

City of Lemon Grove  
City Council Regular Meeting Agenda  
Tuesday, September 19, 2017, 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 Board*

Call to Order

Pledge of Allegiance

Changes to the Agenda

Presentations

“Lemon Grove History Minute #4”

Lemon Grove Home Grown 40 Year Business Recognition Series Honoring Conrad Lemon Grove Mortuary

East County Homeless Task Force Update with Eric Lund,  
San Diego East County Chamber of Commerce

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. Approval of Meeting Minutes

August 15, 2017 Regular Meeting

Members present: Vasquez, J. Mendoza, Arambula, Jones, and M. Mendoza

September 5, 2017 Regular Meeting

Members present: Vasquez, Arambula, Jones, and M. Mendoza

B. City of Lemon Grove Payment Demands

Reference: Auggie Matt, Finance Manager

Recommendation: Ratify Demands

C. Waive Full Text Reading of All Ordinances on the Agenda

Reference: James P. Lough, City Attorney

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

- D. Amendment No. 1 to the Fiscal Year 2017-2018 City of Lemon Grove Consolidated Operating and Capital Budget

*The City Council will consider a resolution that amends the Consolidated Operating and Capital Budget with revised balances that should be reflected in the FY 2017-18 project expenditure allocation.*

Reference: Auggie Matt, Finance Manager  
Recommendation: Adopt Resolution

- E. Reject sole bid for Traffic Signal Maintenance, Emergency Repairs, and Related Construction Services

*The City Council will consider a resolution that rejects the sole bid received for the Traffic Signal Maintenance, Emergency Repairs and Related Construction Services, Invitation 009-18 received on August 10, 2017.*

Reference: Stephanie Boyce, Management Analyst  
Recommendation: Adopt Resolution

2. City of Lemon Grove Climate Action Plan

*The City Council will discuss and advise on the City of Lemon Grove Climate Action Planning process.*

Reference: Malik Tamimi, Management Analyst  
Recommendation: Discuss and Provide Direction to Staff

3. Public Appeal to Consider Appeal No. AA1-700-0004 Regarding the Denial of Zoning Clearance No. ZC1-700-0016 Continued from August 15, 2017; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 6915 North Avenue in the General Commercial Zone

*The City Council will continue a public hearing and consider a resolution that upholds the Development Services Director's determination to deny ZC1-700-0016, a request to apply for a Conditional Use Permit to establish a medical marijuana dispensary at 6915 North Avenue in the General Commercial Zone.*

Reference: David De Vries, Development Services Director  
Recommendation: Conduct Public Hearing and Adopt Resolution

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

*(GC 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.)*

Department Director Reports (Non-Action Items)

## Closed Session

Conference with Real Property Negotiators Government Code Section 54956.8

Address: 8084 Lemon Grove Way, Lemon Grove, California

Agency Negotiators: Lydia Romero and Mike Wapner

Negotiating parties: The San Diego Community Land Trust

Under negotiation: Price and Terms

Conference with Real Property Negotiators Government Code Section 54956.8

Address: Property near 3615 Lemon Grove Avenue, remnant parcel

Agency Negotiators: Lydia Romero, Mike James, and Mike Wapner

Negotiating parties: Owen Mossy, Mossy Honda

Under negotiation: Price and Terms

## 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 [sgarcia@lemongrove.ca.gov](mailto:sgarcia@lemongrove.ca.gov) prior to the meeting. A full agenda packet is available for public review at City Hall.

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**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL**

**August 15, 2017**

*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*

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**Call to Order**

City Councilmembers present:

Mayor Racquel Vasquez, Mayor Pro Tem Jennifer Mendoza, Councilmember David Arambula, Councilmember Jerry Jones, and Councilmember Matt Mendoza.

City Council Members absent:

None.

City Staff present:

City Manager, Lydia Romero; Sheriff's Department, Lt. Scott Amos; Development Services Director, David De Vries; City Clerk, Susan Garcia; Assistant City Manager/Public Works Director; Mike James; City Attorney, James P. Lough; and Fire Chief, Colin Stowell.

**Pledge of Allegiance**

The Pledge of Allegiance was led by Mayor Pro Tem J. Mendoza.

**Presentation**

The "Lemon Grove History Minute" video was presented that featured former Lemon Grove Recreation Director, Nancy McCadam.

Mayor Vasquez presented a proclamation declaring September as Disaster Preparedness Month.

Andy McKellar, Heartland Fire and Rescue Emergency Preparedness Coordinator, provided a presentation for emergency preparedness.

**Public Comment**

Michael and Beckie Perez reported that they are the owners for the property next to City Hall. Their intent with the property is to assist single women, through their pregnancies.

John L. Wood commented on a flag at a local business that isn't illuminated, weed abatement, and the City's municipal code that allows marijuana dispensaries.

Brenda Hammond commented on issues with the homeless population in Lemon Grove.

Anita Lopez, representing Lemon Grove Heal Zone, commented on their recent conference in Long Beach, to promote health, wellness, and chronic obesity. She expressed appreciation to Mayor Vasquez for her participation at the conference.



Cynara Velasquez, Citizens for Patient's Rights, commented on a recently submitted citizen's initiative, to amend the City's current medical marijuana dispensary ordinance.

## **1. Consent Calendar**

### **A. Approval of City Council**

August 1, 2017 Regular Meeting

### **B. Ratification of Payment Demands**

### **C. Waive Full Text Reading of All Ordinances and Resolutions on the Agenda**

### **D. Reject Claim**

### **E. Reject Claim**

### **F. Reject Claim**

### **G. Reject Claim**

### **H. Reject Claim**

### **I. Reject Claim**

### **J. Reject Claim**

### **K. 2017-18 City Council Priorities**

**Action: Motion by Mayor Pro Tem J. Mendoza, seconded by Councilmember Jones, to approve the Consent Calendar passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

## **2. Authorization to Advertise a Request for Proposal for the Pavement Management Program Update**

Mike James reported that on January 5, 2010, the City Council adopted a Pavement Management Program (PMP) that was performed by Nichols Consulting Engineers. The PMP is a tool that allocates limited resources toward the process of selecting the proper street treatment, in a timely manner, to prolong the street conditions over the entire street network. The chief benefit of using a tool like the PMP is to avoid costly repairs to the street network by acting sooner rather than later, because it is less expensive to keep good roads in good shape, than to repair worse roads at a later date.

On May 23, 2017, at the Street Rehabilitation Workshop, the City Council received information about the PMP, the City's current pavement condition index, and staff's recommendation to move forward to update the PMP.

The request for proposals highlights the following; review all historic data about the City's pavement management program, evaluate the current street conditions, create a five-year list to repair City streets, utilizing all anticipated funds, and provide software training to City staff, in order to manage the program during the five year period.

Councilmember Jones asked if a sub-surface analysis could be included in the request for proposal.

Lydia Romero stated that the sub-surface analysis could be bid as a separate item.

Mayor Vasquez stated that the City Council authorizes City staff to advertise the request for proposals.

### Public Speaker(s)

There were no requests from the public to speak.

**3. Public Appeal to Consider Appeal No. AA1-700-0002 Regarding the Denial of Zoning Clearance No. ZC1-700-0010; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 8249 Broadway in the General Commercial Zone**

Mayor Vasquez noted that the City received an email from the applicant's attorney which stated that Rodi Mikha, on behalf of Iden's Investment, LLC is withdrawing the Appeal number AA1-7000-0002 for the denaul of the zoning clearance number ZC1-700-0010 for a proposed medical marijuana dispensary at 8249 Broadway. They accept staff's decision in the matter.

**4. Public Appeal to Consider Appeal No. AA1-700-0003 Regarding the Denial of Zoning Clearance No. ZC1-700-0012; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 8260 Broadway in the Heavy Commercial Zone**

David De Vries reported that this appeal hearing was scheduled for the July 18, 2017, City Council meeting and was continued by the City Council to August 15, 2017, at the applicant's request.

In November 2016, voters in the City of Lemon Grove passed Measure V, an initiative removing the City's prohibition of medical marijuana dispensaries (MMDs) and establishing performance standards and a permit process by which MMDs may be established. Measure V was subsequently codified in Chapter 17.32 of the Lemon Grove Municipal Code. The permit process for MMDs requires approval of a conditional use permit (CUP), and the performance standards prohibit MMDs on properties within 1,000 feet of certain protected uses, including schools and licensed daycare facilities. Schools include any public or private school providing instruction in kindergarten or grades one to 12. See Lemon Grove Municipal Code Section 17.32.090.

The purpose of this appeal is to determine whether a MMD is allowed to proceed with a conditional use permit application based on a determination that the subject property is within 1,000 feet of a protected use, in this instance a school and licensed daycare facility. Staff contends that it has discovered appropriate evidence and made appropriate measurements to justify that there is both a school and a licensed daycare facility within 1,000 feet of the subject property. The appellant contends that the subject property is not within 1,000 feet of the protected uses.

In order to identify and map the location of protected uses, staff relied on a variety of resources including, but not limited to, the website Greatschools.org and the website for the California Department of Social Services (DSS). DSS is the licensing agency for daycare throughout the State of California. City Council should note that the DSS Website reveals the locations of licensed daycare conducted in commercial and institutional settings, but does not reveal the locations of family daycare homes, which are conducted in private residential settings. To provide the public with a map identifying potential locations for MMDs, while protecting the locations of family daycare homes, City staff created a draft map with 1,000 foot buffers around the parcels where known protected uses are located. Staff then made those buffers opaque to obscure the underlying parcel geography.

On March 7, 2017, staff presented a report to City Council describing the recommended draft review procedures and draft conditions of approval for requests to establish MMDs. Staff also presented the draft Medical Marijuana Zoning Map it had created.

The review procedures include using the Zoning Clearance (ZC) process as the initial step in screening and reviewing of MMD applications. Complete ZC applications for sites which meet the zoning criteria and distance restrictions described in LGMC Chapter 17.32, and which include all required application materials will be deemed complete, and the applicants may then submit for CUP approval by the City Council. ZC applications for sites that do not meet the specified criteria are denied by staff. Staff's decision to deny any application is subject to appeal to the City Council, pursuant to LGMC Section 17.28.020(I).

On April 6, 2017, the appellant filed ZC1-700-0012, an application to apply for a conditional use permit to establish a MMD at the subject property. Prior to accepting the application, staff checked the location of the project site on the Medical Marijuana Zoning Map and determined it was ineligible for a dispensary. Staff then informed the appellant that the proposed project site was within 1,000 feet of a protected use, and therefore staff would have no option but to deny the ZC application.

The appellant chose to file the ZC application despite staff's admonishment, and on April 17, 2017, the Development Services Director denied ZC1-700-0012. On April 20, 2017, the appellant filed AA1-700-0003, an administrative appeal of the Director's decision. The appeal states "The denial letter does not state the specific school or state licensed daycare home and therefore has not put the applicant on notice for the reason for denial. However, the only potential sensitive use is Saint John of the Cross and this school is more than 1000' from the proposed use". See the attached exhibit prepared by staff depicting the location of the site in relation to the church property.

On May 8, 2017, staff sent a letter to the appellant acknowledging receipt of the appeal, informing him that the appeal hearing date would be July 18, 2017, and advising him to submit any additional information he wished to provide prior to the hearing. In the same letter, staff disclosed that the protected use affecting the subject property was Saint John of the Cross Catholic Parish located at 8086 and 8175 Broadway. It should be noted that the letter includes an error. The error noted is that the subject property is located 822 feet west of the church, when in fact, the subject property is located approximately 822 feet east of the church's property. As of August 9, 2017, no additional information has been received, excepting additional information from the appellant's legal counsel which was received prior to the July 18, 2017 City Council meeting. The appellant's legal counsel did contact staff and agreed to the July 18, 2017, hearing date.

On May 23, 2017, City staff received a letter from the staff at Saint John of the Cross Catholic Parish. The letter verifies that all three parcels comprising the church property are utilized in the conduct of the school and the daycare program. For example, the school uses the auditorium on the eastern parcel to conduct school-related events and to serve school lunch on a daily basis. The church also uses the youth center located on the eastern parcel to conduct daycare activities.

Saint John of the Cross Catholic Parish owns three adjacent parcels on the north side of Broadway. All three of these parcels comprise the church site. The western parcel is developed with school classroom buildings, a playground, meeting rooms, parking facilities, and landscaping. The center parcel is developed with the church sanctuary, parking, and landscaping. The eastern parcel is developed with a meeting hall used by the Knights of Columbus, a youth center, and an auditorium with more parking and landscaping. The appellant has correctly indicated that the portion of the site developed with classroom buildings is the western parcel, and that parcel is slightly more than 1,000 feet from the proposed dispensary site.

However, staff has verified that the church utilizes all three parcel in the conduct of the school and daycare facility. The youth center located on the eastern parcel is used for daycare, and the auditorium also located on the eastern parcel is used daily to serve lunch to the students. The auditorium is also used to host special events and presentations for the school. The eastern parcel of the church property is located approximately 822 feet from the proposed dispensary site and is therefore ineligible to be approved as a dispensary.

Mr. De Vries stated that the City Council received a letter yesterday from the appellant's attorney, Ms. Gina Austin that has been added to the public record. Ms. Austin claims there are constructed barriers, such as, buildings and fences that impede direct access to the proposed dispensary. Staff's contention is that fences and buildings are not constructed barriers. Measure V references a freeway and flood control channel as examples of a constructed barrier, not buildings and fences which are of less significance.

City staff did measure the distance between the easterly parcel of the Saint John of the Cross facility and the parcel at 8260 Broadway using direct access via only streets; the distance was 947 feet, still under 1,000 feet.

Councilmember Jones disclosed that he met with City staff to discuss this appeal.

Mayor Pro Tem J. Mendoza disclosed that her granddaughter attended Saint John of the Cross School and she volunteered with their lunch program.

The City Council discussed and questioned the term barrier and the definition.

Chance Hawkins, Special Counsel for City staff, regarding barriers he explained the City's municipal code states natural topographical, constructed barriers, such as freeways or flood control channels.

Mayor Vasquez asked for clarification on the word barrier because a freeway is not a natural occurrence and would a building be considered a barrier.

Chance Hawkins stated that staff has traditionally viewed this as the Trolley line and the freeway as barriers.

Mayor Vasquez opened the public hearing.

Gina Austin, representing the applicant, explained that the school isn't located on all of the parcels owned by Saint John of the Cross and is outside of the 1000 feet distance requirement. Using the information initially provided by City Staff, they conducted a survey from 8086 Broadway the far left parcel; the other parcel is where the children eat lunch. Regarding the barrier issue, she noted that you can't follow a path of travel by going over buildings, fencing, houses, and an apartment complex, they impedes travel. Due to the barriers, the distance to the school or the day care center is located is 1360 or 1250 feet.

Chris Williams, applicant, stated that he has been to Saint John of the Cross several times and did not have any problems accessing the auditorium and the Knights of Columbus Hall, which indicated to him, this was not part of the school. He added that he values Lemon Grove and believes that this is an opportunity for the City to move forward.

The following public speakers were opposed to the marijuana dispensary at 8260 Broadway:

Jim Stanley, St. John of the Cross  
Greg Krum, Principal, St. John of the Cross  
Else Hanning  
Jesse Ramirez  
David Mendez

The following public speakers were in favor of the marijuana dispensary at 8260 Broadway:

Lavonne Gulpin  
Skye Ross  
Marco Molina  
Kathleen McLean  
Cheryl Marrow  
Lee Mattar  
Rakesh Goyal

**Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to close the public hearing passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

Mayor Pro Tem J. Mendoza stated that the Saint John of the Cross School, to the west, is a new main school building and previously it was behind the church and the preschool along with the kindergarten was under the Knights of Columbus Hall. After the new school was built, the old building is now used as the cafeteria and is part of the school. She added that Washington Street previously ran through the school and has since been closed to vehicles. She added that the school, daycare center, and church are part of the school. The City's municipal code requires 1000 feet distance and 947 feet is not acceptable.

Mayor Vasquez asked for clarification on the three parcels and what defines a barrier.

David De Vries answered that the school and the day care are on the larger parcel, however, the school and day care use all three parcels. This has always been viewed as one property, not three separate parcels.

James Lough read the definition of premises from the City's municipal code. Regarding the measurement issue, he recommends following what has been done previously, with a circle denoting the measurement, not a direct line. With the typical measurement, it doesn't matter how many buildings are in between, that would be a deviation from previously used measurement methods.

David De Vries explained regarding the measurement of 947 feet, this was taken from the Northeast corner from the easterly parcel, then direct route southeast along Lemon Grove Way, to the corner of Lemon Grove Way and Broadway, then northeast along Broadway to the corner of 8260 Broadway.

**Action: Motion by Mayor Pro Tem J. Mendoza, seconded by Councilmember Arambula, to adopt the resolution passed, by the following vote:**

**Ayes: Vasquez, J. Mendoza, Arambula, Jones, M. Mendoza**

**Resolution No. 2017 -3533:** Resolution of the City Council of the City of Lemon Grove Upholding The Development Services Director's Determination to Deny a Request to Apply For a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 8260 Broadway, Lemon Grove, California

**5. Public Appeal to Consider Appeal No. AA1-700-0004 Regarding the Denial of Zoning Clearance No. ZC1-700-0016; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 6915 North Avenue in the General Commercial Zone**

Mayor Vasquez stated that the applicant for appeal No. AA1-700-0004 has requested that the public hearing be continued to September 19, 2017.

**City Council Oral Comments and Reports on Meetings Attended at the Expense of the City. (GC 53232.3 (d))**

Councilmember Jones commented on the special investigation recently conducted at SANDAG and added the Executive Director has resigned.

Councilmember Arambula attended Lemon Grove's Annual Community Potluck.

Councilmember M. Mendoza had no reports this evening.

Mayor Pro Tem J. Mendoza attended League of California Cities and SANDAG meetings. Also, the Soroptimist Margarita party, the retirement celebration for Lemon Grove School District Superintendent, Ernest Anastos, the 75<sup>th</sup> anniversary celebration for the First Baptist Church, and Lemon Grove's Annual Community Potluck.

Mayor Vasquez attended the 32<sup>nd</sup> Anniversary of the Women's Convention, Civic Night hosted by Southern California Second Jurisdiction, where she presented a certificate of recognition. She also attended Movies in the Park Lemon Grove's Annual Community Potluck, the retirement celebration for Lemon Grove School District Superintendent, Ernest Anastos, and participated at the Heal Zone event in Long Beach.

**City Manager and Department Director Reports**

Lt. Amos reported on the first Lemon Grove Sheriff's Department bike patrol and added that will continue through October.

**Closed Session**

Conference with Legal Counsel – Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9:  
Two Cases

Closed Session Report: No reportable action was taken.

**Adjournment**

There being no further business the meeting was adjourned at 8:48 p.m.

**MINUTES OF A MEETING OF  
THE LEMON GROVE CITY COUNCIL**

**September 5, 2017**

*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*

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**Call to Order**

City Councilmembers present:

Mayor Racquel Vasquez, Councilmember David Arambula, Councilmember Jerry Jones, and Councilmember Matt Mendoza.

City Council Members absent:

Mayor Pro Tem Jennifer Mendoza

City Staff present:

City Manager, Lydia Romero; Sheriff's Department Sergeant, Scott Amos; Development Services Director, David De Vries, Fire Division Chief, Daryn Drum; City Clerk, Susan Garcia; Assistant City Manager/Public Works Director; Mike James, City Attorney, James Lough; and Finance Manager, Auggie Matt.

**Pledge of Allegiance**

The Pledge of Allegiance was led by Councilmember Jerry Jones.

**Presentations**

The Lemon Grove History Minute #3 video was presented that featured Kindahl Hunter Rhodes of Hunter's Nursery.

Mayor Vasquez presented a proclamation honoring Hunter's Nursery.

**Public Comment**

Lim Cheng commented on issues with the homeless near his business.

Helen Ofield expressed appreciation to the City for recognizing Hunter's Nursery.

**1. Consent Calendar**

Councilmember Arambula requested that item 1. E Resolution in Support of Diversity and in Opposition of Hate Speech and Domestic Terrorism, be removed from the Consent Calendar.

**A. Approval of City Council**

July 18, 2017 Regular Meeting

**B. Ratification of Payment Demands**

**C. Waive Full Text Reading of All Ordinances and Resolutions on the Agenda**

**D. Rejection of Claim**

**E. Resolution in Support of Diversity and in Opposition of Hate Speech and Domestic Terrorism**

**Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to approve the Consent Calendar passed, by the following vote:**

**Ayes:** Vasquez, Arambula, Jones, M. Mendoza  
**Absent:** J. Mendoza

**1. E. Resolution in Support of Diversity and in Opposition of Hate Speech and Domestic Terrorism**

Councilmember Arambula read the resolution supporting diversity and inclusionary governance and opposing hate speech and domestic terrorism.

**Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to approve item 1. E passed, by the following vote:**

**Ayes:** Vasquez, Arambula, Jones, M. Mendoza  
**Absent:** J. Mendoza

**Resolution No. 2017-3534:** Resolution of the City Council of the City of Lemon Grove, California Supporting Diversity and Inclusionary Governance and Opposing Hate Speech and Domestic Terrorism

**2. Public Hearing to Consider an Amendment to the Transnet Local Street Improvement Program of Projects for FY 2017-21**

Mike James stated that TransNet funds are programmed for congestion relief or maintenance related projects that impact City streets, storm drain, and or traffic projects. The biennial adoption of the Local Street Improvement Program of Projects reconciles the City's prior budget year, with the amount of TransNet funds anticipated to be received the following year.

This amendment focuses on the City Council's priorities of keeping the alignment program funded and towards ongoing street rehabilitation projects.

He noted that there has been a computer error at SANDAG, regarding the payments made to the City. He provided revised documentation to the City Council as Exhibit 1 and Table 1.

Mayor Vasquez opened the public hearing.

Public Speaker(s)

There were no requests from the public to speak.

**Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to close the public hearing and adopt the resolution with the amendment "reflected in Exhibit 1 attached and Table 1" as presented by the City Attorney passed, by the following vote:**

**Ayes:** Vasquez, Arambula, Jones, M. Mendoza  
**Absent:** J. Mendoza



**Resolution No. 2017 – 3535:** Resolution of the City Council of the City of Lemon Grove, California Approving an Amendment to the Transnet Local Street Improvement Program of Projects for Fiscal Years 2017 through 2021

### **3. Approval of the Fiscal Year 2017-2018 Road Maintenance Rehabilitation Account Funding Allocation**

Mike James stated in 2017, the Road Repair and Accountability Act of 2017 (SB 1) was created to establish a new funding source in California's transportation system. The Road Maintenance and Rehabilitation Account (RMRA) in the State Transportation Fund is intended to address deferred maintenance on the State highway system, local street, and road systems. A requirement of SB1 is for each entity to declare what it plans to use the funds for each year.

RMRA funds are derived from a new gas tax, transportation improvement fees, and a portion of the diesel excise tax. The funds are continuously appropriated and apportioned to local governments monthly and not based on a reimbursement basis. The amount that any city may receive is allocated per capita with the first distribution expected in January 2018. The City is expected to receive an approximate total of \$150,355 in Fiscal Year 2017-2018 (FY 2017-18).

The use of RMRA local streets and roads funds is similar to the Highway Users Tax Account (HUTA) use rules. Pursuant to Streets and Highway Code Section 2030, RMRA local streets and roads allocations must be used for projects that include, but are not limited to, the following; road maintenance and rehabilitation, safety projects, railroad grade separations, traffic control devices, and complete street components, including active transportation purposes, pedestrian and bicycle safety projects.

RMRA contains a local agency Maintenance of Effort (MOE) requirement that applies to funds allocated through the RMRA. In order to receive any RMRA funds in FY 2017-18 a city must expend on streets and roads, discretionary general fund revenues of at least the average that the city spent in FY 2009-10, FY 2010-11, and FY 2011-12 in FY 2017-18. This means that in FY 2017-18, the City MOE expenditure requirement is \$301,668 in order to receive \$150,355.

Mr. James noted that the City already contributes to a similar MOE for its use of TransNet funds. In August 2017, City staff confirmed with League of California Cities staff and that the TransNet MOE may also be considered to satisfy RMRA MOE requirements. This is significant because almost half of the RMRA MOE has already been met, due to the City's compliance with the TransNet MOE requirements.

The RMRA requires that the City submit an annual report of project completion to receive RMRA funds. The report must include descriptions of all projects for which RMRA funds were expended including: description, location, funds expended, completion date, and estimated useful life of the project.

Councilmember M. Mendoza asked if the proposed \$301,668 is in the approved budget.

Lydia Romero answered that approximately \$164,000 was budgeted and that meets the MOE for Transnet funds. In order to accept the SB 1 funds an additional \$137,000 is needed to meet both MOE thresholds.

**Action: Motion by Councilmember M. Mendoza, seconded by Councilmember Jones, to adopt the resolution passed, by the following vote:**

**Ayes:** Vasquez, Arambula, Jones, M. Mendoza  
**Absent:** J. Mendoza

**Resolution No. 2017 – 3536:** Resolution of the City Council of the City of Lemon Grove, California, Amends the Fiscal Year 2017-2018 Budget to Program Road Maintenance and Rehabilitation Account Funds

**City Council Oral Comments and Reports on Meetings Attended at the Expense of the City. (GC 53232.3 (d))**

Councilmember Jones attended a San Diego East County Chamber of Commerce meeting.

Councilmember Arambula had no reports this evening.

Councilmember M. Mendoza had no reports this evening.

Mayor Vasquez attended Senator Anderson's community coffee meeting, and the 2017 Presidential Champion Award Ceremony where she recognized Grand Master Spears for his efforts teaching martial arts in Lemon Grove.

**City Manager and Department Director Reports**

David De Vries reported that a Lemon Grove Park Beautification and Clean-Up Event is to be held on September 16, 2017, with registration to begin at 8:30 a.m. at Lemon Grove Park.

James Lough reported that he will be attending the League of California Cities Annual City Attorney conference, at his own expense.

**Adjournment**

There being no further business the meeting was adjourned at 7:00 p.m.

# City of Lemon Grove Demands Summary

Approved as Submitted:

Auggie Matt, Finance Manager

For Council Meeting: 09/19/17

ACH/AP Checks 08/29/17-09/07/17

1,229,554.78

Payroll - 08/29/17

141,028.49

Total Demands

1,370,583.27

Check No	Vendor No	Vendor Name	Check Date	Vendor Name	Check Amount	
CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	Refill 8/28/17	Pitney Bowes Global Financial Services	08/29/2017	Postage Usage 8/28/17	250.00	250.00
ACH	1000202684	City of San Diego	08/29/2017	Metro Sewer System FY18 - 1st Qtr 7/1/17-9/30/17	695,486.00	695,486.00
ACH	Aug29 17	US Treasury	08/31/2017	Federal Taxes 8/29/17	31,573.72	31,573.72
ACH	Aug29 17	Employment Development Department	08/31/2017	State Taxes 8/29/17	8,726.99	8,726.99
ACH	Aug16-29 17	Calpers Supplemental Income 457 Plan	08/31/2017	457 Plan 8/16/17-8/29/17	5,040.39	5,040.39
ACH	809779	Aflac	08/31/2017	Aflac Insurance	1,038.72	1,038.72
ACH	50882291	Wex Bank	08/31/2017	Fuel - Fire Dept - Jul'17	413.49	413.49
ACH	Aug17	Southern CA Firefighters Benefit Trust	08/31/2017	LG Firefighters Benefit Trust - Aug'17	2,630.55	2,630.55
ACH	Aug17	Wage Works	08/31/2017	FSA Reimbursement - Aug'17	866.00	866.00
ACH	Aug17	Power Pay Biz/Evo	09/01/2017	Online Credit Card Processing - Aug'17	55.91	55.91
ACH	Sep17	Pers Health	09/05/2017	Pers Health Insurance - Sep'17	52,446.26	52,446.26
ACH	Aug17	Dharma Merchant Services	09/05/2017	Merchant Fees - Aug'17	585.57	585.57
ACH	Aug17	Authorize Net	09/05/2017	Merchant Fees - In-Store & Online - Aug'17	47.20	47.20
ACH	4154920380	SDG&E	09/07/2017	Electric Usage:St Light - 7/31/17-8/31/17	1,860.22	1,860.22
ACH	3568860625	SDG&E	09/07/2017	Electric Usage:St Light - 7/31/17-8/31/17	1,272.90	1,272.90
8233	10257	AdminSure	08/30/2017	Workers' Compensation Claims Administration - Aug '17	427.50	427.50
8234	56202	Anthem Blue Cross EAP	08/30/2017	Employee Assistance Program - Sep'17	165.00	165.00
8235	15580L-IN 30727-IN	Aztec Landscaping Inc.	08/30/2017	Trolley Corridor Landscape Project - Plants Landscape Mgmt Svc Jul '17	6,048.08 9,629.00	15,677.08
8236	5188	Bear Electrical Solutions, Inc.	08/30/2017	Traffic Signal Maintenance Svc - Response - Jul 2017	911.50	911.50
8237	799035-9 801612-9	BJ's Rentals	08/30/2017	Propane Propane	15.46 16.97	32.43
8238	1146717-IN-CR 1147477-IN 1147706-IN	Boot World Inc.	08/30/2017	Credit - Work Boots - PW Crew Work Boots - PW Crew Work Boots - PW Crew	-27.42 250.00 250.00	472.58
8239	Z6208-2	Brobeck, West, Borges, Rosa & Douville	08/30/2017	Prof Svcs: George Hills # GH0015650	745.35	745.35
8240	WO-1341	Chihuahua Plumbing Inc.	08/30/2017	Plumbing Repair- Sheriff's Station	628.21	628.21
8241	694382619	Cintas Corporation #694	08/30/2017	Janitorial Supplies - 8/24/17	229.64	229.64
8242	FR50000054	City of El Cajon	08/30/2017	Overtime Reimbursement- Pearson 8/9/17	585.87	585.87
8243	19354 19560	City of La Mesa	08/30/2017	Overtime Reimbursement - Doig 7/6/17 & Lopez 7/15/17 2018 Shift Calendar - Lemon Grove Share	2,485.91 135.84	2,621.75
8244	1712	Clothing International, Inc	08/30/2017	Day Camp T-Shirts	2,329.92	2,329.92
8245	8/19/2017 8/18/2017	Cox Communications	08/30/2017	Phone/PW Yard/2873 Skyline- 8/19/17-9/18/17 Copy Room/City Manager Fax Line- 8/18/17-9/17/17	211.02 3.43	214.45
8246	3767 3768	D- Max Engineering Inc.	08/30/2017	1993 Dain Drive Final SWQMP Review I 8/9/17-8/16/17 Grove Lofts Stormwater Inspection Svcs thru 7/31/17	780.00 258.74	2,608.71

3769				Center Hilltop Stormwater Construction Inspectn Svcs thru 7/31	230.70	
3770				Lemon Grove Realignment Stormwater Inspectn Svcs thru 7/31	259.27	
3774				Celsius 2 SWQMP Review #2 8/17/17-8/22/17	720.00	
3775				McDonalds Broadway SWQMP Review I 8/23/17	360.00	
8247	0822172305	Domestic Linen- California Inc.	08/30/2017	Shop Towels & Safety Mats 8/22/17	102.20	102.20
8248	122	Felix Backflow Prevention	08/30/2017	Prof Svcs: Backflow Certification	1,620.00	1,620.00
8249	INV1012239	George Hills Company	08/30/2017	TPA Claims Svc- Jul 17	1,930.70	1,930.70
8250	Petty Cash-8/24	Gill Rojas or Brenda Wardrip	08/30/2017	Petty Cash- Summer Daycamp Supplies	126.55	458.42
				Petty Cash- Mileage- Boyce 5/17/17-6/21/17	33.54	
				Petty Cash- Supplies - Family Art Festival 5/20/17	25.85	
				Petty Cash- Office Supplies	24.76	
				Petty Cash- Mileage- Carrasco 5/31/17	10.38	
				Petty Cash- Livescan- Patterson-Smith	18.00	
				Petty Cash- Mileage - Tamimi 5/30/17-7/18/17	82.40	
				Petty Cash- Sheriff Station- Maintenance/Parts	13.94	
				Petty Cash- Printing Trustee-Transfer Docs- 1936 Washington St	16.00	
				Petty Cash- Mileage- Zafico 9/29/16-6/20/17	16.05	
				Petty Cash- Supplies for Night Out Against Crime 8/2/17	32.82	
				Petty Cash- PW- Protective Clothing/Uniform	8.62	
				Petty Cash- LGPW#23- Sign & Graffiti Unit- Tools & Supplies	49.51	
8251	Reimb-8/24/17	Govea, Garrett	08/30/2017	Reimb: Tuition Reimb- BS Mgmt Prog/Govea 7/26/17-8/14/17	810.00	810.00
8252	1B	Heaven's Windows	08/30/2017	Summer Lunch Prog/Weekly Van Rntl-CHAMPS Grant 8/11-18/17	436.75	436.75
8253	10078	Infrastructure Engineering Corporation	08/30/2017	Prof Svc: LGA Realignment 7/1/17-7/28/17	34,474.79	34,474.79
8254	1133	JPW Communications	08/30/2017	LG Communications Project - 7/1/17-7/31/17	2,250.00	2,250.00
8255	122668	Knott's Pest Control, Inc.	08/30/2017	Ant Control - Senior Center - 8/2/17	75.00	75.00
8256	1445150	Liebert Cassidy Whitmore	08/30/2017	Prof Svcs: LE050-00003 Pre-Litigation thru 7/31/17	595.00	3,085.00
	1445151			Prof Svcs: LE050-00200 FLSA Audit thru 7/31/17	2,490.00	
8257	4314214	Mallory Safety and Supply, LLC	08/30/2017	Safety Glasses/Nitrile Gloves/PVC Coated Gloves	223.95	223.95
8258	257	Metro Wastewater JPA	08/30/2017	CLG Share of Metro JPA 2017-18 Annual Budget	15,622.00	15,622.00
8259	210325	Ninyo & Moore	08/30/2017	Grove Loft Apartments Inspection Svcs thru 7/28/17	482.00	1,164.00
	210326			Hilltop Condos Proj Inspection Svcs thru 7/28/17	270.50	
	210327			Lincoln Homes Inspection Svcs thru 7/28/17	411.50	
8260	146256	Pacific Sweeping	08/30/2017	Street Sweeping/Main St/Clean Up Event - 7/22/17	360.00	360.00
8261	PD-35741	Plumbers Depot Inc.	08/30/2017	LGPW#32 Service/Oil Pump/Blower - Sewer Camera - GapVax	1,634.34	1,634.34
8262	81936518	SiteOne Landscape Supply, LLC	08/30/2017	Mulch -Trolley Corridor Landscape	845.50	845.50
8263	9139	Spring Valley Lawn Mower Shop	08/30/2017	Trimmer Line	28.72	114.56
	9165			Saw Chains & Chain Oil	85.84	
8264	6481	T-Man Traffic Supply	08/30/2017	Traffic Paint	847.60	847.60
8265	00054479	The East County Californian	08/30/2017	Pavement Mgmt Program Update RFP Notice 8/24/17	203.00	203.00
8266	3174105-CA	US HealthWorks Medical Group,PC	08/30/2017	Annual DMV Medical Exam - 8/3/17	99.00	297.00
	3177842-CA			Annual DMV Medical Exam - 8/9/17	99.00	
	3177842-CA			Annual DMV Medical Exam - 8/10/17	99.00	
8267	Aug29/17	Vantage Point Transfer Agents-457	08/30/2017	ICMA Deferred Compensation Pay Period Ending 8/29/17	580.77	580.77
8268	9790912385	Verizon Wireless	08/30/2017	Mobile Broadband Access- 7/13/17-8/12/17	76.02	264.80
	9790911775			PW Tablets- 7/13/17-8/12/17	188.78	
8269	71549486	Vulcan Materials Company	08/30/2017	Asphalt/SS1H 4.5 Gallon Bucket	115.64	1,273.67
	71549487			Asphalt	142.38	
	71551243			Asphalt/SS1H 4.5 Gallon Bucket	175.71	
	71554588			Asphalt/SS1H 4.5 Gallon Bucket	175.71	
	71558031			Asphalt/SS1H 4.5 Gallon Bucket	213.42	
	71558032			Asphalt	140.62	
	71559886			Asphalt/SS1H 4.5 Gallon Bucket	173.95	
	71562728			Asphalt	136.24	
8270	Aug17	Wage Works	08/30/2017	FSA Monthly Admin/Compliance Fee - Aug'17	84.00	84.00
8271	128389	West Coast Arborists, Inc.	08/30/2017	Tree Maintenance - 7/1/17-7/15/17	13,046.25	21,455.10
	128488			Tree Maintenance - 7/16/17-7/31/17	8,408.85	

8272	2016.04-013	West Coast General Corporation	08/30/2017	LGA Realignment Proj- 7/1/17-7/31/17	231,999.96	231,999.96
8273	0170727	Zumar Industries, Inc.	08/30/2017	Signs - Street Name Signs	1,745.55	1,745.55
8274	8/22/2017 10135336	AT&T	09/06/2017	Backup City Hall Internet- 7/23/17-8/22/17 Fire Backup Phone Line- 7/22/17-8/21/17	75.00 40.05	115.05
8275	Reimb 8/31/17	Boyce, Stephanie	09/06/2017	Mileage Reimbursement - Boyce 7/26/17-8/31/17	21.88	21.88
8276	Camacho	Camacho, Dulce	09/06/2017	Refund/Camacho, Dulce/Deposit - Courtyard- 8/27/17	200.00	200.00
8277	694385472 694385473	Cintas Corporation #694	09/06/2017	Janitorial Supplies - 8/31/17 Janitorial Supplies - 8/31/17	352.43 1,599.29	1,951.72
8278	19579	City of La Mesa	09/06/2017	FY16-17 Qtr 4- JPA Reconciliation- Apr-Jun 2017	22,684.00	22,684.00
8279	8/21-24/17 8/28-31/17	Esgil Corporation	09/06/2017	75% Building Fees- 8/21/17-8/24/17 75% Building Fees- 8/28/17-8/31/17	5,935.49 10,804.18	16,739.67
8280	25535 25554	Excell Security, Inc.	09/06/2017	Senior Center Security Guard - 8/26/17 Senior Center Security Guard - 9/2/17	563.87 638.72	1,202.59
8281	47300 47464 49034	Global Power Group, Inc.	09/06/2017	Preventive Maintenance - Generator/Fire Station Preventive Maintenance - Generator/Fire Station Maint.- Hoses/Clamps/Thermostat/Cap- Generator/Fire Stn	367.00 710.16 2,730.87	3,808.03
8282	108625318	Globalstar USA, Inc	09/06/2017	Satellite Service 7/16/17-8/15/17	106.33	106.33
8283	202	Janazz, LLC SD	09/06/2017	IT Services- City Hall- Aug 17	2,500.00	2,500.00
8284	1355/1381/1406	Law Offices of James F. Holtz, APC	09/06/2017	Legal Svcs: GHC0013049- Svcs thru 8/7/17	5,823.03	5,823.03
8285	Martinez	Martinez, Elizabeth	09/06/2017	Refund/Martinez, Elizabeth/Deposit - LBH- 8/25/17	200.00	200.00
8286	Mitchell	Mitchell, Jasmine	09/06/2017	Refund/Mitchell, Jasmine/Deposit - CommCtr- 8/5/17- Re-issue	200.00	200.00
8287	Sep2017	PLIC- SBD Grand Island	09/06/2017	Dental Insurance -Sep17	4,679.18	4,679.18
8288	Sanchez	Sanchez, Perla	09/06/2017	Refund/Sanchez, Perla/Deposit - LBH- 8/26/17	400.00	400.00
8289	8/22/2017 8/22/2017	SDG&E	09/06/2017	3225 Olive- 7/20/17-8/20/17 3500 1/2 Main- 7/20/17-8/20/17	226.74 101.90	328.64
8290	Sep-17	Standard Insurance Company	09/06/2017	Long Term Disability Insurance - Sep17	1,887.68	1,887.68
8291	Talbert	Talbert, Sam	09/06/2017	Refund/Talbert, Sam/Deposit - LBH- 8/19/17	300.00	300.00
8292	CD-2017-43	Urban Futures Inc.	09/06/2017	Continuing Disclosure Svc: 2007,2010,2014 Bonds	5,250.00	5,250.00
8293	STMT 8/22/2017	US Bank Corporate Payment Systems	09/06/2017	Vehicle Repair- LGPW#14-Radiator/LGPW#3-A/C EMS Supplies -Tamper Resistant Container & Packages CA Fire Chief Conf/Riverside/Lodging & Air-8/17/17 Hayward Personnel Recruitment - Associate Planner Labor Negotiation Training- Russell City Council 40th Anniversary Supplies Meeting/PW- 7/27/17 Staff Appreciation Event 10/19/17 Subscription/Access-1 Year- Russell PARMA Conf/Monterey/Lodging/Regis/Air-8/5-8/8/17 James Daycamp/Aquaplex 7/26/17 Daycamp/Supplies Daycamp/Aquatica 8/9/17 City Council/Community Promotions Training/APA 2017 Planning Law Review- DeVries Tools/Rescue Saw Repair Vehicle Repair/AC - Fire Staff Vehicle Captain's Exam/Panel Supplies 8/2/17 Fire Station Supplies Laptop/Fire Station Fax Machine/Fire Station	593.96 87.03 609.22 175.00 375.00 13.03 21.18 136.09 405.00 1,539.50 106.00 96.86 1,030.00 64.61 68.00 30.00 70.69 46.37 34.59 527.30 88.50	6,117.93
8294	9791340055 9791322284	Verizon Wireless	09/06/2017	MDC Engine Tablets- 7/21/17-8/20/17 EOC Router/Emer Phone Lines/Tablets- 7/21/17-8/20/17	190.05 946.43	1,136.48
					1,229,554.78	1,229,554.78

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

Item No. 1.D  
Mtg. Date September 19, 2017  
Dept. Finance

**Item Title: Amendment No. 1 to the Fiscal Year 2017-2018 City of Lemon Grove Consolidated Operating and Capital Budget**

**Staff Contact:** Auggie Matt, Finance Manager

**Recommendation:**

Adopt Resolution approving Amendment No. 1 to the Fiscal Year 2017-2018 City of Lemon Grove Consolidated Operating and Capital Budget.

**Item Summary:**

On June 20, 2017, the City Council adopted Resolution No. 2017-3521, which approved the Fiscal Year 2017-2018 (FY 2017-18) Consolidated Operating and Capital Budget for the City of Lemon Grove. The approved budget detailed all FY 2017-18 financial transactions; however, it did not address long term capital improvement projects and grants that were not fully expended as of June 30, 2017.

**Fiscal Impact:**

This amendment will have no fiscal impact since funding for these previously approved projects was already budgeted. This amendment simply updates each balance beginning on July 1, 2017.

**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 500 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting |   |

**Attachments:**

- A. Staff Report
- B. Resolution

# Attachment A

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.D

Mtg. Date September 19, 2017

Item Title: **Amendment No. 1 to the Fiscal Year 2017-2018 City of Lemon Grove Consolidated Operating and Capital Budget**

Staff Contact: Auggie Matt, Finance Manager

### Discussion:

In the Fiscal Year 2017-2018 (FY 2017-18) Consolidated Operating and Capital Budget, there are a number of projects that were not updated with the year-end project balances. This staff report details each of the projects as well as the revised balances that should be reflected in the FY 2017-18 project expenditure allocation. Each project is listed below with a brief explanation of what staff recommends to change.

#### Lemon Grove Realignment Project:

This project will conclude in FY 2018-19 and all remaining budget amounts from FY 2016-17 need to be established in FY 2017-18. This same practice will be applied to the projected budget for FY 2018-19.

#### Department of Justice's Justice Assistance Grant (JAG):

The Department of Justice's JAG was previously approved by the City Council on January 17, 2017, but was not listed in the City's capital budget.

#### Downtown Village Specific Plan (DVSP) Expansion:

The DVSP Expansion grant was approved on January 5, 2016, but was not listed in the City's capital budget in the current fiscal year.

#### Cities Combating Hunger and Afterschool Meals (CHAMPS) Grant:

The Cities Combating Hunger and Afterschool Meals (CHAMPS) Grant was awarded on January 19, 2017, but was not listed in the City's capital budget. Prior year expenditures must be taken into account when establishing the FY 2017-18 carryover budget.

#### Transportation Development Act (TDA) Fund:

This fund is for the TDA budget and reflects a carryover of a MTS grant and a maintenance contract for the trolley corridor

Each of these updates are reflected in Table 1: Amendment No. 1, shown on page 4 of staff's report.

# Attachment A

Table 1: Amendment No. 1

Fund	FY 17-18 Estimated Expenditures	FY 17-18 Estimated Revenues	Account Numbers
Street Construction Reserve	\$158,900		03-00-00-7130
TransNet	\$583,589		14-00-00-7130
Sanitation	\$200,000		16-00-00-7130
RTCIP	\$516,700		27-00-00-7130
Redevelopment Bond	\$1,971,000		64-00-00-7130
Parkland Dedication Ordinance	\$36,700		05-00-00-7080
LG Realignment Revenue		\$323,000	
JAG Grant			
Expenditure	\$10,850		08-00-00-5365
Revenue		\$10,850	08-00-00-4560
Champs Grant			
Expenditure	\$18,550		08-00-00-6610
Revenue		\$20,000	08-00-00-4560
DVSP Expansion			
Expenditure	\$52,538		14-00-00-7320
Revenue		\$45,279	14-00-00-4560
Transportation Development Act			
Expenditure	\$48,000		10-00-00-6260
Expenditure	\$237,400		10-00-00-7130
Revenue		\$237,400	10-00-00-4575



## **Attachment A**

By approving staff's recommendations listed in Table 1 (page 4), each department will have an updated expenditure and revenue list to more accurately track projects during the remaining portion of this fiscal year.

### **Conclusion:**

Staff recommends that the City Council adopt the Resolution approving Amendment No. 1 to the Fiscal Year 2017-2018 City of Lemon Grove Consolidated Operating and Capital Budget

RESOLUTION NO. 2017 -

RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING  
AMENDMENTS NUMBER ONE TO THE CITY OF LEMON GROVE'S  
CONSOLIDATED OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2017-  
2018 AND AUTHORIZING EXPENDITURES

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**WHEREAS**, on June 20, 2017, the City Council adopted Resolution No. 2017-3521 approving the Consolidated Operating and Capital Budget for Fiscal Year 2017-18; and

**WHEREAS**, said Budget warrants revision to reflect new information regarding revenue and expenditure projections; and

**WHEREAS**, said Budget warrants revision to reflect actions taken by the City Council since its adoption that affect the budget; and

**WHEREAS**, the City Council has reviewed the proposed revisions.

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

1. Approves Amendment No. 1 to the Fiscal Year 2017-2018 City of Lemon Grove Consolidated Operating and Capital Budget; and
2. Authorizes expenditures thereto.

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**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

Item No. 1.E  
Mtg. Date September 19, 2017  
Dept. Public Works

**Item Title: Reject sole bid for Traffic Signal Maintenance, Emergency Repairs, and Related Construction Services**

**Staff Contact:** Stephanie Boyce, Management Analyst

**Recommendation:**

Adopt a resolution (**Attachment A**) rejecting the sole bid for the Traffic Signal Maintenance, Emergency Repairs and Related Construction Services, Invitation 009-18.

**Item Summary:**

On July 13, 2017, the City of El Cajon, acting as the multi-city procurement lead for the Cities of El Cajon, La Mesa, Lemon Grove and Santee, advertised the Traffic Signal Maintenance, Emergency Repairs and Related Construction Services project. One bid was received on August 10, 2017 from Siemens Industry, Inc. (Siemens).

Siemens did not include Bid Page 73, which provides a listing of the unit item prices for multiple sections of work. This item is required for evaluation purposes, as referenced in the bid specifications: "...In case of discrepancy between the unit price and total set forth for a unit basis item, the unit price shall prevail..." and is required per the Check List included in the specifications to comprise a complete bid.

As stated in the bid specifications, contractors shall have a current Class C-10 – Electrical Contractor license issued by the Contractors State License Board of the State of California. Siemens does not possess a C-10 license and its bid did not list any subcontractor possessing the specific license. For the reasons set forth above, Siemens is non-responsive to the bid specifications.

Staff recommends the City Council adopts a resolution (**Attachment A**) rejecting the bid for the Traffic Signal Maintenance, Emergency Repairs and Related Construction Services, Invitation 009-18. Staff will continue to work cooperatively with the City of El Cajon as it plans to rebid the bid project as soon as possible.

**Fiscal Impact:**

Sufficient funds are allocated in the TransNet Budget for Fiscal Year 2017-2018.

**Environmental Review:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review     | <input type="checkbox"/> Negative Declaration           |
| <input type="checkbox"/> Categorical Exemption, Section 15304 | <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. Resolution

# Attachment A

## RESOLUTION NO. 2017-\_\_\_\_\_

### RESOLUTION OF THE LEMON GROVE CITY COUNCIL REJECTING THE BID FOR THE TRAFFIC SIGNAL, EMERGENCY REPAIRS, AND RELATED CONSTRUCTION SERVICES

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**WHEREAS**, the City of Lemon Grove's current for traffic signal maintenance services expires on December 31, 2017; and

**WHEREAS**, the City of El Cajon, acting as the multi-city procurement lead, advertised the Traffic Signal Maintenance, Emergency Repairs and Related Construction Services project for bid on July 13, 2017; and

**WHEREAS**, one (1) bid was received and publicly opened on August 10, 2017; and

**WHEREAS**, the sole bidder, Siemens industry, Inc. (Siemens), did not include Bid Page 73, required by the Check List to be included in the specifications to comprise a complete bid, which provides a list of the unit item prices for multiple sections of work, and is necessary for evaluation purposes as it is necessary to determine bid prices in the event of discrepancies in the bid; and

**WHEREAS**, the bid specifications also requires contractors to have a current Class C-10 – Electrical Contractor license issued by the Contractors State License Board of the State of California. Siemens does not possess a C-10 license and its bid did not list any subcontractor possessing the specific license; and

**WHEREAS**, for the reasons set forth above, Siemens was deemed non-responsive to the bid specification; and

**WHEREAS**, the City Council finds it in the public interest that the sole bid be rejected and re-bid the project.

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

1. Rejects the sole bid received for the Traffic Signal Maintenance, Emergency Repairs and Related Construction Services, Invitation 009-18 received on August 10, 2017
2. Authorizes the City of El Cajon, acting as the multi-city procurement lead, to re-bid the project.

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**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

Item No. 2  
Mtg. Date September 19, 2017  
Dept. Development Services Department

**Item Title:** City of Lemon Grove Climate Action Plan

**Staff Contact:** Malik Tamimi, Management Analyst

**Recommendation:**

Discuss and provide feedback on the City of Lemon Grove Climate Action Plan as outlined in the staff report (**Attachment A**).

**Item Summary:**

Climate Action Plans (CAPs) are planning documents that outline activities to reduce greenhouse gas (GHG) emissions. The City of Lemon Grove Energy Roadmap (2014), Greenhouse Gas Emissions: Inventories and Forecast (2015), and Climate Action Planning (2016) reports were completed in support of energy efficiency and GHG emissions reductions. The next step is the preparation of the City of Lemon Grove CAP as outlined in the staff report (**Attachment A**). Staff recommends that City Council discuss and provide feedback on the CAP development scope of work.

**Fiscal Impact:**

No fiscal impact other than in-house staff time and grant funding through SANDAG and SDG&E Energy Roadmap Program.

**Environmental Review:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review     | <input type="checkbox"/> Negative Declaration           |
| <input type="checkbox"/> Categorical Exemption, Section 15304 | <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 Staff Report

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date September 19, 2017

Item Title: **City of Lemon Grove Climate Action Plan**

Staff Contact: Malik Tamimi, Management Analyst

### Discussion

Climate Action Plans (CAPs) are comprehensive local planning documents that outline specific activities a local government will undertake to reduce greenhouse gas (GHG) emissions from their community. Major sources of emissions are from transportation, building energy use, solid waste, deforestation and water use. Strategies to reduce emissions typically include efforts to advance energy efficiency, renewable energy, biking, walking, transit, electric vehicles, water conservation, urban forestry, natural light and ventilation, and programs to “reduce, reuse, and recycle” consumer goods. CAP strategies are unique for each community and offer economic, environmental, and public health-related co-benefits.

### Regulatory Background

In 2005, Governor Schwarzenegger issued Executive Order (EO) S-3-05, which set two statewide goals for reducing GHG emissions: return to 1990 GHG levels by 2020, and reduce GHG emissions by 80 percent below 1990 levels by 2050. In 2006, Assembly Bill (AB) 32 set the 2020 GHG reduction target into law and directed the California Air Resources Board (CARB) to prepare a statewide Scoping Plan to detail how the state would attain the 2020 reduction target. In 2007, Senate Bill (SB) 97 created new requirements for GHG emissions to be considered under the California Environmental Quality Act (CEQA). The 2008 Scoping Plan described the key role that local governments play in reducing GHG emissions and recommended that local CAPs include a reduction target of 15 percent below current levels by 2020. The CEQA guidelines were revised to include a definition for a qualified CAP to allow for streamlining for subsequent projects. More recently, EO B-30-15 and subsequently SB 32 (2016) set a new GHG reduction target to reduce emissions 40 percent below 1990 levels by 2030, and AB 197 (2016) directed CARB to prepare an updated Scoping Plan to 2030.

### City of Lemon Grove Energy Roadmap

In December of 2014, the City of Lemon Grove completed a comprehensive energy management plan known as the City of Lemon Grove Energy Roadmap (Energy Roadmap). The Energy Roadmap was prepared through the San Diego Association of Governments (SANDAG) Energy Roadmap Program in consultation with City of Lemon Grove staff and San Diego Gas & Electric (SDG&E). The plan provides a framework for the City of Lemon Grove to identify strategies to save energy in government operations and in the community, resulting in municipal cost savings and benefits to the environment. The plan focused on cost-effective opportunities to save electricity, natural gas, and transportation fuel.

The City of Lemon Grove has already undertaken a number of actions related to energy savings, smart growth and sustainability. Through the Energy Efficiency and Conservation Block Grant (EECBG) program, Lemon Grove was awarded \$132,374 and completed energy efficient street light conversions that upgraded streetlights and reduced municipal utility bills. In 2014, the City was recognized for its smart growth redevelopment of the Main Street Promenade, receiving “Project of the Year” by the local chapter of the American Public Works Association.

# Attachment A

## Greenhouse Gas Inventory

Through the City of Lemon Grove's participation in the Energy Roadmap Program, the City was able to apply and was awarded a grant from the SDG&E Emerging Cities Program (ECP) in 2014 to develop a GHG emission inventories and forecast report. The 2015 report presents the GHG emissions for the community of Lemon Grove for the years 2010, 2011, 2012, and 2013, and a forecast of likely emissions in 2020 as prepared by the University of San Diego Energy Policy Initiatives Center (EPIC). The inventories and forecast presented in the report represented the first comprehensive accounting of the City's resource use and associated GHG emissions. The City's emissions were relatively stable from 2010 to 2013, increasing by less than 2% over the four-year period. The City's emissions are largely from electricity (36%), transportation (28%), and natural gas (22%) sources, with other emissions sources including solid waste (9%), water (4%), and wastewater (1%). Future emissions are expected to increase 6% from 2010 levels by 2020. The proportion of emissions from electricity (38%), solid waste (10%) will increase while the proportion of emissions from transportation will decrease (24%) and natural gas emissions will continue to account for 22%. The Proportion of emissions attributed to water and wastewater will also remain the same at 4% and 1%, respectively.

## Sage Project

In 2016, the City of Lemon Grove partnered with the Sage Project and San Diego State University on the topic of climate action planning. The Sage Project is part of the Educational Partnerships for Innovation in Communities Network that enables students through their course work to engage in meaningful real-world projects working with local government. This partnership resulted in the development of the Lemon Grove Climate Action Planning report intended to help guide the City in the development of a future CAP. The report used the United Nations Human Settlements Programme or UN-Habitat Toolkit "*Guiding Principles for City Climate Action Planning*". The City of Lemon Grove would be the first city in the United States to utilize this toolkit that takes on a holistic approach to climate action planning. The toolkit guiding principles include ambitious, inclusive, fair, comprehensive and integrated, actionable, evidence-based, and transparent and verifiable goals. The Sage Project presented the Lemon Grove Climate Action Planning report to the City of Lemon Grove City Council on July 18, 2017.

## SANDAG Technical Support

The outcome of the cumulative efforts that resulted in the completion of the Energy Roadmap, GHG Emissions Inventories and Forecast, and Sage Project Climate Action Planning report made the City of Lemon Grove eligible for additional technical support from SANDAG. Through the Energy Roadmap Program, SANDAG offers energy engineering and climate planning assistance at no-cost to the City of Lemon Grove and other member agencies to save energy in government operations and the community. The Energy Roadmap Program is currently funded through 2020 by a Local Government Partnership with SDG&E. SANDAG supplements the SDG&E funding, which is restricted to energy efficiency-related activities, to offer comprehensive climate planning services to member agencies such as the City of Lemon Grove. SANDAG has two consultants under contract that provide the climate planning assistance.

# Attachment A

SANDAG staff has coordinated with City of Lemon Grove staff to prepare a scope of work for CAP development that would include the following tasks:

1. Review and refinement of existing 2013 GHG emissions inventory and forecasts prepared in 2015 in partnership with SDG&E.
2. Quantitative analysis of GHG reduction measures, including guidance on establishing GHG reduction targets.
3. Climate Action Plan development following the UN-Habitat *Guiding Principles for City Climate Action Planning*.
4. Implementation Plan, including identification of key actions, costs, relevant parties, funding sources, and/or timeline for each GHG reduction measure.
5. Community engagement activities including a community workshop, outreach materials, and presentations to City Council and stakeholder groups.

The timeline for the CAP development scope of work spans approximately one year after project kickoff. Throughout the process, the consultants will work closely with City staff to ensure the CAP is in alignment with other City planning efforts such as the General Plan Update. Preparing the CAP in tandem with the General Plan Update will be advantageous by providing a plan for GHG reductions that can help reduce GHG impacts from a General Plan Update and allowing for CEQA streamlining for future projects. This is known as a qualified CAP and would be held to a high standard for enforceability. The CAP must have an accompanying environmental document and for CEQA streamlining, a consistency checklist for development projects. The CAP will be incorporated into the General Plan Update and the Program Environmental Impact Report (EIR) which has been contracted to be prepared by DUDEK and Associates and will analyze both the CAP and the General Plan Update at the same time.

## **Prerequisite for SANDAG Grants**

It is worth noting that when SANDAG adopted San Diego Forward: The Regional Plan in 2015, its EIR included mitigation measures to reduce the impacts of the plan on GHG emissions. One of the mitigation measures requires SANDAG to update eligibility criteria for the *TransNet* Smart Growth Incentive and Active Transportation Grant Programs to make an adopted CAP a prerequisite for a local jurisdiction to receive funding. The City of Lemon Grove is a recipient of the aforementioned grants. The next call for projects for these programs is planned for December 2017 when over \$30 million is anticipated to be available to member agencies for planning and capital grants and the City will be in a good position to receive funding because the City has met its Regional Housing Needs Assessment (RHNA).

## **Recommendation**

Staff recommends that the City Council discuss and provide feedback on the CAP development scope of work.



LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY

Item No. 3  
Mtg. Date September 19, 2017  
Dept. Development Services Department

**Item Title:** Public Appeal to Consider Appeal No. AA1-700-0004 Regarding the Denial of Zoning Clearance No. ZC1-700-0016 Continued from August 15, 2017; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 6915 North Avenue in the General Commercial Zone.

**Staff Contact:** David De Vries, Development Services Director

**Recommendation:**

1. Continue the public hearing from August 15, 2017; and
2. Adopt a Resolution (**Attachment B**) upholding the Development Services Director's determination to deny ZC1-700-0016, a request to apply for a conditional use permit to establish a medical marijuana dispensary at 6915 North Avenue in the General Commercial Zone.

**Item Summary:**

On June 13, 2017, the Development Services Director (Director) denied Zoning Clearance Application No. ZC1-700-0016, a request to establish a medical marijuana dispensary (MMD) on a 0.53 acre shopping center property located at 6915 North Avenue. The application was denied because the proposed MMD would be at a property located within 1,000 feet of three State-licensed family daycares. The City of Lemon Grove obtained a confidential list of family daycare homes from the Department of Social Services (DSS), subject to the provision that the list be kept confidential. The appellant, Mr. Christopher O. Williams, subsequently filed an appeal and request for public hearing, stating the licensed daycare home location was not disclosed and therefore the applicant has not been put on notice for the reason for denial. Also, the appellant's attorney believes the separation requirements do not apply and has provided different reasons (**Attachment G**). Staff's response to the appellant and their attorney's statements and DSS confidentiality requirements related to family daycare homes are provided herein (**Attachment A**). This public hearing was continued from August 15, 2017.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

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

**Attachments:**

- A. Staff Report
- B. Resolution of Denial
- C. Lemon Grove Municipal Code Section 17.32.090
- D. Draft City of Lemon Grove Medical Marijuana Zoning Map
- E. ZC1-700-0016 Application Form
- F. Staff Denial Letter for ZC1-700-0016
- G. AA1-700-0004 Appeal Form and Appellant's Counsel's Opinions (updated)
- H. Map Showing Distance Between Uses
- I. Staff Acknowledgment Letter for AA1-700-0004
- J. Excerpt from DSS Frequently Asked Questions Publication
- K. Information Request Letter from City to DSS, dated February 9, 2017
- L. Response Letter from DSS to City dated February 21, 2017
- M. Staff Pictures of 7106 Westview Place slope

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 3  
Mtg. Date September 19, 2017

**Item Title:** Public Appeal to Consider Appeal No. AA1-700-0004 Regarding the Denial of Zoning Clearance No. ZC1-700-0016 Continued from August 15, 2017; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 6915 North Avenue in the General Commercial Zone.

**Staff Contact:** David De Vries, Development Services Director

### **Background:**

This appeal hearing was scheduled for the August 15, 2017 City Council meeting. At the public hearing, the hearing was continued by the City Council to September 19, 2017 at the applicant's request.

In November 2016, voters in the City of Lemon Grove passed Measure V, an initiative removing the City's prohibition of medical marijuana dispensaries (MMDs) and establishing performance standards and a permit process by which MMDs may be established. Measure V was subsequently codified in Chapter 17.32 of the Lemon Grove Municipal Code (**Attachment C**). The permit process for MMDs requires approval of a conditional use permit (CUP), and the performance standards prohibit MMDs on properties within 1,000 feet of certain protected uses, including licensed daycare facilities. See Lemon Grove Municipal Code Section 17.32.090.

In order to identify and map the location of protected uses, staff relied upon on a variety of resources including, but not limited to, the website for the California Department of Social Services (DSS), which is the licensing agency for daycare throughout the State of California. As part of this research, staff discovered that DSS does not disclose the addresses of licensed family daycare homes to the general public. Such uses are conducted in private residential settings where there is an expectation of privacy and where the dissemination of such information is restricted by law. This policy is explained in the DSS Frequently Asked Questions publication (**Attachment J**). Based on a request from the City, DSS staff supplied a list of family daycare homes and their addresses to the staff at the City of Lemon Grove, provided that City staff would not disclose the list to the general public (**Attachments K and L**). To provide the public with a map identifying potential locations for MMDs, while protecting the locations of family daycare homes, City staff created a draft map with 1,000 foot buffers around the parcels where known protected uses are located. Staff then made those buffers opaque to obscure the underlying parcel geography (**Attachment D**).

On March 7, 2017, staff presented a report to City Council describing the recommended draft review procedures and draft conditions of approval for requests to establish MMDs. Staff also presented the draft Medical Marijuana Zoning Map it had created. The review procedures include using the Zoning Clearance (ZC) process as the initial step in screening and reviewing of MMD applications. Complete ZC applications for sites which meet the zoning criteria and distance restrictions described in LGMC Chapter 17.32 and which include all required application materials will be deemed complete, and the applicants may then submit for CUP approval by the City Council. ZC applications for sites that do not meet the specified criteria are denied by staff. Staff's decision to deny any application is subject to appeal to the City Council, pursuant to LGMC Section 17.28.020(I).

On June 1, 2017, the appellant filed ZC1-700-0016, an application to apply for a conditional use permit to establish a MMD at the subject property (**Attachment E**). Prior to accepting the

## Attachment A

application, staff checked the location of the project site on the Draft Medical Marijuana Zoning Map and determined it was ineligible for a dispensary. Staff then informed the appellant that the proposed project site was within 1,000 feet of a protected use, and therefore staff would have no option but to deny the ZC application.

The appellant chose to file the ZC application despite staff's admonishment, and on June 13, 2017, the Development Services Director denied ZC1-700-0016 (**Attachment F**). On June 21, 2017, the appellant filed AA1-700-0004, an administrative appeal of the Director's decision (**Attachment G**). The appeal states "The denial letter does not state the licensed daycare home and therefore has not put the applicant on notice for the reason for denial. Further, however, the applicant will provide additional details once the specific sensitive use has been identified by the City." Also included in this attachment is the opinion of the appellant's attorney submitted on June 1, 2017.

On July 25, 2017, staff contacted the three family daycare home operators via a phone call and written letter and informed them that their locations would be disclosed to the appellant. One of the daycare operators informed staff that an employee stated they had been contacted by a third party regarding the daycare operations at the subject property in order to facilitate the establishment of a dispensary. On this same day, staff sent a letter to the appellant acknowledging receipt of the appeal, informing him that the appeal hearing date would be August 15, 2017, and advising him to submit any additional information he wished to provide prior to the hearing (**Attachment I**). In the same letter, out of an abundance of caution and in order to provide a full and open opportunity for the appellant to understand the reason staff denied the zoning clearance permit, and to allow the appellant to respond accordingly, staff disclosed that the protected use affecting the subject property were three licensed family daycare facilities located 853 feet southeast of the subject property with the address of the facilities provided. See the attached exhibit prepared by staff depicting the location of the site in relation to the licensed daycare facilities (**Attachment H**).

On August 14, 2017, the City Council received a letter (**included in Attachment G**) from the appellant's attorney, Ms. Gina Austin, that was added to the public record for the August 15, 2017 public hearing. Ms. Austin states that the slope and barbed wire west of the family daycares that are within 1,000 feet of the subject property are significant natural and constructed barrier. It's important to note that the slope and the fence are almost entirely on the daycare property based on GIS research. The daycares are located in a residential zone and barbed wire is prohibited in residential zones. If we were to receive a complaint regarding barbed wire at the daycare property, they would be in code enforcement receiving citations and fines until all of the barbed wire is removed. Also, during a site visit on August 14, 2017, the daycare operator in one of the units affirmed they are a licensed daycare and attested to the other two facilities also being in operation. The operator I spoke with also said that prior to the barbed wire being constructed, people would go up and down the slope regularly to avoid going all the way around along Massachusetts Ave. That same day, I walked up and down the slope to affirm the feasibility of access on the slope and found no difficulties going either direction (pictures are included in **Attachment M**). Lastly, on page 4 of Ms. Austin's letter, Ms. Austin contests that that they hired a private investigator, but the investigator contests that there are no children or signs of a daycare present at a facility located at 7103 Westview Place which is not the address where the daycare operations are located.

As of September 13, 2017, no additional information has been received.

### Discussion:

The purpose of this appeal is to determine whether a MMD is allowed to proceed with a conditional use permit application based on a determination that the subject property is within 1,000 feet of a

## Attachment A

protected use, in this instance a licensed daycare facility. Staff contends that it has discovered appropriate evidence and made appropriate measurements to justify that there is a licensed daycare facility within 1,000 feet of the subject property. The appellant contends that the subject property is not within 1,000 feet of the protected uses, but later contends that there are significant barriers between the daycares that are located within 1,000 feet of the subject property.

As stated above, City staff contacted the State to obtain information about the location of each licensed family daycare home. Under the Public Records Act ("PRA"), the City is bound to protect information forwarded under these conditions. The relevant PRA section states as follows:

### **Government Code Section 6254.5. [Excerpts only]**

Notwithstanding any other law, if a state or local agency discloses a public record that is otherwise exempt from this chapter, to a member of the public, this disclosure shall constitute a waiver of the exemptions specified in Section 6254 or 6254.7, or other similar provisions of law. For purposes of this section, "agency" includes a member, agent, officer, or employee of the agency acting within the scope of his or her membership, agency, office, or employment. ...

This section, however, shall not apply to disclosures: ...

(e) Made to a governmental agency that agrees to treat the disclosed material as confidential. **Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes that are consistent with existing law.**

Typically, once a confidential record is disclosed, the disclosure constitutes a waiver of the privilege to keep the record confidential. However, there is a specific exemption when confidential records are shared between agencies. The City is bound by the State's confidentiality request. The State of California only agreed to share its list of licensed family daycare homes, on the condition that the City keep the list confidential. The City does not have the right to turn over the licensed daycare list to any person, however, individual daycare operations may be disclosed out of an abundance of caution and in order to provide a full and open opportunity for the appellant to understand the reason staff denied the zoning clearance permit, and to allow the appellant to respond accordingly.

Notwithstanding the confidentiality of the information shared with the City by DSS, applicants may have options in locating family daycare homes including: 1) canvassing their proposed location for other businesses which may prohibit their siting; 2) conducting internet research regarding daycare facilities that advertise on the internet; and 3) phoning DSS regarding daycare facilities in their community.

Regarding natural and constructed barriers, Measure V states "measurement is made between the closest property lines of the premises in which the regulated uses and protected uses are located." Measure V further states "the measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access." Measure V only references freeways and flood control channels as examples of constructed barriers. A freeway is defined as "an express highway, especially one with controlled access." Flood control is defined as "the act or technique of controlling river flow with dams, dikes, artificial channels, etc., so as to minimize the occurrence of floods." Staff

## Attachment A

contends that these constructed barriers only include major linear obstructions traversing for miles where pedestrian access is prohibited or severely limited and staff further contends that a minor slope that is accessible to pedestrians and constructed barriers like fences and unpermitted barbed wire are not constructed barriers in accordance with Measure V.

### **Public Information:**

The Notice of Public Hearing for this item was published in the August 3, 2017 edition of The East County Californian, and mailed to all property owners within 500 feet of the subject property.

As of September 13, 2017, the City has received no responses to the Notice of Public Hearing. At the time of the public hearing, staff will provide the City Council with any additional written comments that may be received after distribution of the staff report.

### **Conclusion:**

Staff recommends that the City Council conduct a public hearing and adopt a Resolution (**Attachment B**) upholding the Development Services Director determination to deny ZC1-700-0016, and denying a request to apply for a conditional use permit to establish a MMD at 6915 North Avenue.

### RESOLUTION NO.

#### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE UPHOLDING THE DEVELOPMENT SERVICES DIRECTOR'S DETERMINATION TO DENY A REQUEST TO APPLY FOR A CONDITIONAL USE PERMIT TO ESTABLISH A MEDICAL MARIJUANA DISPENSARY AT 6915 NORTH AVENUE (ZC1-700-0016), LEMON GROVE, CALIFORNIA**

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**WHEREAS**, on November 8, 2016, voters in the City of Lemon Grove passed Measure V, an initiative removing the City's prohibition of medical marijuana dispensaries and establishing performance standards and a permit process by which medical marijuana dispensaries may be established; and

**WHEREAS**, Measure V includes the adoption of Lemon Grove Municipal Code Chapter 17.32 which prohibits the establishment of medical marijuana dispensaries within 1,000 feet of certain protected uses, including schools and licensed daycare facilities; and

**WHEREAS**, Measure V states "measurement is made between the closest property lines of the premises in which the regulated uses and protected uses are located." Measure V further states "the measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access." Measure V only references freeways and flood control channels as examples of constructed barriers. A freeway is defined as "an express highway, especially one with controlled access." Flood control is defined as "the act or technique of controlling river flow with dams, dikes, artificial channels, etc., so as to minimize the occurrence of floods." Examples of constructed barriers only include major linear obstructions traversing for miles where pedestrian access is prohibited or severely limited; and

**WHEREAS**, City staff requested and obtained a confidential list of licensed family daycare homes from the California Department of Social Services; and

**WHEREAS**, in order to obtain the confidential list of family daycare homes, City of Lemon Grove staff agreed to keep the information confidential; and

**WHEREAS**, on March 13, 2017, the City received a confidential list from the California Department of Social Services noting at least three such facilities are within 1,000 feet of 6915 North Avenue; and

**WHEREAS**, on June 1, 2017, after being informed verbally by City staff that the subject property was within 1,000 feet of a licensed daycare facility, and that submittal of a zoning clearance application would result in a denial, the appellant (Christopher O. Williams) filed ZC1-700-0016, an application to apply for a conditional use permit to establish a MMD at 6915 North Avenue, Lemon Grove, CA; and

**WHEREAS**, on June 13, 2017, the Development Services Director denied ZC1-700-0016 because the proposed project site is located within 1,000 feet of a State-licensed daycare facility; and

**WHEREAS**, on June 21, 2017, the appellant filed an administrative appeal of the Director's decision (AA1-700-0004), stating that the denial letter does not state the licensed daycare home and therefore has not put the applicant on notice for the reason for denial there are no schools or licensed day care facilities within 1,000 feet of the subject property; and

## Attachment B

**WHEREAS**, Government Code Section 6254.5(e) specifically exempts government agencies from the requirement to disclose confidential information that was shared between agencies under an agreement to maintain the confidentiality of said information; and

**WHEREAS**, City staff disclosed in writing the address of the three existing daycare facilities on July 25, 2017 as evidenced by the letter attached to the Agenda Item Summary as Attachment "I"; and

**WHEREAS**, the appellant has failed to show that their facility is greater than 1,000 feet from three California-licensed daycare facilities; and

**WHEREAS**, on August 14, 2017, the Development Services Director walked up and down the slope west of the daycare property within 1,000 of 6915 North Ave.; and

**WHEREAS**, barbed wire is not a permissible fence material in the Residential Medium/Zone in accordance with Section 17.24.050 of the Municipal Code; and

**WHEREAS**, a minor slope that is accessible to pedestrians and constructed barriers like fences and unpermitted barbed wire are not constructed barriers in accordance with Measure V; and

**WHEREAS**, on August 15, 2017, the City Council held a duly noticed public hearing to consider AA1-700-0004, an appeal of the Development Services Director's determination to deny ZC1-700-0016 and at the request of the applicant, the City Council continued the public hearing to September 19, 2017; and

**WHEREAS**, on September 19, 2017, the City Council held a continued public hearing to consider AA1-700-0004, an appeal of the Development Services Director's determination to deny ZC1-700-0016; and

**WHEREAS**, the appeal of this determination is not a project and is not subject to the environmental review requirements of the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, INCORPORATING THE ABOVE STATEMENTS HEREIN, BE IT RESOLVED** that the City Council of the City of Lemon Grove hereby:

1. Denies Christopher O. Williams' Administrative Appeal No. AA1-700-0004 based on the above-findings; and
2. Upholds the Development Services Director's June 13, 2017 determination to deny Zoning Clearance No. ZC1-700-0016, a request to apply for a conditional use permit to operate a medical marijuana dispensary, at 6915 North Avenue, Lemon Grove, CA.

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### 17.32.090 Medical marijuana dispensary regulations.

A. *Zones.* *Dispensaries* may be established by conditional use permit in the heavy commercial (HC), limited commercial (LC), general commercial (GC) and light industrial (LI) zones and subject to the distance requirements. *Dispensaries* are prohibited in mixed-use zones (Downtown Village Specific Plan and Central Commercial) and all residential zones (RLM, RL, RM, RMH).

B. *Distance Requirements.* An application may be submitted provided the proposed facility meets the required distance measurements. For purposes of measurements, all *dispensaries* are considered *regulated uses* and public parks as defined at Section 12.20.030 of Lemon Grove Municipal Code, playgrounds as defined at Section 18.28.020, subdivision (v), of the Lemon Grove Municipal Code, licensed day care facilities as defined at Section 17.08.030 of Lemon Grove Municipal Code, schools as defined at California Health and Safety Code Section 11362.768, subdivision (h), and alcohol and substance abuse treatment centers are considered *protected uses*. Measurement is made between the closest property lines of the *premises* in which the *regulated uses* and *protected uses* are located. A regulated use must not be:

1. Within one thousand feet of any other regulated use which is located either inside or outside the jurisdiction of the city,
2. Within one thousand feet from any protected use which is located either inside or outside the jurisdiction of the city.

The measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

C. *Standards.*

1. *Background Check Required for Directors and Employees.* The *director* and employees of a *dispensary* must obtain a LiveScan background check through the California Department of Justice or the San Diego County sheriff's department prior to employment. *Directors* convicted of a serious felony, as defined in California Penal Code Section 1192.7, subdivision (c), and Health and Safety Code Section 11359 (Possession for sale) within the previous ten years shall not be eligible for a license. Other potential collective employees and volunteers convicted of the crimes identified in this section in the previous five years are ineligible for employment or participation. If during employment with the *dispensary*, a *director* or employee is convicted of a crime identified in this section shall be immediately dismissed from employment or required to resign as a corporate board member or officer. For purposes of this section, a conviction in another state that would have been a conviction equivalent under California law to those convictions specified in this section will disqualify the person from employment or volunteering at the *dispensary*.

2. *Security Personnel Required.* *Dispensaries* shall have at least one uniformed security guard on duty during operating hours that possess a valid Department of Consumer Affairs "Security Guard Card."

3. *Community Relations Liaison Required.* *Dispensaries* shall designate a community relations liaison (liaison) who shall be at least eighteen years of age. The liaison may also be the *director* of the *dispensary*. To address community complaints or operational problems with the *dispensaries*, the individual designated as the community relations liaison shall provide his or her name, phone number and email address to the following:

- a. Lemon Grove city manager;

## Attachment C

b. San Diego County sheriff's department personnel supervising law enforcement activity in Lemon Grove;

c. All neighbors within one hundred feet of the *dispensary*.

4. Inspection of *Premises*. City code enforcement officers, San Diego sheriff's department staff, and any other employee of the city requesting admission for the purpose of determining compliance with the standards set forth in this section shall be given access to the *premises*. City and sheriff staff shall not retain information pertaining to individual patient records viewed during an inspection, and information related to individual patients shall not be made public. Inspectors will give reasonable notice of a scheduled inspection. Unannounced inspections of a *dispensary* may occur if city or sheriff's department staff have probable cause that the collective is violating the law.

5. Inspection Requirements. In order to facilitate verification that a *dispensary* operates pursuant to state and local laws, the following records must be maintained at the *premises* at all times and available for inspection by city code enforcement officers, San Diego sheriff's department staff, and any other employee of the city:

a. Client Records. The *dispensary* shall keep a record of its clients. The record shall include the following and shall be maintained for a two-year period:

i. *Qualified patient* member's name, name of *primary caregiver* when appropriate, and name of *licensed physician* recommending use of *medical marijuana* for the member.

b. *Medical marijuana* Records. *Dispensary* shall keep a record of its *medical marijuana* transactions. The following records shall be maintained for a two-year period and labeling shall occur as specified:

i. A record identifying the source or sources of all *medical marijuana* currently on the *premises* or that has been on the *premises* during the two-year period preceding the current date. The record shall include the name of the cultivator or manufacturer and the address of the cultivation or manufacturing location.

ii. All *medical marijuana* at the *premises* must at all times be physically labeled with information that will allow for identification of the source of the *medical marijuana*.

iii. All *medical marijuana* at the *premises* shall be physically labeled with the monetary amount to be charged.

c. Financial Records. *Dispensary* shall maintain records of all transactions involving money and/or *medical marijuana* occurring at the *premises*. Records shall be maintained for a two-year period preceding the current date.

~~d. Employee Records. *Dispensary* shall maintain a record of each employee/volunteer and *director*. The record shall include name and background check verification. Records shall be maintained for a two-year period following the end of an employee's employment or *director's* relationship with the *dispensary*.~~

6. *Operations manual*. The application for a conditional use permit shall include a detailed *operations manual* including, but not necessarily limited to, the following information:

a. Authorization for the city, its agents and employees, to seek verification of the information contained within the application;

b. A description of the staff screening process including appropriate background checks;

c. The hours and days of the week the *dispensary* will be open;

## Attachment C

- d. Text and graphic materials showing the site, floor plan and facilities of the *dispensary*. The material shall also show adjacent structures and land use;
- e. A description of the security measures located on the *premises*, including, but not limited to, lighting, alarms, and automatic law enforcement notification;
- f. A description of the screening, registration and validation process for *qualified patients*;
- g. A description of *qualified patient* records acquisition and retention procedures;
- h. The process for tracking *medical marijuana* quantities and inventory controls employed, including the source of *medical marijuana* (on-site cultivation, processing, or plant material, or processed products, received from outside sources);
- i. Procedures to ensure accurate record keeping, including protocols to ensure that quantities purchased do not suggest re-distribution;
- j. Other information required by the development services director.

7. Operating Standards. *Dispensaries* shall comply with all of the following operating standards. In addition to these standards, the *dispensaries* shall comply at all times with conditions outlined in the approved conditional use permit and the operational manual.

- a. Dispensing *medical marijuana* to an individual *qualified patient* or *primary caregiver* more than once a day is prohibited;
- b. *Dispensaries* shall only dispense *medical marijuana* to an individual *qualified patient* or *primary caregiver* who has a valid, verified *licensed physician's* recommendation, and if appropriate, a valid *primary caregiver* designation. The *dispensary* shall verify that the *licensed physician's* recommendation is current and valid;
- c. On-site evaluation by a *licensed physician* for the purposes of obtaining a qualified status is prohibited;
- d. *Dispensaries* shall display the client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the *dispensary*. The client rules and/or regulations shall include, but are not limited to:
  - i. Each building entrance to a *dispensary* shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming *medical marijuana* on the *premises* or in the vicinity of the *dispensary* is prohibited unless specifically authorized within the governing conditional use permit.
  - ii. The building entrance to a *dispensary* shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen are precluded from entering the *premises*.
  - iii. The hours of operation for an authorized *dispensary* shall be limited to between eight a.m. to eight p.m. or as specified within the conditional use permit.
  - iv. *Dispensaries* shall not permit the use or consumption of *medical marijuana* on-site unless specifically authorized under the conditional use permit.
  - v. *Dispensaries* shall not permit the on-site display of unprocessed marijuana plants or representations of marijuana plants in any areas visible to the public;
  - vi. All signage for *dispensaries* shall require a sign permit from the city prior to installation. Signage shall not include any terminology (including slang) or symbols for marijuana.

## Attachment C

vii. *Dispensaries* shall only permit the distribution of *medical marijuana* plant material and *medical marijuana* manufactured products from licensed sources as allowed by the approved conditional use permit. Such distribution shall be limited to *qualified patients* or *primary caregiver*;

e. *Dispensaries* shall maintain on the *premises* an on-site training curriculum capable of meeting employee, agents and volunteer training needs. The minimum training curriculum shall include professional conduct, ethics, and state and federal laws regarding patient confidentiality; specific procedural instructions for responding to an emergency, including robbery or violent incident.

f. *Dispensaries* shall maintain all necessary permits, and pay all appropriate taxes. *Dispensaries* shall also provide invoices to cultivators and manufacturers to ensure tax liability responsibility;

g. *Dispensaries* shall implement procedures as outlined in their approved *operations manual*;

h. *Dispensaries* shall submit an “annual performance review report” for review and approval by the development services director. The “annual performance review report” is intended to identify effectiveness of the approved conditional use permit, *operations manual*, and conditions of approval, as well as any proposed modification to procedures as deemed necessary. The development services director may review and approve amendments to the approved “*operations manual*”; and the frequency of the “annual performance review report.” *Medical marijuana* cultivation and dispensing monitoring review fees pursuant to the current Master Fee Schedule shall accompany the “annual performance review report” for costs associated with the review and approval of the report.

i. *Dispensaries* shall maintain twenty-four-hour recorded video surveillance of the *premises*. Recordings shall be retained for thirty days for inspection by city staff. City staff must provide valid cause for viewing video surveillance. City staff must ensure that patient privacy is safeguarded. Video surveillance will not be shared with law enforcement except when formally requested as part of a law enforcement investigation directly involving the *dispensary*.

j. Sales of alcoholic beverages are prohibited.

k. Sales of tobacco and tobacco products are prohibited.

l. Sales of drug paraphernalia are prohibited.

m. The location of the *dispensary* shall include the installation of a centrally monitored alarm system

n. Lighting shall be installed to adequately light the exterior and interior of the *dispensary premises* while in conformance with Section 17.28.080.

8. Source of *Medical marijuana*. A *dispensary* shall only dispense marijuana from the following sources and this information shall be included in the *operations manual*:

a. On-Site Cultivation for Authorized *Dispensary*. If the conditional use permit authorizes limited, on-site *medical marijuana* cultivation at the *dispensary*, on-site cultivation shall be considered an accessory use and shall not exceed twenty-five percent of the *dispensaries*’ total floor area and in no case exceed one thousand five hundred square feet. In addition to these area limitations, the accessory use shall conform to the specific zone regulations, Section 17.24.060 Accessory Buildings and Uses, Section 17.32.100 of this title, and applicable Building and Fire Codes. The *operations manual* shall include information regarding the on-site cultivation including, but not limited to:

i. Description of measures taken to minimize or offset energy use from the cultivation or processing of *medical marijuana* on-site; and

ii. Description of chemicals stored or used; and




## Attachment C

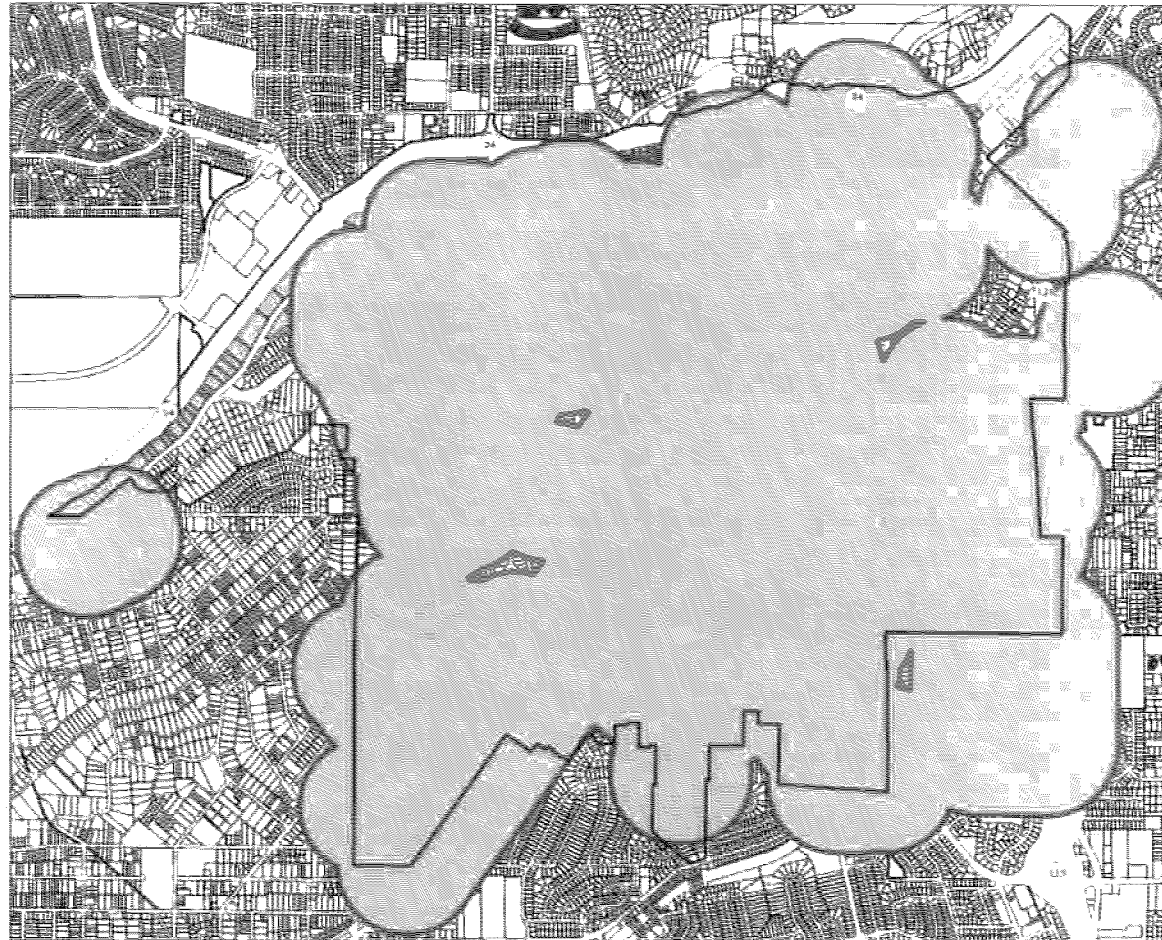
iii. Description of any effluent discharged into the city's wastewater and/or stormwater system;

b. Licensed External Source. Until one year following the date when the California State Bureau of Medical Marijuana Regulation begins accepting applications for licenses, or sooner, if such a deadline is set by the Bureau, *dispensaries* shall source their *medical marijuana* from cultivators and manufacturers that have obtained a local business license or equivalent document showing that the organization is operating in zoning and regulatory compliance from another jurisdiction for the *medical marijuana* cultivation or manufacturing. One year from the date that the California State Bureau of Medical Marijuana Regulation begins accepting applications for licenses, or sooner, if such a deadline is set by the Bureau, all sources of *medical marijuana* or *medical marijuana* products sold in a *dispensary* must also have a state license for their *medical marijuana* activities. (Ord. 443 § 1, 2016)

# Draft Lemon Grove Medical Marijuana Dispensary Zoning

## Legend

-  Lemon Grove Boundary
-  Zones Permitting Dispensaries (With Approved CUP)
-  1,000 Foot Buffer Around Protected/Regulated Uses (Dispensaries Prohibited Inside the Buffer)

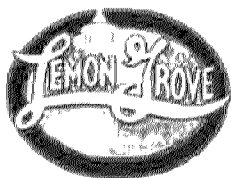


## NOTES

1. This map may not include all protected uses, specifically those in surrounding jurisdictions.
2. To ensure privacy for family day care homes, this map intentionally obscures the exact locations of protected uses.
3. Map last updated on July 5, 2017.



0 1,000 2,000 Feet



## PLANNING PERMIT APPLICATION

Development Services Department / Planning Division  
 3232 Main Street, Lemon Grove, CA 91945  
 Phone: 619-825-3805 Fax: 619-825-3818  
 www.lemongrove.ca.gov

CITY OF LEMON GROVE  
 DEVELOPMENT SERVICES  
 JUN 10 2013

### APPLICATION REQUEST- SELECT ALL THAT APPLY - (SUBJECT TO OTHER PERMIT REQUIREMENTS)

<input checked="" type="checkbox"/> Zoning Clearance (ZC)	<input type="checkbox"/> Tentative Parcel Map (TPM) - 4 or fewer lots
<input type="checkbox"/> Pre-Application (PA)	<input type="checkbox"/> Certificate of Compliance (CC)
<input type="checkbox"/> Minor Use Permit (MUP)	<input type="checkbox"/> Zoning Amendment (ZA)
<input checked="" type="checkbox"/> Conditional Use Permit (CUP)	<input type="checkbox"/> Specific Plan Amendment (SPA)
<input type="checkbox"/> Planned Development Permit (PDP)	<input type="checkbox"/> General Plan Amendment (GPA)
<input type="checkbox"/> Minor Modification (MM)	<input type="checkbox"/> Modification of _____
<input type="checkbox"/> Variance (VA)	<input type="checkbox"/> Time Extension for _____
<input type="checkbox"/> Boundary Adjustment/Lot Merger (BA)	<input type="checkbox"/> Appeal of _____
<input type="checkbox"/> Tentative Map (TM) - 5 or more lots	<input type="checkbox"/> Substantial Conformance Review of _____
<input type="checkbox"/> Other _____	

<b>APPLICANT:</b>	Christopher O'Neal Williams	<b>PHONE:</b>	(619) 847-8284
<b>ADDRESS:</b>	6257 Thorn St	<b>FAX:</b>	
	San Diego, CA 92115	<b>EMAIL:</b>	chris@xmmedia.com

<b>PROPERTY OWNER:</b>	MATTAR FAMILY TRUST OF 1950	<b>PHONE:</b>	619-688-9978
<b>ADDRESS:</b>	4395 Alta Mira Dr.	<b>FAX:</b>	
	La Mesa CA. 91941	<b>EMAIL:</b>	

<b>CONTACT PERSON:</b>	Abhay Schweitzer	<b>PHONE:</b>	(619) 940-5814
<b>ADDRESS:</b>	3956 30th Street	<b>FAX:</b>	
	San Diego, CA 92104	<b>EMAIL:</b>	abhay@techne-us.com

\*If applicant or property owner is a trust, partnership, or corporation, please attach record(s) of ownership listing all trustees, partners, or officers, as applicable.

**PROJECT NAME:** NORTH AVE. MMD

**PROJECT ADDRESS:** 6915-35 North Ave, Lemon Grove, CA. 91945

**ASSESSOR PARCEL #:** 479-013-03-00 **SITE ACREAGE:**

### DETAILED DESCRIPTION OF PROPOSED PROJECT USE, STRUCTURE, AND IMPROVEMENT:

The proposed project consists of an existing single story commercial building with an approximate square footage of 2,156 sf., to be converted into a Medical Marijuana Dispensary located at 6915-35 North Ave., Lemon Grove CA. 91945.

The scope of the project is to include interior remodel of the existing structure with non-structural and non-loadbearing walls;

Site modifications to include parking lot re-stripping, pedestrian access from the parking lot and existing right of way, and miscellaneous site improvements such as lighting, fencing and security cameras

2017-0016

Rev. November 2015

# Attachment E

## APPLICANT CERTIFICATION:

I hereby certify that the statements furnished in this application and in the supplemental materials present the data and information required for this project to the best of my ability and that the facts, statements and information presented are true and correct to the best of my knowledge. In addition, I grant permission to the City of Lemon Grove to reproduce submitted materials, including but not limited to plans, exhibits, photographs, and studies for distribution to staff, Planning Commission, City Council and other agencies in order to process this application.

Signature: [Signature] Date: 11/10/2015  
Name (please print): Christopher A. Ham Phone: 619-441-1801

## CONSENT BY PROPERTY OWNER

If applicant is other than property owner, owner must sign consent to filing. Attach additional sheets if necessary. If property owner is a corporation or trust, a designee authorization letter is required.

I/We, as the owner(s) of the subject property, consent to the filing of this application. We further consent and hereby authorize City representative(s) to enter upon my property for the purpose of examining and inspecting the property in preparation of any reports and/or required environmental review for the processing of the application.

Signature: [Signature] Date: \_\_\_\_\_  
Name (please print): \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name (please print): \_\_\_\_\_ Phone: \_\_\_\_\_

Note: This application being signed under penalty of perjury and does not require notarization.

## TO BE COMPLETED BY PLANNING STAFF

### APPLICATION PROCESSING:

FILE #(s): \_\_\_\_\_

DATE: \_\_\_\_\_

FEES: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

ZONE: \_\_\_\_\_

COMMENTS and/or CONDITIONS: \_\_\_\_\_

### ACTION:

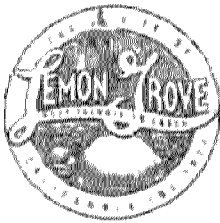
☐ APPROVED ☐ DISAPPROVED

☐ CONDITIONALLY APPROVED (See Below)

LAND USE DESIGNATION: \_\_\_\_\_

Rev. November 2015





**CITY OF LEMON GROVE**  
Development Services Department

"Best Climate On Earth"

Date: June 13, 2017

Pick Axe Holdings, LLC  
Attn. Christopher Williams  
6257 Thorn St.  
San Diego, CA 92115

Mattar Family Trust of 1990  
4395 Alta Mira Drive  
La Mesa, CA 91941

SUBJECT: Denial of Zoning Clearance Application ZC1-700-0016 for property located at 6915 North Avenue, in the City of Lemon Grove (APN: 479-013-03-00).

Christopher Williams,

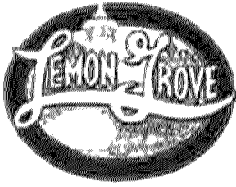
On June 1, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. The application has been denied for the following reasons, which may not be all inclusive:

- The property is located within 1,000 feet of a State-licensed small family daycare home.

In order for staff to process a conditional use permit application for a MMD, the application must include all of the information required by Chapter 17.32 of the Lemon Grove Municipal Code, as well as the items listed on the City's MMD Planning Permit Checklist. Additionally, the location of the proposed MMD must comply with the zoning requirements and distance restrictions contained within Chapter 17.32. If any of the required items are missing, or if the proposed location does not meet the zoning requirements and distance restrictions, then staff cannot process a conditional use permit application. Please review the requirements of Chapter 17.32 and the MMD Planning Permit Checklist prior to submitting another application. Please also verify that the site chosen meets the distance restrictions established by Chapter 17.32. Staff's decision to deny this application may be appealed to the Lemon Grove City Council pursuant to Lemon Grove Municipal Code, Section 17.28 020(l). Appeals must be filed in writing within 10 calendar days of the date on this denial letter and must include a filing fee of \$75.00. Appeals must be filed using forms provided by the Development Services Department.

Respectfully,

David De Vries, Development Services Director



## APPEAL APPLICATION & REQUEST FOR PUBLIC HEARING

Community Development Department / Planning Division  
3232 Main Street, Lemon Grove, CA 91945  
Phone: 619-825-3805 Fax: 619-825-3818  
www.ci.lemon-grove.ca.us

APPLICANT:	Pick Axe Holdings, LLC	c/o Gina Austin	PHONE: 619-924-9600
ADDRESS:	6257 Thorn St.		FAX:
	San Diego, CA 92115		EMAIL: gaustin@austinlegalgroup.com

CASE/PROJECT NUMBER: ZC1-700-0016

### DECISION /CONDITIONS OF APPROVAL BEING APPEALED (INCLUDE CONDITION ITEM NUMBERS):

Applicant is appealing staff's determination that the property is located within 1,000 feet of a small family daycare home.

### SPECIFIC REASON(S) FOR APPEAL OR REQUEST FOR PUBLIC HEARING:

The denial letter does not state the licensed daycare home and therefore has not put the applicant on notice for the reason for denial. Further, however, the applicant will provide additional details once the specific sensitive use has been identified by the City.

Attach additional sheets if necessary.

*Charles D. Kelen*  
Applicants Signature

06/21/17  
Date

### TO BE COMPLETED BY PLANNING STAFF

FILE #(s): AA1-700-0004

DATE: 6/21/17

FEES: \$75 RECEIPT #:

### COMMENTS and/or CONDITIONS:

Customer # → 052190  
Lot # → 045868

## Attachment G

Austin Legal Group  
LAWYERS  
3990 OLD TOWN AVE, STE A-112  
SAN DIEGO, CA 92110

CITY OF LEMON GROVE

JUN 01 2017

LICENSED IN  
CALIFORNIA, ARIZONA & HAWAII  
TELEPHONE  
(619) 924-9600

DEVELOPMENT SERVICES

FACSIMILE  
(619) 881-0045

Writer's Email:  
gaustin@austinlegalgroup.com

May 31, 2017

City of Lemon Grove  
Development Services  
3232 Main Street  
Lemon Grove, CA 91945

Re: **6915-6935 North Ave, Application for Medical Marijuana Dispensary (MMD)**

To Whom It May Concern:

Austin Legal Group, APC ("ALG") represents the applicant for a MMD located at 6915-6935 North Ave, Lemon Grove ("MMD Location"). The purpose of this letter is to provide further clarification as to why the MMD Location is not within 1000' of a Protected Use as defined by section 17.32.090 of the Lemon Grove Municipal Code (the "Code"). It is our professional opinion that there are no Protected Uses within 1000' of the MMD Location.

While the MMD Location was not within the approved highlighted properties on the City's most recent map, as explained in more detail below, there are no Protected Uses within 1000' of the MMD Location. Further, the City supplied a list of Protected Uses in response to a public records request ("City's Response"). The City's Response is attached hereto as Exhibit 1. No Protected Uses were identified in the City's Response within 1000' of the MMD Location. (See Exhibit 2).

The applicant is requesting the City process the CUP application for the MMD at 6915-6935 North Ave all the way through to City Council Hearing despite the MMD Location being identified within the buffer area identified on the City's zoning map.

Exhibit 3, attached hereto, identifies the 1000' radius around the MMD Location on the assessor parcel map. Exhibit 4, attached hereto, identifies the 1000' radius around the MMD Location on a graphic map.

None of the Protected Uses provided by the City in response to the Public Records request are within 1000' of the MMD Location. The nearest Protected Use is located at 7164 Broadway, approximately 1,315' property line to property line without consideration of natural or constructed barriers (See Exhibit 5.)

City of Lemon Grove  
March 23, 2017  
Page 2

In further support, this office conducted an independent analysis of the 1000' area surrounding the MMD Location and, as explained below, no Protected Uses were identified.

There are no protected uses within 1000' to the north or northwest of the MMD Location. The nearest neighborhood to the north starts with King Street, La Mesa. However, Route 94 is a constructed barrier that impedes direct physical access between the properties. There are no properties immediately north or northwest of the MMD Location which is not separated by the Route 94 Freeway. The municipal code requires that the City take into account "natural topographical barriers and constructed barriers that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access" (Lemon Grove Municipal Code § 14.32.090 (B).) Due to the Route 94 as a constructed barrier, the most direct route around the barrier is approximately 1,794 ft. (See Exhibit 6.)

Similarly, based upon the City's Response, public records, and business tax certificates there are also no Protected Uses to the west of MMD Location. To the west of the MMD Location there is a commercial shopping center which includes a wide variety of commercial businesses. The 1000' point to the west is the Rubio's Coastal Grill, located in the Marketplace at the Grove Shopping Center at 3406 College Ave. Located within the 1000' between the MMD Location and Rubio's Coastal Grill is the Route 94 freeway.


To the east of the MMD Location there is a commercial shopping center that does not contain any Protected Uses. The extent to which 1000' to the east of the MMD Location extends is to Albertsons located at 7090 Broadway. Based on the APN and Parcel IDs for schools, parks, playgrounds, alcohol and substance rehabilitation facilities, and licensed day care facilities, there are no Protected Use facilities within 1000' east of the MMD Location.

Finally, business tax certificates, public records, the City's Response do not identify any Protected Uses the south and southeast of the MMD Location. The extent to which 1000' south of the MMD Location extends to the Lemon Grove Apartment Complex, Hillside Terrace Apartments, located at 3262 College Place. Located within the 1000' south between the MMD Location and the apartment complex includes several commercial entities.

\* \* \*

For the reasons above, we are requesting the City of Lemon Grove find that there are no Protected Uses within 1000' of the MMD Location and immediately issue the Zoning Clearance for the MMD Location.

Sincerely,  
AUSTIN LEGAL GROUP, APC

  
Gina M. Austin, Esq.

# Attachment G

## PROTECTED USES

### School Age Child Care Center (CDSS Website; Facility Search)

CHRISTIAN CHURCH OF LEMON GROVE SCHOOL AGE PROG.	6970 SAN MIGUEL AVE	91945
Licensed		
CHRISTIAN CREATIVE LEARNING ACADEMY/SCHOOL-AGE	2920 MAIN STREET	91945
Licensed		
EAST COUNTY FAMILY YMCA GOLDEN	7885 GOLDEN AVE.	91945
Licensed		
MERRY GO ROUND LEARNING CENTER - SCHOOL AGE	2749 LEMON GROVE AVENUE	91945
Licensed		

### Child Care Center Preschool (CDSS Website; Facility Search)

AKA HEAD START - SAN MIGUEL	7059 SAN MIGUEL	91945	Licensed
CHRISTIAN CHURCH OF LEMON GROVE PRESCHOOL	6970 SAN MIGUEL AVENUE	91945	Licensed
CHRISTIAN CREATIVE LEARNING ACADEMY	2920 MAIN ST	91945	Licensed
DISCOVERY LEARNING CENTER	1515 SKYLINE DRIVE	91945	Licensed
LEMON GROVE SCHOOL DISTRICT-GOLDEN AVE PRESCHOOL	7885 GOLDEN AVENUE	91945	Licensed
LEMON GROVE SCHOOL DISTRICT-MONTEREY HEIGHTS P.S.	7550 CANTON DRIVE	91945	Licensed
LEMON GROVE SCHOOL DISTRICT-MOUNT VERNON PRESCHOOL	8350 MOUNT VERNON STREET	91945	Licensed
LEMON GROVE SCHOOL DISTRICT-SAN ALTOS PRESCHOOL	1750 MADERA STREET	91945	Licensed
LEMON GROVE SCHOOL DISTRICT-SAN MIGUEL PRESCHOOL	7059 SAN MIGUEL AVENUE	91945	Licensed
LIGHTHOUSE CHRISTIAN PRESCHOOL	1345 SKYLINE DRIVE	91945	Licensed
MERRY GO ROUND LEARNING CENTER	2749 LEMON GROVE AVENUE	91945	Licensed
SHILOH CHRISTIAN ACADEMY	2770 GLEBE ROAD	91945	Licensed
ST. JOHN OF THE CROSS PRESCHOOL	8175 LEMON GROVE WAY	91945	Licensed

**Large Family Daycare (up to 14 kids) (CDSS Website; Facility Search)**

AHMED, FATHA & MOHAMED FAMILY CHILD CARE	Unavailable	91945	Licensed
ALVAREZ, VERONICA & JUAN FAMILY CHILD CARE	Unavailable	91945	Licensed
DELGADO, ALICIA & JOSE FAMILY CHILD CARE	Unavailable	91945	Licensed
DELGADO, GLORIA FAMILY DAY CARE	Unavailable	91945	Licensed
GEORGE, CARRIE FAMILY CHILD CARE	Unavailable	91945	Licensed
HUSSEN, FARTUN FAMILY CHILD CARE	Unavailable	91945	Licensed
JOHNSON, KATHLEEN FAMILY DAY CARE	Unavailable	91945	Licensed
LEDEZMA, LORENZA FAMILY CHILD CARE	Unavailable	91945	Licensed
MAXWELL, REBECCA & DANIEL FAMILY CHILD CARE	Unavailable	91945	Licensed
MILLER, O & CARTER, I FAMILY CHILD CARE	Unavailable	91945	Licensed
SAMBRANO, LAURA FAMILY CHILD CARE	Unavailable	91945	Licensed
TANABE, SYLVIA FAMILY DAY CARE	Unavailable	91945	Licensed

**Drug Treatment Facilities (Google Search)**

Alano Club	6901 Central Avenue
McAllister Institute	2049 Skyline Drive

**Adult Daycare**

HEALTHY OPPORTUNITIES PROGRESSIVE EDUCATION	3225 OLIVE ST.	91945	Licensed
LINK CENTER, THE	7944 GOLDEN AVE	91945	Licensed

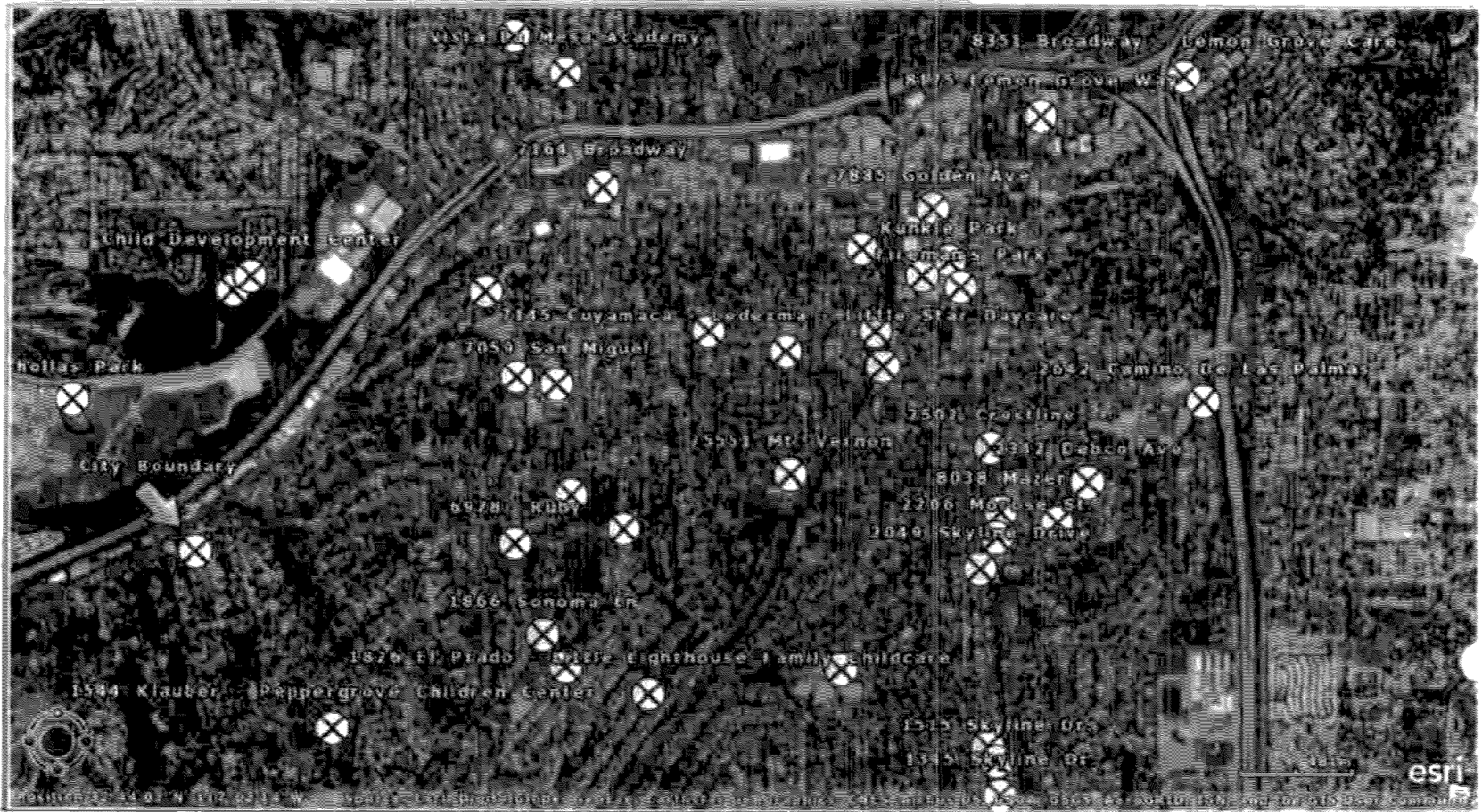


EXHIBIT 2

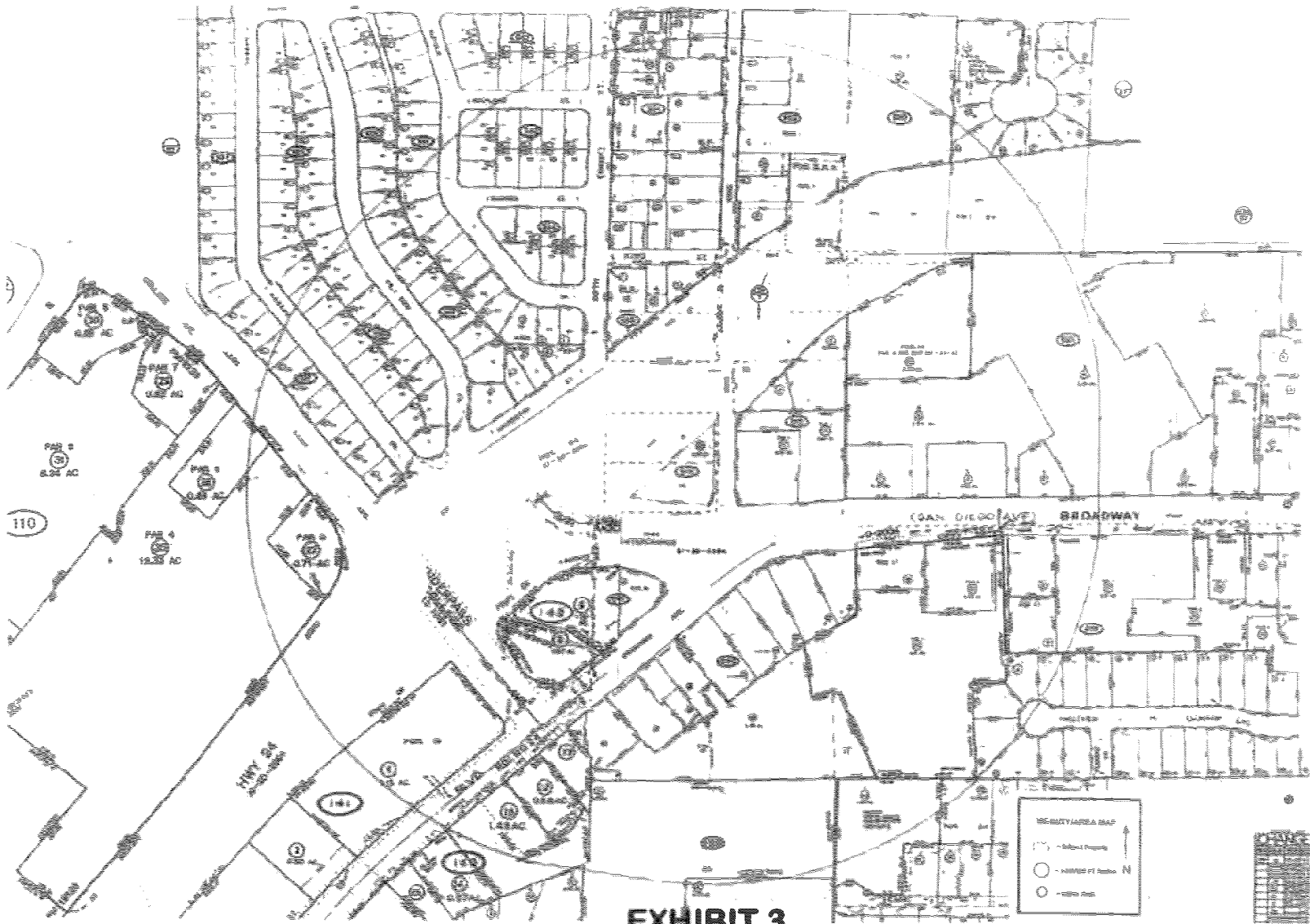






EXHIBIT 4



EXHIBIT 5



EXHIBIT 6

## Austin Legal Group

LAWYERS  
3990 OLD TOWN AVE. STE A-112  
SAN DIEGO, CA 92110

LICENSED IN CALIFORNIA & HAWAII  
TELEPHONE  
(619) 924-9600

FACSIMILE  
(619) 581-0045

Writer's Email:  
gaustan@austinlegalgroup.com

August 14, 2017

City of Lemon Grove  
City Council  
3232 Main Street  
Lemon Grove, CA 91945

Re: 6915 North Ave., Appeal of Zoning Clearance Application ZC1-700-0016

Dear City Council Members:

Austin Legal Group, APC represents Pick Axe Holdings, LLC and Christopher Williams (the "Applicant") for a MMD located at 6915 North Avenue, Lemon Grove ("MMD Location"). This letter is intended to provide additional support for the appeal filed by the Applicant for the denial of Zoning Clearance application ZC1-700-0016.

As discussed below, good grounds exist for this appeal, namely that staff's decision was based on an erroneous application of the law and the findings underpinning the denial of the zoning clearance are not supported. Accordingly, the City Council should grant the Applicant's appeal and reverse staff's decision to deny the zoning clearance.

### FACTUAL BACKGROUND

The Applicant submitted an application for Zoning Clearance, ZC1-700-0016, in accordance with the City's rules and regulations on June 1, 2017 ("Application"). In connection with the Application, the Applicant submitted an additional letter of support clarifying that no protected uses are within 1,000' of the Applicant's proposed project. (See Attachment G attached to the staff report.) On June 13, 2017, the City denied ZC1-700-0016 stating that "the property is located within 1,000 feet of a State-licensed small family daycare home."

On June 21, 2017, the Applicant appealed staff's denial based upon the City's failure to put the applicant on notice of the location of the alleged small family daycare home. On July 25, 2017, the City informed the Applicant that the specific protected use affecting the proposed project are "three licensed family daycare facilities located at 7106 Westview Place "

The Applicant has been unable to verify that any daycare facility is actually operating at 7106 Westview place despite multiple visits to the address. A confidential report by an independent private investigator was unable to identify the presence of any children.



# Attachment G

City of Lemon Grove  
August 14, 2017  
Page 2

## ARGUMENT

### **I. STAFF'S DECISION TO DENY THE ZONING CLEARANCE WAS BASED ON A MATERIALLY ERRONEOUS INTERPRETATION OF THE PLAIN LANGUAGE OF THE CITY'S MUNICIPAL CODE**

The Lemon Grove Municipal Code ("LGMC") requires a 1,000' separation from other dispensaries (Regulated Uses) as well as public parks, playgrounds, licensed day care facilities, schools, and alcohol and substance abuse centers (Protected Uses) "Measurement is made between the closest property lines of the Premises in which the Regulated uses and Protected Uses are located." (LGMC § 17.32.090 (B).)

LGMC section 17.32.090 further states "The measurement of distance between uses will take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access [emphasis added]."

In California, in the interpretation of any statute, it is mandated by both statute and case law that the intention of the legislature in passing the statute is to be pursued, if possible. (See, Code of Civil Procedure section 1859; See also, *Smith v. Superior Court* (2006) 39 Cal.4th 77, 83.) Generally, legislative intent may be derived from (1) intrinsic evidence, which relies on the language and structure of the statute, and (2) extrinsic evidence, which usually looks to the legislative history. However, intrinsic evidence should be examined first, and extrinsic evidence examined to the extent there is doubt as to intent of the legislature from an intrinsic analysis. (See *Koenig v. Johnson* (1945) 71 Cal.App.2d 739; *People v. Woodhead* (1987) 43 Cal.3d 1002, 1008.) As such, the starting point for determining legislative intent should always be the plain language of the statute, where words should be given their usual and ordinary meaning and read in the context of the statutory scheme. (*Hunt v. Superior Court* (1999) 21 Cal. 4<sup>th</sup> 984, 1000.)

In the case at hand, the Development Services Director abused his discretion when he failed to take into account the natural topographical barriers and constructed barriers between the alleged daycare facilities and the proposed MMD location. The City suggests that the licensed daycare facilities are approximately 853 feet from the proposed MMD Location (see staff report page 31.) However, staff inaccurately measured the distance between 6915 North Street and 7106 Westview Place in a straight line without consideration of natural topographical barriers or constructed barriers. When appropriately measured around the natural and constructed barriers the distance is over 3,000' (See Exhibit "1" attached hereto.)

The plain language of the ordinance does not expressly state or even imply that the distance is to be measured in a straight line. Rather, the plain language is very clear that when there is a barrier the distance shall be measured as the most direct route around the barrier in a manner that establishes direct access. In light of the clearly stated plain language of the ordinance, there is no need to look to legislative intent. It is an abuse of discretion for the City to measure distance between regulated and protected uses in any manner other than around natural and constructed barriers.

City of Lemon Grove  
August 14, 2017  
Page 3

## **A. There Are Significant Natural and Constructed Barriers Between 6915 North Avenue And 7106 Westview Place**

When traveling from 6915 North Avenue towards 7106 Westview Place, in the most direct route, the first constructed barrier (not counting the six lanes of traffic along Broadway and Federal Avenue with no cross walk) is the steep slope of vegetation along the south and east side of the parking lot of the Family Resource Center (See Exhibit 2). According to Stephen George of Landscapes West, this vegetation is *Acacia latifolia* and frequently used as a barrier against dust and headlights. Mr. George is a design/build landscape contractor and has frequently installed *Acacia latifolia* as a foot traffic barrier and hillside slope retainer throughout San Diego County.

The second barrier is the 6 foot high chain linked fence topped with at least 3 rows of barbed wire (See Exhibit 3). This fencing surrounds the entirety of the north and west sides of 7106 Westview leaving the only access via the south and east sides of the property from Westview Place. (See Exhibit 4.)

In accordance with the requirement of LGMC to follow the most direct route around the barrier in a manner that establishes direct access, 7106 Westview Place must be accessed from the street on Westview because the chain link and barbed wire fencing continues along the north side of all the houses on Westview Place. The most direct route from 6914 North to 7106 Westview Place is to travel east on Broadway and then South on Massachusetts and then West on Westview (See Exhibit 1). There is simply no other method to access 7106 Westview Place. This path of travel is over 3,000.

## **B. 7106 Westview Does Not Have An Operating Daycare Facility**

The staff report indicates that "staff contacted the three family daycare home operators via a phone call and written letter and informed them that their locations would be disclosed to the appellant" (See staff report pg 4.) Noticeably missing from the staff report is confirmation from the alleged daycare operators that childcare is actually occurring at 7106 Westview and/or that children are present.

LGMC section 17.08.003 defines Licensed Day Care Facilities as follows:

"Day care" means a facility, licensed and equipped as required by law, which provides non-medical care and supervision for periods of less than twenty-four hours. This term shall include nursery schools.

1. "Small family day care" means day care that is provided in a single-family dwelling for up to eight people in accordance with Section 1597 of the California Health and Safety Code. The day care provider shall reside in the home.
2. "Large family day care" means day care that is provided in a single-family dwelling for up to fourteen people in accordance with Section 1597 of the California Health and Safety Code. The day care provider shall reside in the home.

# Attachment G

City of Lemon Grove  
August 14, 2017  
Page 4

The plain language of LGMC section 17.08.003 requires that non-medical care and supervision is actually occurring on site. It would be nonsensical to suggest that a home that at one point obtained a license from the State of California but does not actually care for children is a protected use.

Here, there are three units side-by-side that the City states at some point received a license from the state. The Applicant hired a private investigator to determine whether or not childcare activities were occurring at any of the units located at 7103 Westview. In his confidential report to the Applicant, the investigator stated that "No children or signs of a daycare were present." The Applicant's own due diligence confirmed that no active childcare activities are occurring at the property located at 7103 Westview.

## II. STAFF'S OBJECTION TO PICK AXE HOLDINGS AS THE APPELLANT IS WITHOUT MERIT

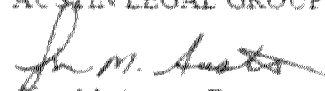
The City letter dated July 25, 2017 states that "The City will provide this hearing but objects on the basis that Pick Axe Holdings LLC, the entity that lodged the appeal, is not the party who filed the Zoning Clearance Application who is Christopher O Williams." This objection is without merit. The City addressed its initial June 13, 2017 zoning clearance denial to Pick Axe Holdings despite its claim that Christopher O. Williams was the applicant. Similarly, the City addressed its July 25, 2017 letter to Pick Axe Holdings.

While the initial application listed Christopher O'Neal Williams as the Applicant, it is simply a scrivener's error that Pick Axe Holdings was left off of the Planning Permit Application. Christopher Williams is the incorporator and sole officer and director of Pick Axe Holdings as evidenced by the additional documents submitted in connection with the Planning Permit Application. The application included all of the relevant documentation to identify the corporate entity of Pick Axe Holdings as the applicant including: Articles of Organization, Operating Agreement, EIN, Statement of Information, Written Action of Manager, BOE Permit. In addition, the Applicant submitted a letter identifying the Director and Community Liaison for Pick Axe Holdings would be Christopher Williams.

\* \* \*

For the reasons stated above, the Applicant respectfully requests the City Council reverse the denial of the Zoning Clearance

Sincerely,  
AUSTIN LEGAL GROUP, APC

  
Gina M. Austin, Esq.

cc: Development Services Director

**EXHIBIT 1**  
**Map**



## Attachment G

### EXHIBIT 1



----- Approximately 853'  
----- Approximately 3,000'

**EXHIBIT 2**  
**Photographs of Steep Slope**

## Attachment G





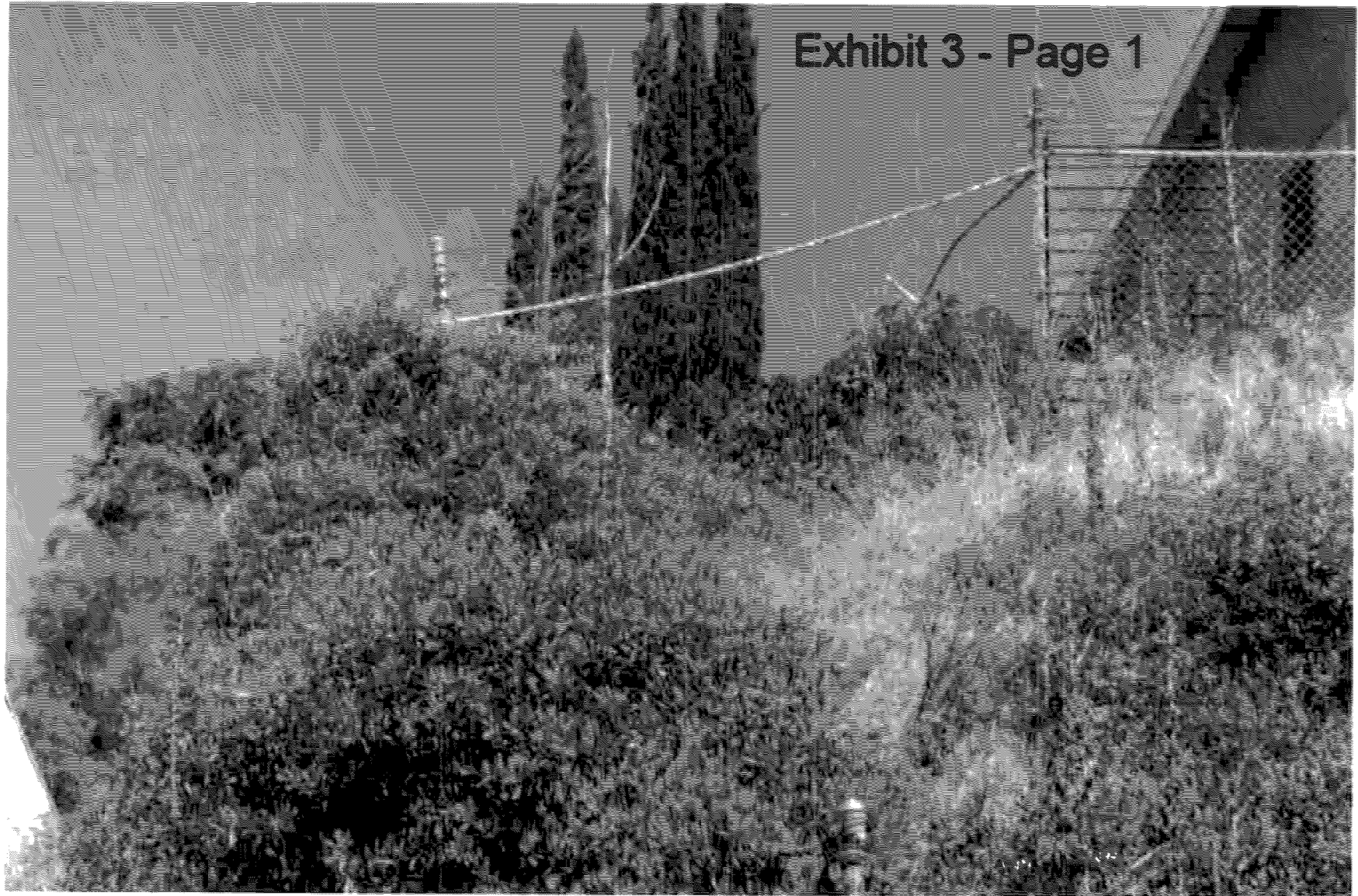




**EXHIBIT 3**

**Photograph of Barbed Wire Fencing**

## Attachment G



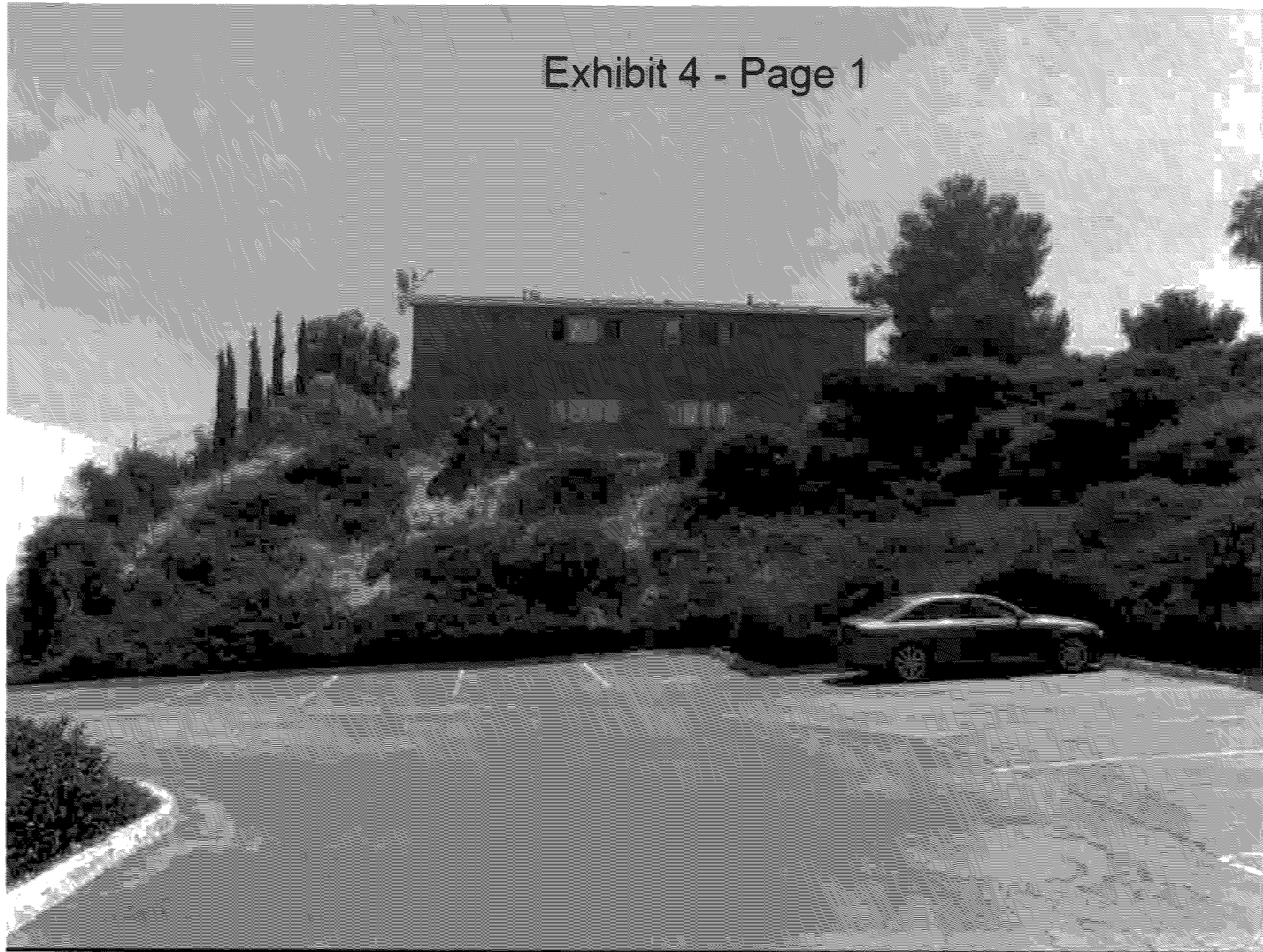




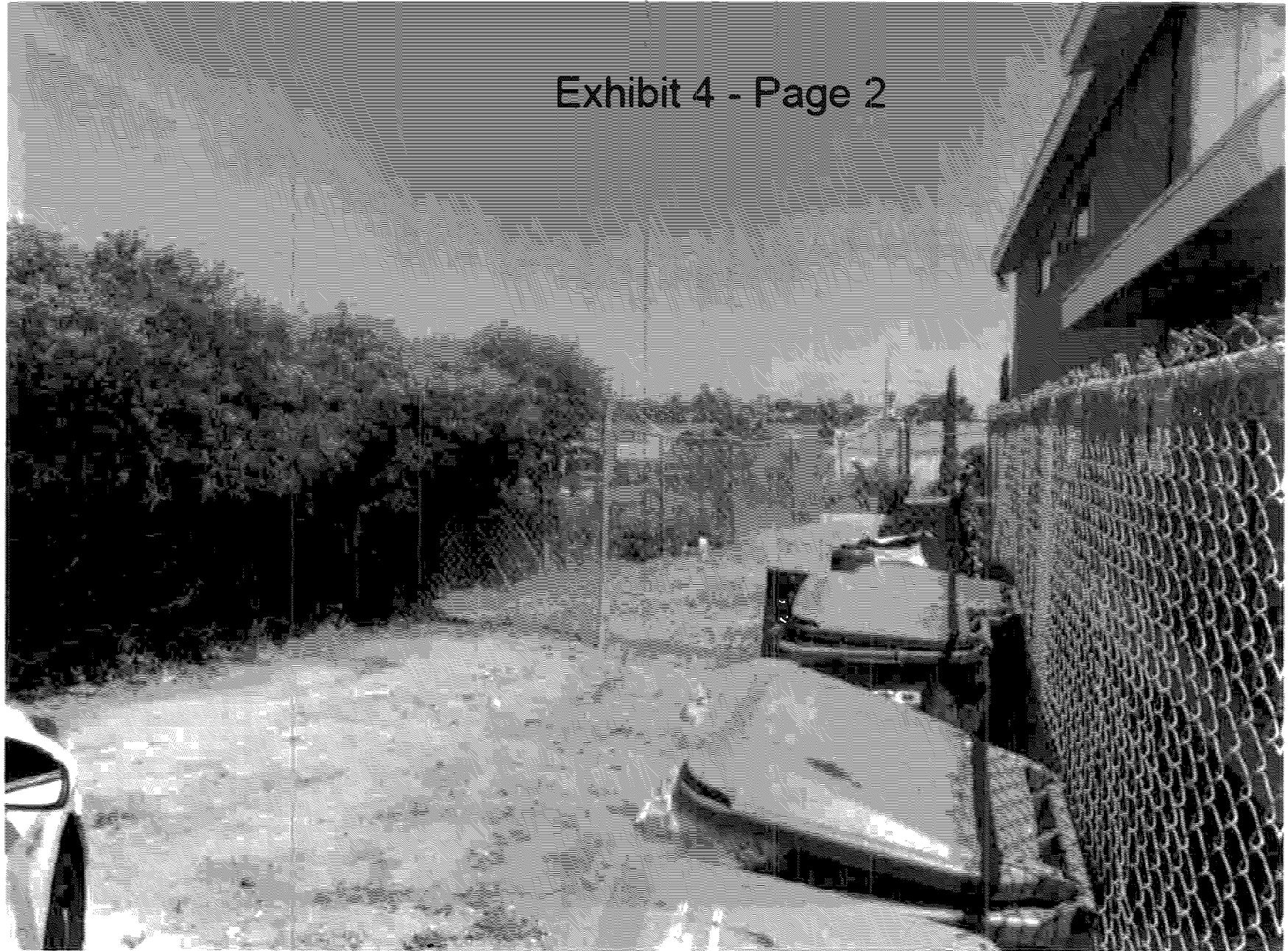


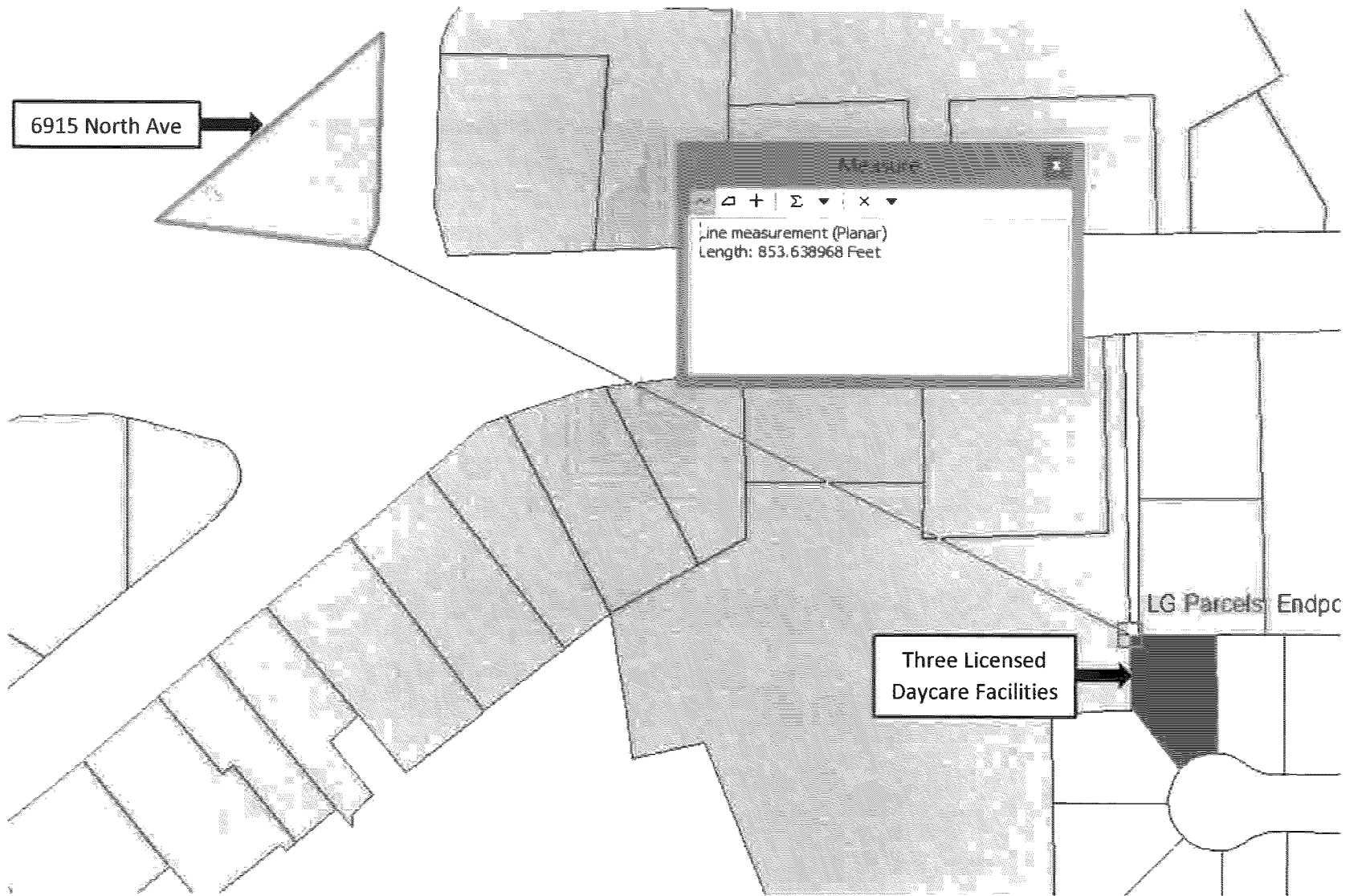
## Attachment G

### EXHIBIT 4 Additional Photographs

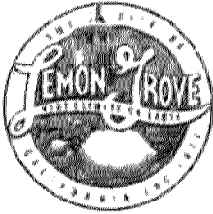


Attachment G





Source: City of Lemon Grove GIS database 2017



**CITY OF LEMON GROVE**  
Development Services Department

"Best Climate On Earth"

Date: July 25, 2017

Pick Axe Holdings, LLC  
Attn. Christopher Williams  
6257 Thorn St.  
San Diego, CA 92115

Mattar Family Trust of 1990  
4395 Alta Mira Drive  
La Mesa, CA 91941

SUBJECT: Appeal hearing for denial of Zoning Clearance application ZC1-700-0016 for property located at 6915 North Avenue, in the City of Lemon Grove (APN: 479-013-03-00).

Christopher Williams,

On June 1, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. On June 13, 2017, staff denied the application because the property is located within 1,000 feet of a State-licensed daycare facility. In order to provide a full and open opportunity for you to understand the reason staff denied your zoning clearance permit, and to allow you to respond accordingly, we wish to inform you that the specific protected uses affecting your project site are three licensed family daycare facilities located at 7106 Westview Place. By measuring georeferenced parcel boundary information, we have determined that your property at 6915 North Avenue is located 853 feet northwest of the daycare facilities, and is therefore ineligible for MMD approval.

On June 21, 2017, staff received an appeal of its decision to deny the application. Staff's decisions are subject to appeal pursuant to the provisions of the Lemon Grove Municipal Code, Section 17.28.020(I). The Lemon Grove City Council will consider the appeal and make a determination to grant or deny the appeal at a public hearing to be conducted on August 15, 2017.

The City will provide this hearing but objects on the basis that Pick Axe Holdings LLC, the entity that lodged the appeal, is not the party who filed the Zoning Clearance Application who is Christopher O. Williams. The City preserves this objection for the appeal hearing and for the defense of any writ that may be filed in Superior Court.

In addition, should you need additional time to prepare for the hearing you can request a continuation of the appeal hearing to the next City Council hearing.

The staff report will be available to the public in the afternoon on August 10, 2017 (<http://www.lemongrove.ca.gov/departments/mayor-council/current-city-council-agenda>).

## Attachment I

If you have any additional supporting material you would like to submit for the appeal, please provide that information to staff at your earliest convenience

Respectfully,

A handwritten signature in dark ink, appearing to read 'David De Vries', written over a horizontal line.

---

David De Vries, Development Services Director

## **Frequently Asked Questions**

### **Where can I find the facility definitions?**

See the Glossary link at the top.

### **Where can I find out more about how facilities are regulated in California?**

Please visit the Community Care Licensing (<http://www.cclid.ca.gov/>) website.

### **What is the best way to search?**

Select just one or a few of the available search terms. You will be able to filter your search on the Results screen.

### **Where can I find the definitions of the facility types?**

The definitions for the facility types can be found on the Glossary (<http://www.cclid.ca.gov/res/html/glossary.htm>) page.

### **I am looking for Foster Family Homes. Why can't I find them.**

The publication of names and addresses of Foster Family Homes is restricted by law and considered confidential.

### **Why can't I find the addresses for Small Family Child Care homes (less than 8 children)?**

Because these are Child Care providers' homes, the publication of addresses is restricted. To find Small Family Child Care home providers in your area, contact the Resource and Referral Network ([http://www.rnetwork.org/find\\_child\\_care](http://www.rnetwork.org/find_child_care)) or call 1-800-KIDS-793. The Network can also assist you in searching for the right child care for your child and can provide you with addresses of facilities in your area.

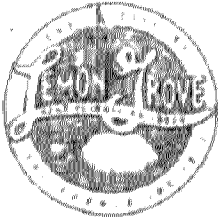
### **Why can't I see or search on street addresses for Large Family Child Care Homes?**

For Large Family Child Care Homes, you can still search using the City, Zip and County options. To obtain the address of a Large Family Child Care Home, please contact either the State Licensing Office, the Resource and Referral Network ([http://www.rnetwork.org/find\\_child\\_care](http://www.rnetwork.org/find_child_care)) or call 1-800-KIDS-793.

### **Why can't I get a list of Small Family Child Care homes?**

Information related to Small Family Child Care homes is restricted by law. Small Family Child Care home information is available to provide consumer information to parents with children in care and to parents seeking child care from a local child care home.





**CITY OF LEMON GROVE**  
Development Services Department

"Best Climate on Earth"

February 9, 2017

Michelle Hood, Office Services Supervisor I  
Community Care Licensing  
San Diego Child Care Regional Office  
7575 Metropolitan Drive #110  
San Diego, CA 92108

RE: Request for List of Small Family Daycare Homes with Addresses

Michelle:

On November 8, 2016, voters in Lemon Grove passed Measure V, which removed the City's prohibition of medical marijuana dispensaries (dispensaries). Measure V (copy attached) allows dispensaries to be established by conditional use permit (CUP) subject to certain distance restrictions. One such distance restriction states that no dispensary shall be permitted within 1,000 feet of licensed daycare facilities. Therefore, City staff needs to identify the location of family daycare homes both inside the City boundaries and outside the City boundaries within 1,000 feet. The applicable postal codes we need information for are 91945, 91977, 91941, and 92114.

Our staff is sensitive to the need for privacy at family daycare homes. Therefore, if provided we do not intend to share this information with the general public. Our goal is to use the information to prepare a map for staff use only.

Sincerely,

David DeVries, AICP  
Director of Community Development  
City of Lemon Grove

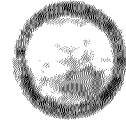
Attachments

1 Measure V





STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**



EDMUND G. BROWN  
GOVERNOR

February 21, 2017

Mr. David DeVries  
City of Lemon Grove  
3232 Main Street  
Lemon Grove, CA 91945

RE: Request for Confidential Child Care Facilities Data

This letter is in response to your letter request to obtain a copy of the confidential Small Family Child Care Home list, which are in-home child care facilities with 8 or fewer children enrolled, as well as the Large Family Child Care Home list, which are in-home child care facilities with 9-14 children enrolled.

In your letter, you expressed that the need for this list is to ensure that those applying for medical marijuana dispensaries are not located within 1,000 feet of a licensed daycare facility

For your information, Health and Safety Code Section 1596.86(b) requires the Department of Social Services (DSS) to maintain the personal privacy of small family child care homes and prevent the use of lists containing their names, addresses, and other identifying information, except for administering the licensing program, facilitating the placement of children, and providing the names and addresses to resource and referral agencies funded by the Department of Education, and food and nutrition programs also funded by the Department of Education.

In consideration of your reasoning for requesting the Small Family Child Care Home list, and Child Care Licensing's administrative responsibility to protect the health and safety of its clients in care, it appears your request is in line with the mandate of the above statute.

I am including as an attachment to this letter, a copy of the fee schedule that contains the fee amount for the Small Family Child Care Home list. It also contains instructions for where to send your check.

Steven Blount of our Information Systems Division will receive a copy of this letter, so he will be aware that you have been approved to receive a copy of the list. It should be understood that the small family child care home list is to remain only in your possession, and not shared.

Thank you for your communication. If you have any questions or additional concerns, you may contact Jenni Fong, System Review Analyst at (916) 651-0264

Sincerely,

  
Sheila Fleming, Manager  
Child Care Program System Administration and Support Unit

Attachment

cc: Steven Blount, ISD

## Attachment M

Slope West of Daycare Facilities within 1,000 feet of 6915 North Ave. dated August 14, 2017



## Attachment M



