



**CITY OF LEMON GROVE  
PLANNING COMMISSION REGULAR MEETING**

Monday, November 26, 2018, 6:00 p.m.

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

*Any person who wishes to address the Planning Commission regarding any of the items on this agenda must fill out a speaker's form (available at the entrance) and give it to the Planning Commission Clerk. When called, please come to the podium and state your name.*

Call to Order

Roll Call

Pledge of Allegiance

Approval of the Minutes

1. October 22, 2018 Regular Meeting

Changes to the Agenda:

Public Comment: *(Speakers will have three (3) minutes to discuss items on the agenda. Note: In accordance with State Law, the general public may bring forward an item not scheduled on the agenda; however, the Planning Commission may not take any action at this meeting. If appropriate, the item will be referred to staff or placed on a future agenda.)*

Consent Item(s): None.

Public Hearing(s): *(Note to Speakers: The Chair will ask each speaker to remain at the podium until the Commissioners have had the opportunity to ask questions about his or her testimony. APPEALS TO THE CITY COUNCIL MAY BE FILED ON FORMS AVAILABLE IN THE OFFICE OF THE DEVELOPMENT SERVICES DEPARTMENT. APPEALS OF DECISIONS MUST BE FILED WITHIN TEN (10) DAYS.)*

2. Public Hearing to Consider Ordinance No. 2018-449, Zoning Amendment ZA1-800-0002 Separation Findings for Discretionary Permits.

Reference: Mike Viglione, Associate Planner

*Recommendation: Conduct the Public Hearing and Adopt a Resolution entitled, "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.*

3. Emergency Homeless Shelter Proposed Location – ZA1-800-0003, Zoning Amendment

Reference: Claudia Tedford, CityPlace Planning, Inc. Planning Consultant

*Recommendation: Conduct a public hearing, and introduce the State requirement that an Emergency Shelter Overlay Zone be identified in the City of Lemon Grove, review proposed sites and select the required location.*

Business from the City Attorney:

Business from the Development Services Director: (Non-Action Items)

Business from the Planning Commission: (Non-Action Items)

Planning Commission Oral Comments and Reports on Meeting Attended at the Expense of the City: (Government Code Section 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.)

Adjournment:

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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](mailto:schapel@lemongrove.ca.gov). A full agenda packet is available for public review at City Hall.

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AFFIDAVIT OF NOTIFICATION AND POSTING

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

I, Shelley Chapel, MMC, Planning Commission Clerk for 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 November 21, 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](http://www.lemongrove.ca.gov) and at Lemon Grove City Hall, 3232 Main Street Lemon Grove, CA 91945.

/s/ Shelley Chapel  
Shelley Chapel, MMC,  
Planning Commission Clerk

**LEMON GROVE PLANNING COMMISSION  
AGENDA ITEM SUMMARY**

**Item No.**   1  

**Dept.**     City Manager's Office

**Item Title:**   Approval of Planning Commission Meeting Minutes

**Staff Contact:**   Shelley Chapel, MMC, Planning Commission Clerk

**Recommendation:**

Approval of Planning Commission Meeting Minutes for Regular Meeting held October 22, 2018

**Fiscal Impact:**

None.

**Environmental Review:**

Not subject to review

Categorical Exemption, Section

Negative Declaration

Mitigated Negative Declaration

**Public Information:**

None

Newsletter article

Notice to property owners within 300 ft.

Notice published in local newspaper

Neighborhood meeting

**Attachments:**

None.



**MINUTES OF A MEETING OF  
THE LEMON GROVE PLANNING COMMISSION  
MONDAY, OCTOBER 22, 2018**

**Call To Order:**

Chair Bailey called the Regular Meeting to order at 6:08 p.m.

**Roll Call** by Clerk Chapel.

Present: Chair Bailey, Commissioner LeBaron, Commissioner Relucio, and Commissioner Smith.

Absent: Vice-Chair Browne

**Staff Members Present:**

Mike Viglione, Assistant Planner, Arturo Ortuño, Assistant Planner, Shelley Chapel, City Clerk, and Claudia Tedford, CityPlace Consultant.

**Pledge of Allegiance:**

Pledge of Allegiance to the Flag was led by Chair Bailey.

1. Approval of the Minutes: The minutes for the September 24, 2018 Regular Meeting were approved.

**Action: Motion by Commissioner LeBaron, seconded by Commissioner Relucio, to approve meeting minutes.**

**The motion passed by the following vote:**

**Ayes: Bailey, LeBaron, Relucio, Smith**

**Absent: Browne**

**Changes to the Agenda:** None.

**Public Comments:** None.

**Consent Item:** None.

**Public Hearing:**

2. Public Hearing to Consider Administrative Appeal No. AA1-800-0004 of the Development Services Director Determination Regarding the Expiration of the Land Use Authorization for a Nonconforming 15-Bed Boarding House/Independent Living Facility Located at 2555, 2561, and 2571 Crestline Drive in the Residential Low/Medium Zone.

Mike Viglione, Assistant Planner presented the report and PowerPoint Presentation.

Chair Bailey opened the Public Hearing at 6:42 p.m.

Appeared to comment were: Steven Roberts, Esq. (Representative for Appellant), Matt Philbin, Sharon Johnson, Kevin Philbin, Abner Cermeno, Vicky Patton, Richardo Tynan, Elroy Peterson, David Mendez, and Carolos Hensley.

During the discussion Commissioners expressed concern about uses of the property and tenants.

Assistant Planner Viglione and the applicant responded to the Commissioners questions.

Adoption of the resolution would authorize one of the following:

Recommendation: Conduct the public hearing; and Either adopt a Resolution (Attachment B) denying Administrative Appeal No. AA1-800-0004, upholding the Development Services Director's decision that the Land Use Authorization for a nonconforming 15-bed Boarding House/Independent Living Facility or adopt a Resolution (Attachment C) approving Administrative Appeal No. AA1-800-0004, overturning the Development Services Director's decision.

*Commissioner Smith recused himself, disclosing that he lives within the project area, and left the room at 6:18 p.m. and returned to the dais at 7:34 p.m. with all members present.*

**Action:** It was moved by Commissioner Relucio and seconded by Commissioner LeBaron, to adopt Resolution No. 18-03 approving Administrative Appeal No. AA1-800-0004, overturning the Development Services Director's decision.

**The motion passed by the following vote:**

**Ayes: Bailey, LeBaron, Relucio**

**Noes: None**

**Absent: Browne**

**Recused: Smith**

3. Public Hearing to Consider Conditional Use Permit No. CUP-180-0004; a Request to Establish a 2,068 SF Childcare Center with an Outdoor Play Area at 3468 Citrus Street in the General Commercial – Heavy Commercial Zone.

Arturo Ortuño, Assistant Planner presented the report and PowerPoint presentation.

Blanca Brown (Applicant) provided information to the Commission regarding the project.

Chair Bailey opened the Public Hearing at 7:50 p.m.

Appeared to comment were: Ebon Johnson, Samuel L. Oates, Gwen Mitchell, Jeanette Baranov, Marianne West, Katie Brown, Brenda Hammond, and Blanca Brown (Applicant).

During the discussion Commissioners expressed concern about parking, the industrial surroundings, cameras, and security.

Assistant Planner Ortuño and the applicant responded to the Commissioners questions.

Adoption of the Resolution would authorize conditionally approving conditionally approving Conditional Use Permit No. CUP-180-0004, a request to establish a childcare center at 3468 Citrus Street in the General Commercial – Heavy Commercial zone.

**Action:** The public hearing was closed at 8:21 p.m. on a motion by Commissioner LeBaron to Deny the Conditional Use Permit No. CUP-180-0004, motion died for the lack of a second.

**Action:** It was moved by Commissioner Relucio and seconded by Commissioner Smith to adopt Resolution No. 18-04.

**The motion passed by the following vote:**

**Ayes: Bailey, Relucio, Smith**

**Noes: LeBaron**

**Absent: Browne**

4. Public Hearing to Consider Administrative Appeal No. AA1-800-0005 Regarding the Decision to Require a Refuse Enclosure Consistent with Municipal Code Section 17.24.050(M) for on-site Dumpsters with Building Permit B18-000-0416 at 7490 through 7496 North Avenue in the Heavy Commercial Zone.

Mike Viglione, Assistant Planner introduced Claudia Tedford, with CityPlace who gave the report and the PowerPoint Presentation.

Chair Bailey opened the Public Hearing at 8:31p.m.

Appeared to comment was: Jose Luis Ortiz and Dignora Torres

During the discussion Commissioners expressed concern about lighting, enclosures, 500 Watt panel permit withheld, and giving the applicant an extension to complete the enclosure.

Planner Viglione, and Consultant Tedford responded to the Commissions questions.

Adoption of the Resolution would Deny the Administrative Appeal No. AA1-800-0003, upholding the Development Services Director's require a Municipal Code Compliant Refuse Enclosure for On-Site Dumpsters with Building Permit No. B18-000-0416 at 7490 through 7496 North Avenue, Lemon Grove, CA.

**Action:** The public hearing was closed at 9:15 p.m. by Chair Bailey. On a motion by Commissioner LeBaron and second by Commissioner Relucio to adopt amended Resolution No. 18-05.

**The motion passed by the following vote:**

**Ayes: Bailey, LeBaron, Relucio, Smith**

**Noes: None**

**Absent: Browne**

**Business from the Planning Staff:** None.

**Business from the Planning Commission:** None.

**Planning Commission Oral Comments & Reports on Meetings Attended At City Expense (G.C. 53232.3(d)):** None.

**Adjournment:**

**On a motion by Commissioner Smith and second by Chair Bailey. The motion passed by the following vote to adjourn the meeting:**

**Ayes: Bailey, LeBaron, Relucio, Smith**

**Noes: None**

**Absent: Browne**

There being no further business to come before the Commission, the meeting was adjourned at 9:36 p.m. to a meeting to be held Monday, November 26, 2018, at 6:00 p.m. in the Lemon Grove Community Center located at 3146 School Lane, for a Regular meeting.

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Shelley Chapel, MMC  
Planning Commission Clerk

**LEMON GROVE PLANNING COMMISSION  
AGENDA ITEM SUMMARY**

**Item No.**   2    
**Mtg. Date**   November 26, 2018    
**Dept.**   Development Services Department  

**Item Title:**   Public Hearing to Consider Ordinance No. 2018-449 – Zoning Amendment ZA1-800-0002 Separation Findings for Discretionary Permits  

**Staff Contact:**   Mike Viglione, Associate Planner  

**Recommendation:**

- 1) Conduct the public hearing; and
- 2) Adopt a Resolution (**Attachment B**) recommending City Council approval of Ordinance Number 2018-449 (Zoning Amendment ZA1-800-0002) (**Attachment C.**)

**Item 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. At the July 17, 2018 City Council meeting, the City Council directed staff to prepare a draft ordinance to provide a process for making an early separation finding. Planning Commission reviewed and commented on the proposed ordinance on September 24, 2018. The proposed Zoning Amendment may allow an applicant to obtain the required separation finding prior to preparing costly plans and reports and prior to final decision. Land uses established after the separation finding is made would not restrict an applicant from obtaining a permit. Land uses or land use applications initiated after the filing of a separation finding application would not be grounds for denial. The staff report (**Attachment A**) provides an overview of the proposed amendment to the Application procedures in Section 17.28.020 and **Attachment C** is the proposed ordinance.

**Fiscal Impact:**

  Unknown at this time.  

**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 type="checkbox"/> None   | <input type="checkbox"/> Newsletter article   | <input type="checkbox"/> Notice to property owners within 500 ft. |
| <input checked="" type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report
- B. Resolution to Recommend Approval by City Council
- C. Ordinance No. 2018-449 – (ZA1-800-0002)



# Attachment A

## LEMON GROVE PLANNING COMMISSION STAFF REPORT

Item No.   2  

Mtg. Date  November 26, 2018 

Item Title: **Public Hearing to Consider Ordinance No. 2018-449 – Zoning Amendment ZA1-800-0002 Separation Findings for Discretionary Permits**

Staff Contact: **Mike Viglione, Associate Planner**

### 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 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.

The following background and discussion provides a general overview of applicable separation regulations in the Lemon Grove Municipal Code (LGMC), including noticing and permitting requirements, alternatives for early separation findings, and specific provisions to address the timing of competing applications.

### *Regulatory Background*

The 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 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 dwellings and 15 feet from side or rear lot lines. A 100 foot separation from neighboring dwellings 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 include schools,

# Attachment A

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

# Attachment A

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) 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. 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.

On September 24, 2018, the Planning Commission concurred with the use of a Minor Use Permit for making early separation findings. Planning Commission also recommended minor clarifications to the wording of the public noticing portion of the Zoning Amendment in **Attachment C**.

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.*

**Conclusion:**

# Attachment A

Staff recommends that the Planning Commission: 1) conduct the public hearing, and 2) adopt a Resolution (**Attachment B**) recommending City Council approval of Ordinance Number 2018-449 (Zoning Amendment ZA1-800-0002) (**Attachment C.**)

# Attachment B

## RESOLUTION NO.

**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.**

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**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.

# Attachment B

**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.

# Attachment C

## ORDINANCE NO. 2018-449

### AN ORDINANCE 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

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**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 determined; 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 timing of granting 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 the public hearing; and

**WHEREAS**, on November 26, 2018 at a duly noticed public hearing, the Planning Commission considered the proposed revisions to the LGMC and recommended that the City Council adopt the 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) to read as shown in Exhibit A.

**WHEREAS**, on \_\_\_\_\_, 2018, a public hearing was duly noticed and held by the Lemon Grove City Council; 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**, 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:

3. 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.
4. 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

# Attachment C

**NOW, THEREFORE,** the City Council of the City of Lemon Grove hereby ordains as follows:

## **SECTION ONE:**

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.

**INTRODUCED** by the City Council on                     , 2018.

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## 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.

# Attachment C

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

## Attachment C

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

## Attachment C

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.

## Attachment C

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. This finding that the application meets separation requirements shall be valid for up to one year before the early finding expires.

P. 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) |

**LEMON GROVE PLANNING COMMISSION  
AGENDA ITEM SUMMARY**

**Item No.** 3  
**Mtg. Date** November 26, 2018  
**Dept.** City Manager's Office

**Item Title:** Emergency Homeless Shelter Proposed Location – ZA1-800-0003, Zoning Amendment

**Staff Contact:** [Claudia Tedford, CityPlace Planning, Inc., Planning Consultant ]

**Recommendation:**

1. [Conduct the public hearing;
2. Introduce the State requirement that an Emergency Shelter Overlay Zone be identified in the City of Lemon Grove, review proposed sites and select the required location.]

**Item Summary:**

[State law requires every city in California to designate a zone where an emergency homeless shelter can be located by-right. Lemon Grove must complete this task by March 1, 2019 or face penalties imposed by the state including potential loss of grant funding. The City Council assigned the Citizen Advisory Commission (CAC) to study the issue and recommend an appropriate location in the City to zone for a homeless shelter. Since then, the CAC has met five times to review five proposed sites and one additional alternative, understand the legality of the topic, solicit public feedback and consider the effects on the community and surrounding areas. Two sites were dismissed; one due to inadequate size and the other due to unavailability. At the final meeting on November 13, 2018, the CAC came to a consensus on a ranking of the four remaining sites. The staff report (**Attachment A**) provides an overview of the CAC's review process and the ranking of the sites for Planning Commission's review.]

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> None                     | <input type="checkbox"/> Newsletter article                       | <input type="checkbox"/> Tribal Government Consultation Request |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Notice to property owners within 500 ft. |   |

**Attachments:**

- A. [Staff Report ]
- B. [Resolution to Recommend Approval by City Council ]



# Attachment A

## LEMON GROVE PLANNING COMMISSION STAFF REPORT

Item No.   3  

Mtg. Date: November 26, 2018

Item Title: [Emergency Homeless Shelter Proposed Location - ZA1-800-0003 Zoning Amendment ]

Staff Contact: [Claudia Tedford, CityPlace Planning, Planning Consultant

### Background:

State Senate Bill (SB) 2 (2008) requires Lemon Grove and every other city in California, adopt a zone permitting a homeless shelter within one year of adopting a General Plan Housing Element. Lemon Grove adopted the current General Plan Housing Element in August 2012.

On September 15, 2015, the City Council adopted Ordinance 431 to establish the Community Advisory Commission (CAC). The CAC's role is to serve as a resident-led advisory Commission with three permanent members serving in the leadership positions for the Committee (i.e. Chair and Vice Chair of the overall committee or focus group and chairs of any sub-groups formed). On May 15, 2018, the City Council unanimously agreed that the CAC review the City's Housing Element to determine appropriate zoning for a homeless shelter.

In August of 2018, the State Department of Housing and Community Development (HCD) and the City of Lemon Grove agreed to a schedule for Lemon Grove to comply with State Housing law to identify a zone to allow for the location of an emergency homeless shelter in the City, with a deadline of March 1, 2019 for this action to be completed. If not completed by the deadline, the City could face penalties imposed by the state and may include potential loss of grant funding.

### *Legislative Framework*

SB 2 requires all cities and counties to designate at least one zone where emergency shelters are allowed by-right; that is, as permitted uses without requiring approval of a Conditional Use Permit or other discretionary permit<sup>1</sup>. It does not require cities and counties to actually construct, fund, or provide an emergency shelter.

In compliance with SB 2, the Lemon Grove Municipal Code must be amended to allow emergency shelters as a permitted use, by-right, for parcels in a select area in the City. This may be accomplished by creating an Overlay Zone and adjusting the permitted uses in the affected area<sup>2</sup>.

SB 2 requires all cities and counties in the state to comply with the following:

- Calculate the unmet need for shelter in the jurisdiction;
- Identify a zone or zones where shelters are allowed without discretionary review;
- Demonstrate that the by-right zone or zones have the capacity to address the unmet shelter need; and

---

<sup>1</sup> California Department of Housing and Community Development. (2008). Senate Bill 2 -- Legislation Effective January 1, 2008: Local Planning and Approval for Emergency Shelters and Transitional and Supportive Housing. Available from: <http://www.hcd.ca.gov/housing-policy->

<sup>2</sup> City of Santa Clarita. (2009). Proposed Homeless Shelter Overlay Zone, and UDC Amendments. Available from: [http://www.opr.ca.gov/docs/sop/N-January\\_16-31-2009.pdf](http://www.opr.ca.gov/docs/sop/N-January_16-31-2009.pdf)

City of Escondido. (2015). Article 27. Emergency Shelter Overlay. Available from: <http://www.qcode.us/codes/escondido/>  
City of Lemon Grove. (2012). Housing Element 2010-2020.

- Limit application of development standards for shelters to those that are applied to other development in the same zone, with the exception of objective, written standards allowed in 8 specific categories.

The requirements of Government Code section 65583 subd. (a) (4) (A) must be met, including all of the following:

- The zone shall include sufficient capacity to accommodate the identified need for emergency shelters and can accommodate at least one year-round emergency shelter.
- Permit processing, development, and management standards must be objective, and encourage and facilitate the development of, or conversion to, an emergency shelter.
- Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards as specified in Government Code section 65583, subd. (a) (4) (A).

*HCD Schedule and Compliance to Date:*

In August, City staff provided information to the Department of Housing and Community Development Division of Housing Policy Development (HCD) describing an anticipated schedule for program implementation. CAC activities were scheduled by month, and the following schedule reflects the actual meeting dates:

- August 21, 2018: First CAC meeting held.
- September 11, 2018: CAC meeting #2, included visioning exercise.
- October 9, 2018: CAC meeting #3, concluded with informal ranking of sites.
- October 30, 2018: CAC meeting #4 and public workshop to review six areas for emergency shelter zoning, removes two sites from further consideration.
- November 8, 2018: Noticing to property owners within 500 feet of four remaining sites.
- November 13, 2018: CAC meeting #5, ranked sites to provide recommendation to the Planning Commission.
- November 26: Planning Commission meeting; Planning Commission expected to review four selected areas with stakeholders and property owners; Planning Commission to make recommendation to City Council.
- January and February 2019: City Council conducts both first and second readings of ordinance.
- March 1, 2019: City must provide documentation to HCD demonstrating program actions have been fully implemented.

Each milestone has been completed on-time and on-schedule to date. Should progress not be achieved per the above schedule, HCD may issue a 30-day notice to revoke the City's housing element compliance. Since August, City staff has been providing monthly status updates to HCD. In a phone call with HCD on November 5, 2018, HCD staff stated that the City must comply with three key criteria:

- The shelter zone must be in an appropriate area of the City and Heavy Industrial areas were provided as an example of an unacceptable zone,
- The zone for the shelter must be a reasonable size and large enough to accommodate the number of homeless from the most recent Point in Time Count (58 for 2018), and
- The development standards for the shelter must stay within the provisions of the law.

**Discussion:**

## **Attachment A**

The CAC considered a total of six sites. As part of the process of analyzing the sites, two of the sites were dismissed; North Avenue due to inadequate size and the County facility due to unavailability. The South Broadway sites were added to the list of sites for consideration at the Community Workshop held on October 30, 2018. The following provides detailed information for the sites considered by the CAC.

*Sites Considered:*

***North Ave (Not being considered)***

**Zoning:** North Avenue is located just south of the 94 Freeway. It's zoning is mixed General Commercial (GC) and Heavy Commercial (HC)

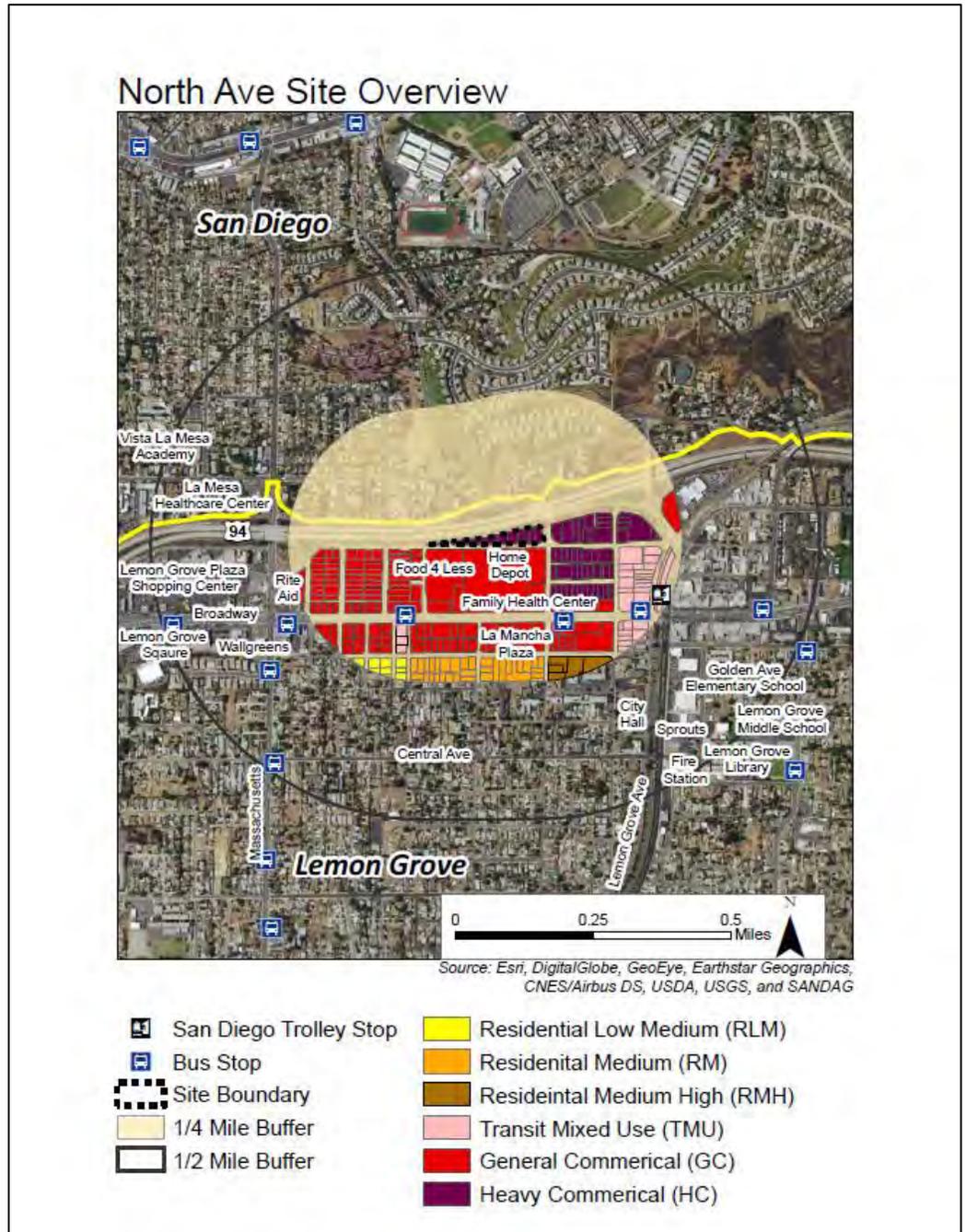
**Size:** The North Avenue proposed site is 1.77 acres.

**Allowed Uses:** The Heavy Commercial (HC) zone is available to more obtrusive types of retail, semi-industrial, and service uses that do not require pedestrian-oriented retail activities.

**Distance to Public Transit:** The North Ave Site is located 0.3 miles from the Broadway & New Jersey bus stop and 0.6 miles from the Lemon Grove Trolley Depot.

**Distance from residences/schools:** The site is located 0.3 miles to residences. One mile to Lemon Grove Middle School. One mile to Golden Avenue Elementary.

**Potential Constraints:** The North Avenue site is in close proximity to the 94 Freeway which presents both noise and air quality impacts.



**County Facility (Not being considered)**

**Zoning:** The County Facility is zoned General Commercial (GC).

**Size:** The County Facility site is 4.13 acres.

**Allowed Uses:** The General Commercial (GC) zone is available to auto-oriented, generally large-scale businesses and activities offering retail goods and services meant to serve the needs of the local and regional shoppers.

**Distance to Public Transit:** The site is located 0.2 miles from the Broadway & Massachusetts Ave bus stop.

**Distance from residences/schools:** The site is located 1.1 miles from Golden Avenue Elementary School, 1.3 from Lemon Grove Middle School, and from to residential areas.

## County Facility Site Overview



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, and SANDAG

- |                 |                               |
|-----------------|-------------------------------|
| Bus Stop        | Residential Low (RL)          |
| Site Boundary   | Residential Low Medium (RLM)  |
| 1/4 Mile Buffer | Residential Medium (RM)       |
| 1/2 Mile Buffer | Residential Medium High (RMH) |
|                 | General Commercial (GC)       |
|                 | Heavy Commercial (HC)         |

**Potential Constraints:** The site is fully developed and may not have redevelopment opportunities.

**East Broadway (Being considered)**

**Zoning:** East Broadway is primarily zoned Residential Medium/High, with the exception of a public storage facility.

**Size:** The East Broadway proposed site is 8.35 acres.

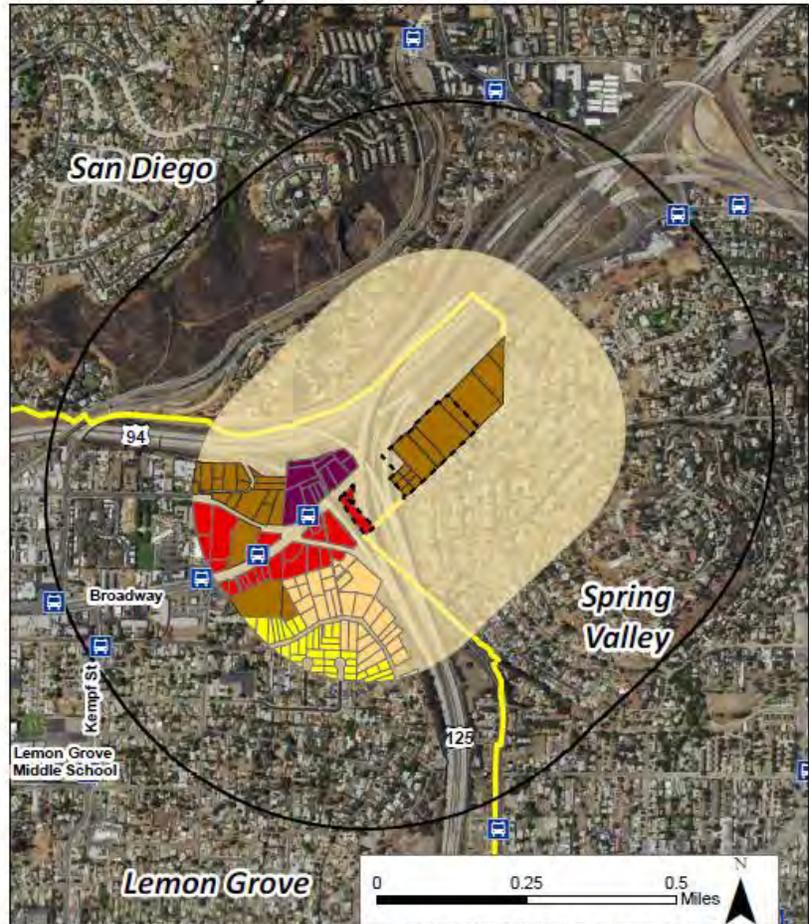
**Allowed Uses:** The residential medium high zone is intended for more compact multi-family housing. Allowable uses include housing and park facilities.

**Distance to Public Transit:** The East Broadway Site is located 0.2 miles from the Broadway & Sweetwater bus stop.

**Distance from residences/schools:** The East Broadway site is located 2.1 miles from Vernon Elementary School, 1.4 miles from Lemon Grove Middle School, and is zoned residential.

**Potential Constraints:** The site is located in close proximity to the 94 and 125 interchange, which poses traffic safety and noise impacts.

### East Broadway Site Overview



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, and SANDAG

- |   |   |
|---|---|
|  Bus Stop        |  Residential Low (RL)          |
|  Site Boundary   |  Residential Low Medium (RLM)  |
|  1/4 Mile Buffer |  Residential Medium High (RMH) |
|  1/2 Mile Buffer |  General Commerical (GC)       |
|   |  Heavy Commerical (HC)         |

## General/ Heavy Commercial (GC/HC)(Being considered)

**Zoning:** The GC/HC site is zoned mixed General Commercial (GC) and Heavy Commercial (HC). It is also located in STA III, Regional Commercial, which includes special restrictions beyond the zoning guidelines.

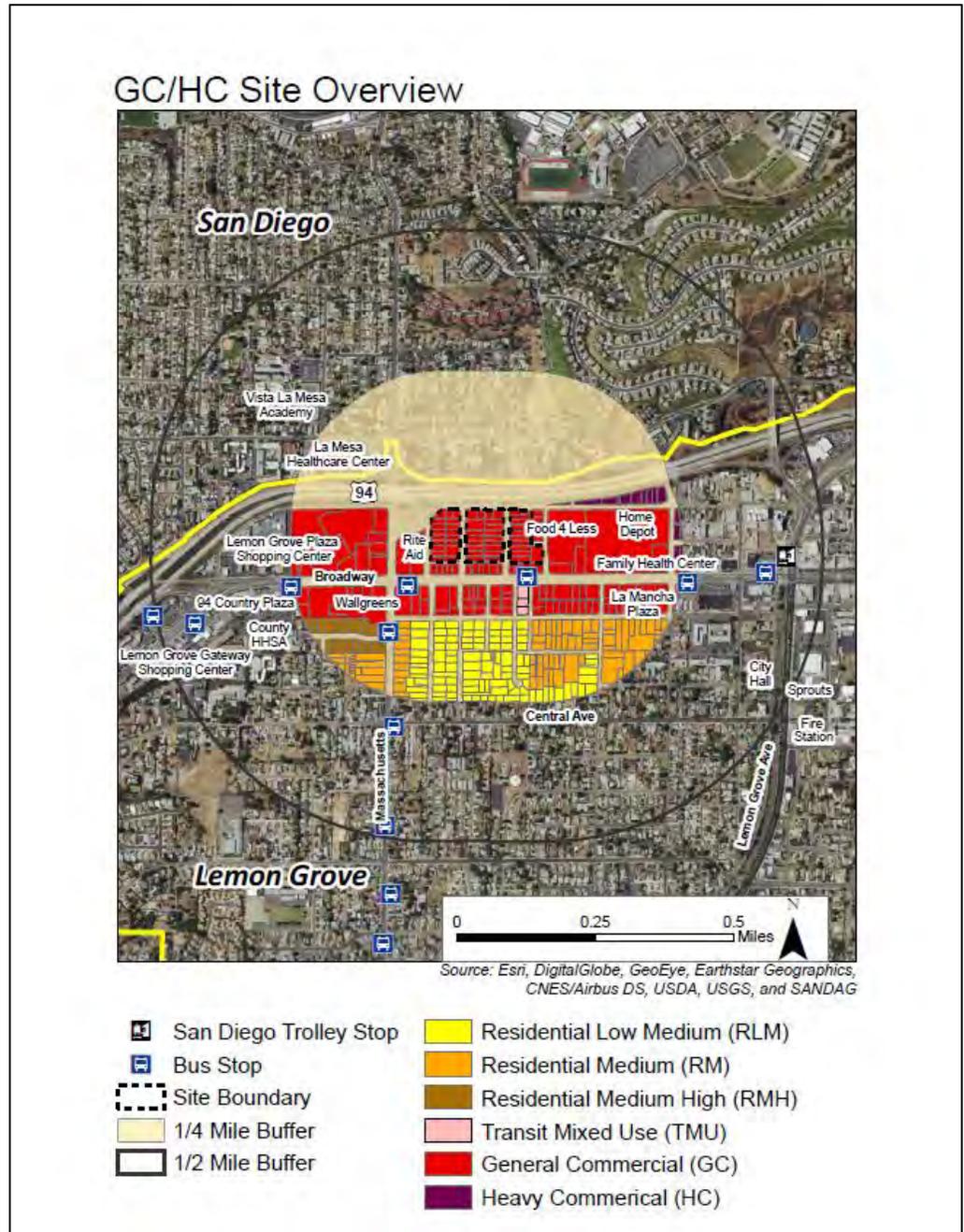
**Size:** The proposed GC/HC zone is 9.63 acres.

**Allowed Uses:** The Heavy Commercial (HC) zone is available to heavier, more obtrusive types of retail, semi-industrial, and service uses. The General Commercial (GC) zone is available to auto-oriented, generally large-scale businesses.

**Distance to Public Transit:** Directly adjacent to the Broadway & Citrus bus stop and 0.7 miles to the Lemon Grove Trolley Depot.

**Distance from residences/schools:** The GC/HC site is 0.9 miles from Golden Avenue Elementary School and 1.1 miles from Lemon Grove Middle School. The site is directly adjacent to non-conforming residences (0.1 miles).

**Potential Constraints:** The site is in close proximity to the 94 Freeway which presents both noise and air quality impacts.



## Light Industrial (LI) (Being considered)

**Zoning:** Light Industrial (LI)

**Size:** The LI site is 24.97 acres.

**Allowed Uses:** The light industrial zone is available to light manufacturing, warehousing, distribution, or other related limited intensity activities.

**Distance to Public Transit:**<sup>3</sup> The site is 0.5 miles from the Federal Blvd & College bus stop.

**Distance from residences/schools:** The site is located 0.8 Miles from San Miguel Elementary School.

**Potential Constraints:** There is limited walkability and bikeability on this site. The area has poor drainage issues, and has sparse sidewalk conditions along the 94 freeway. A medical marijuana dispensary applicant has obtained a Conditional Use Permit for operations at 6470 Federal Blvd.

### Light Industrial Site Overview



<sup>3</sup> Used the Intersection of Federal and Central as proxy address.

# Attachment A

## **Alternative Site: South Broadway (GC)(Being considered)**

**Zoning:** The portion of south Broadway, included in the bolded border with the black crosshatch fill, is zoned General Commercial.

**Size:** The South Broadway Alternative proposed site is 13.48 acres.

**Allowed Uses:** The General Commercial (GC) zone is available to auto-oriented, generally large-scale businesses and activities offering retail goods and services meant to serve the needs of the local and regional shoppers.

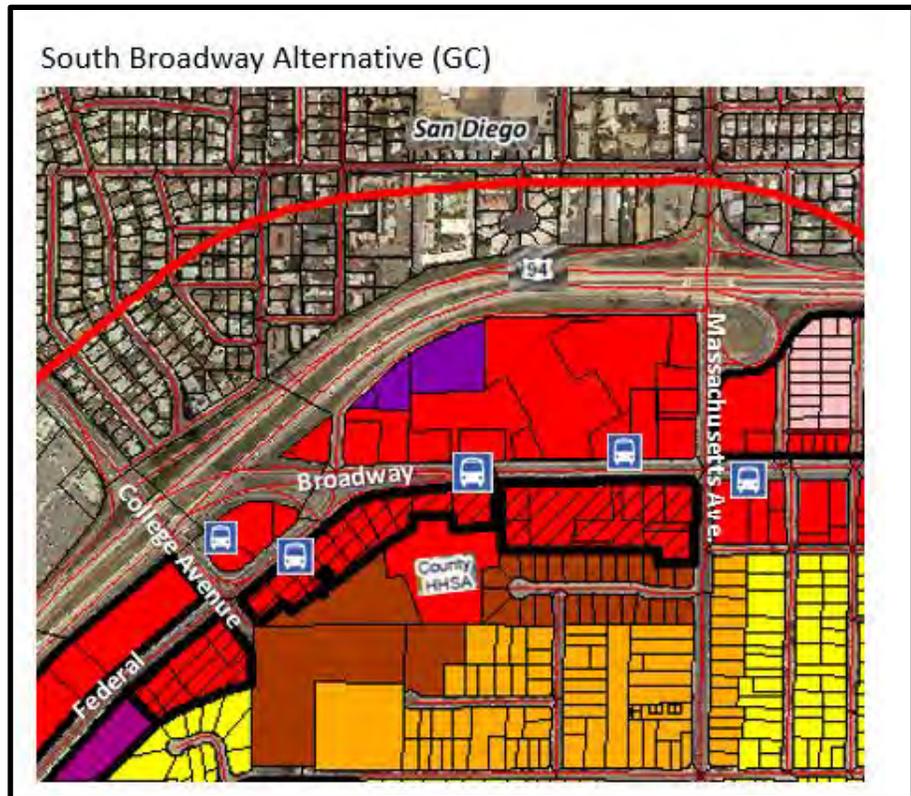
**Distance to Public Transit:** The South Broadway Site is located in walking distance to 5 bus stops. From the center of the site, it is .04

miles from the Broadway bus stop in front of Golden State Gasoline, .17 miles to the bus stop in front of O'Reilly Auto Parts, .25 miles to the bus stop at College Avenue and Federal, .26 miles to the bus stops at College and Massachusetts.

**Distance from residences/schools:** The South Broadway site is located .59 miles from San Miguel Elementary School, as the crow flies. When travelling on major streets, the school is 1 mile away from the center of the proposed zone. The proposed zone abuts Residential Medium/High and Residential Low/Medium zoning areas with topographical boundaries in between the proposed zone and residential areas.

### **Potential Constraints:**

At the October 24, 2018 CAC meeting, the Commission requested the addition of the four GC parcels to the west of College Avenue to be included in the alternative zone. Upon review of the parcels by staff, a medical marijuana dispensary applicant has obtained a Conditional Use Permit for operations at 6859 Federal Blvd., which is the last parcel included in the southwestern most portion of the above proposed zone. At the November 13 meeting, the CAC stated they preferred to leave the four parcels in the proposed site. ]



[Table 1 below summarizes the site characteristics of each of the areas studied by the CAC.]

**Table 1: Potential Overlay Zone Site Opportunities**

Proposed Site	East Broadway	North Ave	GC/HC	County Facility	Light Industrial	Alternative South Broadway
Parcels	12	10	49	1	28	21
Site Availability	None	None	None	None	One site	Two sites
Total Site Area (acres)	9.15	2.88	9.63	4.13	24.97	13.48
Average Site Area (acres)	0.76	0.29	0.20	4.13	0.89	.64
Total Floor Area (sq. ft.)	130,778	26,072	79,712	39,750	296,288	116,922*
Average Floor Area (sq. ft.)	10,898	2,607	1,627	39,750	10,582	7,307.63
Average Age of Structures (years)	52	52	59	30	42	40
Age of Newest Structure (years)	8	41	21	30	15	5

\* data available for only 16 of the 22 parcels

# Attachment A

The following is a listing of the activities of the CAC, by date, and a summary of each meeting:

**May 15, 2018:** The City Council assigned the Community Advisory Commission (CAC) to review the City's Housing Element to determine an appropriate location for zoning for a homeless shelter. Since August 2018, the CAC has met on a consistent, monthly basis to review the five proposed sites<sup>4</sup>, with one additional alternative, understand the legal framework of the matter, solicit public feedback and consider the implications and effects on the community and surrounding areas.

**August 21, 2018:** The CAC received a presentation from Miranda Evans, Management Analyst, and David De Vries, the former Development Services Director, provided background information on the City's General Plan and Land Use Map; components of the Housing Element; state requirements for the Housing Element and SB 2 compliance. He also provided an explanation of what is considered an emergency homeless shelter, an overview of five proposed sites, and the project schedule that staff provided to the California Department of Housing and Community Development (HCD).

**September 11, 2018:** The CAC participated in a visioning exercise led by Claudia Tedford, the City Planning Consultant with CityPlace Planning. As part of the visioning exercise, CAC members were asked to imagine an emergency shelter operating in Lemon Grove in the year 2030. The CAC members shared a list of the most desirable positive attributes that they wish to see in such a facility, and a list of potentially negative attributes that they wish to avoid. Each member was provided with 10 stickers to place to prioritize the most desired positive or negative traits. A ranked summary of these attributes is listed below, with a higher number indicating higher priority. Attributes without a number in parentheses indicates that the item was communicated in the visioning exercise, but was not additionally prioritized.

*Positive attributes desired:*

- Additional social service provision: mental health services, welfare, job assistance, recovery and VA programs (9)
- Close to public transit (5)
- Close to grocery stores and medical services (3)
- Access to probation and social services (3)
- Multiple sites with one for families (3)
- Enough/plentiful space (2)
- Well-lit area (2)
- Visually appealing and welcoming (2)
- Well-lit parking and safe (2)
- Parking area for overnight stays (2)
- Large lot size (2)
- Business center with job resources (1)
- Open space for recreation (1)
- Walkable location with sidewalks (1)
- Far from schools with resources for transportation to schools
- Comfortable waiting/intake areas
- Wi-Fi and charging stations
- Green space and landscaping
- P.O. box access
- Library access
- Proximity to jobs
- Separate restroom facilities for families

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<sup>4</sup> For this process, the prospective zones, or portions of zones, are referred to as sites. Each prospective area is comprised of multiple parcels.

- Language and translation services

*Negative attributes to avoid:*

- Drug use (10)
- Away from sensitive uses (e.g. bars, marijuana dispensaries, liquor stores) (7)
- Away from residential areas (7)
- Away from schools (3)
- Avoid restrictive lots that are too narrow or small (3)
- Avoid an institutional or industrial aesthetic (3)
- Away from Heavy Commercial uses (2)
- Away from traffic/congested areas (1)

Following the visioning exercise, the CAC received a staff report and presentation that provided a review of the items discussed at the August meeting as well as an in-depth review of five proposed sites. The CAC discussed the attributes of each site in detail.

**October 9, 2018:** The CAC received a presentation from the City Attorney, Jim Lough, about the history of the CAC and the legal requirements outlined in SB 2. There was also a staff presentation with a review of each of the sites, explanation of acceptable operational shelter standards and management plan, and review of the project timeline. The meeting included in-depth discussion of each of the sites as well as an informal ranking exercise. Seven of the eight members of the CAC (total roster of 3 core members, 1 alternate, and 4 ad hoc members) were present to participate in the exercise. The most desirable option was given a total of five points, the second most desirable option was given 4 points, and so on until the least desirable option was given 1 point. The results from this informal ranking exercise are outlined in the table below.

Overall Ranking	Site	Total Points
1	North Avenue	26
2	GCHC	25
3	Light Industrial	22
4	East Broadway	21
5	County Facility	11

**October 30, 2018:** The CAC hosted a community workshop. The workshop was advertised on the City’s social media platforms of Facebook, Instagram and Twitter, posted on the City’s website home page and events calendar, and a news release was distributed electronically to interested stakeholders and media. A total of 19 individuals attended the workshop which was facilitated by Ms. Tedford as a listening session. Prior to beginning the listening session, for the benefit of the community members present, staff outlined the project background; clearly defined what an emergency homeless shelter is; explained the state’s requirement for Lemon Grove to adopt a zone permitting one; and explained that a site is not being constructed or paid for by the City, but rather that the process is to identify a zone for a developer to build one by-right. An overview of the five proposed sites was provided, and staff introduced a new alternative site on south Broadway, east of Massachusetts, which was seen for the first time by the CAC members and community at this meeting. The alternative was introduced because staff had concerns regarding the feasibility of two of the sites: North Avenue, due to insufficient size, and the County Facility, because the site is currently leased by the County and there may be concerns with spot zoning. During and after the presentation, staff answered questions from the workshop attendees. Collaborative dialogue between the CAC members and workshop attendees also occurred. Following the presentation, the listening session began. A summary of the community feedback received is outlined below.

# Attachment A

## *East Broadway*

- Concern for potential flooding and/or development restrictions due to portions of land owned by Caltrans
- Proximity to neighboring jurisdictions of La Mesa, Spring Valley and San Diego which could cause concerns for noticing

## *North Avenue*

- Concerns with feasibility were raised due to the restrictive size of the zone, 1.77 acres.

## *General / Heavy Commercial*

- The size of the area and large amount of available parcels was discussed as favorable
- Central location in the middle of town
- Zone is part of a Special Treatment Area for Regional Commercial and is the location for a long-term plan for economic development in the City
- Inhibits long-term growth and tax generating uses
- Could be a development deterrent
- Large enough zone with the ability to accommodate additional social services and development activity

## *County Facility*

- Discussed feasibility concerns due to the current County HHSA use and lease, and concern about potential spot zoning.

## *Light Industrial*

- Concerns with school proximity being too far for shelter patrons with children
- Concerns with sidewalks and lighting not being sufficient
- Large size to accommodate a shelter and/or secondary facility
- Seems the least disruptive option
- Still has close proximity to school and services
- Concerns with limited public transportation
- Concerns with proximity to medical marijuana dispensaries on Federal

## *Alternative along South Broadway:*

- Not in a disruptive location
- Close proximity to Broadway corridor
- Close proximity to the County facility and beneficial to be very near the Health and Human Services Agency
- Walkable to transportation
- Adequate sidewalks and lighting; schools
- Request to add 4 parcels that are directly to the west of College Avenue

Following the listening session, a clear general consensus was established with the workshop attendees and CAC members. The preferred site was the South Broadway alternative over all the other sites, with no stated opposition. Clear consensus was also expressed that the North Avenue site and the County Facility are no longer considered feasible options for inclusion in the shelter overlay zone due to inadequate size and unfeasibility, respectively.

**November 13, 2018:** At the final CAC meeting, staff again provided a brief overview of the four remaining sites. The names of the four sites were listed on a flip chart and each of the CAC members provided their ranking of the four sites. These were tabulated, and the South Broadway Alternative was unanimously selected as the highest ranked site, with one member abstaining from the prioritization exercise. The CAC then ranked the site zoned General Commercial/Heavy Commercial (GC/HC) as second, the East Broadway sites ranked third, and the Light Industrial sites ranked fourth.

### *Emergency Shelter Overlay Zone:*

An Emergency Shelter Overlay Zone will be created to permit a developer to locate a shelter at any location within the boundaries of the overlay zone. The overlay zone will identify the specific parcels where an emergency shelter will be permitted, along with a map to depict the overlay zone boundaries. Development standards will be included in the overlay zone. Development standards cannot be more strict than what is currently established in that zone, but specific standards related to an emergency shelter can be included.

The proposed development standards to be included in the ordinance, in accordance with State law, are as follows:

An emergency shelter in the overlay area must comply with the following:

- a) Each emergency shelter shall be located within an entirely enclosed, permanent structure.
- b) Each emergency shelter may have a maximum of sixty (60) beds to serve a maximum of sixty (60) clients.
- c) The maximum length of stay at any one (1) time for any person shall be six (6) months in any twelve (12) month period.
- d) One parking space for each employee, volunteer, service provider, and non-client who will be on-site during peak periods plus one space per three (3) beds.
- e) There shall be no camping/sleeping in vehicles permitted on the site of the shelter.
- f) An emergency shelter shall be located at least three hundred (300) feet from another emergency shelter, as measured from property boundaries.
- g) Each emergency shelter shall provide on-site supervision at all times when the shelter is open.
- h) Each shelter shall conform to the City's outdoor lighting requirements.
- i) The emergency shelter operator/provider shall submit a written management plan, to the satisfaction of the city, with the plot plan application for approval. The intent of the management plan is to establish operating procedures that promote compatibility with the surrounding area and businesses. The operator shall agree to maintain the standards in the management plan.

### **Conclusion:**

The CAC met a total of 5 times to study the issue of identifying a site to be zoned for an emergency shelter, and after careful consideration, recommends to the Planning Commission the following ranked list of sites:

1. South Broadway Alternative
2. General Commercial/Heavy Commercial (GC/HC)
3. East Broadway
4. Light Industrial

Staff recommends that the Planning Commission: 1) conduct the public hearing, and 2) recommend City Council approval an Emergency Shelter Overlay Zone to be created for the South Broadway sites, including the proposed development standards.

# ATTACHMENT B

## RESOLUTION NO.

### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMON GROVE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF LEMON GROVE CREATE AN EMERGENCY SHELTER OVERLAY ZONE TO COMPLY WITH STATE LAW.

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**WHEREAS**, the City of Lemon Grove is considering Zoning Amendment ZA1-800-0003 to the Lemon Grove Municipal Code (ZA1-800-0003) to identify a zone where an emergency shelter shall be allowed as a permitted use without a conditional use permit and certain standards for the emergency shelters operation/capacity that are allowed by the State of California as indicated within Senate Bill No. 2.; and

**WHEREAS**, the City of Lemon Grove must comply with State law, and wishes to create an emergency shelter overlay zone; and

**WHEREAS**, the Community Advisory Committee (CAC) met five times including conducting a community workshop, to consider sites for an appropriate zone for an emergency shelter; and

**WHEREAS**, the CAC evaluated six separate sites in total, and by consensus, ranked the four sites in order of preference; and

**WHEREAS**, the preferred location which the CAC found to be the most favorable area to zone for an emergency shelter is the South Broadway site, as identified in **Exhibit A**; and

**WHEREAS**, the Notice of Public Hearing for this item was published in the November 15, 2018 edition of the East County Californian and mailed to all property owners within 500 feet of the subject property; 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.
  - This action implements Program 15 of the City's Housing Element by amending the City's Zoning Ordinance to explicitly address homeless shelters.
2. That the public health, safety, and general welfare will benefit from the adoption of the proposed amendment.
  - The 2018 San Diego Point in Time Count identified 58 Lemon Grove homeless persons; and
  - Providing a zone where homeless shelters can be developed by-right provides a location for a developer to operate a shelter to house Lemon Grove's homeless.

**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 ZA1-800-0003, and GPA 150-002 amending Lemon Grove Municipal Code (LGMC) to create an emergency shelter overlay zone and adopt associated state-allowed development standards.

# EXHIBIT A

South Broadway Alternative (GC)

