

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

March 7, 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

Call to Order

City Councilmembers Present:

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

City Council Members Absent:

None.

City Staff Present:

Lydia Romero, City Manager, David De Vries, Development Services Director; Mike James, Assistant City Manager/Public Works Director; James P. Lough, City Attorney; Lt. May, Sheriff's Department; and Corinne Russell, HR Manager.

Pledge of Allegiance

Mayor Pro Tem J. Mendoza led the Pledge of Allegiance.

Changes to the Agenda

There were no changes to the agenda.

Presentations

Chief Stowell, Heartland Fire and Rescue provided an annual report.

Lt. May San Diego County Sheriff's Lemon Grove Station provided a 2016 law enforcement review.

Public Comment

Jesus Beneyas provided a presentation and commented on issues with the development along Golden Avenue.

Lani Stacks commented on Lemon Grove Pets store, animal rights, and welfare.

Mayor Vasquez noted that on March 3, 2017, an unannounced inspection of Lemon Grove Pets was conducted by Animal Control and no violations were found.

1. Consent Calendar

A. Approval of City Council Minutes

February 21, 2017 Regular Meeting

B. Ratification of Payment Demands

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

D. Designate Building Official

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

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

Resolution No. 2017-3490: Resolution of the City Council of the City of Lemon Grove, California Designating Kurt Culver as the City's Building Official

2. Medical Marijuana Regulations and Permit Procedures (Measure V)

Eric Craig explained that Measure V repealed the City's prohibition of medical marijuana dispensaries and established new regulations for the permitting and operation of dispensaries. Measure V also includes regulations for permitting the cultivation of medical marijuana in a private residence.

These new regulations are consistent with existing State laws for medical marijuana as well as with Proposition 64 which legalizes the possession and cultivation of limited amounts of marijuana for personal use.

Proposition 64 will also permit for-profit businesses to sell recreational marijuana subject to obtaining a permit from State, which anticipates issuing permits as early as 2018. He added that nothing in Proposition 64 requires a local jurisdiction to permit recreational marijuana businesses such as recreational dispensaries, delivery services, commercial cultivation, or the processing of recreational marijuana.

Measure V permits dispensaries with approval of a conditional use permit, subject to performance standards and distance restrictions from sensitive land uses such as schools, parks, and daycare facilities. Measure V also permits qualified individual patients and their caregivers to cultivate medical marijuana indoors at the home of the patient. Such indoor cultivation requires approval of a Zoning Clearance by the Director of Development Services. Proposition 64 expands the right to cultivate within the home to all persons in California, it also permits local jurisdictions to require a local permit for such cultivation.

As in Lemon Grove, the Cities of San Diego and La Mesa require CUP approval to establish a dispensary. However, the County of San Diego permits dispensaries with approval of administrative permits from the Planning Department and the County Sheriff. Moreover, no permits are required for in-home cultivation in the Cities of San Diego or La Mesa, or within unincorporated areas of San Diego County.

Therefore, Measure V's Zoning Clearance requirement for personal cultivation of medical marijuana is unique among the four jurisdictions, but is warranted as a means of protecting public health and safety from the potential negative effects of indoor cultivation, including the increased risk of fires associated with indoor growing lights.

Mr. Craig noted that City staff will initially review all applications for dispensaries as zoning clearances for the purpose of conducting a thorough and detailed application completeness review. Staff will charge a fee of \$150 to accept the applications.

Any application which does not meet the zone district or separation requirements, or which does not provide all of the required application materials would be denied by staff, and the reasons for such denial would be provided to the applicant in writing. Incomplete applications that meet the zone district and separation requirements would be eligible to continue the application process upon the timely provision of the missing application materials.

If the zoning clearance application is deemed complete and demonstrates compliance with applicable regulations, then the applicant would be notified and would be permitted to submit a formal conditional use permit application including the \$1,500 CUP deposit. Staff would then process the conditional use permit request in accordance with the requirements of the Lemon Grove Municipal Code (LGMC) and State law.

He added that the City Council should keep in mind that not all of the requirements listed would be required for every dispensary. For example, if no on-site cultivation is proposed, then many of the requirements for additional fire protection and ventilation at a dispensary would not be necessary.

The staff report recommends specific conditions of approval which reflect the requirements of Measure V, the LGMC, and input from Planning, Building, Fire, and the Sheriff.

Staff will continue to proactively enforce the LGMC prohibitions on unpermitted marijuana uses. These efforts include verification of code violations, the issuance of warning citations and fines, weekly reports to management, and the referral of inquiries from lawyers to the City Attorney's office.

Mayor Pro Tem J. Mendoza reported that she and Councilmember Arambula went to marijuana dispensaries in the City of San Diego and expressed concern due to the dispensaries being cash only businesses.

Public Speaker(s)

Dana Stevens commented portions of the proposed procedures regarding nuisance odor complaints, inspections, handicap parking, where a complaint is filed, weapons permits, hours of operation, business renewal process, and safety precautions for cultivation.

Sean Mc Dermott stated that he believes the City's proposed requirement for a patient identification card in addition to the doctor's prescription is an undue hardship. He added the licensed dispensaries have safety measures in place and the proposed 8 to 5 business hours would also be a hardship.

Gina Austin reported that she is a land use attorney for dispensaries throughout the County and State. She commented on language in the proposed procedures regarding topographically barriers, that a dispensary's policies and procedures would be subject to public record, the required timeframe receive a State license, and company related vehicle.

Helen Ofield provided a handout for the City Council with her concerns, which included increasing fees, the floor space requirements, hours of operation, felony convictions statement, and believe that the CUP should not be transferrable.

Katie Dexter commented on the City of La Mesa's similar procedures and their associated fees. She commented Lemon Grove's proposed procedures and on the storefront window transparency requirement, and fines.

Lydia Romero thanked the City Council for their consideration of the proposed procedures, conditions of approval, and application requirements. She added that staff will be preparing for the March 20, 2017, application opening date.

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

Councilmember Jones reported on meetings with the San Diego County Water Authority, Assemblywomen Weber's State of the District, SANDAG, the East County Chamber, Metro Wastewater, and he attended the Little League opening day.

Councilmember Arambula reported on his attendance at the recent water academy.

Councilmember M. Mendoza nothing to report.

Mayor Pro Tem J. Mendoza reported on the dedication of a bench for former Mayor Sessom and a brick for former Councilmember Gastil. She also reported on Assemblywoman Weber's State of the District, and a Heartland Communications JPA meeting, she attended the Little League opening day, along with a SANDAG meeting.

Mayor Vasquez reported on Assemblywoman's Weber State of the District, SANDAG Borders Committee, and a Lemon Grove business meet and greet. She attended the Lemon Grove Little League opening day, Women Rock event, and a LAFCO meeting.

City Manager and Department Director Reports

James Lough noted that an attorney client privilege memo was provided to the City Council regarding the Golden Avenue property matter.

Lydia Romero commended Eric Craig for the Measure V report.

Closed Session

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9:

1 case

Closed Session Report: No reportable action was taken.

Adjournment

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency the meeting was adjourned at 8:50 p.m.

Susan Garcia

Susan Garcia, City Clerk