



City of Lemon Grove Planning Commission Regular Meeting Monday, October 25, 2021 at 6:00 p.m.

ZOOM MEETING LINK:

<https://us02web.zoom.us/j/82746295634?pwd=SmJQb1FtYzRsNndRck85UGJnSnlnUT09>

Meeting Access ID: 827 4629 5634

Password: 670292

Instructions for public participation are below.

Planning Commission

Robert Bailey, Chair
Stephen Browne, Vice Chair
Seth Smith, Commissioner
Miranda Evans, Commissioner
Emily Jacobs, Commissioner

A public agenda packet is available for review on the [City's website](#)

*In compliance with Assembly Bill (AB) 361 signed by Governor Newsom on September 16, 2021, the Regular Meeting of the Lemon Grove Planning Commission scheduled for Monday, October 25, 2021 at 6:00 p.m. will be a **virtual meeting – audio only**. Audio of the meeting will be posted to the City's website 72 hours following the meeting.*

Public Participation Options:

Public Comments are limited to a maximum of three (3) minutes per speaker. A timer will be displayed during the meeting, any comments extending passed the three (3) minute timeframe will be muted and timed out. This includes both live and written comments.

1. Listen to audio live via zoom (Link to the meeting is at the top of the page).
2. Provide Public Comment live during the designated time.
 - Join the Zoom meeting (Link to the meeting is at the top of the page). If you are using a computer, laptop or tablet you will need a functioning microphone. Otherwise, you will be required to dial in via phone. (Phone instructions are listed below).
 - Only during the designated time to hear public comments use the "Raise Hand" feature. This will indicate to the moderator that you wish to speak on that item. Hands raised outside of the designated time for public comments will be lowered.
 - If you join the meeting via telephone you can use the "Hand Raise" feature by pressing *9.
3. Submit a digital Public Comment via email.
 - Email your Public Comment to the Deputy City Clerk at amalone@lemongrove.ca.gov prior to the meeting deadline, which is **Monday, October 25, 2021 at 12:00 p.m.** Email subject line should read "PUBLIC COMMENT ITEM NO. _____"

Comments received after the deadline will not be read at the meeting, but will be maintained in the record.

Join the Meeting via Computer or Handheld Device

Before joining a Zoom meeting on a computer or handheld device, download the Zoom app from the [Zoom Download Center](#). Otherwise, you will be prompted to download and install Zoom when you click a join link. You will be required to have a Zoom account to use this platform. You can establish a free account one [here](#).

Prerequisites

- Each meeting has a **Meeting Access ID** 827 4629 5634 and **Password** 670292 that will be required to join a Zoom meeting.
 - [Sign up](#) for eNotification to be notified for upcoming City meetings. The email notifications will include the Meeting ID and Password.
 - Meetings will be Audio only for all participants.
1. Open Zoom from your desktop app.
 2. Join a meeting using one of the following methods:
 - Click [Join a Meeting](#) if you want to join in without signing in.
 - [Sign in](#) to Zoom then click join.
 3. Enter the **Meeting ID** number 827 4629 5634, **Password** 670292 and your display name.

Join the Meeting via Telephone

Find your local number: <https://us02web.zoom.us/j/82746295634>

1. Dial by your location:
 - +1 253 215 8782 US (**Tacoma**)
 - +1 346 248 7799 US (**Houston**)
 - +1 669 900 6833 US (**San Jose**)
 - +1 301 715 8592 US (**Washington D.C**)
 - +1 312 626 6799 US (**Chicago**)
 - +1 929 205 6099 US (**New York**)
2. Enter the **Meeting ID** number 827 4629 5634 and **Password** 670292. All audio will be muted upon entering.

City of Lemon Grove Virtual Planning Commission Meeting Monday, October 25, 2021 at 6:00 p.m.

ZOOM MEETING LINK:

<https://us02web.zoom.us/j/82746295634?pwd=SmJQb1FtYzRsNndRck85UGJnSnlnUT09>

Meeting Access ID: 827 4629 5634

Password: 670292

Call to Order

Pledge of Allegiance

Changes to the Agenda

Public Comment

Digitally submitted public comments received by the deadline via email to the Deputy City Clerk at amalone@lemongrove.ca.gov will be read into the record by the Deputy City Clerk. Per Lemon Grove Municipal Code Section 2.14.150, each comment is allowed up to three (3) minutes.

Reports to Commission:

1. Approval of Planning Commission Meeting Minutes

Reference: Audrey Malone, Planning Commission Clerk

Recommendation: Approve Planning Commission Meeting Minutes, meeting of November 23, 2020 and July 26, 2021.

2. General Plan Housing Element Implementaiton

Reference: Noah Alvey, Community Development Manager

Recommendation: Discuss General Plan Housing Element implementation and provide feedback to staff concerning future updates to the Accessory Dwelling Unit and Density Bonus Ordinances.

Public Hearing:

3. Conditional Use Permit No. CUP-200-0002 – A request to add off-sale liquor sales (Type 21 license) at an existing convenience market located in the Transit Mixed Use (3) zone of the Downtown Village Specific Plan and addressed as 7785 Broadway, Lemon Grove

Reference: Noah Alvey, Community Development Manager

Recommendation: Conduct a public hearing and adopt the resolution denying Conditional Use Permit No. CUP-200-0002.

Planning Commission Reports on Meetings Attended at the Expense of the City

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

Business from the Community Development Manager

Business from the Planning Commission

Adjournment

AFFIDAVIT OF NOTIFICATION AND POSTING
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS
CITY OF LEMON GROVE)

I, Audrey Malone, Planning Commission Clerk of the City of Lemon Grove, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the Planning Commission of the City of Lemon Grove, California, was delivered and/or notice by email not less than 72 hours, before the hour of 6:00 p.m. on October 22, 2021 to the members of the governing agency, and caused the agenda to be posted on the City's website at www.lemongrove.ca.gov and at Lemon Grove City Hall, 3232 Main Street Lemon Grove, CA 91945.

/s/: Audrey Malone
Audrey Malone, Planning Commission Clerk

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 amalone@lemongrove.ca.gov. A full agenda is available for public review at City Hall.



CITY OF LEMON GROVE

PLANNING COMMISSION STAFF REPORT

Item No. 1
Meeting Date: October 25, 2021
Submitted to: Planning Commissioners
Department: City Manager's Office
Staff Contact: Audrey Malone, Planning Commission Clerk
amalone@lemongrove.ca.gov

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

Recommended Action: Approve Planning Commission Meeting Minutes, meeting of November 23, 2020 and July 26, 2021.

Environmental Review:

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

Fiscal Impact: None.

Public Notification: None.

**MINUTES OF THE VIRTUAL REGULAR MEETING
OF THE LEMON GROVE PLANNING COMMISSION
Monday, July 26, 2021 at 6 PM**

The Regular Meeting of the Planning Commission of the City of Lemon Grove, California, took place virtually pursuant to California Governor Executive Orders N-25-20, N-29-20 and N-35-20, and in the interest of public health and safety. City Council and other public meetings will be held virtual through Zoom audio only to prevent and mitigate the spread and effects of COVID.

Call To Order:

Chair Robert "Bob" Bailey called the Regular Meeting to order at 5:59p.m.

Present:

Chair Bailey, Vice Chair Browne, Commissioner Evans, Commissioner LeBaron and Commissioner Smith.

Pledge of Allegiance:

Pledge of Allegiance to the Flag was led by Vice Chair Browne.

Staff Members Present:

Lydia Romero, City Manager, Noah Alvey, Community Development Manager, and Cassandra Mendenhall, Executive Assistant.

Changes to the Agenda: None.

Public Comment:

Email Submitted: **None.**

Approval of Meeting Minutes:

1. May 24, 2021 Regular Meeting

Action: Motion by Commissioner Smith seconded by Commissioner Evans, to approve the Meeting Minutes, meeting of May 24, 2021.

The motion passed by the following vote:

Ayes: Bailey, Browne, Evans, LeBaron, Smith.

Noes: None.

Absent: None

Public Hearing:

2. General Plan Housing Element & Safety Element Updates

Chair Bailey turns it over to staff to present.

Noah Alvey, Community Development Manger presents staff report.

After staff's presentation the Public Hearing is opens at 6:19 p.m.

Public Comment:

Patricia Person

Teresa Rosiak-Proffit

Public Hearing is closed at 6:36 p.m.

Action: Motion by Commissioner Smith seconded by Commissioner Evans, to adopt a resolutions recommending City Council approval of the Negative Declaration and General Plan Amendment (Housing Element and Safety Element Updates).

The motion passed by the following vote:

Ayes: Bailey, Evans, LeBaron, Smith.

Noes: Browne.

Absent: None

Business from the City Attorney

Business from the Development Services Director

Business from the Planning Commission

Planning Commission Oral Comments and Reports on Meeting Attended at the Expense of the City: *(Government Code Section 53232.3 (d) states that members of a Legislative Body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the Legislative body.)*

Adjournment:

There being no further business to come before the Planning Commission, Chair Bailey adjourns meeting at 6:57 p.m.

Audrey Malone
Planning Commission Clerk

**MINUTES OF THE VIRTUAL REGULAR MEETING
OF THE LEMON GROVE PLANNING COMMISSION
Monday, November 23, 2020 at 6 PM**

The Regular Meeting of the Planning Commission of the City of Lemon Grove, California, took place virtually pursuant to California Governor Executive Orders N-25-20, N-29-20 and N-35-20, and in the interest of public health and safety. City Council and other public meetings will be held virtual through Zoom audio only to prevent and mitigate the spread and effects of COVID.

Call To Order:

Chair Robert "Bob" Bailey called the Regular Meeting to order at 6:01p.m.

Present:

Chair Bailey, Vice Chair Browne, Commissioner Evans, Commissioner LeBaron and Commissioner Smith.

Pledge of Allegiance:

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

Staff Members Present:

Noah Alvey, Community Development Manager, Planning Commission Clerk Audrey Malone.

Approval of Meeting Minutes:

1. July 20, 2020 Regular Meeting

Action: Motion by Vice Chair Browne seconded by Commissioner Evans, to approve the Meeting Minutes, meeting of July 20, 2020.

The motion passed by the following vote:

Ayes: Bailey, Browne, Evans, LeBaron, Smith.

Noes: None.

Absent: None

Changes to the Agenda: None.

Public Comment:

Email Submitted: **None.**

Public Hearing:

2.Public Hearing to Consider Planned Development Permit No. PDP-180-0001 and Tentative Map TM0-000-0065; A Request to Authorize the Construction of 70 Condominium Units at 8373 Broadway in the Residential Medium High (RMH) Zone.

Chair Bailey turns it over to staff to present.

Noah Alvey, Community Development Manger presents staff report.

After staff's presentation the Public Hearing is opened.

Public Comment:

Email Submitted: **None.**

Public Hearing is Closed.

Action: Motion by Vice Chair Browne seconded by Commissioner Evans, to adopt a Resolution approving a Time Extension of approved Conditional Use Permit No. CUP-180-0003 authorizing the establishment of a 6,153 sq. ft. veterinary clinic located at 7770 Broadway in the Transit Mixed Use (TMU5) zone of the Downtown Village Specific Plan (DVSP).

The motion passed by the following vote:

Ayes: Bailey, Browne, Evans, LeBaron, Smith.

Noes: None.

Absent: None

2. Conditional Use Permit No. CUP-180-0003 Time Extension

Chair Bailey turns it over to staff to present.

Noah Alvey, Community Development Manger presents staff report.

After staff's presentation the Public Hearing is opened.

Public Comment:

Email Submitted: **None.**

Public Hearing is Closed.

Action: Motion by Vice Chair Browne seconded by Commissioner Evans, to adopt a Resolution approving a Time Extension of approved Conditional Use Permit No. CUP-180-0003 authorizing the establishment of a 6,153 sq. ft. veterinary clinic located at 7770 Broadway in the Transit Mixed Use (TMU5) zone of the Downtown Village Specific Plan (DVSP).

The motion passed by the following vote:

Ayes: Bailey, Browne, Evans, LeBaron, Smith.

Noes: None.

Absent: None

3. Conditional Use Permit No. CUP-180-0004 Time Extension

Chair Bailey turns it over to staff to present.

Noah Alvey, Community Development Manger presents staff report.

After staff's presentation the Public Hearing is opened.

Public Comment:

Email Submitted: Jeanette Barner (*read out loud by Planning Commission Clerk*)

Public Hearing is Closed.

Action: Motion by Commissioner Evans seconded by Commissioner Smith, to adopt a Resolution approving a Time Extension of approved Conditional Use Permit No. CUP-180-0004 authorizing the establishment of a 2,068 sq. ft. childcare center located at 3468 Citrus Street in the General Commercial – Heavy Commercial (GC-HC) zone.

The motion passed by the following vote:

Ayes: Bailey, Browne, Evans, LeBaron, Smith.

Noes: None.

Absent: None

4. Municipal Code – Application Procedures

Chair Bailey turns it over to staff to present.

Noah Alvey, Community Development Manger presents staff report.

After staff's presentation the Public Hearing is opened.

Public Comment:

Email Submitted: **None.**

Public Hearing is Closed.

Action: Motion by Commissioner Smith seconded by Vice Chair Browne, to adopt the resolution recommending City Council approval of an amendment to the Zoning Ordinance.

The motion passed by the following vote:

Ayes: Bailey, Browne, Evans, LeBaron, Smith.

Noes: None.

Absent: None

Business from the City Attorney

Business from the Development Services Director

Business from the Planning Commission

Planning Commission Oral Comments and Reports on Meeting Attended at the Expense of the City: *(Government Code Section 53232.3 (d) states that members of a Legislative Body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the Legislative body.)*

Adjournment:

There being no further business to come before the Planning Commission, Chair Bailey adjourns meeting at 7:21 p.m.

Audrey Malone
Planning Commission Clerk



CITY OF LEMON GROVE

PLANNING COMMISSION STAFF REPORT

Item No. 2

Meeting Date: October 25, 2021

Submitted to: Honorable Chair and Planning Commissioners

Department: Community Development Department

Staff Contact: Noah Alvey, Community Development Manager;
nalvey@lemongrove.ca.gov

Item Title: **General Plan Housing Element Implementation**

Recommended Action: Discuss General Plan Housing Element implementation and provide feedback to staff concerning future updates to the Accessory Dwelling Unit and Density Bonus Ordinances.

Summary: On August 3, 2021, the Lemon Grove City Council approved the 2021 Housing Element update in compliance with State law. As part of the implementation program of the Housing Element update, the City provided a series of programs to address a range of housing needs and represent a commitment by the City to address those needs in a responsible manner. Notable programs include encouraging the development of Accessory Dwelling Units (ADUs) and utilizing density bonus provisions to encourage new housing production. In preparation for future updates to the Accessory Dwelling Unit and Density Bonus Ordinances, staff is requesting feedback and direction related to the updates of the Ordinances.

Attachments:

Attachment A – Housing Element Update, August 2021

<https://www.lemongrove.ca.gov/home/showpublisheddocument/11070/637653296724900000>

Attachment B – HCD Accessory Dwelling Unit Handbook

https://www.hcd.ca.gov/policy-research/docs/adu_december_2020_handbook.pdf

Attachment C – California’s Density Bonus Law: 2021 Update

<https://www.meyersnave.com/californias-density-bonus-law-2021-update/>

Physical copies of the referenced attachments are available for public review in the Community Development Department at City Hall, 3232 Main Street, Lemon Grove, CA 91945.



CITY OF LEMON GROVE

PLANNING COMMISSION STAFF REPORT

Item No. 3
Meeting Date: October 25, 2021
Submitted to: Planning Commissioners
Department: Community Development Department
Staff Contact: Noah Alvey, Community Development Manager
nalvey@lemongrove.ca.gov

Item Title: **Conditional Use Permit No. CUP-200-0002 – A request to add off-sale liquor sales (Type 21 license) at an existing convenience market located in the Transit Mixed Use (3) zone of the Downtown Village Specific Plan and addressed as 7785 Broadway, Lemon Grove**

Recommended Action: Conduct a public hearing and adopt the resolution denying Conditional Use Permit No. CUP-200-0002.

Summary: Conditional Use Permit No. CUP-200-0002 is a request to add off-sale liquor sales (Type 21 license) at an existing convenience market located in the Transit Mixed Use (3) zone of the Downtown Village Specific Plan and addressed as 7785 Broadway. In order to approve the requested conditional use permit, the Planning Commission must find that the use complies with the Municipal Code, and the Planning Commission must evaluate the concentration of alcohol establishments and the crime rate for the area near the subject site. The proposed use complies with minimum conditions of approval for alcohol uses in the Municipal Code, however, it is recommended that the Planning Commission deny the requested conditional use permit because the census tract where the use is located has an overconcentration of off-sale alcohol licenses, other off-sale alcohol outlets exist nearby, and the crime rate for the area is more than double the citywide average.

Background: 7785 Broadway is an existing convenience market (market) located within a one story commercial shopping center located on the south side of Broadway between Olive and Main Streets. The market is 1,740 square feet and currently offers convenience items such as non-alcoholic beverages and food. The market previously sold smoking devices and paraphernalia, but this portion of the market was relocated to a separate tenant space addressed as 3358 Main Street, south of the existing market. The applicant's representative confirmed that the market has been operated by Alisha and Peter Hormiz

for more than twenty years. The site is located in the Transit Mixed Use (3) zone of the Downtown Village Specific Plan and a conditional use permit is required for a liquor store.

Citywide Regulations for Alcoholic Beverage Sales: Title 18 of the Municipal Code includes citywide regulations and Chapter 18.27 includes regulations for alcoholic beverage sales. The purpose of this Chapter is “[t]o deal with and ameliorate problems and adverse conditions associated with establishments which sell, serve or give away alcoholic beverages by restricting the location of such uses in relation to one another, and their proximity to facilities primarily devoted to use by children and families and the general public, and through the denial of a conditional use permit or through the imposition of conditions on a case-by-case basis, thereby preventing undue concentration and undesirable community impact of such uses, and by the imposition of reasonable conditions upon the operation of all such uses both existing and in the future,” and “[t]o implement the purposes, policies, and programs of the general plan.”

Minimum Conditions of Approval – Section 18.27.060 of the Municipal Code includes minimum conditions of approval including, but not limited to, the location of alcoholic beverage displays, signage, prohibition of “airport bottles”, single serve container requirements, and the age of employees. The applicant has provided a floor plan and written narrative confirming compliance with the minimum conditions of approval, and these requirements could be included as conditions of approval if the requested permit were to be approved.

Separation Standards – Section 18.27.060.A.17 of the Municipal Code states, “Businesses engaged in the sale or distribution of alcoholic beverages for off-site consumption shall maintain a minimum separation of five hundred feet from any other business required to have a conditional use permit for the sale of alcoholic beverages. This subdivision shall not apply to incidental alcoholic beverage sales and warehouses, and distribution facilities.” Dirk’s Nite Club is located approximately 525 ft. to the northwest and the nearest off-sale alcoholic beverage location is Sprouts Market, which is approximately 675 ft. to the southeast of the subject site.

Concentration of Establishments – Section 18.27.050 indicates that the Planning Commission should consider the concentration of establishments selling alcoholic beverages when considering a conditional use permit. The subject site is located in Census Tract 144.00, which is permitted two (2) licenses based on California Department of Alcoholic Beverage Control (ABC) regulations. Census Tract 144.00 currently has 10 off-sale licenses and is therefore over concentrated. The locations of the off-sale licenses in Census Tract 144.00 and the associated distances from the subject site are as follow:

Off-Sale Licenses – Census Tract 144

Address	License Type*	Proximity to Subject Site
Sprouts, 3205 Lemon Grove Ave.	20	675 ft.
7-11, 7607 Broadway	20	850 ft.
Arco, 8001 Broadway	20	1,550 ft.
Food 4 Less, 7420 Broadway	21	1,900 ft.
Mobil, 8170 Broadway	20	3,050 ft.
Grove Liquor, 7245 Broadway	21	3,275 ft.
Rite Aid, 7224 Broadway	21	3,350 ft.
Rock Liquor, 7161 Broadway	21	3,800 ft.
CVS, 7100 Broadway	21	4,125 ft.
Albertsons, 7090 Broadway	21	4,200 ft.

* Type 20 – Off-Sale Beer and Wine (Authorizes the sale of beer and wine for consumption off the premises where sold)

Type 21 – Off-Sale General (Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold.)

The list of licenses show that there are two off-sale licenses within 1,000 ft. of the subject site and that all 10 locations are within one mile of the subject site.

Crime – Section 18.27.050 of the Municipal Code indicates that the Planning Commission must also consider crime in the area and whether or not the area has experienced a greater than average number of reported crimes and arrests. Business and Professions Code Section 23958.4 uses the average number of offences for all districts within the City and specifies a threshold of 20% greater than the average for the City as a threshold. The average number of offenses in the City per district for 2020 was 190.3 and 120% of the average is 228.4 offenses. The crime reporting district for the subject site experienced 467 offenses in 2020, which is more than double the citywide average and exceeds the 120% threshold.

Impacts – Section 18.27.010 of the Municipal Code indicates the necessity of appropriate regulations because without them, “the sale, service and use of alcoholic beverages may adversely and seriously affect the peace, health, safety and welfare of residents of the community and may specifically affect the safety of children and of visitors to the city, may contribute to the deterioration of neighborhoods, cause devaluation of property, erode community values and lower the quality of life.” It also states: “the sale and use of alcoholic beverages contributes to problems encountered by residents, businesses, property owners, visitors and workers of the city of Lemon Grove. Documented problems include: (1) debilitating and life-threatening medical conditions such as those related to the dysfunction of the heart and circulatory system, stroke and diseases of the liver; (2) social problems such as child and family neglect and abuse, public drunkenness, and lost productivity; (3) public safety issues relating to drunk driving and related automobile traffic and pedestrian accidents, violence and crime.” And “relatively high densities of alcohol outlets are associated with relatively higher rates of related medical disorders, relatively higher rates of social problems and alcohol-related traffic casualties.”

General Plan: The Health and Wellness Element of the General Plan identifies “a high concentration of alcohol and tobacco sales establishments within the Broadway commercial corridor, but a low concentration in the remaining areas of the City.” Objective 2.2 of the Health and Wellness Element is “a diverse flourishing economy that promotes public health.” The addition of another off-sale alcohol outlet will increase access to alcohol. The General Plan Health and Wellness Element also indicates, “excessive alcohol use is associated with numerous health problems, including numerous chronic diseases...”

Downtown Village Specific Plan: The subject site is located in the Transit Mixed Use (3) zone of the Downtown Village Specific Plan. The zone is intended to provide for a mix of retail, commercial, and residential development that take advantage of the convenient access to nearby bus and trolley services. Since regulations for off-sale alcohol are not included in the zone, citywide Municipal Code regulations for alcohol sales apply.

Environmental Review:

- Not subject to review
- Negative Declaration
- Categorical Exemption, Sections 15301
- Mitigated Negative Declaration

The project as proposed is categorically exempt from the environmental review requirements of the CEQA per Sections 15301 of the CEQA Guidelines. The Class 1, Section 15301 Existing Facilities exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The CUP application seeks authorization to operate an existing structure in an urbanized area as an off-sale alcohol outlet and involves no expansion of the existing structure. A denial of the proposed project is exempt from CEQA Guidelines, Section 15270.

Public Notification: On October 15, 2021, the Notice of Public Hearing for this item was published in the East County Californian and was mailed to all property owners within 1,000 feet of the subject property. The applicant confirmed the presence of the public notice required by LGMC Section 17.28.020(F)(2) on October 15, 2021. The City of Lemon Grove did not receive any comments in response to the Notice of Public Hearing. The applicant provided four letters of support (Attachment G) for the request and 72 signatures in support (Attachment H). Staff will provide the City Council with any comments received after publication of the Staff Report.

Staff Recommendation: Conduct a public hearing and adopt the resolution denying Conditional Use Permit No. CUP-200-0002.

Attachments:

Attachment A – Draft Resolution

Attachment B – Crime Data Beat Map

Attachment C – Business Narrative

Attachment D – Business Photographs

Attachment E – Site Plan

Attachment F – Floor Plan

Attachment G – Letters of Support

Attachment H – Support Signatures

Attachment I – LEAD Training Certificate

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMON GROVE, CALIFORNIA, DENYING CONDITIONAL USE PERMIT CUP-200-0002, A REQUEST TO ADD OFF-SALE LIQUOR SALES (TYPE 21 LICENSE) AT AN EXISTING CONVENIENCE MARKET LOCATED IN THE TRANSIT MIXED USE (3) ZONE OF THE DOWNTOWN VILLAGE SPECIFIC PLAN AND ADDRESSED AS 7785 BROADWAY, LEMON GROVE

WHEREAS, on December 20, 2020, Peter and Alisha Hormiz, submitted a request for a Conditional Use Permit to add off-sale liquor sales (Type 21 license) to an existing convenience market addresses as 7785 Broadway, Lemon Grove, and on August 26, 2021, Community Development Department staff found the application to be complete; and

WHEREAS, Notice of the Public Hearing was given in compliance with Lemon Grove Municipal Code (LGMC) Section 17.28.020(F). The Notice of the Public Hearing was mailed to all property owners within 1,000 feet of the subject property on October 15, 2021 and said notice was published in the October 15, 2021 edition of the East County Californian. The presence of the required on-site public notice sign was also confirmed on October 15, 2021; and

WHEREAS, LGMC Sections 17.28.050(C) and 18.27.050 set forth the findings of fact that must be found to grant a Conditional Use Permit for an off-sale alcohol sales (Type 21) license at 7785 Broadway; and

WHEREAS, the Planning Commission held a duly advertised public hearing on October 25, 2021 to consider CUP-200-0002; and

WHEREAS, the Planning Commission determined that not all of the findings of fact required by LGMC Sections 17.28.050(C) and 18.27.050 to grant a Conditional Use Permit for an off-sale alcohol sales (Type 21) license at 7785 Broadway could be made in the affirmative.

NOW, THEREFORE, INCORPORATING THE ABOVE STATEMENTS HEREIN, BE IT RESOLVED that the Planning Commission of the City of Lemon Grove, California, hereby denies Conditional Use Permit CUP-200-0002, a request to

add an off-sale liquor sales (Type 21) license to an existing convenience market addresses as 7785 Broadway, Lemon Grove, based on the following findings:

1. *The Planning Commission hereby determines that the findings of fact required by LGMC Section 18.27.050 are made as follows:*

A. Whether the proposed use will result in an undue concentration of establishments selling alcoholic beverages as defined by the state Alcoholic Beverage Control Department (ABC) or by city ordinance, resolution, or policy.

The proposed use is located within Census Tract 144.00, which based on population would allow two off-sale licenses. Census Tract 144.00 currently has 10 off-sale licenses within one mile of the subject site, of which two are located within 1,000 and easily accessible by pedestrians and automobiles. The proposed use would therefore result in an undue concentration of establishments selling alcoholic beverages.

C. Whether the proposed use will be located in an area which, based on the most recent yearly compilation by the San Diego County sheriff's department or other appropriate law enforcement agency, has experienced a greater than average number of reported crimes and arrests, including those reported as alcohol-related, as well as, criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, motor vehicle theft combined with all arrests for other crimes, felonies and misdemeanors, except traffic citations.

Business and Professions Code Section 23958.4 uses the average number of offences for all districts within the City and specifies a threshold of 20% greater than the average for the City as a threshold. The average number of offenses in the City per district for 2020 was 190.3 and 120% of the average is 228.4. The crime reporting district for the subject site experienced 467 offenses in 2020, which is more than double the citywide average and exceeds the 120% threshold.

2. *The Planning Commission declines to address the remaining findings identified in LGMC 17.28.050(C)(1-4) and 18.27.050(B) because the findings in LGMC 18.27.050(A) and (C) could not be made, which has the result of requiring a denial of the requested Conditional Use Permit; and*

3. Denial of the project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270.

DENIED on October 25, 2021, at the regular meeting of the Planning Commission of the City of Lemon Grove, California and **PASSED AND ADOPTED** this Resolution No. _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert "Bob" Bailey, Chair

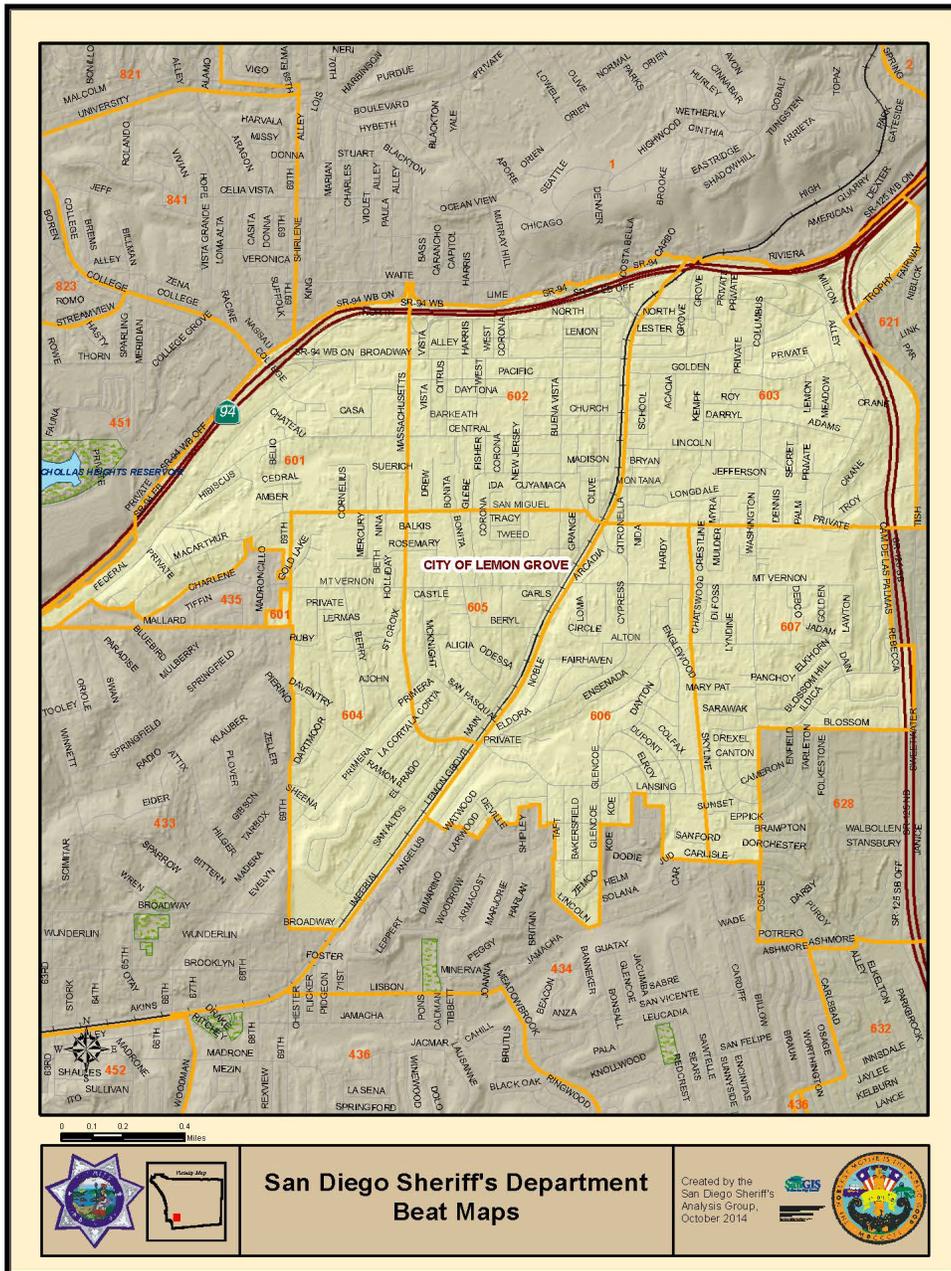
Attest:

Audrey Malone, Planning Commission Clerk

Approved as to Form:

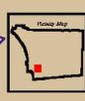
Elizabeth A. Mitchell, Assistant City Attorney

Crime Data Beat Map



San Diego Sheriff's Department Beat Maps

Created by the San Diego Sheriff's Analysis Group, October 2014



(120% or above is High Crime Area indicated by *)

Beat	Totals	% Average by Beat	
1	601	224	117.7%
2	602	467	245.4%*
3	603	260	136.6%*
4	604	86	45.2%
5	605	58	30.5%
6	606	122	64.1%
7	607	115	60.4%

Business Narrative



Business Narrative

The Applicant, Peter Hormiz, requests a Conditional Use Permit to allow for the sale of beer, wine and distilled spirits of off-site consumption in conjunction with a 1,740 square foot convenience market. The subject property is located at 7785 Broadway Lemon Grove, CA 91945. The premise is located along Broadway between Main Street and Olive Street within the Transit Mixed Use (3) zone of the Downtown Village District.

The subject premise is located within a one-story commercial shopping strip equipped with a private parking lot for its patrons. The location has been operating under the applicant's control for over 30 years. The space is not undergoing any structural changes to the size, mass or height of the existing building. However, the location has been rebranded and redesigned into Discount Market. Formally a smoke shop, the applicant has renovated the space into a convenience market to widen the target audience and offer a local market for the nearby residents. The market will hold all necessary household items such as grocery items, paper goods, cleaning supplies, pet products, snacks and quick drinks for customers to stop in to pick up something on the way home.

The market's operating hours will be from 7:00am – 8:00pm Monday through Friday, 9:00am – 8:00pm Saturday and 9:00am – 7:00pm Sunday. Discount Market is operated by the applicant Peter Hormiz and his wife Alisha Hormiz. They are closely involved with the day-to-day operations of the business and the training of employees on-site. Aside from themselves, the market has 3 additional employees currently. The applicants are personally responsible for training the employees hired and monitoring patron activity.

Security and safety are a high priority for Mr. Hormiz to maintain a positive environment for both patrons and employees. He is looking to provide a friendly and family-oriented establishment for all. The premise is currently fitted with a total of 19 surveillance cameras with 13 monitoring the interior and 6 located along the exterior perimeter. All video surveillance recordings are kept on-site for a minimum of 30 days. If needed, the recordings will be made available to the local police department. Additionally, the hours of operation are reasonable and respectful to the area. The applicants are not looking to stay open into the late evenings or early mornings. The hours are consistent with the intention of offering a convenient market for those coming back from work or needing a quick household item.

Because the direct request includes the sale of alcoholic beverages, each employee will be trained in proper procedures for selling alcoholic beverages and observing the environment. The applicant is currently applying for a liquor license with the Department of Alcoholic Beverage Control and on May 9, 2021 completed the department's educational training program, Licensee Education on Alcohol and Drugs (LEAD), to expand his knowledge on proper procedures and guidelines. On-site training will occur daily through observation to prevent any alcohol related



concerns. An age verification device has been purchased to ensure proper identification checks are conducted for each transaction. Additionally, the applicant is open to hiring a security guard to monitor the premise to further sustain a positive experience. The importance of maintaining a safe and secure environment will be a priority to the applicant.

The market will not have more than 10% of floor space dedicated to alcohol beverage shelving. Beer will be located inside the "Reach-In Cooler" as depicted on the floorplan to the far-left side. Both domestic and international beer will be offered in usual commercial measurements such as six and twelve packs. Additionally, distilled spirits such as vodka, gin and whiskey will be located behind the showcase along the Northeast wall of the establishment. Patrons will not have direct access to the inventory and will request the item when they are ready to check out. The location of alcoholic inventory is greater than five feet from the store entrance. While the beer is located in a self-accessible cooler, it will be in direct sight of employees working behind the showcase.

As a small business owner and current member of the community, the applicant is aware of the character of the neighborhood and is dedicated to not only preserving but contributing to it. The applicant is committed to operating the business responsibly and is prepared to take all necessary measures to ensure it is cohesive with the goals of the community. The applicant has been providing exceptional service to their customers since the doors opened to their business. They are excited at the opportunity to expand their selection to meet the needs of their customers. Positive feedback from the local community and patrons have been received by the applicant with the renovation. Many of the residents have been coming to the store for several years and are looking forward to the idea of the store offering alcoholic beverages. It would be a convenience for them to walk to their local market to pick up any item as the nearest establishment with an off-site license is over 500 feet from this business. Any conditions imposed with the herein grant will further safeguard the welfare of the community.

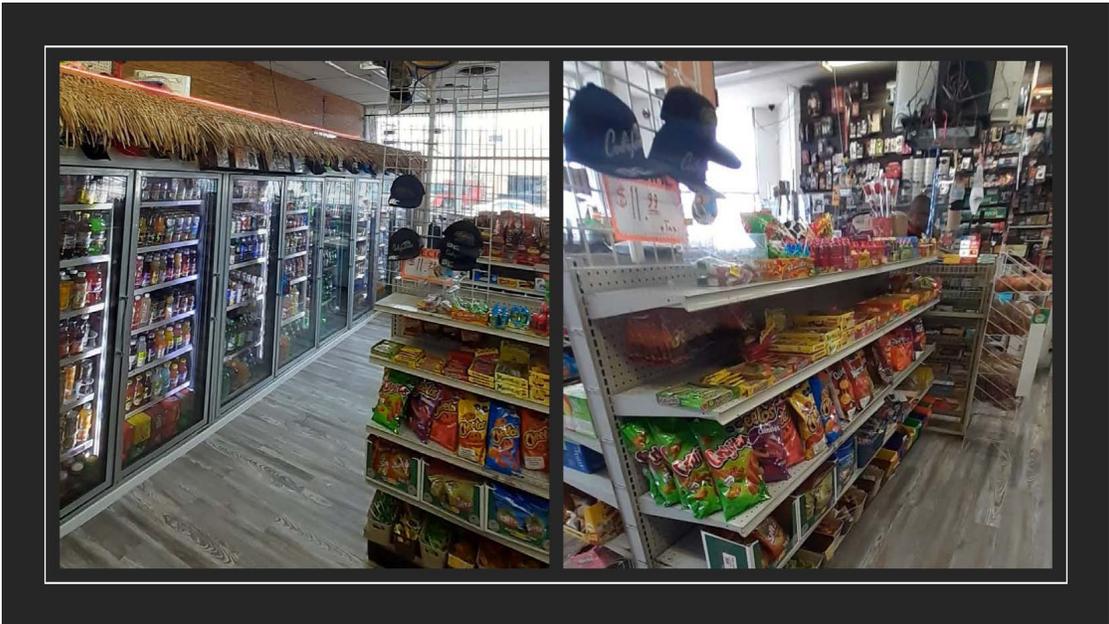
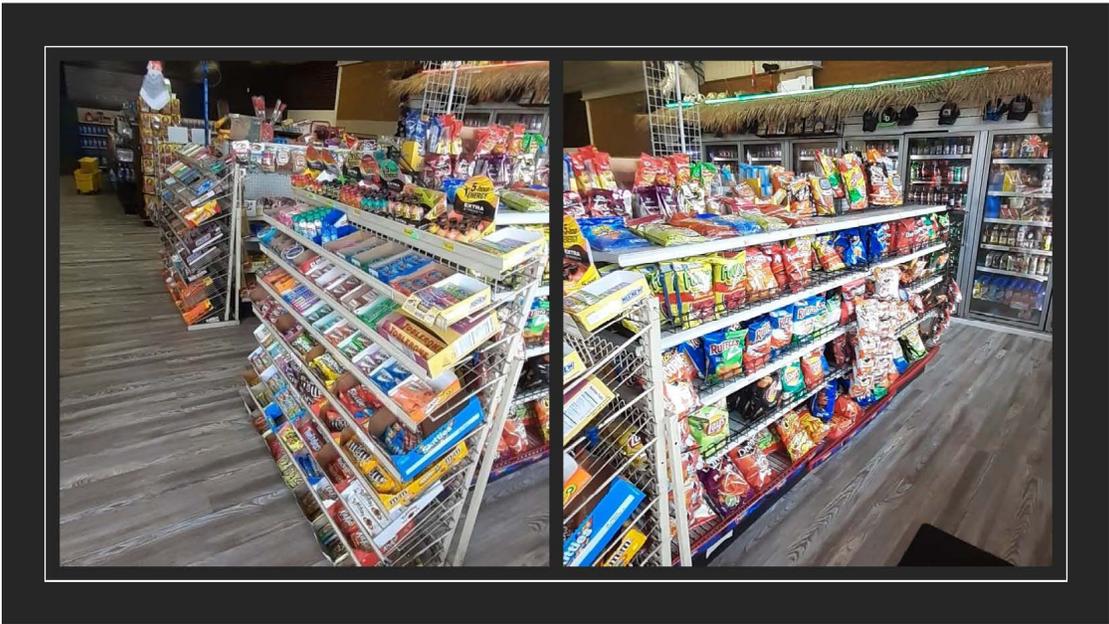
Business Photographs

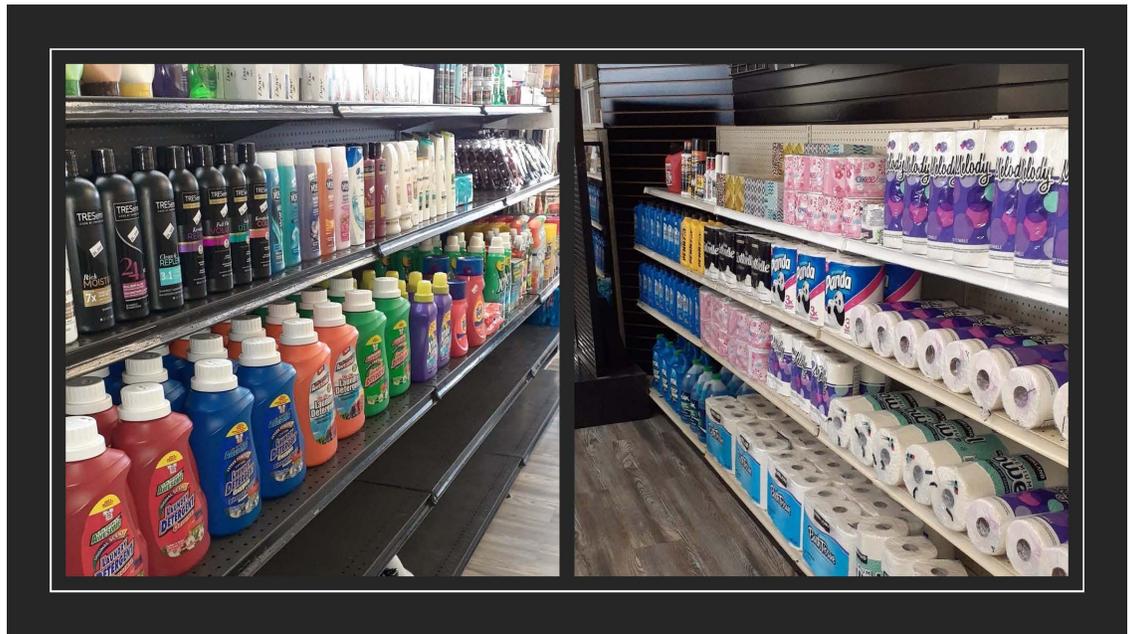
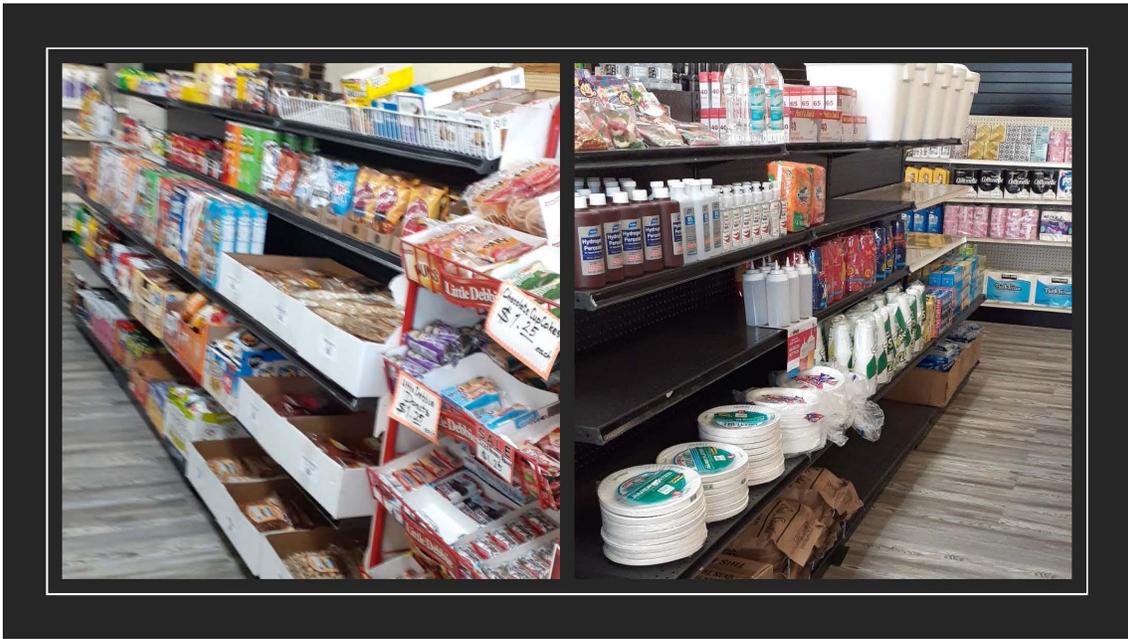


Exterior Entrance



Exterior Entrance





Letters of Support

To Whom it May Concern;

I'm writing this letter on behalf of Peter & Alisa, owners of Highland Smoke Shop in Lemon Grove. I have been a customer for 20 years. I live 1 block from the store its so convenient for the community. Most Resident here ~~are~~ within 2 blocks will be most grateful if we didn't have to walk 6-9 blocks to get a ~~Beer~~ or some wine.

Most of us in this community are over 50 years old. We need a store close to home.

Sincerely
Chris Reeder

TO WHOM IT MAY CONCERN

REFERENCE

(LEMON GROVE SMOKE SHOP)

I DARAE BANKS have RESIDED IN LEMON GROVE Ca, FOR 8 1/2 YRS. MYSELF MY FAMILY AND FRIENDS have ALL SHOPPED at the SMOKE SHOP. They offer a VARIETY OF VERY NEEDED items closer to our homes than any other shopping place extremely good for the many seniors and disabled as well. Over the years they've provided us with more items needed they ARE trying to include alcoholic beverages we support them in the effort AND thank them for the good service down thru the years.
Keep up the good work.

05/21/21

To Whom it May Concern:

My name is Geoffrey Goodwell and I have been a customer at the Smoke Shop Lemon Grove location for over 10 years.

Though my family and I have since moved from our home near this location it's always an honor and pleasure to return.

Peter and his wife have a fantastic core belief system that is quickly noticed upon entry. The store has just about anything one could ask for & all is serviced with the greatest of care.

On a very personal note, this family owned company has always gone to the extreme to care for me and my family.

On multiple occasions I have visited the Smoke Shop for a random item and left with some of the best life advice I

desperately needed at the time. The owners of this establishment have walked alongside me and my family through each life transition we have had in

the past decade. We have been deeply loved and deeply love Peter, his wife and staff.

I personally will stand behind any endeavors they have. It is because of people like Peter

and his family that I'm proud to have served our country. They are model Americans!

A. C. A.

My names Tyrone Jones,

I'm writing this letter on behalf of the Family that's run this store & I've known for 21 yrs. Their trying to inquire about a liquor license it would be a asset to this community especially for people who are getting off work & just want to run in for a quick beer. I'm hoping that this letter helps them get approved for their liquor license.

3226 New Jersey St.

Tyrone Jones Sr.

Support Signatures

Residents and business owners of the Lemon Grove City are in support of an off-site beer, wine and distilled spirit license for Discount Market, convenience store at 7785 Broadway.

Name	Address	Email	Signature	Date
Rosalina	3224 Main St			6.9.21
Adriana Pineda del Castillo	8586 Palm St Lemon Grove			6/9/21
KEVIN MENEFEE	548 Morrison Ave EL Cajon			6/9/21
R. O'CONNOR	7500 DAVIDSON	N/A		6/10/21
P. Kwan	7445 Pacific Ave	N/A		6/10/21
T. Malone	7334 San Pedro St	Terry Malone 1711 25th St. C.		6/10/21
A. Goodwin	7150 Howe St #303	ggoodwin@gmail.com		6/10/21
M. Abdul	100 Citruswood			6/10/21
W. Crump	ACACIA ST.			6/10/21
Cal Crump	101 16th	RAWCRP2@ymail.com		6/10/21
Amie J. Jerny	7955 Michels St Lemon Grove, CA	mema@live.com coti.net		6/10/21
	Broadway Lemon Grove	Faris.hanna@gmail.com		6/10/21
	NEW JERSEY LEMON GROVE	alisharazzaki@gmail.com		6/10/21
Bushra RAZZOKI	1881 Greenfield Dr. EL Cajon	Alisha.razzaki@gmail.com		6/10/21
Nancy Mandoli	7755 North Ave Lemon Grove	njmj8118@gmail.com		6/10/21

Residents and business owners of the Lemon Grove City are in support of an off-site beer, wine and distilled spirit license for Discount Market, convenience store at 7785 Broadway.

Name	Address	Email	Signature	Date
Carl Pastorini	7967 Golda Ave		Carl Pastorini	6-9-21
Jarrin Mitchell	3265 BURNHAM VLn		Jarrin M	6-9-21
R James	2898 HAs. Ln		R James	6-9-21
Kevin Foster	3115 Spaulding SO 3115		Kevin Foster	6-9-21
Dave Maypantz	1627 San altes Pl.		Dave Maypantz	6-9-21
JoAnn Smith	3240 OLIVE Lemon Grove		JoAnn Smith	6-9-21
DIANA S. CHILDS-Phillips	1301 5TH AV. S.D. Ctr		Diana S. Childs Phillips	6-9-21
Rebecca TRUJILLO	7721 ALTON DR Lemon Grove,		Rebecca Trujillo	6/9/21
ELLIOTT FREDERICK	453 GRAND AVE S.V. 91977		Elliott Frederick	6/9/21
JAMES WHITE	1821 BIRCHM ST		JWC	6/9/21
Edgar Jones	319 6TH ST		Edgar	6-9-21
Gy Eb	2452 66. Harby DR		Gy Eb	6/9/21
JOHN NUÑEZ	3607 45 OLIVE ST		John Nuñez	6/9/21
Rod Ray	1770 DAYTON DR LEMON GROVE, CA.		Rod Ray	6/09/21
ROBARA	3274 MAIN		Robar	6-9-21

Residents and business owners of the Lemon Grove City are in support of an off-site beer, wine and distilled spirit license for Discount Market, convenience store at 7785 Broadway.

Name	Address	Email	Signature	Date
Alice Hancock	3280 OLIVE ST #12 LEMON GROVE		Alice Hancock	6-10-21
Scott Hawkins	College place		Scott Hawkins	6-10-21
Margaret	7779 Broadway	M2Suzuki@icse info	Margaret Byo	6-10-21
Judith England	3280 olive street Lemon Grove		Judith England	6-10-21
Solomon Yamane	6457 Wiley Lemon Grove		Solomon Yamane	6-10-21
Bladess	Solana St CA 91114		Bladess	6-10-21
Steve Richardson	1302 HELL SPRING CA	steve.richardson@total.com	Steve Richardson	6-10-21
Patti Forwalder	2452 Hardy Dr L.G. CA 91945		P. Forwalder	6-11-21
Milton Vergara	7773 BROADWAY LEMON GROVE CA 91945		Milton Vergara	6-11-21
Alexis Morand	3277 OLIVE LG CA 91945		Alexis Morand	6-11-21
Amanda Lutz	7422 TWEED LG 91945		Amanda Lutz	6-11-21
Debra Tomann	3225 Caminito L.G.	drdzluz@yahoo	Debra Tomann	6-12-21
William Warnock	9902 Jxmacha	wew wa	William Warnock	6-12-21
Mahel Hussain	3280 OLIVE ST		Mahel Hussain	6-12-21
Abdi Hussein	7964 Pacific Ave 91945, CA		Abdi Hussein	6-12-21

Residents and business owners of the Lemon Grove City are in support of an off-site beer, wine and distilled spirit license for Discount Market, convenience store at 7785 Broadway.

Name	Address	Email	Signature	Date
Tammy Alexander	989 Peach ave	TammyAlexander@comcast.net		06-09-21
Debra Rayl	4429 Ocean Blvd	DEBRAVISIO@ATTOL.COM		6/9/21
Tim Lewis				
Katherine Webster	3203 Webster	mamaKat loves purple@gmail.com		4/12/21
Quinton Moore	11448 Via Rancho San Diego	quintonmoor06@gmail.com		6/26/21
Amy Hemstreet	Victorville, CA	amyhemstreet@gmail.com		6-26-21
Renee McPherson	7332 Ours Pl Lamson CA	YES!!		6-27-21
Melissa	Monalista			6-27-21
Michael Winward	3280 OLIVE ST APT 13			6-27-21
Alan Olvera	7800 Broadway			6-27-21
Michael Freeman	2832 OLIVE LEMON GROVE			6-28-21
Benjamin Saucedo	8172 Mt. Vernon St			6-28-21
Olivera Martha	7525 AM PACIFIC 91945			7/28/21
Ivan Herrera	7773 Broadway Lemon Grove			7/28/21

Residents and business owners of the Lemon Grove City are in support of an off-site beer, wine and distilled spirit license for Discount Market, convenience store at 7785 Broadway.

Name	Address	Email	Signature	Date
Valerie Corbin	3280 Olive St	valerie.corbin@gmail.com	Valerie Corbin	4/28/21
Gabriel Neal Dubose	1065 New Castle Ct.	mdave11065@gmail.com	Gabriel Neal Dubose	7-2-2021
Liset Cota	2515 Sweetwater Rd.	liset.cota@yahoo.com	Liset Cota	7/2-1/2021
Cristique Neal	1000 Newcastle Ct	CristiqueCota@icloud.com	Cristique Neal	7/2/21
Vernie H. Hays	222 Chesil St Spring Valley	dr.vrh@cs.cog.ca	Vernie Hays	7/6/21
Keon Evans	402 Palmyra St	keon.wilson@cs.cog.ca	Keon Evans	7/6/21
Juan Brin	299 17th St San Diego CA 92101	juanbrin@icloud.com	Juan Brin	7/6/21
Kenny Chen	7696 Broadway Lemon Grove	kenny@onyxmoto.com	Kenny Chen	7/6/21
James Taylor	416 Resa Ct Spring Valley		James Taylor	7/7/21
Torey Jones	849 69th St SD CA 92114		Torey Jones	7/7/21
Robert Gobin	1815 Sweetwater Rd Spring Valley		Robert Gobin	7/7/21
Amber Taylor	7715 North Ave	paneramecho@yahoo.com	Amber Taylor	7/11/21
Chloe King	7715 North Ave		Chloe King	7-11/21

Lead Training Certificate

