initial extension of the term of the permit. The city council shall consider all subsequent requests for time extensions, according to subsection (F)(2), and if:

1. The form and intensity of the project for which the approval or permit was issued have not been significantly altered, and

2. The conditions or circumstances which supported the findings of fact required for the original approval or permit have not changed and appear unlikely to change within the period of the proposed extension of time.

L. Substantial Conformance Review. Any project submittal made subsequent to obtaining a use permit authorized by this title shall be in substantial conformance with that use permit. At the request of the owner, or in the event that submittals or field conditions are found to not be in conformance, a substantial conformance review application, accompanied by the filing fee, shall be filed and processed according to subsection D. If the project is found to not be in substantial conformance, the applicant may request a modification of the use permit according to subsection M.

M. Permit Modifications. Permit modification applications, accompanied by the filing fee, may be filed at any time prior to the initial expiration date of the project's use permit. Applications shall be processed according to subsection D.

N. Revocation of Approvals and Permits. Any structures and/or improvements constructed, erected, altered, moved, or maintained contrary to a use permit and/or other provisions of this title, and any use of any land or structure established, conducted, or maintained contrary to an approval, permit and/or other provisions of this title, shall be declared to be unlawful and a public nuisance.

1. Procedure. The development services director shall immediately commence action or proceedings for the abatement of a violation of this title, according to Chapter 1.24. If the owner, operator or other responsible entity fails or refuses to abate any public nuisance according to subsection N, the development services director may schedule a public hearing, according to subsection G, to consider the following actions:

- a. Requiring whatever assurance deemed appropriate to guarantee that such violation will be corrected in a timely manner and will not occur again;
- b. Imposing additional conditions or limitations affecting the physical design of the property or its use;
- c. Revoking any approvals or permits subject to this title, according to the appeals provisions of subsection K.

In the event the development services director refers an enforcement matter to the city council, the city attorney shall, upon order of the city council, immediately apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person from erecting, maintaining, or using any property contrary to the provisions of this title.

O. Early Separation Findings. Separation findings required as a part of any permit described in this Chapter may be made early, prior to application materials being submitted and prior to a decision by the Development Services Director, Planning Commission and/or City Council with a Minor Use Permit application for the sole purpose of finding that the application meets or does not meet the required separation requirements. Land uses or land use applications initiated after the filing of an early separation finding application would not be grounds for denial of the permit. Should land use changes or land use applications which would conflict with an early separation finding determination be established or filed in advance of an application for an early separation finding, the land use would be considered as grounds for denial of the early separation finding permit.

No other approval may be granted as a part of this permit. Applications made pursuant to this subsection must give additional notice by way of advertisement in a newspaper having general circulation within the affected area at least ten days prior to the decision. This finding that the application meets separation requirements shall be valid for up to one year before the early finding expires.

OP. The remedies provided for in this title shall be cumulative and not exclusive. Nothing herein is intended to conflict with applicable state laws or federal laws. (Ord. 434 § 5, 2015; Ord. 386 § 3, 2009)

RESOLUTION NO. 18-06

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMON GROVE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF LEMON GROVE APPROVE ORDINANCE NO. 2018-449 – ZONING AMENDMENT ZA1-800-0002 OF THE LEMON GROVE MUNICIPAL CODE TO CREATE A PROCESS FOR EARLY SEPARATION FINDINGS FOR DISCRETIONARY PERMITS AND MODIFY NOTICING REQUIREMENTS.

WHEREAS, the City of Lemon Grove, is considering Zoning Amendment ZA1-800-0002 to the Lemon Grove Municipal Code to create a process for early separation findings for discretionary permits; and

WHEREAS, an applicant seeking to establish a land use subject to separation findings must wait until the final decision is made by the Development Services Director, Planning Commission, or City Council to ensure a separation finding can be made; and

WHEREAS, providing a new process through the use of a Minor Use Permit (MUP), for making an early separation finding prior to an applicant preparing costly plans and reports, would streamline the approval process and would not restrict an applicant from obtaining a permit at the time of project approval; and

WHEREAS, should conflicting land uses or land use applications occur that affect the granting of the early separation finding permit, the order of the application dictates the decision, such that whichever land use, land use application or early separation finding application occurs first is given the first consideration; and

WHEREAS, noticing procedures would be enhanced to ensure the distribution of a public notice would match the separation distance for each application, and add a requirement for a sign to be posted on the subject property announcing the time and location of a public hearing; and

WHEREAS, the Notice of Public Hearing for this item was published in the November 15, 2018, edition of the East County Californian; and

WHEREAS, on November 26, 2018, a public hearing was duly noticed and held by the Lemon Grove Planning Commission; and

WHEREAS, the Planning Commission finds that the following findings required to approve a Zoning Amendment can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. That the proposed amendment is consistent with the General Plan, in accordance with Government Code Section 65860, as amended.
 - The proposed zoning change is procedural and is consistent with the General Plan.
2. That the public health, safety, and general welfare will benefit from the adoption of the proposed amendment.
 - Adopting a new process to allow for early separation findings saves applicants time and money, and improving public noticing for certain discretionary actions enhances community outreach, which provides a benefit to the public health, safety and general welfare for the City's residents and business owners.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemon Grove hereby:

SECTION 1: Recommends that the City Council of the City of Lemon Grove approve ZA1-800-0002, as set forth in Exhibit A to Ordinance No. 2018-449, amending Section 17.28.020 of the Lemon Grove Municipal Code (LGMC) to create a process for early separation findings for discretionary permits and modify noticing requirements.

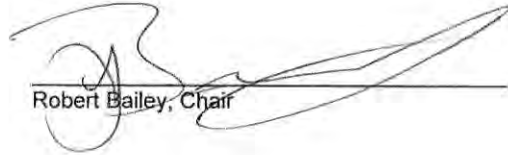
PASSED AND ADOPTED: On November 26, 2018, the Planning Commission of the City of Lemon Grove, California, adopted Resolution No. 18-06. Passed by the following vote:

AYES: Bailey, Browne, LeBaron, Relucio, Smith

NOES: None.

ABSENT: None.

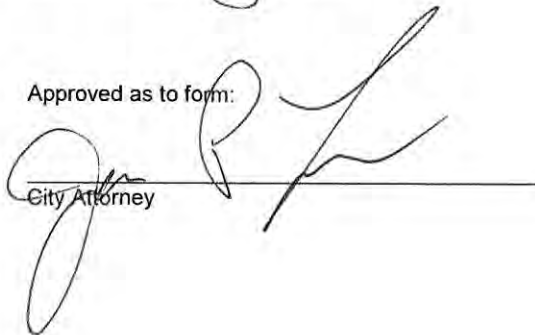
DISQUALIFIED: None.


Robert Bailey, Chair

Attest:


Shelley Chapel, MMC, City Clerk

Approved as to form:


City Attorney



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 4

Meeting Date: December 18, 2018

Submitted to: Honorable Mayor and Members of the City Council

Department: Public Works

Staff Contact: Mike James, Assistant City Manager/Public Works Director

mjames@lemongrove.ca.gov

Item Title: License Agreement for Wireless Installation on Public Structures

Recommended Action: Adopt a resolution (Attachment A) authorizing a license agreement for wireless installation on public structures with New Cingular Wireless PCS, LLC.

Summary: New Cingular Wireless PCS, LLC (formerly known as AT&T Wireless) has requested to construct small antenna facilities on existing streetlight poles within the **City's right-of-way**. **In exchange for use of the City's right-of-way**, the proposed agreement (Attachment A – Exhibit A) would allow New Cingular Wireless to install antennas on existing street light poles after obtaining a permit through the Development Services Department.

Discussion: The California Public Utilities Code §7901 allows telephone corporations to construct telephone lines within public roads and to erect poles to support telephone lines and other communication equipment. The City owns and operates 416 streetlight poles in the public right-of-way. New Cingular Wireless has requested to construct small antenna facilities on existing streetlight poles within the City's right-of-way. These small antenna facilities will eventually support the 5th generation wireless system (the 5G network). The antennas are affixed to streetlight poles and will provide greater access to wireless broadband services.

New Cingular Wireless requests that the City consider a ten-year License Agreement, which would regulate the installation of the small antenna facilities and enhance the communication network in the City. The proposed License Agreement would allow New Cingular Wireless to install antennas on existing street light poles after obtaining a permit through the Development Services Department.

In exchange for use of the City's right-of-way, the proposed Agreement requires New Cingular Wireless to:

- 1) Pay the City \$1,250 per year for each site for the first year-the rental rate increases by 2.5 percent each year;
- 2) Pay a permit application fee of \$1,500 per application (several sites can be included per application);
- 3) Install conduit in the right-of-way for City use when New Cingular Wireless trenches; and
- 4) Meet design standards detailed in the proposed License Agreement.

The proposed Agreement excludes use of the City's decorative streetlight poles located in the downtown area for an antenna facility.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section [] Mitigated Negative Declaration

Fiscal Impact:

New Cingular Wireless may install up to ten sites under one permit application, which will generate up to \$12,500 in rental revenues and \$1,500 in permit fees.

Public Notification: None

Attachments:

Attachment A – Resolution

RESOLUTION NO. 2018-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, APPROVING A LICENSE AGREEMENT FOR NEW
CINGULAR WIRELESS PCS, LLC DBA AT&T MOBILITY FOR WIRELESS
INSTALLATION ON PUBLIC STRUCTURES

WHEREAS, the California Public Utilities Code § 7901 allows telephone corporations to construct telephone lines within public roads, and erect poles to support telephone lines and other communication equipment; and

WHEREAS, the City owns and operates 416 streetlight poles in the public right of-way; and

WHEREAS, New Cingular Wireless PCS, LLC, doing business as AT&T Wireless ("New Cingular") has requested approval to construct small antenna facilities on certain existing streetlight poles within the City's right-of-way; and

WHEREAS, these small antenna facilities will eventually support the 5th generation wireless system (the 5G network), provide greater access to wireless broadband services, and enhance the communication network in the City; and

WHEREAS, New Cingular has requested that the City consider a ten-year License Agreement (the "Agreement"); and

WHEREAS, in exchange for use of the City's right-of-way, the proposed Agreement requires New Cingular to (1) pay the City \$1,250 per year for each site for the first year, with a rental rate increase of 2.5 percent each year; (2) pay a permit application fee of \$1,500 per application (up to ten sites can be included in each application); (3) install conduit in the right-of-way for City use when New Cingular Wireless trenches; and (4) meet design standards detailed in the proposed Agreement; and

WHEREAS, the proposed Agreement excludes use of the City's decorative streetlight poles located in the downtown area for an antenna facility; and

WHEREAS, the City Council believes it to be in the City's best interests to enter into a license agreement with New Cingular for installation of small antenna facilities on existing streetlight poles at various locations within the City of Lemon Grove.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California, hereby finds:

1. The execution of a proposed License Agreement for Wireless Installations on Public Structures, substantially in the form as presented to the City Council in this meeting, with such changes as may be approved by the City Manager or her designee; and

2. The City Manager, or her designee, and the City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City of Lemon Grove; and
3. The City Manager, or her designee, is hereby further authorized to execute, and the City Clerk is hereby authorized to attest the City Manager's or designee's signature, such amendments to the Agreement as may be necessary to approve any renewal terms of the Agreement as contemplated therein, and to make such other changes as may be necessary, in the determination of the City Manager or her designee, to implement the Agreement in the best interests of the City.

PASSED AND ADOPTED on _____, 2018, the City Council of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to Form:

James Lough, City Attorney

**LICENSE AGREEMENT FOR WIRELESS INSTALLATIONS
ON PUBLIC STRUCTURES**

BETWEEN

**NEW CINGULAR WIRELESS PCS, LLC
D/B/A AT&T MOBILITY**

AND

CITY OF LEMON GROVE

EFFECTIVE DATE: _____, 2018

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**LICENSE AGREEMENT FOR WIRELESS INSTALLATIONS
ON PUBLIC STRUCTURES**

This License Agreement For Wireless Installations on Public Structures (the “Agreement”) is made and entered into as of _____, 2018 (“Effective Date”) by and between THE CITY OF LEMON GROVE, a California general law city and municipal Corporation (“Licensor”) and NEW CINGULAR WIRELESS PCS, LLC, a Delaware limited liability company d/b/a AT&T Mobility (“Licensee”). Licensor and Licensee shall be referred to hereafter individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, Licensee seeks to affix wireless communication antennas and related equipment to certain of Licensor’s Structures, as defined herein;

WHEREAS, Licensor wishes to encourage wireless infrastructure investment by providing a fair and predictable process for the deployment of small wireless facilities, while enabling Licensor to promote the management of the rights-of-way in the overall interests of the public health, safety and welfare;

WHEREAS, Licensor is willing to accommodate Licensee’s non-exclusive use of such Structures in accordance with all applicable law and the terms of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants, terms, and conditions set forth in this Agreement, the Parties hereby agree as follows:

CERTAIN DEFINED TERMS

As used herein, the following capitalized terms have the meaning ascribed to them below.

“Applicable Code” means the Lemon Grove Municipal Code.

“Decorative Streetlight Pole” shall mean any streetlight pole that incorporates artistic design elements not typically found in the Licensor’s majority of streetlight poles. By way of example but not limitation, “Decorative Streetlight Poles” are located in the Lemon Grove Downtown Area as of the date of this Agreement.

“Emergency” means a situation in which there is an imminent threat of injury to person or property, or loss of life.

“FCC” means the Federal Communications Commission;

“Person” or “Persons” means any person or entity;

“Structure(s)” means pole(s) supporting one or more streetlights, traffic signals, flags, banners and/or signage; and any other similar structure(s) capable of accommodating a

Wireless Installation. Structure does not include any Licensor pole used for the function of electricity or natural gas distribution; nor does structure include any Decorative Streetlight Poles.

“Technical Grounds” means, in light of prevailing industry engineering standards, reasons of insufficiency of capacity, safety, reliability and/or generally applicable engineering purposes consistent with applicable law.

“Wireless Installation” means an antenna system equipment, which conforms to the design standards included in Exhibit B, including facilities that operate on FCC-approved frequencies in the bands authorized for commercial wireless communication services by the FCC pursuant to FCC licenses issued to Licensee, and all associated equipment, affixed by Licensee to a Structure owned or controlled by Licensor pursuant to a Permit (in accordance with Section 3.1 hereof) authorized by Licensor.

1. SCOPE OF AGREEMENT

1.1 Scope of Agreement. To the extent not already governed by applicable law, Licensor hereby grants Licensee such rights-of-way and easements for the use and benefit of Licensee as necessary to exercise the right to attach to Licensor’s Structures, as provided herein, subject, however to all governmental approvals. Licensee acknowledges that Licensor is a governmental entity, having regulatory authority in planning and land use matters, and local governmental approvals. Nothing herein shall be deemed to require the Licensor to commit to approve any applications seeking its governmental approvals. No use of Licensor’s Structures under this Agreement shall create or vest in Licensee any ownership or property rights in such Structures. Nothing in this Agreement grants Licensee the right to make any Wireless Installation, or to install other facilities, including Wireless Facilities, that do not conform to this Agreement. This Agreement expressly excludes Decorative Streetlight Poles from the installation of Wireless Facilities.

1.2 Interference with Wireless Installations. Licensor will not grant after the date of this Agreement a permit, license or any other right to any third party if, at the time such third party applies for access to a Structure, Licensor knows or has reason to know that such third party’s use is reasonably likely to materially adversely affect or interfere with the Licensee’s existing Wireless Installations on that Structure, Licensee’s use and operation of its facilities on that Structure, or Licensee’s ability to comply with the terms and conditions of this Agreement as it relates to that Structure.

1.3 Installation of Poles. This Agreement is not intended to affect Licensee’s rights, if any, to install its own poles in municipal rights-of-way for the purpose of affixing its Wireless Installations, subject to reasonable permitting requirements and in accordance with applicable law.

2. GENERAL OBLIGATIONS

2.1 Technical Requirements and Specifications.

(a) At its own expense, Licensee must erect, install, repair and maintain its Wireless Installations in safe condition and good repair in accordance with:

(i) the requirements and specifications of the National Electrical Safety Code (“NESC”), the National Electrical Code (“NEC”) and any and all other applicable regulatory codes for safe practices when performing work on or near Structures (collectively, “Safety Codes”); and

(ii) any current or future rules or orders of the FCC, the State public utility commission, or any other federal, state or local authority having jurisdiction, including, without limitation, compliance, at all times, with Lemon Grove construction, building, operational and maintenance guidelines. Changes to the requirements, specifications, rules and orders in subsections (i) and (ii) shall not apply retroactively unless required by law.

(b) Licensor may, on Technical Grounds, legal grounds, or in proper exercise of its governmental authority, deny all or part of an Application for Permit, deny renewal of a Permit, limit the number and/or modify the technical characteristics (*e.g.*, weight or size) of any Wireless Installation on any Structure, or require relocation, replacement or removal of Wireless Installations.

2.2 No Liens Permitted. Licensee will not, directly or indirectly, create, incur, assume or suffer to exist any lien with respect to any Structure or other Licensor property or facility resulting from any work performed by Licensee or on its behalf pursuant to this Agreement or any act or claim against it or any of its contractors, agents, or customers and will, at its sole expense, promptly take any action as may be necessary to discharge any such lien within thirty (30) days of first being notified in writing of its existence.

2.3 Worker Qualifications; Responsibility for Agents and Contractors. Each party shall ensure that its workers and, to the extent that either may employ agents or contractors, their workers, are adequately trained and skilled to access Structures in accordance with all applicable industry and governmental standards and regulations. Licensor may deny access to its Structures to any such worker who is not so qualified, or who does not act in a safe and professional manner when accessing any Structure. In such event, Licensee shall take such reasonable and necessary action so as to ensure that such worker does not continue to access Structures on Licensee’s behalf unless such worker is qualified to Licensor’s reasonable satisfaction. In no event, however, shall a party be liable or otherwise responsible for the competence or conduct of the other party’s workers or those of the other party’s agents or contractors.

2.4 Utilities. Licensee shall be solely responsible for arrangement and payment for electric service necessary in connection with Wireless Installations.

2.5. Conduit Installation. At its sole cost, Licensee shall install dedicated conduit for the purpose of installing telecommunication lines whenever trenching occurs in the public right-of-way. Upon installation and acceptance following the approval of a final inspection, the conduit shall become property of the Licensor. No other deed, bill of sale, dedication, or document of conveyance, other than this Agreement, shall represent the transfer of ownership of the conduit to the Licensor.

3. APPLICATION FOR PERMIT

3.1 Application for Permit. Before placing any new or additional Wireless Installation onto any Structure, Licensee shall apply for a permit from Licensor. Licensee shall apply for the permit using the Licensor's Application for Permit ("Permit"), which Licensor may revise or amend from time to time in its reasonable discretion upon 60 days' written notice to Licensee. Unless applicable law provides otherwise as reflected in Exhibit A, Licensor will notify Licensee of the specific deficiencies in any incomplete Permit Application within ten (10) days of its submission and Licensor will approve or reject each Permit within forty-five (45) days of its submission. In the event of rejection of a Permit, Licensor shall provide a written explanation to Licensee of the basis for the rejection with the same forty-five (45) day period. A permit shall be deemed approved if not approved or denied (for reasons consistent with applicable law) within the time frames specified herein or in Exhibit A. Each Application for Permit may request attachments of up to ten (10) different Structures or as otherwise provided in Exhibit A. Licensor shall pay an Application Fee for each application at the time of submission in the amount set forth in Exhibit except that no such fee shall be required for a resubmitted application where such application was originally rejected as incomplete.

3.2 Technical Review. Licensor will undertake all engineering and administrative activities necessary to approve or deny Licensee's Permit Application in whole or in part. Such activities include, but are not limited to, assigning a Permit number, logging the Permit into the tracking system, approving any Make-Ready Work associated with the Permit, informing other attachers of Licensee's intent to attach, approving the Permit, field work (inspecting the location, taking required measurements at the location, setting up joint meetings with other attachers if necessary, and inspecting the work). Licensor shall recover the costs associated with this Technical Review through the Application Fee.

4. COMPLETION OF INSTALLATION

4.1 Notification of Completion of Installation. Within ten (10) business days of completing the installation of each Wireless Installation, Licensee shall notify Licensor of such completion.

5. OPERATION AND MAINTENANCE; RESERVATION OF RIGHTS

5.1 Reservation of Rights. As permitted by applicable law, Licensor reserves the right to operate and maintain its Structures and facilities, to discontinue such

maintenance, and to remove its Structures and facilities, in the best manner required to fulfill its own service requirements, and its public, employee, worker safety and other legal obligations.

5.2. RF Emissions.

(a) Licensee will comply with all FCC regulations regarding radio frequency (“RF”) emissions and exposure limitations. Licensee is allowed to install signage and other mitigation, such as a power cut-off switch on Structures, to allow workers and third parties to avoid excess exposure to RF emissions. Licensor’s authorized field personnel will contact Licensee’s designated point of contact not less than 24 hours in advance to inform Licensee of the need for a temporary power-shut-down. In the event of an unplanned outage or cut-off of power or an emergency, the power-down will be with such advance notice as practicable. Once the work has been completed and the worker(s) have departed the exposure area, the party who accomplished the power-down shall restore power and inform Licensee as soon as possible that power has been restored. The parties acknowledge that they understand the nature of Licensee’s Wireless Installations and agree to limit the frequency of power-downs and restore power as promptly as much as reasonably practical.

(b) Licensor and Licensee are under an obligation to operate their own existing or future facilities to protect against RF interference to RF signals of Licensor and Licensee, as may emanate or arise. Licensor and Licensee shall endeavor to correct any interference to other networks created by their own RF emissions promptly and shall coordinate and cooperate with each other and any other attachers on Licensor’s Structures relating to the same.

5.3 FCC Antenna Registrations, Federal Aviation Administration (“FAA”) Compliance. Licensee is solely responsible for ensuring compliance with any and all FCC antenna registration, FAA, or similar requirements with respect to the location of the Licensee’s antennas or other facilities. Without limitation, Licensee acknowledges and agrees that Licensor’s Structures are not “antenna structures” under the rules of the FCC or any other state or local regulatory authority, and that, accordingly, Licensor has no obligation of its own in this regard to register them with the FCC, the FAA, or other agency.

5.4 Equipment Modification and Replacements. Subsequent to the original installation of Licensee’s equipment, Licensee may modify or replace the equipment so long as such modification or replacement does not increase the load on the applicable Structure beyond the loading, if any, that was established in the approved application, or involve placement of equipment outside the area designated in the approved application without obtaining prior written consent of Licensor.

5.5 Access. At all times throughout the Term of this Agreement, and at no additional charge to Licensee, Licensee and its employees, agents, and subcontractors, will have twenty-four (24) hour per day, seven (7) day per week reasonable pedestrian access to, in and on and reasonable vehicular access to (“Access”) any Structure used or to be

used pursuant to an approved Permit so that Licensee may install, operate, maintain, repair, replace, remove, or modify its Wireless Installations.

6. CHARGES, BILLING AND PAYMENT

6.1 Annual Rent for Wireless Installations. Licensee shall pay Licensor the rental fee (“Rent”) for each Wireless Installation as set forth in Exhibit A, for each year (or partial year) that this Agreement remains in effect. Said Rent is for each Wireless Installation on each Structure and includes all appurtenant equipment and facilities used in connection with Wireless Installations.

6.2 Timing of Payment and Calculation of Number of Wireless Installations.

(a) The Rent shall be payable annually in advance for each Wireless Installation, as recorded by Licensor or for which a Permit has been issued as of October 1 of the prior calendar year (the “Record Date”). For new Wireless Installations, the Rent shall be paid in advance at the time that the Permit is issued.

(b) If Licensee’s records show a different number of Wireless Installations for which a Rent payment is required, Licensee shall so notify Licensor within thirty (30) days of relevant invoice. Licensor will then, following receipt of Licensee’s notification, either accept in writing Licensee’s revised count/information or notify Licensee in writing that a dispute exists about such count, in which event the parties shall comply with the dispute resolutions provisions of the agreement.

6.3 Surety Bond. Prior to the issuance of any Permit Licensee shall furnish a surety bond (the “Surety Bond”) as provided for in Exhibit A, in order to guarantee Licensee’s payment and performance of sums and liabilities that may become due to Licensor for all Rent and other amounts and liabilities required by or concerning or related to this Agreement. The amount of the Surety Bond shall be increased upon the increase in the number of Wireless Attachments as set forth in Exhibit A.

6.4 Unauthorized Wireless Installations.

(a) Upon discovery of a Wireless Installation that has not been approved by Licensor by Permit (an “Unauthorized Wireless Installation”), Licensee shall obtain a permit and pay the Application Fee and shall pay back rent due to the Licensor.

(b) Licensor may invoice, and Licensee shall pay to Licensor within thirty (30) days from receipt of the date of invoice, a civil penalty as allowed by the Applicable Code, multiplied by the number of Unauthorized Wireless Installations.

(i) For the purposes of this Agreement, “a civil penalty as allowed by the Applicable Code” shall mean such civil penalties imposed by the City of Lemon Grove for violations of its Building Codes (Title 15 of the Lemon Grove Municipal Code) and its Zoning Code (Title 17 of the Lemon Grove Municipal Code).

(ii) The failure of Licensee to pay any civil penalties shall become a Default of this Agreement (as defined herein).

(c) Within thirty (30) days of notification of an Unauthorized Wireless Installation, Licensee shall apply for a Permit and Licensor shall approve or deny such Application for Permit in accordance with this Agreement.

(d) Unauthorized Wireless Installations shall not be considered a default of this Agreement unless there is established that the number of Unauthorized Wireless Installations exceed ten percent (10%) of the Wireless Installations approved by all Permits then in existence.

6.5 Billing and Payment Generally.

(a) Except as otherwise provided herein, all bills and invoices and other requests for payment rendered under this Agreement shall be paid by Licensee within ninety (90) days from the receipt of invoice. Interest of one percent (1%) per month (or the highest amount permitted by law, whichever is less) of the total amount due and unpaid will apply to any unpaid amount after ninety (90) days from the receipt of invoice.

(b) Licensee shall notify Licensor within thirty (30) days of the date of invoice of any dispute, with sufficient particularity to identify the amounts in, and grounds for, any dispute.

7. **AUDITS AND INSPECTIONS**

7.1 Audits.

(a) Licensee and Licensor shall cooperate in determining the total number of Wireless Installations. This determination shall be based on an on-going inventory of Permits that shall be maintained by Licensor. Licensor has the right to require a jointly conducted physical audit of Wireless Installations no more frequently than once every three (3) years, unless Licensee is responsible for a Default (defined in Section 14.1) under this Agreement, in which case Licensor may audit no more frequently than once a year (until such default is cured). Licensor must provide thirty (30) days’ written notice of any audit. The actual and reasonable cost of such audits will be shared equally by Licensor and Licensee.

(b) Licensee and Licensor may mutually agree that in lieu of such a jointly conducted physical audit, the number of Wireless Installations may be determined from existing maps and attachment records, in which case, each Party shall make all

relevant maps and records available to the other Party and the number of Wireless Installations shall be cooperatively determined.

7.2 Safety Inspections. Licensor may conduct, at its sole expense, inspections of Wireless Installations on Licensor's Structures and to conduct inspections in the vicinity of Wireless Installations. Licensor shall give Licensee thirty (30) days' prior written notice of such inspections and Licensee shall have the right to be present at and observe any such inspections, at Licensee's sole expense. However, in the event of an Emergency for which Licensor must promptly provide or restore safe conditions for the public, Licensor may conduct such inspections immediately and without prior notice to Licensee. Notwithstanding the foregoing, Licensee shall pay Licensor for its actual and reasonable costs for safety inspections performed for the purpose of determining if a safety violation of which Licensor has provided written notice to Licensee has been corrected by Licensee.

8. STRUCTURE REPLACEMENT AND ABANDONMENT AND REMOVAL OF WIRELESS INSTALLATIONS

8.1 Replacement or Abandonment of Structure

(a) If for safety, reliability or operational reasons, Technical Grounds, or due to government or legal requirements Licensor replaces a Structure to which Wireless Installations are affixed, Licensor will, upon sixty (60) days' written notice, at its own expense, remove the Wireless Installation located on the original Structure, and transfer it to the replacement Structure.

(b) Notwithstanding the foregoing, in the case of an Emergency, Licensor may remove, or replace the Wireless Installations or transfer them to replacement Structures, or perform any other work in connection with said Wireless Installations that may reasonably be required to maintain, replace, remove or relocate the Structures. In such a case, Licensee shall reimburse Licensor for the expenses incurred by Licensor. In the event of an Emergency, Licensor shall notify Licensee as soon as practicable, but in no event later than 48 hours after the Emergency.

(c) If Licensor desires to abandon any Structure, it shall give Licensee sixty (60) days' written notice, and within such time, Licensee may remove or otherwise dispose of its Wireless Installations, or transfer its Wireless Installations to a replacement structure, all at Licensee's cost.

(d) If a Licensor's Structure needs to be replaced in order to accommodate Wireless Installations, Licensor may replace the Structure and Licensee will reimburse Licensor for all actual and reasonable costs directly incurred by Licensor to do so and Licensee shall relocate its Wireless Installations to the replacement Structure within sixty (60) days following written notice of the requirement to move.

(e) If, upon expiration of any required notice period for removal, Wireless Installation(s) has/have not been removed, Licensor may at Licensee's sole

expense, remove and dispose of the Wireless Installation(s), without any liability to Licensee for such removal and disposition.

8.2 Removal of Wireless Installations by Licensee. Licensee may at any time remove Wireless Installations from Licensor's Structures, and shall give Licensor notice of such removal within thirty (30) days after removal. No refund of any rental paid will be due on account of such removal except as provided for in Section 13.3 or if triggered by casualty, fire or other harm affecting any Structure ("Casualty Event"). Licensor will provide notice to Licensee of any Casualty Event as soon as reasonably practical thereafter. In the event of damage by a Casualty Event to a Structure that cannot reasonably be expected to be repaired within forty-five (45) days following such Casualty Event or which Licensor elects not to repair, or if such Casualty Event is reasonably expected to disrupt Licensee's operations on the Structure for more than forty-five (45) days, then Licensee may, at any time following such casualty or harm; (i) terminate the applicable Permit upon fifteen (15) days' written notice to Licensor; (ii) place a temporary facility, if feasible, at a location equivalent to Licensee's current use of the Structure until such time as the Structure is fully restored to accommodate Licensee's Wireless Installation; or (iii) permit Licensee to submit a new Application for Permit for an alternate location equivalent to Licensee's current use of the Structure, and Licensor shall waive the application fee and transfer all remaining rights to the new Structure so long as such relocation was due to a Casualty Event not caused by Licensee. Any such notice of termination shall cause the applicable Permit to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of the applicable Permit. The rent shall abate during the period of repair following such Casualty Event in proportion to the degree to which Licensee's use of the Structure is impaired. Licensee will be entitled to collect all insurance proceeds payable to Licensee on account thereof and to be reimbursed for any prepaid Rent on a *pro rata* basis.

8.3 Licensee Safety or Other Violations. If Licensor discovers any regulatory, safety or other violation of this Agreement with respect to Wireless Installations, it shall notify Licensee and Licensee shall have thirty (30) days in which to remedy such violations, except that Licensor may require quicker action in Emergency situations.

9. INSURANCE

9.1 Obligation for Insurance. Licensee shall at its sole cost and expense maintain the insurance coverage and limits required by this Section during the Term of this Agreement. Licensee agrees to procure the required insurance from an insurance company having and maintaining an A.M. Best rating of at least A-VII. Licensee shall deliver to Licensor Certificates of Insurance evidencing the types of insurance and policy limits required and shall deliver updated Certificates of Insurance from time to time as may be necessary to keep Licensor apprised of all currently effective insurance.

9.2 Required Insurance.

(a) Workers' Compensation and Employer's Liability insurance, as required by statute, with Employer's Liability limits of \$1,000,000 each accident,

\$1,000,000 by disease policy limits, and \$1,000,000 by disease each employee. To the extent allowed by law, the policy must include a blanket waiver of subrogation in favor of Licensor.

(b) A combined single limit policy with aggregate limits for \$2,000,000 with minimum limits in the amounts as follows:

Commercial General Liability: Insurance Services Office (ISO) Form CG 00 01 covering Commercial General Liability on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence.

The Commercial General Liability policy must include Licensor and its elected and appointed officials, officers, employees, agents and volunteers as an additional insured on a primary and non-contributory basis and a waiver of subrogation in favor of Licensor.

(c) Business Automobile Liability insurance with limits of at \$1,000,000 Combined Single Limit for each Accident for Bodily Injury and Property Damage, extending to all company owned, leased, and non-owned vehicles.

(d) Umbrella/Excess Liability insurance with limits of \$1,000,000 each occurrence and in the aggregate.

9.3 Insurance Certificates / Additional Insured

Licensee must provide certificates of insurance and endorsements evidencing coverage prior to the start of the contract. All certificates or endorsements must include:

- The name of the insurance company issuing each policy.
- All insurers must provide an original additional insured endorsement including the City of Lemon Grove, and its elected and appointed officials, officers, employees and volunteers (for purposes of this Section, individually and collectively, the "City Insureds") as an additional insured. This inclusion as additional insureds shall not be required of Workers' Compensation or Professional Liability policies of insurance, and may be waived for "valuable papers" coverage with the approval of the City Attorney.
- All insurers must provide an original endorsement stating that the insurance coverage shall be primary insurance as respects the City of Lemon Grove, and its elected and appointed officials, officers, employees and volunteers (for purposes of this Policy, individually and collectively, the "City Insureds". Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
- Waiver of Subrogation endorsement is required on Workers' Compensation Coverage.
- Address of named insured.

- Description of coverage, including any special coverage required by the contract.
- Policy numbers.
- Policy periods (if claims made basis, must include retroactive date and length of time allowed as extended reporting period).
- Coverage type (occurrence form vs. claims made).
- Authorized signature and date of issuance. An original signature is required (wet signature or hard copy): a digital signature is acceptable so long as it complies with the requirements of Government Code § 16.5.

9.4 General Insurance Conditions. Licensee may meet the required insurance coverage and limits with any combination of primary and umbrella/excess liability insurance. Licensee shall provide at least thirty (30) days advance written notice of cancellation or non-renewal of any required insurance that is not replaced. Licensee will require any subcontractors performing work under this Agreement to maintain coverage and limits at least as broad as those listed above. With respect to any required policy that is issued on a “claims-made” basis, Licensee agrees to maintain coverage for two (2) years following the term of this Agreement. Notwithstanding the foregoing, Licensee may self-insure the required insurance under the same terms and conditions as outlined above.

10. ALLOCATION OF LIABILITIES

Each Party shall be liable for all damages for such injuries to third Persons or any third Person’s property proximately caused by the Party’s negligence or willful misconduct or by its failure to comply at any time with the law, including the Applicable Code, or the practices herein provided. As used in the immediately preceding sentence, reference to injury to property shall be deemed to refer to physical damage to physical property.

NOTWITHSTANDING ANY PROVISION OF THIS AGREEMENT TO THE CONTRARY, IN NO EVENT SHALL EITHER PARTY BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, PUNITIVE, EXEMPLARY OR INDIRECT DAMAGES SUFFERED BY THE OTHER PARTY OR BY ANY CUSTOMER OR ANY PURCHASER OF SUCH PARTY OR ANY OTHER PERSON, FOR LOST PROFITS OR OTHER BUSINESS INTERRUPTION DAMAGES, WHETHER BY VIRTUE OF ANY STATUTE, IN TORT OR IN CONTRACT, UNDER ANY PROVISION OF INDEMNITY, OR OTHERWISE.

11. INDEMNIFICATION

11.1 Licensee Indemnification of Licensor. To the extent permitted by law, Licensee shall indemnify, hold harmless and, at Licensor’s sole option, defend Licensor, its elected and appointed officers, officials, directors, contractors, subcontractors, suppliers, licensees (other than Licensee), invitees, agents, attorneys, employees, volunteers, successors and assigns (together “Licensor Indemnitees”) from and against any and all liabilities, damages or claims for damage, including, but not limited to, all actual and reasonable costs, attorneys’ fees, and other charges and expenditures that Licensor

Indemnitees incur in connection with any claims asserted related to the willful misconduct or the negligent installation, operation, use, repair, maintenance, or removal of Wireless Installations or breach of the terms of this Agreement by Licensee, including any acts or omissions by its agents, contractors, or subcontractors except to the extent that such liabilities, damages or claims are a result of the negligence or willful misconduct of Licensor. Licensee shall purchase liability insurance in an amount adequate to fulfill its obligations to indemnify and protect Licensor under this Agreement.

11.2 Licensor Indemnification of Licensee. To the extent permitted by law, Licensor shall indemnify, hold harmless and, at Licensee's sole option, defend Licensee, its principals, parents, affiliates, officers, directors, contractors, subcontractors, suppliers, licensees, invitees, agents, attorneys, employees, successors and assigns (together "Licensee Indemnitees") from and against any and all liabilities, damages or claims for damage, including, but not limited to, all actual and reasonable costs, attorneys' fees, and other charges and expenditures that Licensee Indemnitees may incur in connection with any claims asserted related to the willful misconduct or the negligent installation, operation, use, repair, maintenance or removal of Licensor's Structures or breach of the terms of this Agreement by Licensor, including any acts or omissions by its officials, agents, contractors, subcontractors or volunteers except to the extent that such liabilities, damages or claims are a result of the negligence or willful misconduct of Licensee. To the extent permitted by law, Licensor shall purchase liability insurance in an amount adequate to fulfill its obligations to indemnify and protect Licensee under this Agreement.

12. TERM

This Agreement shall commence as of the Effective Date, and, if not lawfully terminated sooner, remain in full force and effect for a term of ten (10) years. The Parties may agree to renew this Agreement for four (4) renewal terms, each of not more than five (5) years in duration, unless either Party gives the other written notice of termination at least one hundred and twenty (120) days prior to the then current term. Upon termination of this Agreement, Licensee shall remove Wireless Installations from all Licensor's Structures within thirty (30) days at Licensee's expense. If not so removed within thirty (30) days following such termination, Licensor shall have the right to remove such Wireless Installations, and to dispose of same, at Licensee's sole expense and without any liability to Licensee for such removal and disposition.

13. DEFAULT AND TERMINATION

13.1 Default. If either Party fails to perform or observe any material term or condition of this Agreement within thirty (30) days after receipt of written notice of such failure from the other Party, then such Party will be in default of the Agreement ("Default"). No such failure, however, will be deemed to exist if a Party has commenced to cure such Default within such period and provided that such efforts are prosecuted to completion with reasonable diligence and within an additional thirty (30) days.

13.2 Licensee's Default and Licensor's Remedies. If Licensee does not cure its Default within the allotted time period, Licensor may, at its discretion, take any one or more of the following actions:

- (a) suspend Licensee's access to any or all of Licensor's Structures;
- (b) terminate the specific Permit(s) granted to Licensee covering the Structure(s) to which such Default is applicable;
- (c) require the obligation to be fulfilled at Licensee's sole expense;
- (d) repair, remove, relocate, or rearrange Wireless Installations to which such Default relates (all at Licensee's sole expense);
- (e) decline to Permit additional Wireless Installations under this Agreement until all such Defaults are cured;
- (f) exercise its rights with respect to the Surety Bond; or
- (g) only after sixty (60) days following notice of Default, with no interim cure, terminate this Agreement.

13.3 Licensor's Default and Licensee's Remedies.

(a) If Licensor does not cure its Default within the allotted time period, Licensee may, at its reasonable discretion, either terminate this Agreement or demand that the terms of this Agreement be complied with.

(b) If Licensor Defaults and Licensee elects to terminate the Agreement, Licensor shall refund any portion of advanced, prepaid Rent actually paid by Licensee pro-rated for any period of the Term remaining following the effective date of the termination of this Agreement. Licensor shall make such refund within sixty (60) days of the effective date of such termination.

13.4 Effective Date of Termination. Any termination under sections 13.2(b), 13.2(g) or 13.3(a) shall be effective upon written notice from the terminating party to the other party. Such notice will identify the effective date of the termination, which effective date may be as early as the effective date of the notice under section 16.1.

13.5 [Reserved.]

13.6 Cumulative Remedies. The remedies provided by this section 13 are cumulative and in addition to any other remedies available under this Agreement or otherwise.

14. DISPUTE RESOLUTION PROCEDURES

As a condition precedent to the initiation of any litigation, the Parties shall in good faith attempt to settle any dispute arising out of or relating to this Agreement through upper management escalation and non-binding mediation. Either Party may give the other

Party written notice of any dispute not resolved in the normal course of business. The dispute shall be escalated to upper management to exchange relevant information and attempt to resolve the dispute. If the matter has not been resolved within thirty (30) days of receipt of the disputing Party's notice, either Party may initiate mediation. Such mediation shall take place at a mutually agreeable location. In the event that such dispute is not resolved within thirty (30) calendar days following the first day of mediation, either Party may initiate litigation. In case of a failure of either Party to follow the foregoing, the other may seek specific enforcement of such obligation in the courts having jurisdiction hereunder.

15. CONFIDENTIALITY

Unless otherwise authorized by this section 16.1, neither Party shall at any time disclose, provide, demonstrate or otherwise make available any confidential information of the other Party ("Confidential Information") to any third party. "Confidential Information" shall include any information of a confidential or proprietary nature disclosed by a Party to this Agreement to the other Party. Each Party shall use its best efforts and shall cause its officers, directors, employees, lenders and agents (including retained attorneys and consultants) to whom such Confidential Information may be disclosed to safeguard the confidentiality of the other Party's Confidential Information. At a minimum, such precautions shall include, but not be limited to, all precautions taken to ensure the confidentiality of such Party's own Confidential Information. Confidential Information may be disclosed (a) with the non-disclosing Party's prior written consent, or (b) as may be required by applicable law, including the California Public Records Act (California Government Code sections 6500 et seq.), or governmental authorities (including but not limited to disclosures necessary to obtain permits and other regulatory approvals). Notwithstanding anything in this Section 15 or elsewhere in this Agreement to the contrary, Licensee shall have the right, without the necessity of obtaining Licensor's consent, to provide copies of this Agreement and the locations of Structures to third parties as may be necessary to obtain required authorizations, or where otherwise compelled by law.

16. MISCELLANEOUS PROVISIONS

16.1 Notices. Except as provided below, all written notices shall be effective upon actual delivery or completed facsimile addressed to the other party as follows:

To Licensor:

CITY OF LEMON GROVE
Attn: Assistant City Manager / Public Works Director
3232 Main Street
Lemon Grove, CA 91945

To Licensee (including bills):

NEW CINGULAR WIRELESS PCS, LLC

Attn: Network Real Estate Administration
575 Morosgo Drive NE
Atlanta, GA 30324
Re: Wireless Installation on Public Structures (Lemon Grove, CA)
Fixed Asset #

In each of the above cases (excluding bills), with a copy sent to:

NEW CINGULAR WIRELESS PCS, LLC

Attn: Legal Department, Network Operations
Re: Wireless Installation on Public Structures (Lemon Grove, CA)
Fixed Asset #
208 S. Akard Street
Dallas, TX 75202-4206

Contact Number for day to day operations:

Licensor: 619-441-1653
Licensee: 1-800-638-2822

Any Party may change its address or other contact information at any time by giving the other Party, and Persons named above, written notice of said change.

16.2 Force Majeure. Deadlines for completing work and providing notice under this Agreement shall be suspended for a reasonable period upon the occurrence of a force majeure event.

16.3 Assignment and Transfer. This Agreement shall be binding upon, and inure to the benefit of, the successors and assigns of the Parties. Except as otherwise provided in this Agreement, neither Party shall assign this Agreement or its rights or obligations to any firm, corporation, individual, or other entity, without the prior written consent of the other Party, which consent shall not be unreasonably withheld. Either Party may assign its rights and obligations to an affiliate without consent upon 30 days' written notice. Affiliate for purposes of this provision is any entity that controls, is controlled by, or is under common control with Licensee.

16.4 Applicable Law and Venue. This Agreement shall be interpreted, construed, and enforced, in accordance with the laws of the State of California, without regard to its conflict of laws principles, and, where applicable, federal law. Any action to enforce or interpret this Agreement shall be brought in the Superior Court of California, San Diego County, or the United States District Court for the Southern District of California, if brought in federal court. Licensee hereby waives any right to remove any

action filed in Superior Court from San Diego County to another county as otherwise permitted by California Code of Civil Procedure section 394.

16.5 Change of Law. In the event that any legislative, regulatory, judicial, or other action (“new law”) affects the rights or obligations of the Parties, or establishes rates, terms or conditions for the construction, operation, maintenance, repair or replacement of Wireless Installation on public infrastructure or in the right-of-way, that differ, in any material respect from the terms of this agreement, then either Party may, upon thirty (30) days’ written notice, require that the terms of this Agreement to be renegotiated to conform to the new law on a going forward basis for all existing and new small cell installations, unless the new law requires retroactive application. In the event that the Parties are unable to agree upon such new terms within sixty (60) days after such notice, then any rates contained in the new law shall apply from the 60th day forward until the negotiations are completed or a Party obtains a ruling regarding the appropriate conforming terms from a commission or court of competent jurisdiction. Except as provided in the proceeding, all terms in the existing Agreement shall remain in effect while the parties are negotiating.

16.6 Exhibits. In the event of any inconsistency between the provisions of this Agreement and any Exhibits attached hereto, the provisions of this Agreement shall supersede the provisions of any such incorporated Exhibits unless such Exhibit specifies otherwise.

16.7 Execution in Counterparts. This Agreement may be executed in several counterparts, including by counterpart facsimiles or emails, each of which shall be deemed an original, and all such counterparts together shall constitute one and the same instrument.

16.8 Waiver. The failure of either Party to insist on the strict enforcement of any provision of this Agreement shall not constitute a waiver of any provision.

16.9 Severability. If any portion of this Agreement is found to be unenforceable, the remaining portions shall remain in effect and the Parties shall negotiate, in good faith, in an effort to attempt to agree to modifications of this Agreement to replace the invalid or unenforceable portion.

16.10 Survival. The terms and provisions of this Agreement that by their nature require performance by either Party after the termination or expiration of this Agreement, shall be and remain enforceable notwithstanding such termination or expiration of this Agreement for any reason whatsoever.

16.11 Waiver of Jury Trial. Each Party waives its right to a trial by jury on disputes arising from this Agreement.

16.12 Entire Agreement; Amendments. This Agreement (including the Exhibits hereto) embodies the entire agreement between Licensee and Licensor with respect to the subject matter of this Agreement and supersedes all prior agreements and understandings,

oral or written, with respect thereto. Each Party acknowledges that the other Party has not made any representations other than those contained herein. This Agreement may not be amended or modified orally, but only by an agreement in writing signed by the Party or Parties against whom any waiver, change, amendment, modification, or discharge may be sought to be enforced.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed as of the Effective Date.

**CITY OF LEMON GROVE,
a California general law city and municipal
corporation**

BY: _____

Lydia Romero _____

Name: _____

City Manager _____

Title: _____

Date: _____

**NEW CINGULAR WIRELESS PCS, LLC,
a Delaware limited liability company**

**BY: AT&T Mobility Corporation,
a _____ corporation, Its Manager**

Name: _____

Title: _____

Date: _____

Name: _____

Title: _____

Date: _____

EXHIBIT A - FEES AND BOND

Permit Application, ROW and Pole Attachment Rental Fee (Sections 3.1, 6.1)

Licensors shall pay an Application Fee of \$1,500.00 per application at the time of submission.

Licensee shall pay Rent of \$1,250.00 per Wireless Installation for each year (or partial year) that this Agreement remains in effect. The annual Rent per each Wireless Installation shall be increased by 2.5% each year on the anniversary of the Effective Date of this Agreement.

Surety Bond (Section 6.2)

The amount of Surety Bond shall be \$50,000 for the first 50 Wireless Attachments; \$100,000 for up to 100 Wireless Attachments; \$150,000 for up to 150 Wireless Attachments; and \$200,000 for up to a maximum of 200 Wireless Attachments.

Each Application for Permit may request attachments of up to 10 different Structures.

EXHIBIT B - DESIGN STANDARDS

Antenna installation:

- Licensee may install a (1) 24" or smaller antenna.
- The preferred antenna mounting location should be on the top of the pole and include a cable shroud.
- Any alternative antenna installation requires justification by Licensee and approval by Licensor.
- Wires shall be contained within metal and concrete poles and shrouded with a sleeve on wooden poles.

Radio equipment:

- Radio equipment should be balanced on either side of the pole, not vertically stacked.
- The pole mounted radio equipment shall not exceed 7 cubic feet in volume.
- Attachment brackets for radio equipment shall be shrouded with plates or other material that matches the radio equipment covering.

Other:

- The Licensor does not require a "power shut off switch."
- Licensee shall install a small sign placed on or near the radios, indicating the tenant name and 24/7 phone number to call.
- The power and fiber attachment points shall be located in undergrounded "hand holes" near the base of the pole.
- As a part of the permitting process, the applicant will submit a structural evaluation.
- All Power will be paid by the applicant, by separate agreement with the power company.



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 5

Meeting Date: December 18, 2018

Submitted to: Honorable Mayor and Members of the City Council

Department: **City Manager's** Office

Staff Contact: Shelley Chapel, City Clerk

Schapel@lemongrove.ca.gov

Item Title: Ordinance No. 449 Adding Chapter 8.70 to the Lemon Grove
Municipal Code Establishing the Tobacco Retailer License

Recommended Action: Conduct second reading, by title only, and adopt Ordinance No. 449 (Attachment A) adding Chapter 8.70 to the Lemon Grove Municipal Code.

Summary:

On November 20, 2018, the City Council introduced Ordinance No. 449 (Attachment A), an ordinance adding Chapter 8.70 to the Lemon Grove Municipal Code. This Ordinance creates the Tobacco Retailer License (TRL) program.

Environmental Review:

Not subject to review

Negative Declaration

Categorical Exemption, Section []

Mitigated Negative Declaration

Fiscal Impact:

The TRL program will include a fee structure that will offset the cost of license administration by the City and annual compliance checks by the San Diego County **Sheriff's Department**. **The City was recently awarded \$46,071.00 in grant funding from the California Department of Justice (DOJ) towards program administration and enforcement costs for 2018 – 2020.**

Public Notification: None.

Attachments:

Attachment A – Ordinance No. 449

ORDINANCE NO. 449

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, ADDING CHAPTER 8.70 (TOBACCO RETAIL LICENSE) TO
THE LEMON GROVE MUNICIPAL CODE ESTABLISHING A TOBACCO RETAIL
LICENSE AND PROHIBITING THE SALE OF TOBACCO PRODUCTS TO
PERSONS UNDER 21 YEARS OF AGE

WHEREAS, California Penal Code Section 308 prohibits the sale or furnishing of cigarettes, tobacco products and smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors; and

WHEREAS, California Business & Professions Code Section 22956 requires that tobacco retailers check the identification of tobacco purchasers who reasonably appear to be under 21 years of age; and

WHEREAS, California Business & Professions Code Section 22952 and California Penal Code Section 308 require that tobacco retailers post a conspicuous notice at each point of sale stating that selling tobacco products to minors is illegal; and

WHEREAS, California Business & Profession Code Section 22962 prohibits the sale or display of cigarettes though a self-service display and prohibits public access to cigarettes without the assistance of a clerk; and

WHEREAS, California Penal Code Section 308.1 prohibits the sale of "bidis" (hand-rolled filterless cigarettes) except at those businesses that prohibit the presence of minors; and

WHEREAS, California Penal Code Section 308.3 prohibits the manufacture, distribution, or sale of cigarettes in packages of less than 20 and prohibits the manufacture, distribution, or sale of "roll- your-own" tobacco in packages containing less than 0.60 ounces of tobacco; and

WHEREAS, California Business & Professions Code Section 22971.3 authorizes local authorities to adopt tobacco retailer licensing laws to provide for the suspension and revocation of the local tobacco retailer license for any violation of a state tobacco control law; and

WHEREAS, a 2015 Center for Disease Control and Prevention report states that **middle and high school students' use of electronic cigarettes tripled from 2013 to 2014;** and

WHEREAS, the same report states that 9 out of 10 cigarette smokers had their first cigarette before the age of 18; and

WHEREAS, according to 2017 data from Youth Tobacco Purchase Surveys conducted by Community Action Service & Advocacy (CASA), 31 percent of **Lemon Grove's tobacco retailers sold tobacco products illegally to youth surveyors under 21 years** of age; and

WHEREAS, the City of Lemon Grove has a substantial interest in promoting compliance with federal, state and local laws intended to regulate tobacco sales to youth and use by youth; and

WHEREAS, studies have shown that local tobacco retail licensing programs coupled with a strong enforcement program substantially reduces youth access to tobacco; and

WHEREAS, **state law prohibits sales of “drug paraphernalia” however many retailers sell items that are commonly known to be “drug paraphernalia” including water pipes and personal vaporizers used to smoke illicit drugs, claiming the items are for tobacco or e-liquid use;** and

WHEREAS, Lemon Grove intends to require compliance with state drug paraphernalia laws as a condition of obtaining and maintaining the local tobacco retail license; and

WHEREAS, in 2016, the Governor approved Senate Bill 7 to change the age for which individuals can purchase tobacco products to 21 years old; and

WHEREAS, the City desires to add Chapter 8.70 to the Lemon Grove Municipal Code to create a Tobacco Retail License.

NOW, THEREFORE, the addition of Chapter 8.70 (Tobacco Retail License) establishing tobacco retailer license regulations, is hereby added to the City of Lemon Grove Municipal Code to read as shown in the attached Exhibit A.

INTRODUCED by the City Council on November 20, 2018.

2nd Reading by the City Council on December 18, 2018.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California, hereby approves

PASSED AND ADOPTED on _____, 2018, the City Council of the City of Lemon Grove, California, adopted Ordinance No. 449, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to Form:

James Lough, City Attorney

EXHIBIT A

CHAPTER 8.70 TOBACCO RETAIL LICENSE

SECTIONS:

8.70.010	Purpose
8.70.020	Definitions
8.70.030	Requirement for Tobacco Retail License
8.70.040	Applications Procedure
8.70.050	Issuance and Renewal of License
8.70.060	Display of License
8.70.070	License Fee
8.70.080	Licenses Nontransferable
8.70.090	License Violation - Compliance Monitoring
8.70.100	Suspension or Revocation of License
8.70.110	Denial, Suspension and Revocation - Appeals
8.70.120	Hearings - Generally
8.70.130	Conduct of Hearing
8.70.140	Form and Contents of Decision of Hearing Officer - Appeal to City Manager – Finality of Decision
8.70.150	Enforcement
8.70.160	Severability

8.70.010 Purpose

The purpose of this Chapter is to encourage responsible tobacco retailing and discourage violations of tobacco related laws that prohibit the sale or distribution of tobacco products, including all smoking materials as defined in section 8.65.020, to minors. This Chapter is not intended to expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the penalty provided therefore.

8.70.020 Definitions

When used in this chapter, the following definitions shall have the meanings given by this section, whether or not these words or phrases are capitalized:

“Drug Paraphernalia” shall have the meaning set forth in Health & Safety Code section 11014.5, as that section may be amended from time to time.

“Electronic Smoking Device” means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances by delivering a vaporized or heated solution. Electronic Smoking Device includes any such device, whether manufactured, distributed marketed or sold as an electronic cigarette, an e-cigarette, an electronic cigar, electronic cigarillo, an electronic pipe, an electronic hookah, vaporizer, vape pen, heated tobacco product, or any product name or descriptor, including any component, part or accessory of such a device, whether or not sold separately. Electronic Smoking Device does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where that product is marketed and sold solely for such approved use.

“Electronic Smoking Device Paraphernalia” means cartridges, cartomizers, e-liquid, smoke juices, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device chargers and any other item specifically designed for the preparations, charging or use of Electronic Smoking Devices.

“Hearing Officer” means the impartial hearing officer designated to serve in this capacity.

“Itinerant Tobacco Retailing” means engaging in tobacco retailing at other than a fixed location.

“License” means a Tobacco Retail License issued by the City pursuant to this Chapter.

“Licensee” means a Person to whom a License has been issued.

“Person” means any individual, firm, partnership, joint venture, limited liability company, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

“Proprietor” means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent or greater interest in the stock, assets or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person has, or can have, sole or shared control over the day- to-day operations of a business.

“Smoking Materials” means Tobacco Products, Electronic Smoking Device, Electronic Smoking Device Paraphernalia, and any other product containing tobacco or nicotine that

releases gases, particles or vapors into the air as a result of combustion, heating, electrical ignition or vaporization, when the apparent or usual purpose is human inhalation of the byproducts.

“Tobacco Product” means: (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and (2) any Electronic Smoking Device. (3) Notwithstanding any provision of subsections (1) and (2) to the contrary, **“Tobacco Product” includes any component, part, or accessory of a tobacco product, whether or not sold separately. “Tobacco Product” does not include** any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

“Tobacco Paraphernalia” includes cigarette papers or wrappers, blunt wraps, pipes, holders of Smoking Materials of all types, cigarette rolling machines, and any other item or instrument designed for the smoking, consumption, use or ingestion of Tobacco Products.

“Tobacco Retailer” means any Person who sells, offers for sale, exchanges, or offers to exchange for any form of consideration, tobacco, Tobacco Products, or Tobacco Paraphernalia without regard to the quantity sold, offered for sale, exchanged, or offered for exchange.

“Tobacco Retailing” shall mean selling, offering for sale, exchanging, or offering to exchange for any form of consideration, tobacco, Tobacco Products, or Tobacco Paraphernalia without regard to the quantity sold, offered for sale, exchanged, or offered for exchange.

8.70.030 Requirement for Tobacco Retail License

A. It shall be unlawful for any Person to act as a Tobacco Retailer in the City without first obtaining and maintaining a valid Tobacco Retail License pursuant to this Municipal Code Chapter for each location at which Tobacco Retailing is to occur. No Tobacco Retail License will be issued to an authorized Tobacco Retailing at any location other than a fixed location. No License will be issued for Itinerant Tobacco Retailing or Tobacco Retailing from vehicles.

B. Nothing in this Chapter shall be construed to grant any Person obtaining a Tobacco Retail License any status or right other than the right to act as a Tobacco Retailer at the location in the City identified on the face of the License, subject to compliance with all other applicable laws, regulations, and ordinances. Nothing in this Chapter shall be construed to render inapplicable, supersede, or apply in lieu of any other provision of applicable law, including, without limitation, any condition or limitation on indoor smoking made applicable to business establishments by Labor Code Section 6404.5.

C. No Person who is younger than the minimum age established by California law for the purchase or possession of Tobacco Products shall engage in Tobacco Retailing **without the supervision of a person over the age of 21**.

8.70.040 Applications Procedure

A. An application for a Tobacco Retail License shall be submitted to the City in the name of each Proprietor proposing to conduct a Tobacco Retailing business and shall be signed by each Proprietor or an authorized agent thereof. A Proprietor proposing to conduct Tobacco Retailing at more than one location shall submit a separate application for each location.

B. All applications shall be submitted on a form supplied by the City and shall contain the following information:

1. The name, address, and telephone number of each Proprietor.
2. The business name, address and telephone number of the fixed location for which a Tobacco Retail License is sought.
3. The name and mailing address authorized by each applicant to receive all License-related communications and notices (the "authorized address"). Failure to supply an authorized address shall be understood to consent to the provision of notice at the business address specified in paragraph 2, above.
4. Whether or not any applicant has previously been issued a License pursuant to this Chapter, or other permit, license or entitlement issued by the City to operate the business, that is or was at any time suspended or revoked, or whether the applicant has previously had a tobacco retail license issued by another jurisdiction denied, suspended or revoked, and, if so, the dates of such denial, suspension or revocation.
5. Such other information as the City Manager deems necessary for the administration or enforcement of this Chapter.
6. Any and all additional information required by the City to be included in a Tobacco Retail License application.

8.70.050 Issuance and Renewal of License

A. Upon the receipt of an application for a Tobacco Retail License and the payment of a Tobacco Retail License fee, the City shall issue a License unless:

1. The application is incomplete or inaccurate.
2. The application seeks authorization for Tobacco Retailing at an address that appears on a License that is suspended, has been revoked, or is subject to suspension or revocation proceedings for violation of any of the provisions of this Chapter.

Notwithstanding the foregoing, this subparagraph shall not constitute a basis for denial of a License if either or both of the following apply:

a) The applicant provides the City with documentation demonstrating that the applicant has acquired or is acquiring the premises or business in an arm's length transaction. For the purposes of this subparagraph, an "arm's length transaction" is defined as sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for the primary purpose of avoiding the effect of the violations of this chapter that occurred at the location, is presumed not to be an "arm's length transaction."

b) It has been more than three years since the most recent License for that location was revoked.

3. The application seeks authorization for Tobacco Retailing by a Proprietor for which or whom a suspension is in effect or by a Proprietor which or who has had a License revoked, pursuant to this chapter.

4. The application seeks an authorization for Tobacco Retailing that is unlawful pursuant to this Chapter, or that is unlawful pursuant to any other local, state or federal law.

5. The City has information that the applicant or his or her agents or employees have violated any local, state, or federal tobacco control law at the location for which the License or renewal of the License is sought within the preceding 30-day period.

6. The City has information that the applicant or his or her agent or employee has violated any local, state or federal tobacco control law, including this Chapter, within the preceding (12) months.

7. The issuance of a Tobacco Retail License would be in conflict with any other City ordinance.

B. Beginning from the effective date of this Chapter, all Tobacco Retailers have until December 31, 2019 to obtain a License. An application to renew such License shall be made no later than 30 days prior, but no earlier than 60 days prior to the expiration of the License. The City has no obligation to issue notification of impending expiration of any License. The applicant shall follow all of the procedures and provide all of the information required by Section 8.65.040 above. The City shall process the application according to the provisions of this section. A License may be renewed annually by submitting a Tobacco Retail License application to the City along with payment of the annual Tobacco Retail Licensing fee; provided, however, a Tobacco Retail License that is suspended, has been revoked, or is subject to suspension or revocation proceedings shall not be renewed pending the final outcome of such suspension or revocation.

C. If the information required in the License application pursuant to any subsection of Chapter 8.65 changes, a new Tobacco Retail License is required before the business may continue to act as a Tobacco Retailer. For example, if a Proprietor to whom a License has been issued changes business location, that Proprietor must apply for a new License prior to acting as a Tobacco Retailer at the new location. If the business is sold, the new owner must apply for a License for that location before acting as a Tobacco Retailer.

D. A Tobacco Retail License that is not timely renewed pursuant to this Chapter shall be automatically suspended by operation of law. If not renewed, a license shall be automatically revoked six (6) months after the renewal date. Additionally, civil, criminal and/or administrative citations may be issued during this interim period for failure to maintain the appropriate License. To reinstate the paid status of a License that has been suspended due to the failure to timely renew the License or pay the renewal fee, the Tobacco Retailer must:

1. Submit the License renewal application and fee plus a reinstatement fee of ten percent of the License renewal fee; and

2. Submit a signed affidavit affirming that he or she has not sold any Tobacco Product or Tobacco Paraphernalia during the period the License was suspended for failure to pay the License renewal fee.

8.70.060 Display of License

Each License shall be prominently displayed in a publicly visible location at the Licensed premises. Failure to properly display the License will result in the issuance of a citation.

8.70.070 License Fees

The fee for issuance or renewal of a Tobacco Retail License shall be established by resolution of the City Council and shall be in addition to the City's business license fee and any other license or permit fee imposed by this Code upon the applicant. The Tobacco Retail License fee shall be paid to the City at the time the License application is submitted. The fee shall be calculated so as to recover the cost of administration and enforcement of this Chapter, including, for example, issuing a License, administering the License program, Tobacco Retailer education, Tobacco Retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this Chapter. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

8.70.080 Licenses Nontransferable & Convey a Limited, Conditional Privilege

A Tobacco Retail License is nontransferable and subject to the provisions of this Municipal Code Section. Nothing in this Chapter shall be construed to grant any Person

obtaining and maintaining a Tobacco Retailer License any status or right other than the limited conditional privilege to act as a Tobacco **Retailer at the location within the City's** jurisdictional boundaries identified on the face of the License, subject to compliance with the terms and conditions of this Chapter.

8.70.090 License Violations – Compliance Monitoring

A. It shall be a violation of a Tobacco Retail License for a Tobacco Retail Licensee or his or her agents or employees to violate any local, state or federal tobacco-related law.

B. It shall be a violation of this Chapter for any Tobacco Retail Licensee or any of the **Licensee's agents or employees to violate any local, state, or federal law regulating** controlled substances or Drug Paraphernalia including, but not limited to, California Health and Safety Code section 11364.7, as that section may be amended from time to time.

C. In addition to the provisions of this Municipal Code, compliance with this Chapter shall be monitored by the San Diego County Sheriff's Department. Any peace officer or Municipal Code compliance official also may enforce this Chapter. The San Diego County Sheriff's Department shall check compliance of each Tobacco Retailer at least one time per twelve (12) month period and shall conduct additional compliance checks as warranted. The compliance checks shall be conducted to determine, at a minimum, if the Tobacco Retailer is complying with tobacco laws regulating underage sales. The San Diego County Sheriff's Department shall use youth decoys and comply with protocols for the compliance checks developed in consultation with the San Diego County Department of Health and Human Services and the San Diego District Attorney. When appropriate, the compliance checks shall determine compliance with other tobacco-related laws.

D. The City shall not enforce any tobacco related minimum age law against a Person who otherwise might be in violation of such law because of a Person's age **(hereinafter "youth decoy") if the potential violation occurs when:**

1. The youth decoy is participating in a compliance check supervised by a peace officer; or

2. The youth decoy is participating in a compliance check funded in part by the San Diego County Department of Health and Human Services or funded in part, either directly or indirectly through sub-contracting, by the California Department of Health Services; or

3. The youth decoy has a letter of permission for such compliance check activity **from the District Attorney's Office.**

8.70.100 Suspension or Revocation of License

A. In addition to any other penalty authorized by law, and including the provisions of this Municipal Code, a Tobacco Retail License may be suspended or revoked if the City finds, after notice to the Tobacco Retail Licensee and opportunity to be heard, that the Tobacco Retail Licensee or his or her agents or employees has or have violated any of the provisions of this Chapter; provided, however, violations by a Licensee at one location may not be accumulated against other locations of that same Tobacco Retail Licensee, nor may violations accumulated against a prior Tobacco Retail Licensee at a Licensed location be accumulated against a new Tobacco Retail Licensee at the same Licensed location.

1. Upon a finding by the City of a first License violation within any three-year period, the City shall:

a) Issue a written warning to the Licensee, including providing an educational notice about the nature of the violation; and

b) Assess a fine against the Licensee for violation of this Chapter

2. Upon a finding by the City of a second License violation within any three-year period, the City shall:

a) Require the Licensee to provide documentation to the City that all employees engaged in the Retail Sale of tobacco have received training in a City approved program within sixty (60) days after the warning, or such other time as shall be set by the City; and

b) Assess an additional fine against the Licensee for violation of this Chapter

3. Upon the finding by the City of a third License violation within any three-year period, the City may suspend or revoke the License.

B. A Tobacco Retail License shall be revoked if the City finds, after notice and opportunity to be heard, that any one of the conditions listed below exist. The revocation shall be without prejudice to the filing of a new application for a Tobacco Retail License.

1. One or more of the bases for denial of a Tobacco Retail License under Section 8.65.050 existed at the time the Tobacco Retail License application was made or at any time before the Tobacco Retail License was issued.

2. The application is incomplete for failure to provide the information required by Section 8.65.040.

3. Any information contained in the application, including supplemental information, if any, is found to be false in any material respect.

4. The application seeks authorization for Tobacco Retailing that is unlawful pursuant to this Code, or that is unlawful pursuant to any other local, state or federal law.

C. In the event the City suspends or revokes a Tobacco Retail License, written notice of the suspension or revocation shall be served upon the Tobacco Retail Licensee within five (5) days of the suspension or revocation in a manner prescribed in Section 8.65.040. The notice shall contain:

1. A brief statement of the specific grounds for such suspension or revocation;
2. A statement that the Tobacco Retail Licensee may appeal the suspension or revocation by submitting an appeal, in writing, in accordance with the provisions of Section 8.65.110, to the City, within ten (10) calendar days of the date of the service of the notice; and
3. A statement that the failure to appeal the notice of suspension or revocation will constitute a waiver of all rights to an administrative appeal hearing, and the suspension or revocation will be final.

8.70.110 Denial, Suspension and Revocation - Appeals

A. Any Tobacco Retail License applicant or Licensee aggrieved by the decision of the City in denying, suspending, or revoking a Tobacco Retail License, may appeal the decision, by submitting a written appeal to the City Clerk within ten (10) calendar days from the date of service of the notice of denial, suspension, or revocation. The written appeal shall contain:

1. A brief statement of the specific action protested, together with any material facts claimed to support the contentions of the appellant;
2. A brief statement of the relief sought, and the reasons why it is claimed the protested action should be reversed or otherwise set aside;
3. The signatures of all parties named as appellants and their official mailing addresses; and
4. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. The appeal hearing shall be conducted by a Hearing Officer.

C. Upon receipt of any appeal filed pursuant to this section, the City Clerk shall transmit said appeal to the Hearing Officer who shall calendar it for a hearing. The Hearing Officer shall give the parties at least fifteen (15) calendar days written notice of the time and place of the hearing either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal. Upon good cause, the Hearing Officer

may grant one extension for the date of the hearing not to exceed fifteen (15) days from the original date set for the hearing.

D. Only those matters or issues specifically raised by the appellant in the notice of appeal shall be considered in the hearing of the appeal.

E. Failure of any Person to file a timely appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the notice and order, or any portion thereof.

F. Following the hearing on the appeal by the Hearing Officer, the decision of the Hearing Officer may be appealed to the City Manager or his or her designee. A decision of the City Manager or his or her designee shall be the final decision of the City.

G. During a period of License suspension, the Tobacco Retail Licensee must remove from public view all Tobacco Products and Tobacco Paraphernalia at the address that appears on the suspended or revoked Tobacco Retail License.

8.70.120 Hearings – Generally

A. At the time set for hearing, the Hearing Officer shall proceed to hear the testimony of material witnesses, the appellant, and other competent Persons, including members of the public, respecting those matters or issues specifically listed by the appellant in the notice of appeal.

B. The proceedings at the hearing shall be electronically recorded. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the party's own expense.

C. The Hearing Officer may, upon the request of the appellant or upon the request of the City, grant continuances from time to time for good cause shown, or upon his or her own motion.

8.70.130 Conduct of Hearing

A. Hearings need not be conducted in accordance to the technical rules relating to evidence and witnesses. Government Code section 11513, subsections (a), (b) and (c), or as such section may be amended from time to time, shall apply to hearings under this Chapter.

B. Oral evidence shall be taken only upon oath or affirmation.

C. Irrelevant and unduly repetitious evidence shall be excluded.

D. Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing.
2. To introduce documentary and physical evidence.
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing.
4. To impeach any witness regardless of which party first called the witness to testify.
5. To rebut evidence presented against the party.
6. To represent himself, herself, or itself, or to be represented by anyone of his, her, or its choice who is lawfully permitted do so.

E. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact that may be judicially noticed by the courts of this state or that may appear in any of the official records of the City of any of its departments.

8.70.140 Form and Contents of Decision of Hearing Officer - Appeal to City Manager - Finality of Decision

A. If it is shown, by a preponderance of the evidence, that one or more bases exist to deny, suspend, or revoke the Tobacco Retail License, the Hearing Officer shall affirm the City's decision to deny, suspend, or revoke the Tobacco Retail License. The decision of the Hearing Officer shall be in writing and shall contain findings of fact and a determination of the issues presented.

B. The decision of the Hearing Officer shall inform the appellant that the decision may be appealed to the City Manager by filing a written appeal with the Hearing Officer within ten (10) days of receipt of the decision of the Hearing Officer. The written appeal shall be forwarded to the City Manager upon receipt.

C. Within fifteen (15) days of receipt of the written appeal, the City Manager shall review the record of the hearing and issue a written decision to grant or deny the appeal. A decision of the City Manager shall be final. The City Manager shall provide appellant with a copy of his or her decision and that the time for judicial review is governed by California Code of Civil Procedure section 1094.6, or as such section may be amended from time to time. Copies of the decision shall be delivered to the parties personally or sent by certified mail to the address shown on the appeal. The decision shall be final when signed by City Manager and served as provided in this section.

8.70.150 Enforcement

A. In addition to any other remedy, any Person violating any provision of this Chapter shall be guilty of a misdemeanor for each day a violation continues.

B. Any violation of this Chapter may be remedied by a civil action brought by the City Attorney. The City may recover **attorneys' fees and costs of suit, including witness fees**, in any civil action brought by the City Attorney to remedy any violation of this Chapter.

C. Violations of this Chapter are hereby declared to be public nuisances subject to abatement by the City.

D. In addition to criminal sanctions and other remedies set forth in this Chapter, civil and administrative penalties may be imposed pursuant to Chapter 1.24 of this Municipal Code against any Person violating any provision of this Chapter. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to Chapter 1.24 of this Municipal Code.

8.70.160 Severability

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, that decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.