

City of Lemon Grove  
City Council Regular Meeting Agenda  
Tuesday, December 5, 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 #9

Lemon Grove Home Grown 40 Year Business Recognition Series Honoring Lido's Italian Restaurant

Proclamation Declaring December 2017 as Impaired Driving Prevention Month

Recognition of Rebecca McElroy, Girl Scout Silver Star Award Receipt

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. City of Lemon Grove Payment Demands

Reference: Gilbert Rojas, Interim Finance Director  
Recommendation: Ratify Demands

B. 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

- C. 2017 Urban Area Security Initiative (UASI) Grant Acceptance  
*The City Council will consider a resolution that accepts the FY 2017 UASI Grant Funds and authorize the City Manager to execute required documents.*
- Reference: Colin Stowell, Fire Chief  
Recommendation: Adopt Resolution
- D. General Plan Update, Downtown Specific Plan and Climate Action Plan Timeline and Amendment No. 2 of the Professional Services Agreement with Dudek for the Preparation of a Program Environmental Impact Report for the General Plan Update
- The City Council will review the timeline for the General Plan Update, Downtown Specific Plan and Climate Action Plan and adopt a resolution approving Amendment No. 2 (contract extension) of a Professional Services Agreement with Dudek for the preparation of a Program Environmental Impact Report for the General Plan Update
- Reference: David De Vries, Development Services Director  
Recommendation: Adopt Resolution
- E. ADA Transition Plan Update Project Contract Award
- The City Council will consider a resolution awarding a contract for the ADA Transition Plan Update project.
- Reference: Malik Tamimi, Management Analyst  
Recommendation: Adopt Resolution

2. Planning Commission

*The City Council will discuss the Planning Commission and whether to reinstate the Commission.*

Reference: Mayor Vasquez  
Recommendation: City Council Discussion

3. Traffic Commission and other Municipal Code Amendments

*The City Council will consider and an ordinance proposing modifications to the Lemon Grove Municipal Code adjusting the membership of the traffic advisory committee and clarify responsibilities of staff members on current management roles.*

Reference: James Lough, City Attorney  
Recommendation: Introduce Ordinance

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

Pursuant to Government Code Section 54957: Public Employee Performance Evaluation – City Manager

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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**City of Lemon Grove Demands Summary**

Approved as Submitted:

Gilbert Rojas, Interim Finance Director  
For Council Meeting: 12/05/17

ACH/AP Checks 11/14/17-11/24/17 275,220.91

Payroll - 11/21/17 130,022.96

**Total Demands 405,243.87**

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	Oct17	Home Depot Credit Services	11/14/2017	Home Depot Charges - Oct'17	1,038.99	1,038.99
ACH	Nov17	Southern CA Firefighters Benefit Trust	11/21/2017	LG Firefighters Benefit Trust - Nov'17	1,753.70	1,753.70
ACH	Nov21 17	Employment Development Department	11/22/2017	State Taxes 11/21/17	7,309.57	7,309.57
ACH	Refill 11/22/17	Pitney Bowes Global Financial Services	11/24/2017	Postage Usage 11/22/17	250.00	250.00
8639	Reimb 10/25/17	Brackney, Cody	11/15/2017	Computer Loan Program	1,855.04	1,855.04
8640	17967077	Canon Financial Services Inc.	11/15/2017	Canon Copier Contract Charge 11/20/17-12/19/17 Basement	81.35	81.35
8641	020D511278 020D512340 020D512341 020D512395	Cintas Corp 2	11/15/2017	Annual Fire Extinguisher/Exit Sign Inspection-City Hall 10/24/17 Annual Fire Extinguisher Inspections- Rec Ctr 10/24/17 Annual Fire Extinguisher/Exit Sign Inspection- Comm Ctr 10/24 Annual Fire Extinguisher/Exit Signs Inspection- PW Yard 10/26/17	674.79 193.47 216.90 259.77	1,344.93
8642	694414251	Cintas Corporation #694	11/15/2017	Janitorial Supplies - 11/9/17	574.89	574.89
8643	19724 19725	City of La Mesa	11/15/2017	Household Hazardous Waste Event- 9/16/17 Household Hazardous Waste Event- 10/14/17	864.00 724.00	1,588.00
8644	81848315	Corelogic Solutions, LLC.	11/15/2017	Image Requests - Oct '17	22.00	22.00
8645	201700698	County of San Diego/Assessor/Recorder	11/15/2017	Recording Services- 10/3/17 & 10/24/17	69.00	69.00
8646	11/3/2017	Cox Communications	11/15/2017	Phone/Rec Ctr/ 3131 School Ln 11/4/17-12/3/17	97.61	97.61
8647	14310	Custom Auto Wrap Inc.	11/15/2017	Sponsor Banner Patches- Daycamp	515.23	515.23
8648	3864 3877 3878	D- Max Engineering Inc.	11/15/2017	Celsius II Plan Reviews thru 11/2/17 8016 Broadway SWQMP Review #1 thru 11/8/17 D-Max Stormwater Prof Svcs 9/1/17-10/31/17	729.90 720.00 5,992.30	7,442.20
8649	110417560	DAR Contractor	11/15/2017	Animal Disposal- Oct '17	162.00	162.00
8650	0070003-IN	Doggie Walk Bags Inc.	11/15/2017	4,270 Doggie Walk Dispenser Bags w/Pouch	1,120.02	1,120.02
8651	1031172305	Domestic Linen- California Inc.	11/15/2017	Shop Towels & Safety Mats 10/31/17	105.55	105.55
8652	11/6-9/17	Esgil Corporation	11/15/2017	75% Building Fees- 11/6/17-11/9/17	3,165.07	3,165.07
8653	229444 229533	Evans Tire & Service Center	11/15/2017	Fire Trailer 2006 - Tire/Valve Stem/Balance PW Grounds Trailer - Tire/Valve Stem/Balance	110.67 73.34	184.01
8654	Reimb 11/13/17	Evans, Miranda	11/15/2017	Reimb: Mileage 10/25/17-11/3/17	40.61	40.61
8655	124218 124385 124329 123856 124330	Knott's Pest Control, Inc.	11/15/2017	Bee/Wasp Control - Main Trolley Behind A-Mart- Oct 17 Bee/Wasp Control- Civic Ctr Park/Behind Gazebo - Nov 17 Monthly Bait Stations- Civic Ctr - Nov 17 Monthly Bait Stations- Civic Ctr - Oct 17 Monthly Bait Stations- Sheriff - Oct 17	175.00 175.00 60.00 60.00 45.00	515.00
8656	Lauriers	Lauriers, Jessica	11/15/2017	Refund/Lauriers, Jessica/Dog License-Online Payment	15.00	15.00
8657	201722 201734	Lemon Grove Car Wash, Inc.	11/15/2017	Deluxe Car Wash/Oil Change - LCPW#31 - Ford Escape 10/9/17 Full Service Car Wash - Fire - Oct '17	55.54 18.00	73.54
8658	109064	Lemon Grove Glass & Supply Inc.	11/15/2017	Repair Plexiglass Window/Rollup Door/Fire Stn	125.00	125.00
8659	07-2343 07-2338 07-2342	Lemon Grove School District	11/15/2017	Fuel Services-PW: Oct '17 Fuel Services-Fire Stn- Sep '17 Fuel Services-Fire Stn- Oct '17	2,552.80 1,316.04 1,268.02	5,136.86



8682	694417127	Cintas Corporation #694	11/22/2017	Janitorial Supplies - 11/16/17	213.06	213.06
8683	235-9	Circulate San Diego	11/22/2017	Caltrans SSARP Project- 10/1/17-10/31/17	2,150.00	2,150.00
8684	FRS0000066 FRS0000066	City of El Cajon	11/22/2017	Overtime Reimbursement- Brawner 10/28/17 Overtime Reimbursement- Dozier 10/31/17	1,171.75 1,299.69	2,471.44
8685	19580	City of La Mesa	11/22/2017	Household Hazardous Waste Event- 7/22/17	917.00	917.00
8686	1000211857	City of San Diego	11/22/2017	Municipal Sewer Transportation- FY18- 1st Qtr 7/1/17-9/30/17	7,068.67	7,068.67
8687	1516 1517 1518 1519 1520	Clark Telecom & Electric Inc.	11/22/2017	Street Light Maintenance- Oct '17 Street Light Repairs- Oct '17 Street Light Dig Alert Mark Outs - Oct '17 Street Light Repairs - Broadway & Olive - Oct '17 Street Light Repairs - Broadway Downtown - Oct '17	141.76 2,312.76 351.36 251.52 3,905.19	6,962.59
8688	34195	Colantuono, Highsmith & Whatley, PC	11/22/2017	Legal Svcs - Oct '17	87.31	87.31
8689	11/6/2017 11/6/2017 11/9/2017	Cox Communications	11/22/2017	Calsense Modem Line:2259 Washington Ave 11/6/17-12/5/17 Calsense Modem Line:7071 Mt Vernon- 11/6/17-12/5/17 Calsense Modem Line:8235 Mt Vernon- 11/9/17-12/8/17	21.00 19.89 94.39	135.28
8690	14315	Custom Auto Wrap Inc.	11/22/2017	Sponsor Banner - Sponsor Patches- Bonfire	178.80	178.80
8691	3822 3879 3880 3881	D- Max Engineering Inc.	11/22/2017	Northside Commons SWQMP #2 Review thru 10/11/17 8179 Broadway Erosion Control Plan Review thru 11/13/17 2135 Washington St SWQMP #3 Review 11/8/17 - 11/9/17 1993 Dain Drive SWQMP #2 Review 11/6/17 - 11/9/17	600.00 180.00 540.00 600.00	1,920.00
8692	1017.08.1532	Dexter Wilson Engineering, Inc.	11/22/2017	Metro JPA Wastewater Issues - Oct '17	13,967.50	13,967.50
8693	Reimb 11/20/17	Evans, Miranda	11/22/2017	Travel Reimb: US DOJ Trng/Wash DC- Evans 11/14/17-11/17/17	816.80	816.80
8694	25283 25342 25423 25487 25571 25589 25724 25743	Excell Security, Inc.	11/22/2017	Senior Center Security Guards - 5/6/17 Senior Center Security Guards - 6/3/17 Senior Center Security Guards - 7/8/17 Senior Center Security Guards - 8/5/17 Senior Center Security Guards - 9/9/17 Senior Center Security Guards - 9/16/17 Senior Center Security Guards - 11/4/17 Senior Center Security Guards - 11/11/17	259.48 274.45 274.45 419.16 349.30 309.38 319.36 638.72	2,844.30
8695	CPF-1117-2728	Firefighters Research & Education	11/22/2017	Membership/19 Members/Nov '17 Fire	262.01	262.01
8696	INV1012582	George Hills Company	11/22/2017	TPA Claims Svc- Oct 17	423.30	423.30
8697	72994301	Hawthorne Machinery Co	11/22/2017	Equip Rntl- Skid Steer & Bucket-Community Trash Event 10/16	455.91	455.91
8698	0028291-IN 0028291-IN	Hinderliter De Llamas & Associates	11/22/2017	Sales Tax Audit Services - Qtr 2 2017 Contract Services - Sales Tax - Qtr 4	1,570.60 900.00	2,470.60
8699	10290	Infrastructure Engineering Corporation	11/22/2017	Prof Svc: LGA Realignment 9/30/17-10/27/17	17,815.93	17,815.93
8700	2351V	LG Truck Body & Equipment, Inc.	11/22/2017	LGPW#01 - Cone Racks Fabrication & Installation	700.00	700.00
8701	Oct 17 Oct 17 Oct 17 Oct 17 Oct 17 Oct 17 Oct 17 Oct 17	Lounsbery Ferguson Altona & Peak LLP	11/22/2017	General 01163-00002 - Oct '17 Code Enforcement 01163-00003 - Oct '17 Cost-Share Agreement 01163-00023 - Oct '17 Legal Svcs 01163-00028 - Oct '17 Legal Svcs 01163-00038 - Oct '17 Sanitation Dist 01163-00036 - Oct '17 Legal Svcs 01163-00039 - Oct '17 Legal Svcs 01163-00040 - Oct '17	8,948.07 3,379.77 9,923.84 2,130.35 9,500.60 398.40 1,777.66 232.40	36,291.09
8702	4978	MJS Investigative Services	11/22/2017	Background Investigation/Reserve Firefighter	1,323.50	1,323.50
8703	212601 212602 212603 212604	Ninyo & Moore	11/22/2017	Grove Loft Apartments Inspection Svcs thru 10/27/17 Hilltop Condos Proj Inspection Svcs thru 10/27/17 Mass Ave Trolley Station Proj Inspection Svcs thru 10/27/17 8501 Ildica St Inspection Svcs thru 10/27/17	270.50 270.50 1,959.00 741.00	3,241.00
8704	146752	Pacific Sweeping	11/22/2017	Street Sweeping/Power Washing - Oct '17	6,655.15	6,655.15
8705	1052-09	SC Valley Engineering Inc.	11/22/2017	LG Sewer Upsizing Proj- Retention	55,919.45	55,919.45
8706	83398575	SiteOne Landscape Supply, LLC	11/22/2017	Herbicide/Roundup Custom	89.52	89.52
8707	SC-108217 SW-0137196	State Water Resources Control Board	11/22/2017	Oversight Costs- LGA Realignment Site Cleanup 7/1/17-9/30/17 Stormwater Construction - Annual Permit Fee-7/1/17-6/30/18	219.73 820.00	1,039.73
8708	9795628636	Verizon Wireless	11/22/2017	Modems- Cardiac Monitors - 10/4/17-11/3/17	14.08	348.67

	9796201958			City Phone Charges- 10/13/17-11/12/17		334.59	
8709	N501000824	Volvo Construction Equipment & Service	11/22/2017	PW Equipment Trailer for Asphalt Compactor/ Ziemann 713-E		3,902.73	3,902.73
8710	71646600 71650265	Vulcan Materials Company	11/22/2017	Asphalt/SS1H 4.5 Gallon Bucket Asphalt/SS1H 4.5 Gallon Bucket		130.04 149.77	279.81
						275,220.91	275,220.91

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.B  
**Dept.** City Attorney

**Item Title:** Waive Full Text Reading of All Ordinances on the Agenda.

**Staff Contact:** 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 only.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

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

**Attachments:**

None

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.C  
**Mtg. Date** December 5, 2017  
**Dept.** Fire Department

**Item Title:** Acceptance of FY 17 Urban Area Security Initiative Funds

**Staff Contact:** Colin Stowell, Fire Chief

**Recommendation:**

Staff recommends that the City Council adopt a resolution (**Attachment B**) accepting FY 2017 Urban Area Security Initiative (UASI) portion of the State Homeland Security Grant (SHSG) funds and authorize the City Manager to execute appropriate agreements and/or grant documents required to receive and use said funds in accordance with UASI and SHSP requirements.

**Item Summary:**

The City of Lemon Grove has been approved to receive \$5,290 from the Urban Area Security Initiative (UASI) portion of the State Homeland Security Program (SHSP) from FY 17 funds. SHSG funds play an important role in the implementation of Presidential Policy Directive-8 (PPD-8) by supporting the development and sustainment of core capabilities to fulfill the National Preparedness Goal (NPG). Additionally, SHSG supports the implementation of State Homeland Security Strategies to address the identified planning, organizational, equipment, training and exercise needs to prevent, protect against, mitigate, respond to and recover from acts of terrorism and other catastrophic events. The UASI funds will be used to reimburse expenses for fire personnel training. The performance period for these funds will run through December 31, 2019.

**Fiscal Impact:**

No impact with the acceptance of these grant funds.

**Environmental Review:**

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

**Public Information:**

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

**Attachments:**

- A. Staff Report
- B. Resolution

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.C

Mtg. Date December 5, 2017

Item Title: **Acceptance of FY 17 Urban Area Security Initiative Funds**

Staff Contact: [Colin Stowell, Fire Chief]

### Discussion:

The City of Lemon Grove has been approved to receive \$5,290 from the Urban Area Security Initiative (UASI) portion of the State Homeland Security Program (SHSP) from FY 17 funds. SHSG funds play an important role in the implementation of Presidential Policy Directive-8 (PPD-8) by supporting the development and sustainment of core capabilities to fulfill the National Preparedness Goal (NPG). Additionally, SHSG supports the implementation of State Homeland Security Strategies to address the identified planning, organizational, equipment, training and exercise needs to prevent, protect against, mitigate, respond to and recover from acts of terrorism and other catastrophic events. The UASI funds will be used to reimburse expenses for fire personnel training. The performance period for these funds will run through December 31, 2019.

### Conclusion:

Staff recommends that the City Council adopt the resolution (**Attachment B**) authorizing the City Manager to accept FY 2017 UASI Grant funds in the amount of \$5,290 and to execute any required grant documents and/or agreements necessary for the receipt and use of said funds. Additionally, staff recommends that the City Council appropriate the UASI funds in the amount of \$5,290 to the fire department for training expenses

**RESOLUTION NO. 2017-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,  
CALIFORNIA ACCEPTING FISCAL YEAR 2017 URBAN AREA SECURITY  
INITIATIVE (UASI) GRANT FUNDS**

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**WHEREAS**, the City of Lemon Grove is dedicated to providing high quality fire and EMS services to its citizens and maintaining the highest level of preparedness in order to respond to and mitigate acts of terrorism and other catastrophic events ; and

**WHEREAS**, the Urban Area Security Initiative (UASI) portion of the State Homeland Security Grant Program (SHSGP) distribution formula allocates \$5,290 to the City of Lemon Grove be used for training expenses; and

**WHEREAS**, the allocated funds will be used to reimburse training expenses;

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

1. Accepts the Fiscal Year 2017 Urban Area Security Initiative (UASI) funds.
2. Authorizes the City Manager to execute required grant documents and/or agreements necessary for the receipt and use of said funds. |

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**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.D  
**Mtg. Date** December 5, 2017  
**Dept.** Development Services

**Item Title:** **General Plan Update, Downtown Specific Plan and Climate Action Plan Timeline and Amendment No. 2 of the Professional Services Agreement with Dudek for the Preparation of a Program Environmental Impact Report for the General Plan Update**

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

**Recommendation:**

Review the timeline for the General Plan Update, Downtown Specific Plan and Climate Action Plan and adopt a resolution (**Attachment B**) approving Amendment No. 2 (contract extension) of a Professional Services Agreement with Dudek for the preparation of a Program Environmental Impact Report for the General Plan Update.

**Item Summary:**

Staff requests that the City Council review the timeline for the General Plan Update, Downtown Specific Plan and Climate Action Plan herein. A brief summary on the status of the preparation of each of these documents is included in the staff report (**Attachment A**). In 2016, the City Council authorized a professional services agreement with Dudek to prepare a Program Environmental Impact Report for the General Plan Update for an amount not to exceed \$142,290.00. The professional services agreement with Dudek is set to expire on December 31, 2017 unless an extension is otherwise mutually agreed upon and approved. City staff is recommending approval of Amendment No. 2 extending the existing professional services agreement to December 31, 2018.

**Fiscal Impact:**

No additional Fiscal Impact

**Environmental Review:**

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

**Public Information:**

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

**Attachments:**

- A. Staff Report
- B. Resolution

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.D

Mtg. Date December 5, 2017

**Item Title: General Plan Update, Downtown Specific Plan and Climate Action Plan Timeline and Amendment No. 2 of the Professional Services Agreement with Dudek for the Preparation of a Program Environmental Impact Report for the General Plan Update**

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

### **Discussion:**

The Development Services Department, Planning Division, is currently coordinating the preparation of three planning documents: 1) The General Plan Update (GPU), 2) The Downtown Village Specific Plan Expansion (DVSPE), also known as the Downtown Specific Plan (DSP) and 3) the Climate Action Plan (CAP). The staff report provides a brief summary on the status of the preparation of each of these documents and includes an integrated timeline for completion of each these documents. The Staff Report then discusses the proposed time extension recommendation for the contract with Dudek for the preparation of a Program Environmental Impact Report (EIR) for the GPU.

#### General Plan Update (GPU)

The community outreach is complete for the GPU. The community outreach and draft General Plan Update was coordinated by Cal Poly San Luis Obispo (SLO) students with monitoring from their professor and the GPU was put on hold in late 2016 pending the drafting of a Climate Action Plan for the City. Dudek was contracted to prepare an Environment Impact Report (EIR) for the General Plan Update in April 2016 and in order to have a qualifying CAP, an EIR is required as a part of the final adoption of the CAP. A qualifying CAP allows development projects to rely on the CAP for CEQA compliance without instituting further mitigation. Dudek can account for the CAP in the EIR for the GPU if the GPU incorporates the policies and mitigation measures of the CAP as will be recommended by city staff. Staff is recommending to have Dudek's contract extended in order to avoid staff time to restart the request for proposals (RFP) process. Expenses for the General Plan Update are incurred from the City's General Fund, but expenses for the SLO contract were negligible in relation to hiring professional consultant and the SLO contract included a robust community outreach program.

#### Climate Action Plan (CAP)

SANDAG in coordination with SDG&E has two consultants under contract for the preparation of the City's CAP (EPIC and Ascent Environmental). Background information is currently being gathered and reviewed for the CAP and after greenhouse gas reduction measures are drafted, community outreach will commence. SDG&E's Energy Roadmap Program is funding the preparation of the CAP through 2020.

#### Downtown Specific Plan (DSP)

The community outreach is complete for the DSP and staff received direction from the City Council for the preparation of the Draft DSP. The preparation of the DSP is coordinated by our contract consultant's Rick Engineering Company, Urban Design & Planning Division. SANDAG's Smart Growth Incentive Program (SGIP) grant is funding the DSP

# Attachment A

## Timeline

The following timeline includes milestones for the GPU, DSP and CAP. The words “if applicable” are used to denote that City Council’s review and approval of the process and timeline for the General Plan Update is still pending.

- January 2018 – Staff will provide an overview to the City Council of the General Plan update progress to date and receive direction regarding the Draft General Plan Update.
- February 2018 – If applicable, staff will request that City Council authorize a Request for Proposals (RFP) for consultants to critique and prepare edits of the Draft General Plan Update, attend and lead public hearings, prepare subsequent drafts and the Final General Plan Update, and prepare draft Municipal Code amendments for adoption.
- March 2018 – Staff will present the Draft Downtown Specific Plan and Mitigated Negative Declaration to the City Council for review and approval. If applicable, staff will present a Draft Contract for a General Plan Update consultant and, thereafter, Dudek will prepare existing conditions for the Program EIR.
- April 2018 – The community workshop for Climate Action Plan will be conducted and Tribal Consultation will be initiated.
- May 2018 – Staff will present the Final Downtown Specific Plan and Mitigated Negative Declaration to the City Council for adoption and certification respectively.
- July 2018 – A City Council Workshop for Climate Action Plan will be conducted.
- August 2018 – Staff will present the Draft Climate Action Plan and either a Mitigated Negative Declaration or a Categorical Exemption (Section 15308 Actions by Regulatory Agencies for Protection of the Environment) to the City Council for review and approval.
- November 2018 - Staff will present the Final Climate Action Plan and either a Mitigated Negative Declaration or a Categorical Exemption to the City Council for adoption and certification respectively.
- December 2018 – If applicable, the Notice of Preparation of the Environmental Initial Study for the General Plan Update will be conducted.
- February 2019 – If applicable, staff will present the Draft General Plan Update to the City Council for review and approval. The Climate Action Plan will be incorporated into the General Plan Update. For the General Plan Update, the CEQA and State Clearinghouse noticing process commences and Tribal Consultation is initiated.
- April 2019 – Staff will present the Draft Climate Action Plan Implementation Manual to the City Council for review and approval. If applicable, the Draft EIR for General Plan Update will be available for public review.
- October 2019 – If applicable, staff will present the Final General Plan Update and Final Program EIR to the City Council for adoption and certification respectively.

## Dudek Contract Time Extension

On April 19, 2016, the City Council authorized the City Manager to execute a professional services agreement with Dudek to prepare a Program Environmental Impact Report for the General Plan update for an amount not to exceed \$142,290.00. The professional services agreement with Dudek is set to expire on December 31, 2017 unless an extension is otherwise mutually agreed upon and approved. City staff is recommending approval of Amendment No. 2 extending the existing professional services agreement to December 31, 2018.

# Attachment A

## **Conclusion:**

Staff recommends that the City Council review the timeline for the General Plan Update, Downtown Specific Plan and Climate Action Plan and adopt a resolution (**Attachment B**) approving Amendment No. 2 of a Professional Services Agreement with Dudek for the preparation of a Program Environmental Impact Report for the General Plan Update.

# Attachment B

## RESOLUTION NO. 2017 -

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE APPROVING AMENDMENT NO. 2 OF THE PROFESSIONAL SERVICES AGREEMENT WITH DUDEK FOR THE PREPARATION OF A PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN UPDATE

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**WHEREAS**, on April 19, 2016, the City Council of the City of Lemon Grove (City Council) approved entering into a professional services agreement with Dudek for the preparation of a Program Environmental Impact Report (PEIR) for the General Plan Update; and

**WHEREAS**, on May 26, 2016, the City Manager of the City of Lemon Grove executed a Professional Services Agreement with Dudek for the preparation of a Program Environmental Impact Report for the General Plan Update; and

**WHEREAS**, on August 2, 2016, City Council accepted an extension of the General Plan Update timeline; and

**WHEREAS**, on November 15, 2016, the City Council approved Amendment No. 1 (a contract time extension to December 31, 2017) of the Professional Services Agreement with Dudek for the preparation of a PEIR for the General Plan Update

**WHEREAS**, on December 31, 2017, the professional services agreement with Dudek is set to expire unless an extension is mutually agreed upon and approved; and

**WHEREAS**, City staff recommends extending the professional services agreement with Dudek for one year to December 31, 2018; and

**WHEREAS**, the City Council finds it in the public interest that Amendment No. 2 to the contract with Dudek is approved; and

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

1. Approves Amendment No. 2 (**Exhibit A**) of the Professional Services Agreement with Dudek for the preparation of a Program Environmental Impact Report for the General Plan update that extends the existing agreement through December 31, 2018; and
2. Authorizes the City Manager or her designee to execute the Agreement Amendment No. 2 (**Exhibit A**) and manage all project documentation.

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/////

# Attachment B

## Exhibit A

### SECOND AMENDMENT TO AGREEMENT

This Second Amendment to the Agreement (“**Second Amendment**”) is entered into by and between THE CITY OF LEMON a municipal corporation (the “CITY”), and Dudek, a professional environmental firm (the “CONTRACTOR”).

#### RECITALS:

A. The City and the Contractor entered into a Professional Services Agreement on May 26, 2016 for the preparation of a Program Environmental Impact Report for the General Plan Update. The Professional Services Agreement is set to expire on December 31, 2017; however, the Professional Services Agreement allows for a mutually agreed upon extension of the agreement expiration date.

B. The City and the Contractor desire to amend the May 26, 2016 Professional Services Agreement as set forth herein. All initially capitalized terms not otherwise defined herein shall have the same meanings as set forth in the May 26, 2016 Professional Services Agreement.

#### AGREEMENT:

1. Length of Agreement. Section 5 of the May 26, 2016 Professional Service Agreement is deleted in its entirety and replaced as follows:

“5. Length of Agreement. The duration of this agreement will be until December 31, 2018 unless an extension is otherwise mutually agreed upon and approved.”

2. Counterparts. This Second Amendment may be signed in multiple counterparts with the same force and effect as if all original signatures appeared on one copy; and in the event this Second Amendment is signed in counterparts, each counterpart shall be deemed an original and all of the counterparts shall be deemed to be one Second Amendment.

3. Effect of Second Amendment. Except as amended hereby, the May 26, 2016 Professional Services Agreement remains in full force and effect.

# Attachment B

IN WITNESS WHEREOF, The City and the Contractor have executed this Second Amendment as of the date set forth above.

**THE CITY:**

THE CITY OF LEMON GROVE.,

By: \_\_\_\_\_

Name: Lydia Romero

Its: City Manager

Approved as to legal form:

By \_\_\_\_\_  
James P. Lough, City Attorney

**THE CONTRACTOR:**

DUDEK,

By: \_\_\_\_\_

Name: Frank Dudek

Its: President

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 1.E  
**Mtg. Date** December 5, 2017  
**Dept.** Development Services Department

**Item Title:** ADA Transition Plan Update Project Contract Award

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

**Recommendation:**

Adopt a resolution (**Attachment B**) awarding a contract for the ADA Transition Plan Update Project (Contract No. 2018-06).

**Item Summary:**

On October 24, 2017, staff released a request for proposal (RFP) for an ADA Transition Plan Update (Contract No. 2018-06). The bid opening occurred on November 20, 2017 with three consulting firms submitting sealed bids (1) KTUA/Accessibility Specialists, (2) Disability Access Consultants (DAC), and (3) SHP Project Development, Inc. Staff reviewed and scored all three proposals based on the evaluation criteria presented in the RFP and determined that DAC received the highest score with the lowest bid of \$22,125.00. Staff recommends awarding a professional services agreement (Contract No. 2018-06) to DAC and establishing a project budget not to exceed \$50,000.00.

**Fiscal Impact:**

SANDAG Active Transportation Grant funds of Fifty Thousand Dollars (\$50,000.00) were budgeted for this project.

**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
- B. Resolution-Exhibit 1 DAC Agreement

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 1.E

Mtg. Date December 5, 2017

Item Title: **ADA Transition Plan Update Project Contract Award**

Staff Contact: Malik Tamimi, Management Analyst

### Discussion:

On October 3, 2017, staff presented to City Council background information on updating the City's 2015 ADA Transition Plan through a SANDAG Active Transportation grant awarded to the City for \$50,000 with an additional \$10,000 in-kind staff match. The presentation included a draft scope of work to be included in a request for proposal (RFP). City Council discussed and provided feedback on the ADA Transition Plan Update scope of work.

On October 24, 2017, staff advertised an RFP for the ADA Transition Plan Update on its website and Planetbids.com with a bid open date of November 20, 2017 at 9:00 am. A total of three consulting firms submitted proposals (1) KTUA/Accessibility Specialists, (2) Disability Access Consultants (DAC), and (3) SHP Project Development, Inc.

A city staff review panel from Development Services and Engineering Division reviewed the proposals and scored each one based on the evaluation criteria presented in the RFP. The evaluation criteria included (1) project team and staffing qualifications, (2) local knowledge, (3) project understanding, (4) financial responsibility, budgeting, and scheduling. DAC received the highest score and also the lowest bid.

On November 20, 2017, the City received the following Three (3) sealed bids:

Bidder's Name	Evaluation Criteria Score from 100 points	Amount
KTUA & Accessibility Specialists	63	\$49,995.00
Disability Access Consultants	90	\$22,125.00
SHP Project Development, Inc.	48	\$50,000.00

Staff reviewed DAC's project work history and references. Its project work history and reference checks were positive. DAC has successfully performed similar work for numerous municipalities. Staff recommends awarding a professional services agreement to DAC for \$22,125.00 with a not to exceed overall budget of \$50,000.00 to address unanticipated qualifying project expenses. Any unexpended grant funds will remain with SANDAG and will not be considered rollover funds.

### Conclusion:

Staff recommends that the City Council adopt a resolution (**Attachment B**) awarding the ADA Transition Plan Update contract (Contract No. 2018-06) to DAC and establish a project budget not to exceed \$50,000.00.

# Attachment B

## RESOLUTION NO. 2017-

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, AWARDING A CONTRACT FOR THE ADA TRANSITION PLAN UPDATE PROJECT

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**WHEREAS**, the Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits discrimination against people who have disabilities; and

**WHEREAS**, an ADA Transition Plan presents how jurisdictions transition toward compliance with the Act and is intended to be updated periodically; and

**WHEREAS**, the City of Lemon Grove adopted an ADA Transition Plan on August 4, 2015; and

**WHEREAS**, the City received a SANDAG Active Transportation Grant for \$50,000 with an additional \$10,000 in-kind staff match to update the City's ADA Transition Plan; and

**WHEREAS**, on October 3, 2017 staff presented to City Council a scope of work for an update to the ADA Transition Plan to be released in a request for proposal (RFP); and

**WHEREAS**, staff released an RFP on October 24, 2017 and received bids from three consulting firms on November 20, 2017; and

**WHEREAS**, staff determined based on the evaluation criteria presented in the RFP that Disability Access Consultants was the most qualified firm for the ADA Transition Plan Update project and with the lowest bid; and

**WHEREAS**, the City Council finds it in the public interest that a professional services agreement for said services be awarded; and

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

1. Establishes a project budget not to exceed \$50,000.00; and
2. Awards a professional services agreement (**Attachment B-Exhibit 1**) to Disability Access Consultants in the amount not to exceed \$50,000.00; and
3. Authorizes the City Manager to execute said contract.

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# Attachment B

## EXHIBIT 1

### AGREEMENT FOR PROFESSIONAL ADA SUPPORT SERVICES (CONTRACT NO. 2018-06)

THIS AGREEMENT is approved and effective upon the date of the last signature, by and between the CITY OF LEMON GROVE, a municipal corporation (the "CITY"), and Disability Access Consultants (DAC) a consulting firm specializing in Americans with Disabilities Act (ADA) and accessibility services for public entities (the "CONSULTANT").

#### RECITALS

WHEREAS, the CITY desires to employ a CONSULTANT to provide professional ADA and accessibility services support to update the City's 2015 ADA Transition Plan with services that include but not limited to developing a summary report, field inspections, existing conditions report, and a draft and final plan for all CITY facilities and their access.

WHEREAS, the CITY has determined that the CONSULTANT is qualified by experience and has the ability to perform the services desired by the CITY, and the CONSULTANT is willing to perform such services.

NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY AGREE AS FOLLOWS:

1. **ENGAGEMENT OF CONSULTANT.** The CITY hereby agrees to engage the CONSULTANT and the CONSULTANT hereby agrees to perform the services hereinafter set forth in accordance with all terms and conditions contained herein.

The CONSULTANT represents that all services required hereunder will be performed directly by the CONSULTANT or under direct supervision of the CONSULTANT.

2. **SCOPE OF SERVICES.** The CONSULTANT will perform services set forth in Exhibit A.

The CONSULTANT can expect to prepare a summary report based on existing information and records, field inspections of at a minimum 15 CITY facilities including parks and their access, an existing conditions report summarizing the findings of the field inspections, a draft and final plan with updates to the 2015 ADA Transition Plan, and other ADA and accessibility services as needed.

The CONSULTANT shall be responsible for all research and reviews related to the work and shall not rely on CITY personnel for such services, except as authorized in advance by the CITY. The CONSULTANT shall participate in meetings if required by a task order to keep staff advised of the progress on the project.

The CITY may unilaterally, or upon request from the CONSULTANT, from time to time reduce or increase the Scope of Services to be performed by the CONSULTANT under this Agreement per project. Upon doing so, the CITY and the CONSULTANT agree to meet in good faith and confer for the purpose of negotiating a corresponding reduction or increase in the compensation associated with said change in services.

3. **PROJECT COORDINATION AND SUPERVISION.** Malik Tamimi, Management Analyst, is hereby designated as the Project Manager for the CITY and will monitor the progress and execution of this Agreement. The CONSULTANT shall assign a single Project Manager to provide supervision and have overall responsibility for the progress and execution of this Agreement for the CONSULTANT. Barbara Thorpe, President, is hereby designated as the Project Manager for the CONSULTANT.

4. **COMPENSATION AND PAYMENT.** The compensation for the CONSULTANT shall be based on monthly billings covering actual work performed. Billings shall include labor

## Attachment B

classifications, respective rates, hours worked and reimbursable expenses, if any. The total cost for all work described within Exhibit A shall not exceed FIFTY THOUSAND DOLLARS (\$50,000.00) without prior written authorization from the CITY for twelve months of service. Monthly invoices will be processed for payment and remitted within thirty (30) days from receipt of invoice, provided that work is accomplished consistent with Exhibit A as determined by the CITY.

On an annual basis, the CONSULTANT may request an increase in the schedule of fees of no more than the increase in the Consumer Price Index for the previous one year period.

The CONSULTANT shall maintain all books, documents, papers, employee time sheets, accounting records, and other evidence pertaining to costs incurred and shall make such materials available at its office at all reasonable times during the term of this Agreement and for three (3) years from the date of final payment under this Agreement, for inspection by the CITY and for furnishing of copies to the CITY, if requested.

5. **LENGTH OF AGREEMENT.** This Agreement will last through June 30, 2019 from the executed date of the Agreement or until all work has been completed by the CONSULTANT and accepted by the CITY, whichever occurs first.

6. **DISPOSITION AND OWNERSHIP OF DOCUMENTS.** The Memoranda, Reports, Maps, Drawings, Plans, Specifications and other documents prepared by the CONSULTANT for this Project, whether paper or electronic, shall become the property of the CITY for use with respect to this Project, and shall be turned over to the CITY upon completion of the Project, or any phase thereof, as contemplated by this Agreement.

Contemporaneously with the transfer of documents, the CONSULTANT hereby assigns to the CITY and CONSULTANT thereby expressly waives and disclaims, any copyright in, and the right to reproduce, all written material, drawings, plans, specifications or other work prepared under this Agreement, except upon the CITY's prior authorization regarding reproduction, which authorization shall not be unreasonably withheld. The CONSULTANT shall, upon request of the CITY, execute any further document(s) necessary to further effectuate this waiver and disclaimer.

The CONSULTANT agrees that the CITY may use, reuse, alter, reproduce, modify, assign, transfer, or in any other way, medium or method utilize the CONSULTANT's work product for the CITY's purposes, and the CONSULTANT expressly waives and disclaims any residual rights granted to it by Civil Code Sections 980 through 989 relating to intellectual property and artistic works.

Any modification or reuse by the CITY of documents, drawings or specifications prepared by the CONSULTANT shall relieve the CONSULTANT from liability under Section 14 but only with respect to the effect of the modification or reuse by the CITY, or for any liability to the CITY should the documents be used by the CITY for some project other than what was expressly agreed upon within the Scope of this project, unless otherwise mutually agreed.

7. **INDEPENDENT CONSULTANT.** Both parties hereto in the performance of this Agreement will be acting in an independent capacity and not as agents, employees, partners or joint venture with one another. Neither the CONSULTANT nor the CONSULTANT'S employees are employees of the CITY and are not entitled to any of the rights, benefits, or privileges of the CITY's employees, including but not limited to retirement, medical, unemployment, or workers' compensation insurance.

This Agreement contemplates the personal services of the CONSULTANT and the CONSULTANT'S employees, and it is recognized by the parties that a substantial inducement to

## Attachment B

the CITY for entering into this Agreement was, and is, the professional reputation and competence of the CONSULTANT and its employees. Neither this Agreement nor any interest herein may be assigned by the CONSULTANT without the prior written consent of the CITY. Nothing herein contained is intended to prevent the CONSULTANT from employing or hiring as many employees, or subcontractors, as the CONSULTANT may deem necessary for the proper and efficient performance of this Agreement. All agreements by CONSULTANT with its subcontractor(s) shall require the subcontractor to adhere to the applicable terms of this Agreement.

8. **CONTROL.** Neither the CITY nor its officers, agents or employees shall have any control over the conduct of the CONSULTANT or any of the CONSULTANT's employees except as herein set forth, and the CONSULTANT expressly agrees not to represent that the CONSULTANT or the CONSULTANT's officers, agents, or employees are in any manner officers, agents, or employees of the CITY. It is understood that the CONSULTANT, its officers, agents, and employees are as to the CITY wholly independent consultants and that the CONSULTANT's obligations to the CITY are solely such as are prescribed by this Agreement.

9. **COMPLIANCE WITH APPLICABLE LAW.** The CONSULTANT, in the performance of the services to be provided herein, shall comply with all applicable State and Federal statutes and regulations, and all applicable ordinances, rules and regulations of the CITY OF LEMON GROVE, whether now in force or subsequently enacted. The CONSULTANT, and each of its subcontractors, shall obtain and maintain a current CITY OF LEMON GROVE business license prior to and during performance of any work pursuant to this Agreement.

10. **LICENSES, PERMITS, ETC.** The CONSULTANT represents and covenants that it has all licenses, permits, qualifications, and approvals of whatever nature that are legally required to practice its profession. The CONSULTANT represents and covenants that the CONSULTANT shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any license, permit, or approval which is legally required for the CONSULTANT to practice its profession.

11. **STANDARD OF CARE.** The CONSULTANT, in performing any services under this Agreement, shall perform in a manner consistent with that level of care and skill ordinarily exercised by members of the CONSULTANT's trade or profession currently practicing under similar conditions and in similar locations. The CONSULTANT shall take all special precautions necessary to protect the CONSULTANT's employees and members of the public from risk of harm arising out of the nature of the work and/or the conditions of the work site.

Unless disclosed in writing prior to the date of this Agreement, the CONSULTANT warrants to the CITY that it is not now, nor has it within the preceding five (5) years, been debarred by a governmental agency or involved in debarment, arbitration or litigation proceedings concerning the CONSULTANT's professional performance or the furnishing of materials or services relating thereto.

The CONSULTANT is responsible for identifying any unique products, treatments, processes or materials whose availability is critical to the success of the project the CONSULTANT has been retained to perform, within the time requirements of the CITY, or, when no time is specified, then within a commercially reasonable time. Accordingly, unless the CONSULTANT has notified the CITY otherwise, the CONSULTANT warrants that all products, materials, processes or treatments identified in the project documents prepared for the CITY are reasonably commercially available. Any failure by the CONSULTANT to use due diligence under this subparagraph will render the CONSULTANT liable to the CITY for any increased costs that result from the CITY's later inability to obtain the specified items or any reasonable substitute within a

## Attachment B

price range that allows for project completion in the time frame specified or, when not specified, then within a commercially reasonable time.

12. **NON-DISCRIMINATION PROVISIONS.** The CONSULTANT shall not discriminate against any employee or applicant for employment because of age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. The CONSULTANT will take positive action to insure that applicants are employed without regard to their age, race, color, ancestry, religion, sex, sexual orientation, marital status, national origin, physical handicap, or medical condition. Such action shall include but not be limited to the following: employment, promotion, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The CONSULTANT agrees to post in conspicuous places available to employees and applicants for employment any notices provided by the CITY setting forth the provisions of this non-discrimination clause.

13. **CONFIDENTIAL INFORMATION.** The CITY may from time to time communicate to the CONSULTANT certain confidential information to enable the CONSULTANT to effectively perform the services to be provided herein. The CONSULTANT shall treat all such information as confidential and shall not disclose any part thereof without the prior written consent of the CITY. The CONSULTANT shall limit the use and circulation of such information, even within its own organization, to the extent necessary to perform the services to be provided herein. The foregoing obligation of this Section 13, however, shall not apply to any part of the information that (i) has been disclosed in publicly available sources of information; (ii) is, through no fault of the CONSULTANT, hereafter disclosed in publicly available sources of information; (iii) is already in the possession of the CONSULTANT without any obligation of confidentiality; (iv) has been or is hereafter rightfully disclosed to the CONSULTANT by a third party, but only to the extent that the use or disclosure thereof has been or is rightfully authorized by that third party; or (v) is disclosed according to law or court order.

The CONSULTANT shall not disclose any reports, recommendations, conclusions or other results of the services or the existence of the subject matter of this Agreement without the prior written consent of the CITY. In its performance hereunder, the CONSULTANT shall comply with all legal obligations it may now or hereafter have respecting the information or other property of any other person, firm or corporation.

CONSULTANT shall be liable to CITY for any damages caused by breach of this condition, pursuant to the provisions of Section 14.

14. **INDEMNIFICATION AND HOLD HARMLESS.** The CONSULTANT shall indemnify, defend, and hold harmless the CITY, and its elected officials, officers, agents and employees from any and all claims, demands, costs or liability that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of CONSULTANT, its employees, agents, and subcontractors in the performance of services under this Agreement. CONSULTANT's duty to indemnify under this section shall not include liability for damages for death or bodily injury to persons, injury to property, or other loss, damage or expense arising from the sole negligence or willful misconduct by the CITY or its elected officials, officers, agents, and employees. CONSULTANT's indemnification obligations shall not be limited by the insurance provisions of this Agreement. The CITY AND CONSULTANT expressly agree that any payment, attorney's fees, costs or expense CITY incurs or makes to or on behalf of an injured employee under the CITY's self-administered workers' compensation is included as a loss, expense, or cost for the purposes of this section, and that this section will survive the expiration or early termination of this Agreement.

## Attachment B

15. **WORKERS' COMPENSATION.** The CONSULTANT shall comply with all of the provisions of the Workers' Compensation Insurance and Safety Acts of the State of California, the applicable provisions of Division 4 and 5 of the California Government Code and all amendments thereto; and all similar state or Federal acts or laws applicable; and shall indemnify, and hold harmless the CITY and its elected officials, officers, agents, and employees from and against all claims, demands, payments, suits, actions, proceedings and judgments of every nature and description, including reasonable attorneys' fees and defense costs presented, brought or recovered against the CITY or its elected officials, officers, agents, and employees for or on account of any liability under any of said acts which may be incurred by reason of any work to be performed by the CONSULTANT under this Agreement.

16. **INSURANCE.** The CONSULTANT, at its sole cost and expense, shall purchase and maintain, and shall require its subcontractors, when applicable, to purchase and maintain throughout the term of this Agreement, the following insurance policies:

A. If checked, Professional Liability Insurance (errors and omissions) with minimum limits of \$1,000,000 per occurrence.

B. Automobile insurance covering all bodily injury and property damage incurred during the performance of this Agreement, with a minimum coverage of \$1,000,000 combined single limit per accident. Such automobile insurance shall include non-owned vehicles.

C. Comprehensive general liability insurance, with minimum limits of \$1,000,000 combined single limit per occurrence, covering all bodily injury and property damage arising out of its operation under this Agreement.

D. Workers' compensation insurance covering all of CONSULTANT's employees.

E. The aforesaid policies shall constitute primary insurance as to the CITY, its elected officials, officers, agents, and employees so that any other policies held by the CITY shall not contribute to any loss under said insurance. Said policies shall provide for thirty (30) days prior written notice to the CITY of cancellation or material change.

F. Said policies, except for the professional liability and workers' compensation policies, shall name the CITY and its elected officials, officers, agents, and employees as additional insureds.

G. If required insurance coverage is provided on a "claims made" rather than "occurrence" form, the CONSULTANT shall maintain such insurance coverage for three years after expiration of the term (and any extensions) of this Agreement.

H. Any aggregate insurance limits must apply solely to this Agreement.

I. Insurance shall be written with only California admitted companies which hold a current policy holder's alphabetic and financial size category rating of not less than A VIII according to the current Best's Key Rating Guide, or a company equal financial stability that is approved by the CITY.

J. This Agreement shall not take effect until certificate(s) or other sufficient proof that these insurance provisions have been complied with, are filed with and approved by the CITY. If the CONSULTANT does not keep all of such insurance policies in full force and effect at all times during the terms of this Agreement, the CITY may elect to treat the failure to maintain the requisite insurance as a breach of this Agreement and terminate the Agreement as provided herein.

17. **LEGAL FEES.** If any party brings a suit or action against the other party arising from any breach of any of the covenants or agreements or any inaccuracies in any of the representations and warranties on the part of the other party arising out of this Agreement, then in that event,

## Attachment B

the prevailing party in such action or dispute, whether by final judgment or out-of-court settlement, shall be entitled to have and recover of and from the other party all reasonable costs and expenses of suit, including reasonable attorneys' fees.

For purposes of determining who is to be considered the prevailing party, it is stipulated that attorneys' fees incurred in the prosecution or defense of the action or suit shall not be considered in determining the amount of the judgment or award. Attorneys' fees to the prevailing party if other than the CITY shall, in addition, be limited to the amount of attorneys' fees incurred by the CITY in its prosecution or defense of the action, irrespective of the actual amount of attorney's fees incurred by the prevailing party.

**18. MEDIATION/ARBITRATION.** If a dispute arises out of or relates to this Agreement, or the breach thereof, the parties agree first to try, in good faith, to settle the dispute by mutual negotiation between the principals, and failing that through nonbinding mediation in San Diego, California, in accordance with the Commercial Mediation Rules of the American Arbitration Association (the "AAA"). The costs of mediation shall be borne equally by the parties.

**19. TERMINATION.** This Agreement may be terminated with or without cause by the CITY. Termination without cause shall be effective only upon thirty (30) days written notice to the CONSULTANT. During said 30-day period the CONSULTANT shall perform all services in accordance with this Agreement. The CONSULTANT may terminate this agreement upon thirty (30) days prior notice in the event of a continuing and material breach by the CITY of its obligations under this Agreement including but not limited to payment of invoices. Termination with or without cause shall be effected by delivery of written Notice of Termination to the CONSULTANT as provided for herein.

This Agreement may also be terminated immediately by the CITY for cause in the event of a material breach of this Agreement that is not cured to the CITY's satisfaction within a ten (10) day prior cure period, or material misrepresentation by the CONSULTANT in connection with the formation of this Agreement or the performance of services, or the failure to perform services as directed by the CITY.

The CITY further reserves the right to immediately terminate this Agreement upon: (1) the filing of a petition in bankruptcy affecting the CONSULTANT; (2) a reorganization of the CONSULTANT for the benefit of creditors; or (3) a business reorganization, change in business name or change in business status of the CONSULTANT.

In the event of termination, all finished or unfinished Memoranda, Reports, Maps, Drawings, Plans, Specifications and other documents prepared by the CONSULTANT, whether paper or electronic, shall immediately become the property of and be delivered to the CITY, and the CONSULTANT shall be entitled to receive just and equitable compensation for any work satisfactorily completed on such documents and other materials up to the effective date of the Notice of Termination, not to exceed the amounts payable hereunder, less any damages caused the CITY by the CONSULTANT's breach, if any. Thereafter, ownership of said written materials shall vest in the CITY all rights set forth in Section 6.

**20. NOTICES.** All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered; or sent by overnight mail (Federal Express or the like); or sent by registered or certified mail, postage prepaid, return receipt requested; or sent by ordinary mail, postage prepaid; or sent by facsimile or fax; and shall be deemed received upon the earlier of (i) if personally delivered, the date of delivery to the address of the person to receive such notice, (ii) if sent by overnight mail, the business day following its deposit in such overnight mail facility, (iii) if mailed by registered, certified or ordinary mail, five (5) days within California or ten (10) days if the address is outside the State of California after the date of

# Attachment B

deposit in a post office or mailbox regularly maintained by the United States Postal Service, (iv) if given by facsimile or fax, when sent. Any notice, request, demand, direction or other communication delivered or sent as specified above shall be directed to the following persons:

To the CITY:

Malik Tamimi, Management Analyst  
CITY OF LEMON GROVE  
3232 Main Street  
Lemon Grove, CA 91945

To the CONSULTANT:

Barbara Thorpe, President  
Disability Access Consultants.  
2243 Feather River Boulevard  
Oroville, CA 95965

Notice of change of address shall be given by written notice in the manner specified in this Section. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to constitute receipt of the notice, demand, request or communication sent.

**21. CONFLICT OF INTEREST AND POLITICAL REFORM ACT OBLIGATIONS.** During the term of this Agreement, the CONSULTANT shall not perform services of any kind for any person or entity whose interests conflict in any way with those of the CITY OF LEMON GROVE. The CONSULTANT also agrees not to specify any product, treatment, process or material for the project in which the CONSULTANT has a material financial interest, either direct or indirect, without first notifying the CITY of that fact. The CONSULTANT shall at all times comply with the terms of the Political Reform Act and the Lemon Grove Conflict of Interest Code. The CONSULTANT shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the CITY in which the CONSULTANT has a financial interest as defined in Government Code Section 87103. The CONSULTANT represents that it has no knowledge of any financial interests that would require it to disqualify itself from any matter on which it might perform services for the CITY.

If checked, the CONSULTANT shall comply with all of the reporting requirements of the Political Reform Act and the CITY OF LEMON GROVE Conflict of Interest Code. Specifically, the CONSULTANT shall:

1. Go to [www.fppc.ca.gov](http://www.fppc.ca.gov)
2. Download the Form 700: Statement of Economic Interests
3. Completely fill out the form
4. Submit the form to the Public Works Department with the signed Agreement.

The CONSULTANT shall be strictly liable to the CITY for all damages, costs or expenses the CITY may suffer by virtue of any violation of this Paragraph 21 by the CONSULTANT.

## **22. MISCELLANEOUS PROVISIONS.**

A. *Computation of Time Periods.* If any date or time period provided for in this Agreement is or ends on a Saturday, Sunday or federal, state or legal holiday, then such date shall automatically be extended until 5:00 p.m. Pacific Time of the next day which is not a Saturday, Sunday or federal, state or legal holiday.

B. *Counterparts.* This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute but one and the same instrument.

## Attachment B

C. *Captions.* Any captions to, or headings of, the sections or subsections of this Agreement are solely for the convenience of the parties hereto, are not a part of this Agreement, and shall not be used for the interpretation or determination of the validity of this Agreement or any provision hereof.

D. *No Obligations to Third Parties.* Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, or obligate any of the parties hereto, to any person or entity other than the parties hereto.

E. *Exhibits and Schedules.* The Exhibits and Schedules attached hereto are hereby incorporated herein by this reference for all purposes.

F. *Amendment to this Agreement.* The terms of this Agreement may not be modified or amended except by an instrument in writing executed by each of the parties hereto.

G. *Waiver.* The waiver or failure to enforce any provision of this Agreement shall not operate as a waiver of any future breach of any such provision or any other provision hereof.

H. *Applicable Law.* This Agreement shall be governed by and construed in accordance with the laws of the State of California.

I. *Entire Agreement.* This Agreement supersedes any prior agreements, negotiations and communications, oral or written, and contains the entire agreement between the parties as to the subject matter hereof. No subsequent agreement, representation, or promise made by either party hereto, or by or to an employee, officer, agent or representative of any party hereto shall be of any effect unless it is in writing and executed by the party to be bound thereby.

J. *Successors and Assigns.* This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

K. *Construction.* The parties acknowledge and agree that (i) each party is of equal bargaining strength, (ii) each party has actively participated in the drafting, preparation and negotiation of this Agreement, (iii) each such party has consulted with or has had the opportunity to consult with its own, independent counsel and such other professional advisors as such party has deemed appropriate, relative to any and all matters contemplated under this Agreement, (iv) each party and such party's counsel and advisors have reviewed this Agreement, (v) each party has agreed to enter into this Agreement following such review and the rendering of such advice, and (vi) any rule or construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement, or any portions hereof, or any amendments hereto.

# Attachment B

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first above written.

**CITY OF LEMON GROVE**

**DISABILITY ACCESS CONSULTANTS**

\_\_\_\_\_  
Lydia Romero, City Manager

\_\_\_\_\_  
Barbara Thorpe, President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

\_\_\_\_\_  
James Lough, City Attorney

\_\_\_\_\_  
Date

## EXHIBIT A DAC RESPONSE TO REQUEST FOR PROPOSALS PROJECT APPROACH/SCOPE OF WORK NOVEMBER 14, 2017 (EXCERPTS)

### Project Approach and Project Understanding

It is understood that the City of Lemon Grove is requesting a firm with professional experience in accessibility compliance to assist City staff to update and implement the City's ADA Transition Plan.

DAC understands that the scope of services includes but is not limited to the evaluation and documentation of city policies, programs and facilities, as well as providing the City with guidance for implementing the transition plan in accordance with the Americans with Disabilities Act (ADA), Title 24 of the CBC and other relevant laws and regulations.

DAC understands the following activities include, but are not limited to:

1. Providing the City with a Summary Report by collecting existing information and records through interviews with City staff to gain institutional knowledge, reviewing the City's ADA Transition Plan, and reviewing past Capital Improvement Project lists.
2. Conducting field inspections of existing facilities and access to the facilities that are noted in the request for proposal. This task will include generation a field inspection form, conducting field surveys, and coordinating inspections with facility managers.
3. Producing an Existing Conditions Report that will summarize the findings of the field inspections. The reports will include a summary of the existing conditions for City facilities as it pertains to ADA accessibility and will include cost estimates for implementation into the Capital Improvement Program (CIP). The reports will include solutions for barrier removal or, as appropriate, advisement to achieve the following list of project goals:
  - Assessment of the physical constraints and policy barriers to accessibility throughout the City.
  - Identification of improvements necessary to provide a cohesive network of accessible pedestrian paths.

# Attachment B

**DAC**

- Addressing citywide programmatic accessibility barriers in facilities, programs and services; access to public meetings; effective communications; and recommended staff training.
- Identification of structural improvements to city facilities that are included in the Field Inspections that would be necessary to provide accessibility.
- Prioritization of the improvements necessary to achieve a well-connected, safe and accessible city via pedestrian access routes.

DAC will conduct comprehensive and thorough field visits to further develop the existing conditions inventory and will provide the City with DACTrak software in order to generate a GIS map of the exterior non-compliant findings. Using DACTrak, the City will be able to generate multiple styles of reports in several file formats that are compatible with ArcGIS and Microsoft Excel which are currently used by the City. At a minimum the Transition Plan will include the following requirements:

- A list of the current physical barriers to and in city facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- A recommendation of the methods to be used to remove these barriers and meet the current standards and accessibility regulations, both ADA and California Title 24;
- An initial prioritization of the non-compliant findings plus tools within the DACTrak software for creating a flexible but detailed schedule of barrier removal that will be necessary to achieve compliance with Title II of the ADA; and
- Posting of the identity and contact information of the City's ADA Coordinator who is ultimately responsible for the plan's implementation, as well as optional additional fields to document the name of the individual(s) or department(s) that are instrumental in assisting the ADA Coordinator to develop an effective transition plan.

## Detailed Approach and Tasks

In order to provide the City of Lemon Grove with the requirements of the Scope of Work, activities will include, but are not limited to the following:

### 1. Orientation/Project Meeting and Clarification of Project Scope, and Schedule

DAC will conduct an initial project kick-off meeting with selected City of Lemon Grove staff to establish roles and lines of communication, refine project goals, review the overall project schedule, schedule surveys of City of Lemon Grove facilities and identify key City of Lemon Grove personnel related to the project scope. Initial self-evaluation activities will be completed during this step. More specific activities will include:

- Information that is needed will be clarified at the initial orientation meeting. The initial meeting will also clarify proposed activities and provide a collaborative framework to discuss project strategies. DAC has found that at least one orientation meeting is needed to prepare a strategic project work plan for a coordinated and seamless effort. The project methodology is generally designed to develop a comprehensive plan without placing additional activities and impact upon City of Lemon Grove staff.
- Barbara Thorpe will be designated as the project manager and will also serve as policy and program analyst. She will be the DAC contact for the project and serve as the point of contact for the City of Lemon Grove. The CASp designated team member that will coordinate the inspection team during the facility reviews will be Michael Boga. Michael will be directly involved in the project and field evaluations. Other roles and responsibilities of key team members are indicated in the organizational chart and in the description of the roles and responsibilities.
- Barbara will meet with the designated City of Lemon Grove officials to discuss the project scope, deliverables currently needed by the City of Lemon Grove, deliverables that may be needed by the City of Lemon Grove in the near future, discuss projected schedules and timelines, discuss cost saving methods, and review alternatives for compliance by the City of Lemon Grove. DAC has some optional cost saving measures for consideration by the City, which include use of the DACTrak tablet to complete inspections

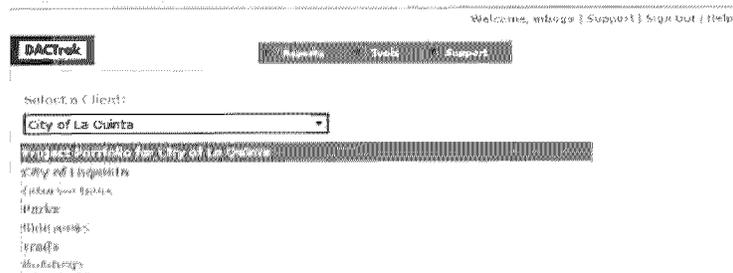
## DAC

or a portion of the inspections. Use of the DACTrak tablet by staff has also proved to be a valuable training activity.

- ❑ Specific methodologies and data collection will be clarified. Timelines and benchmarks will be developed. Operational and procedural requirements will be reviewed, such as coordination of schedules, name tags, project dates and other relevant information. DAC staff members wear DAC uniform shirts and have DAC name badges.
- ❑ The initial orientation meeting should include an assessment of previous compliance activities and areas of current or potential litigation. The review of compliance activities and high priority areas will assist with the development of an overall project plan. The review and documentation of prior initiatives will also build a more defensible plan if the City is challenged by litigation.
- ❑ Project objectives will be clarified and elements that may be unique or of particular importance for the City of Lemon Grove will be discussed. Items such as community input and staff needs will be confirmed.
- ❑ Hours of operation, schedules and City of Lemon Grove activities by location will be discussed.
- ❑ The self-evaluation to review policies, procedures, practices and contracts, agreements and documents will be initiated.

### 2. Self-evaluation of all City Programs, Services, Activities, Events and Related Policies, Procedures and Practices

- ❑ DAC will review all City policies, memos of understanding, administrative regulations and other policy and procedural related documents to identify if any are discriminatory or potentially discriminatory for individuals with disabilities.
- ❑ DAC will make recommendations to the City for consideration regarding potential revisions to policies and practices.
- ❑ Although it is not requested in the RFP, DAC can provide the City with methods to conduct a public input process. For example, DAC will present a variety of surveys in addition to notices and postings. Based on the individual needs of the City and the current assessment of possible or current litigation, and individualized method will be recommended to the City. Other methods may include staff interviews.
- ❑ Recommendations will be made, as appropriate, regarding programmatic alternatives to physical barrier removal.



### 3. Survey Facilities-Access Compliance Assessment Reports and Software for Transition Plans

- ❑ DAC will survey the City of Lemon Grove buildings, facilities, and parks as listed in the RFP. If requested by the City, DAC can also provide a survey of the City's public rights-of-way, such as sidewalks, curb ramps and intersections.
- ❑ As required by the ADA, the 2010 ADA Standards will be compared with state codes (Title 24 of the California Building Code) and the standard that provides the greater level of accessibility utilized. As DAC collects as-is field conditions and records all information, data can be reprocessed if codes change without conducting a re-inspection, thus resulting in a significant savings when codes change and the plan needs to be updated.
- ❑ Assessments and reports will include a high degree of detail with photographs, code references, and cost estimates. The DACTrak software and reports will include additional specifics, such as as-built dimensions, progress reports, additional prioritizations, preset reporting features and other custom reports. Reports will be delivered in the format requested, and reports will also be available using DACTrak. The inclusion of photographs showing the as-is condition has proven to be valuable assistance to clients in the formulation of the decisions regarding barrier removal priorities. The DACTrak software provides an easy

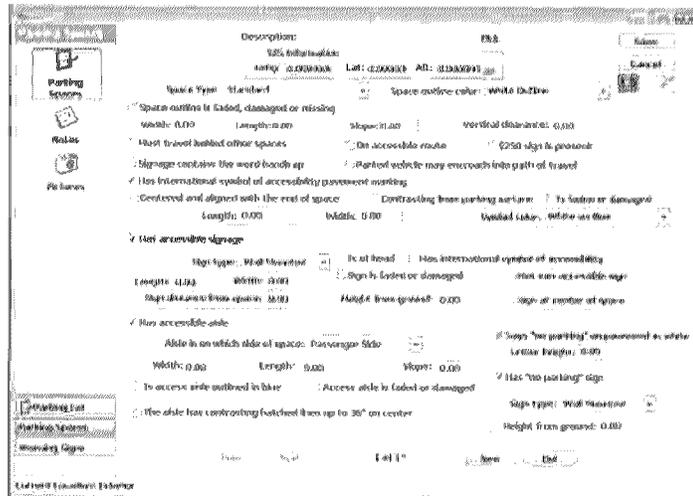


# Attachment B

DAC

to use accessibility management platform that exceeds the ability to manage the plan by hard copies and binders. The assessment report of each facility will include cost estimates to correct deficiencies in accordance with the ADA, Title 24 of the California Building Code.

- Barriers are identified by building, floor, or location and given a unique identifier record number (UIN) to assist with navigation in the accessibility software and location of the finding and recommendation by area and site. Estimated applicable costs will be given by item and element in accordance with industry standards. Costs can be easily adjusted to adhere to any cost estimates the City of Lemon Grove may utilize.
- Physical access problems that require structural solutions will be documented in the Existing Conditions Reports. The proposed method for removal will be provided. The transition plan will identify physical barriers that may limit accessibility of the City of Lemon Grove programs, services or activities for individuals with disabilities. The schedule for removal of barriers and appropriate timelines will be developed in consultation with the City of Lemon Grove.
- Identified barriers and obstacles will be prioritized as discussed in the Scope of Work. Use of the DACTrak software will provide the City of Lemon Grove with an additional tool to reprioritize items depending upon the unique and ongoing needs of the City of Lemon Grove and public comments during the public input process. Public and nonpublic areas will be identified, if requested. Employee only areas, for example, are usually given a lower priority for barrier removal.
- Detailed findings, inspection intake records and digital photos are utilized during the intake process. Findings are incorporated into the transition/barrier removal plans. Information collected during the survey process is preloaded by DAC into our DACTrak Accessibility Management Software.



Although not requested in the RFP, if the City would want DAC to provide an additional service to survey the City's public rights-of-way, DAC will inspect the sidewalks and signalized intersections along the 68 miles of City roadway, which would also include all elements found along the sidewalk such as bus stops, curb ramps and pedestrian signals.

Sidewalk and curb ramp inspections include, but are not limited to:

### Sidewalks

- Width
- Cross Slope
- Running slope
- Changes in elevation greater than 1/4 inch and changes in elevation that are not beveled up to 1/2 inch
- Any obstructions in the sidewalk that obstruct or narrow the path of travel such as protruding objects and items that narrow the required width
- Street furniture
- GIS information
- Photographs



### Signalized Intersections

If added to the scope of work, DAC would also inspect the signalized intersections that are connected to the City owned sidewalks. This includes:

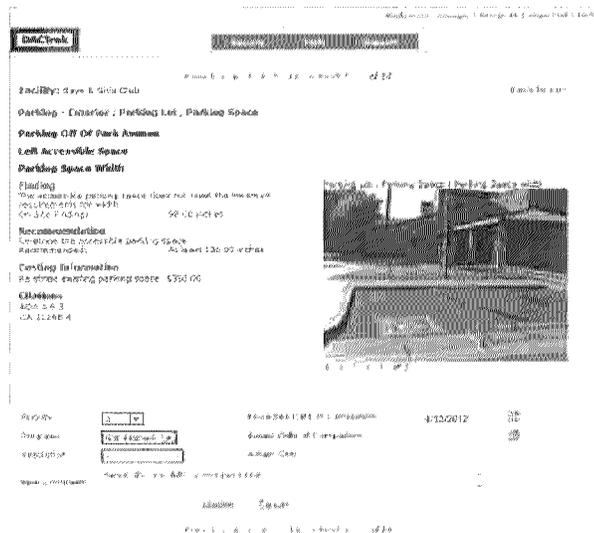
- Crosswalks
- Pedestrian ramps-curb ramps; width, slope, side flares, grooved borders, truncated domes, alignment with the crosswalk
- Accessible pedestrian signals
- Traffic stop bars

DAC uses a comprehensive approach to inspecting public rights-of-way (PROW). In order to conduct an assessment of all the requirements in the PROW, DAC conducts manual measurements of the field conditions and enters the information into our DACTrak pc tablet in the field. DAC has found that the use of automated equipment for running slopes on sidewalks, such as ultra-light profilers, do not provide an actual measurement, but only provide a chart showing ranges. In some cases, if a change in level is greater than ½ inch, no actual quantifiable information is reported of how much greater or of the severity. In order to get the actual measurements for the sidewalks and intersections, the use of a “profiler” does not provide the measurements needed for items such as automated pedestrian signals and street furniture.

DAC team members will conduct on-site inspections on our DACTrak pc tablets or slates and export the on-site field conditions for processing by our servers the same day of the inspection while located in the City of Lemon Grove. Thus, the draft report is ready the same day or at the end of the inspection of the particular site. Cost estimates are then refined by Michael Boga, Inspection Team Leader, in collaboration with the City. If the City has utilized particular cost estimates for standard nonaccessible items or elements, then the City’s costs can be entered into the DACTrak program. The on-site facility team leader conducts a quality assurance review and contacts the field inspector regarding any items in the report that may need further investigation. The on-site facility team leader completes any necessary edits and the final quality control editor is notified that the report is ready for the final edit.

#### 4. Transition Plan Reports and Implementation

- ❑ Following approval by the City, DAC will present the transition plan and findings by demonstrating the use of the DACTrak Accessibility Management Software program and providing a training session. DAC can also prepare and print reports in the type and style requested by the City. The City will have use of the DACTrak software for a period of two years at no cost to update and manage their information and print progress reports and other custom report formats.
- ❑ The draft plan shall describe the methods that will be used to make the facilities accessible and outline a strategy over time. It is recommended that the schedule and timelines be developed by the City of Lemon Grove in collaboration with DAC. It is not recommended that DAC unilaterally place dates in the plan that the City of Lemon Grove may not approve, and DAC would not want to inadvertently commit the City of Lemon Grove to dates that may be unrealistic or inappropriate. The projected schedule for barrier removal is required by the ADA for the development and implementation of the required transition plan. It is anticipated that the City would opt for a phased implementation plan with a timeline of a minimum of five years.
- ❑ Cost estimates will be provided when available for the specific item or element and can be easily be adjusted in the DACTrak software to utilize any specific costs adopted by the City of Lemon Grove.



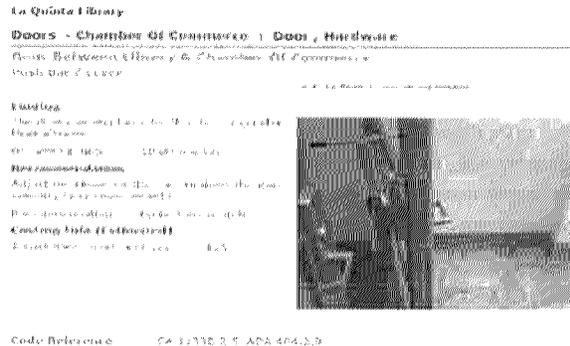
# Attachment B



- It is not recommended, nor is it required that the ADA Self-evaluation be approved by City Council. Projected dates that are incorporated into the plan may become problematic if the dates are not met. The plan is intended to be a working, ongoing plan that benefits from flexibility.

### Planning for Minimal Disruptions and Challenges

Due to advance planning and experience with hundreds of similar clients, DAC has experienced minimal challenges or situations during the completion of projects. Issues that may arise are discussed at the kick-off meeting and strategies developed. One concern that sometimes arises is that an unexpected area may be locked even though DAC staff arrived as scheduled to survey on the designated day. For example, a park may have a locked concession stand or restroom. Minimizing this type of disruption is achieved in several ways. The facility list is usually reviewed and discussed, and hours of operation for sites are confirmed at the kick-off meeting. Areas that may be locked are clarified and the best method to access a locked facility is discussed, such as a contact person with keys.



Another area where we occasionally experience a challenge is during the surveys public rights-of-ways. Some property owners have questions regarding what kind of information our DAC inspectors are collecting. The DAC inspectors carry a “letter of introduction” that describes that “they are updating a sidewalks survey for the City” and provide the resident with the City of Lemon Grove contact person to call with questions.

### Project Schedule

Based on experience with similar projects, it is estimated that the project completion time will be 4 months.

Scope of Service –Activity or Task in Months	1	2	3	4
DAC Team Meeting with City of Lemon Grove; kick-off meeting; survey methodologies, deliverables and schedule confirmation	█			
Project Planning, Scheduling, Procedures Review	█	█		
Review of Policies and Procedures; analysis of existing plan		█	█	
Draft Self-Evaluation of services, policies, programs and practices		█	█	
Inspections of Buildings, Facilities and Parks	█	█	█	
Field Inspection Data Compiled (compiled on a daily basis and available for review throughout the inspection process)	█	█	█	
DACTrak software presented to City and Logins created				█
Draft deliverables presented				█
Deliverables completed and presentation to the City Council if requested				█

### Fee for Services

Disability Access Consultants (DAC) proposes the following fixed amount for all required services to be performed for the fifteen (15) City of Lemon Grove facilities listed in the RFP:

Total cost to provide the services identified in the Scope of Work: \$22,125

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 2  
**Mtg. Date** December 5, 2017  
**Dept.** Mayor's Office

**Item Title:** Planning Commission Discussion

**Staff Contact:** Racquel Vasquez, Mayor  
Jennifer Mendoza, Mayor Pro Tem

**Recommendation:**

City Council to discuss the Planning Commission and whether to reinstate the Commission.

**Item Summary:**

In May of 2015, the City Council disbanded the Planning Commission. Since the dissolution of the Planning Commission, there were about 30 projects that could have been heard by the Commission. Of the 30 items, 28 would also have to be heard by the City Council as well.

Attached are the previous staff reports (November 4, 2014; January 20, 2015 and May 5, 2015,) that discussed the elimination of the Planning Commission for your review.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

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

**Attachments:**

- May 5, 2015 Staff Report
- January 20, 2015 Staff Report
- November 4, 2014 Staff Report

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

Item No. 6  
Mtg. Date May 5, 2015  
Dept. City Manager's Office

Item Title: **Planning Commission**

Staff Contact: **Graham Mitchell, City Manager**

**Recommendation:**

Provide direction on whether to implement the proposal set forth in the staff report (**Attachment A**).

**Item Summary:**

On January 20, 2015, staff presented an agenda item entitled "Planning Commission Analysis." This agenda item followed up on a similar November 4, 2014 item. At the conclusion of the January 20<sup>th</sup> discussion, a motion passed directing staff to develop a plan to disband the Planning Commission within nine months. The City Council also directed staff to solicit input from former Councilmembers and former and current Planning Commissioners.

The staff report (**Attachment A**) provides information on input received from former Councilmembers and former and current Planning Commissioners. It also addresses the direction from the City Council to develop a plan that 1) repurposes the Planning Commission, 2) ensures that public participation is protected and enhanced, and 3) establishes an implementation schedule.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

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

**Attachments:**

- A. **Staff Report**
- B. **Cover Letter & Questionnaire**
- C. **Questionnaire Responses**
- D. **January 20, 2015 Staff Report ("Planning Commission Analysis")**

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No.   6  

Mtg. Date   May 5, 2015  

Item Title: **Planning Commission**

Staff Contact: **Graham Mitchell, City Manager**

### **Discussion:**

On January 20, 2015, staff presented an agenda item entitled "Planning Commission Analysis." This agenda item followed up on a similar November 4, 2014 item. During the January 20<sup>th</sup> report, staff addressed four specific questions asked during the November 4<sup>th</sup> meeting:

- 1) What are the alternative ways to solicit community input on a project?
- 2) How can we engage citizens proactively?
- 3) If the Planning Commission were dissolved, how would that be implemented?
- 4) What would be the impact on the City Council agenda schedule?

Staff also included information on appeals, potential unintended consequences of items addressed in the report, and information about project streamlining.

At the conclusion of the January 20<sup>th</sup> agenda item discussion, a motion passed directing staff to develop a plan to disband the Planning Commission within nine months. The plan was to relying on City Council comments and input received from former Councilmembers and former and current Planning Commissioners. The City Council acknowledged that the next step would be to consider the plan presented by staff and provide direction on whether to implement the plan.

This staff report provides information on opinions sought from former Councilmembers and former and current Planning Commissioners. Secondly, the staff report addresses the direction from the City Council to develop a plan that 1) repurposes the Planning Commission, 2) ensures that public participation is protected and enhanced, and 3) establishes an implementation schedule.

### ***Planning Commission/City Council Questionnaire***

Staff determined that the most effective way to solicit opinions of former Planning Commissioners and former Councilmembers was through a questionnaire. The questionnaire allowed respondents to answer the same questions and to spend time needed to answer thoroughly. The questionnaire also allows the City Council to see the responses first-hand, rather than a summary of verbal interviews conducted by staff.

Staff identified seventeen former Planning Commissioners—not including two former Planning Commissioners that currently serve on the City Council. Staff also identified former Councilmembers—four of these Councilmembers also served as Planning Commissioners. Staff mailed a cover letter with background information and a questionnaire to former Councilmembers and former Planning Commissioners (**Attachment B**). Staff also solicited information from current Planning Commissioners, seeking their thoughts on strategies to ensure the public's opportunity to comment on projects. Several current Planning Commissioners provided comments to this request for input (**Attachment C**).

# Attachment A

Staff received a total of twelve responses—eight from Planning Commissioners, two from Councilmembers, and two from Planning Commissioners/Councilmembers (questionnaire responses are provided in **Attachment C**). Staff notes some information from the questionnaire responses in the paragraphs below.

To the question, “do you believe the City Council could effectively fulfill the duties of the Planning Commission,” the following responses were received:

Planning Commissioners: No – 3, Yes – 5

City Councilmembers: No – 1; Yes – 1

Planning Commissioners/City Councilmembers: No – 1, Yes – 1

Respondents that indicated “no” were asked to explain why not and those that answered “yes” were asked to explain why. Following is a summary of the responses to these questions:

“Why the City Council CANNOT effectively fulfill the duties of the Planning Commission”:

- Value when Council is at arms length from cases, in the event of appeals,
- Extra layer of oversight,
- PC allows ordinary citizens to have a say in their government without winning an election,
- Councils cannot always be objective because of political influence or lure of bolstering the General Fund while Commissioners can make recommendations that benefit neighborhoods without political pressure,
- A concern that the City Council will not have time to review plans or visit the site, thus slowing down the approval process.

“Why the City Council CAN effectively fulfill the duties of the Planning Commission”:

- Eliminating the Planning Commission “cuts out the middleman,”
- Two current members are former Planning Commissioners and all the City Council should be very familiar with the process,
- The City Council is already the final decision making body and the City Council is supported by qualified staff and legal counsel,
- The low number of Planning Commission items do not justify a Planning Commission, there is duplication of a disputed issue, it is more efficient use of staff time, and more discretion could be given to staff,
- Other cities have been able to operate without Planning Commissions,
- Decisions belong with elected representatives.

The questionnaire asked about concerns that the respondents would have for disbanding the Planning Commission. Following is a summary of the responses:

- One less layer of oversight,
- Reduces community involvement,
- An overloaded City Council may approve projects too quickly,
- Losing feedback from the community at a Planning Commission meeting (however, this could be taken over by the City Council),
- Less opportunity for public to weigh in on a decision (it is at a hearing that many learn about the project and the time between the Planning Commission meeting and the City Council meeting is when research can take place),
- Appeal process would be eliminated,
- Time to train the Council.

# Attachment A

The questionnaire asked if the Planning Commission were disbanded, what measures the respondents would recommend to safeguard the public's opportunity to comment on a project or permit. Following is a summary of the responses:

- Longer timelines and opportunities for community input,
- Utilize the City's website – put all pending actions to be taken on the website,
- Post projects on social media, print and electronic media,
- Utilize the public forum during Council meetings to make sure opinions are heard,
- Increase public outreach (e.g. focus groups),
- Post projects at The Home Depot,
- Current noticing is sufficient – would not increase public notice beyond 300 feet,
- Add a City Council meeting to only address land use/planning issues.

The final question posed on the questionnaire was “do you oppose, support or are neutral” regarding the disbanding of the Planning Commission. The following responses were received:

Planning Commissioners: Oppose – 4, Support – 4

City Councilmembers: Oppose – 1, Support – 1

Planning Commissioners/City Councilmembers: Oppose – 1, Support – 1

## ***Proposal***

Based on information discussed by the City Council and input from former Planning Commissioners and Councilmembers, staff presents a proposal for City Council consideration. The proposal addresses three topics:

- 1) Repurposing the Planning Commission,
- 2) Ensuring that public participation is protected and enhanced, and
- 3) An implementation schedule.

### **Repurposing the Planning Commission**

On January 20, 2015 and during the goal setting workshop, Councilmembers weighed in on expanded roles of former members of the Planning Commission in the future. The ideas shared achieve goals of increasing community involvement and obtaining more input on policy issues. The ideas also continue support for the focus group concept.

Staff recommends that if the Planning Commission is disbanded, the existing Planning Commissioners form a Community Advisory Panel. Staff recommends that ultimately this Panel be made up of three City Council appointees. The Panel members will serve as permanent members of community focus groups. Each time a focus group is formed, one of the Panel members will serve as the chair of the focus group. Staff continues to recommend that the appointments are for three year terms.

The value of using the former Planning Commissioners in this capacity is that they currently serve as a link between the community and the City Council and have developed relationships with staff. Perhaps most importantly, they can provide leadership for the focus groups that currently does not exist. Because focus groups meet only a few times, staff tends to be the de facto leader of the groups. Having the leadership of a former Planning Commissioner will ultimately be helpful to ensure that the focus groups are not overly staff driven.

The other advantage of having the former Planning Commissioners serve in this capacity is that there may be times when the City Council does not need a full focus group to provide feedback

# Attachment A

on a community issue. In these occurrences, the City Council can direct the issue to only the Community Advisory Panel.

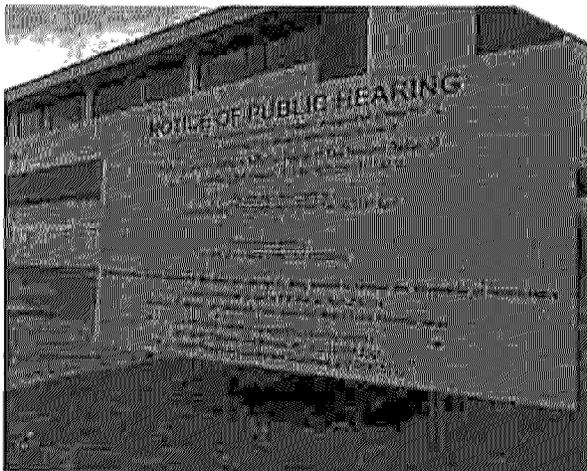
## Ensuring Public Participation

One of the concerns identified during the City Council discussions and through the questionnaire sent to former Planning Commissioners and Councilmembers is the issue of ensuring that the public has an opportunity to weigh in on public projects. One of the concerns with eliminating the Planning Commission is that the public has only one opportunity to voice opinion on a project. However, it is important to note that of the 31 issues heard by the Planning Commission between 2011 and 2014, only 12 also required City Council consideration. In other words, with the current system, over the past four years, 60 percent of projects only required one hearing, which was at the Planning Commission level.

If the Planning Commission is disbanded, staff recommends three strategies be implemented to protect the public's opportunity to provide comments on projects.

*Expanded Noticing Area* – staff recommends that the noticing area from projects be expanded from a 300 foot radius to a 500 foot radius. This will increase the number of residents receiving notices at a nominal cost to the developer.

*“Billboard” Noticing* – staff recommends that on Conditional Use Permits, Planned Development Permits, Major Subdivisions, and Variances that the City require the applicant to pay for the posting of a 4' x 8' or 4' x 4' sign noticing the public hearing on the site (*similar to the examples shown below*).



*Neighborhood Meetings* – staff recommends that “billboard” noticing projects (as defined in the previous paragraph) require a neighborhood meeting. The meeting would be held prior to the City Council's review of the project and costs associated with the meeting would be borne by the applicant. Noticing of the meeting would include mailed notice to those within 500 feet of the project, through a general circulation newspaper, and on the City's website.

The purpose of the meeting would be to present the project to the neighborhood and allow for a dialogue between existing community members and developers. Staff would facilitate the conversation and meetings would ideally be held at a location near the project, such as a school site. Ideas discussed would be recorded and presented as part of the public record at the City Council meeting at which the project is discussed. The neighborhood feedback would be used as a tool for the City Council to evaluate the project and perhaps require additional conditions. Ideally, the developer will incorporate valuable feedback into the plans that will ultimately be reviewed by the City Council.

# Attachment A

## Implementation

If the City Council determines to proceed with the proposal presented in this staff report, staff recommends that it establish a goal to implement the plan at the beginning of 2016. This process will require review and modification of the Municipal Code (specifically Chapter 2.08 – Planning Commission and Chapter 17 – Zoning). Any references to the Planning Commission and noticing requirements in other chapters will also be sought. In order to meet the goal of a January 1<sup>st</sup> implementation date, staff recommends that the City Council consider an ordinance addressing the Municipal Code changes no later than December 15, 2015. Because this could prove to be a significant project, staff may need to modify target completion dates of City Council priority projects that are being coordinated by the Development Services Department.

In the meantime, staff recommends that the current Planning Commissioners be asked to be part of two focus groups that will be discussed further by the City Council on July 15<sup>th</sup>—the General Plan group and the Recreation focus group.

## **Conclusion:**

Staff seeks direction from the City Council on whether to implement the proposal set forth in this staff report.

## Attachment B

Mr./Ms. Former PC/CC  
123 Anystreet Drive  
Lemon Grove, CA 91945

**SUBJECT: Lemon Grove City Council Seeks Your Input on the Disbanding of the Planning Commission**

Dear Mr./Ms. Former PC/CC:

The City Council has been considering alternatives to operating a Planning Commission. A proposal is being considered to disband the Planning Commission and have the City Council assume Planning Commission duties (like in the cities of Imperial Beach, Poway and Santee). Over the past few years, the City's development code has allowed more land uses to be approved at the staff level, which has reduced Planning Commission activity. In the past four years, the Planning Commission has met an average of 5.5 times annually, considering an average of 7.75 permits each year.

One primary concern with eliminating the Planning Commission is potentially limiting the opportunity for the public to provide comments on development projects. One significant advantage is a streamlined approval process, making Lemon Grove potentially more attractive to developers. To mitigate the concern about limiting public involvement in planning processes, a plan is being developed that could expand noticing areas around projects (from 300 feet up to 700 feet) and/or require neighborhood outreach meetings for larger projects.

In determining how to move forward, the City Council expressly directed staff to solicit opinions from former City Councilmembers and former and current Planning Commissioners. A survey is enclosed that seeks your insights on the matter. Please respond to the questions and return the survey in the pre-stamped envelope by April 8, 2015. Your completed survey will be shared with the City Council as part of an upcoming agenda item.

I thank you in advance for your response. Please contact me at (619) 825-3800 or [gmitchell@lemongrove.ca.gov](mailto:gmitchell@lemongrove.ca.gov) if you have any questions or comments.

Sincerely,

Graham Mitchell  
City Manager

Enclosure

# Attachment B

## CITY OF LEMON GROVE PLANNING COMMISSION SURVEY

- 1) Name: \_\_\_\_\_
- 2) Did you serve on the Planning Commission, City Council, or both:  
\_\_\_ Planning Commission \_\_\_ City Council \_\_\_ Both
- 3) What years did you served on the Planning Commission and/or City Council?
- 4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?
- 5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?  
\_\_\_ YES \_\_\_ NO
  - If you answered NO, why not?
  - If you answered YES, why?
- 6) If the City Council disbanded the Planning Commission, what concerns would you have?
- 7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?
- 8) Do you oppose, support, or are neutral to disbanding the Planning Commission?  
\_\_\_ Oppose \_\_\_ Support \_\_\_ Neutral
- 9) Please share any additional comments (you may use the back of this page). |

# Attachment C

## QUESTIONNAIRE RESPONSES

- 1) Former Planning Commissioners
- 2) Former Councilmembers
- 3) Former Planning Commissioners/City Councilmembers
- 4) Current Planning Commissioners

CITY OF LEMON GROVE  
PLANNING COMMISSION SURVEY

1) Name (Optional?): Moises Aguirre

2) Did you serve on the Planning Commission, City Council, or both:

Planning Commission     City Council     Both

3) What years did you served on the Planning Commission and/or City Council? 2009-2014

4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?

Worked on important projects such as Citronica I and II.

5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?

YES     NO

▪ If you answered NO, why not?

It benefits the council to have an arm-lengths relationship. That way in case of appeals, there's an extra layer of oversight built in.

▪ If you answered YES, why?

6) If the City Council disbanded the Planning Commission, what concerns would you have?

One less layer of oversight.

7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?

Longer timelines and more opportunities for community input.

8) Do you oppose, support, or are neutral to disbanding the Planning Commission?

Oppose     Support     Neutral

## Graham Mitchell

---

**From:** Brian Kimball <bk4phx@yahoo.com>  
**Sent:** Tuesday, April 21, 2015 2:01 PM  
**To:** Graham Mitchell  
**Subject:** Planning Commission Survey

Hi Graham,

1. Brian Kimball
2. Planning Commission
3. 2002 - 2005
4. First appeal for citizens and business' after a decision rendered by the community development, first approval for the community development departments with concern for variances of city code and policies, and similar low level agenda items that need interpretation and or approval.
5. No. The planning commission is a standard practice in California's governmental structure. It allows for ordinary citizens to have a say in their government without winning an election
6. People already feel that the government runs rampant over them, and this is just one more example that they would point out. Elimination would not allow residents to be involved unless they ran and won an elected office.
7. Publicize the cities website, and put on the website the need for the community to be involved, and put on all the pending actions to be taken
8. The planning commission should be maintained IMHO

Thank you for allowing me to participate in this survey. It is nice to have the government ask the people what they think, and even if it does not go their way it is OK. My opinion has been asked for, it was given, and it is a pleasure.

CITY OF LEMON GROVE  
PLANNING COMMISSION SURVEY

1) Name (Optional?): Helen M. Dfield

2) Did you serve on the Planning Commission, City Council, or both:

Planning Commission     City Council     Both

3) What years did you served on the Planning Commission and/or City Council? 1997-99

4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?

Advising Council on developments of SF homes and multi-family buildings; installation of fast food emporia on Broadway (there are too many and out of step with residents' repeated, stated desire for better restaurants); reviewed rules limiting number and placement of bars; overhauled the sign ordinance; conducted planning/zoning studies and reviewed planning regs like PDP's and Code Enforcement (subsequent changes adopted); placement of a skateboard area; fees for use of civic parks, application fees, permits, etc.; and much more.

5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?

YES     NO

▪ If you answered NO, why not?

Councils, however well motivated, cannot always objectively adopt sound planning regulations sans political influence (including from other cities) and/or the lure of developer fees to bolster General Funds. Volunteer citizens (who should not be paid)\* on a Planning Commission make recommendations that benefit neighborhoods and the City sans influence of any kind. This is not to impugn the capability of any council, but to stress the importance of involving and listening to recommendations from its citizens. Council members end up talking to each other and/or to staff (who may not live in the community, may have less interest in its history or future and are moving on to other cities).

▪ If you answered YES, why?

6) If the City Council disbanded the Planning Commission, what concerns would you have?

An overloaded council may approve projects too quickly. Major and minor civic projects would go forward sans Commission recommendations. Example: Citronica I has become the ghetto that many of us predicted (this, in a town that, historically, had no ghettos as all ethnicities have been evenly spread through neighborhoods, making it the best integrated town in the county); the building would have remained a large, white, ugly thing at the entrance to town without public and Commission input, which resulted in mitigations. Also, code enforcement, a part of city regs, is a troubled area, at best, and needs Commission oversight, too.

7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?

A redoubled effort to post projects on social, print and electronic media might help. But we all know how distracted people are. Even in a small city, many are clueless about what's happening around them. This is a key reason why Planning Commissions become the eyes and ears of residents. "Streamlining" implies impatience with public input, a dangerous route for any elected body to travel. Also, reliance on Project Working Groups, however effective, cannot replace a Commission that pays attention to the whole city year-round.

8) Do you oppose, support, or are neutral to disbanding the Planning Commission?

Oppose     Support     Neutral

\*I was startled to learn that I would be paid \$35 per commission meeting. Later, I donated several times to City projects as a way of returning that money. Given the nature of a commissioner's job, no remuneration should be provided; it is an honor to serve and vital to civic health. To paraphrase Ralph Nader, it is "citizens' work."

Hi Graham - thanks for the opportunity to give my input. I learned so much during my time as a Commissioner - but as everyone knows these days we need to tighten up the budgets. *It may know if I can help in anyway.*

CITY OF LEMON GROVE  
PLANNING COMMISSION SURVEY

1) Name (Optional?): Laura Hook

2) Did you serve on the Planning Commission, City Council, or both:  
 Planning Commission     City Council     Both

3) What years did you served on the Planning Commission and/or City Council?  
2005 - 2008

4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?  
*We were in the midst of redevelopment of downtown, use of old SDGE land.*

5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?  
 YES     NO

▪ If you answered NO, why not?

▪ If you answered YES, why?

*in these years of doing more with less it makes perfect sense to have the City Council take over the Planning Commission. The Planning Commission took their lead with info from staff and the*

6) If the City Council disbanded the Planning Commission, what concerns would you have? *(over)*  
*The feedback from the public at a scheduled meeting involving the project. This could be again taken over by the City Council at a time before or after or during City Council meetings.*

7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits? *(more)*  
*add to City Council agendas time for comments. If a person is really concerned about a project I am sure there are ways other than public forum to make their opinions known.*

8) Do you oppose, support, or are neutral to disbanding the Planning Commission?  
 Oppose     Support     Neutral

city council would take the recommendations from the Planning Commission. Now the city council can more or less "cut out the middleman and get direction directly from staff. This also cuts costs by not having to pay non city staff for their time.

CITY OF LEMON GROVE  
PLANNING COMMISSION SURVEY

- 1) Name (Optional?): JAY BASS
- 2) Did you serve on the Planning Commission, City Council, or both:  
 Planning Commission     City Council     Both
- 3) What years did you served on the Planning Commission and/or City Council? 2000-2004(?)
- 4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?  
REVIEW OF PERMITS AND REQUESTS FOR VARIANCES
- 5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?  
 YES     NO
- If you answered NO, why not?
  
  
  
  
  
  
  
  
  
  
  - If you answered YES, why?  
2 MEMBERS ARE FORMER P.C. MEMBERS. ALL C.C. SHOULD BE VERY FAMILIAR WITH THE PROCESSES
- 6) If the City Council disbanded the Planning Commission, what concerns would you have?  
A LACK OF OPPORTUNITIES FOR CONCERNED RESIDENTS TO GET INVOLVED IN CITY
- 7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?  
- PUBLIC OUTREACH E.G. FOCUS GROUPS  
- WEBSITE POSTINGS
- 8) Do you oppose, support, or are neutral to disbanding the Planning Commission?  
 Oppose     Support     Neutral
- 9) Please share any additional comments (you may use the back of this page).

CITY OF LEMON GROVE  
PLANNING COMMISSION SURVEY

1) Name: Leonard Kottong

2) Did you serve on the Planning Commission, City Council, or both:

Planning Commission     City Council     Both

3) What years did you serve on the Planning Commission and/or City Council?

1993 – 2000

4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?

- a) Hear and decide applications for conditional use permits, variances, and planned development permits other than major subdivisions and modifications to same.
- b) Hear and recommend to City Council modification, approval or disapproval to tentative maps and planned development permits for major subdivisions.
- c) Hear and decide appeals made to decisions of the Community Development Director.
- d) Hear and make recommendations to City Council with regards to the general plan, specific plans, zoning amendments and amendments to land use regulations.
- e) Perform tasks assigned by the City Council with regards to land use regulation.

5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?

YES     NO

- If you answered NO, why not?
- If you answered YES, why?

Outside of the courts the City Council is the final deciding body on all applications retained for their approval, all land use ordinances, the general plan, specific plans and appeals to decisions of the Planning Commission. In addition, City Council is supported by a staff of qualified land use professionals and legal counsel. I do believe the City Council could effectively fulfill the duties they are now responsible for.

6) If the City Council disbanded the Planning Commission, what concerns would you have?

- a) Elimination of one public hearing that gives persons impacted by the recommendations or decisions being made an opportunity to learn how the land use process works before a final decision is made. It is at this hearing they learn the basis of any decision or recommendation, that there is documentation in the form of staff reports, ordinances and general and specific plans that form the basis for recommendations and decisions, and decisions of the Planning Commission are appealable to City Council. There is time between the two public hearings to research the basis of decisions and to mount a cohesive effort to obtain appropriate mitigation from project impact.
- b) Except in the case of appeals from the decisions of the Community Development Director, eliminating the Planning Commission and the public hearings conducted by the Planning Commission creates a one and done situation. If you don't like the decision you can appeal it to the same people who made the decision, or possibly the decision is final and there is no appeal.
- c) Change in the role of City Council from being the reasonable arbiter of decisions and recommendations made by the Planning Commission to that of being the deciding body alone.
- d) Elimination of an area where citizens can become involved in city government and serving the community. Loss of a pool of potential candidates for appointment or election to City Council.
- e) The main reason given for eliminating the Planning Commission is reduced activity due to changes in the development code allowing staff level approvals. Another reason for reduced activity may be the economy since the start of the 2008 crash in the economy. With an improving economy more applications may be received. It is interesting that older approved tentative map projects are only now being constructed or completed (San Diego Gas and Electric Site, Mount Vernon Ave. across from Berry St. Park and San Miguel Ave. across from the school are a few I've noticed recently)

7) If the City Council disbanded the Planning Commission, what measures would you recommend to be taken to ensure the public's opportunity to comment on projects/permits?

Provide the maximum time possible between the notice and the public hearing. Provide in the notice links to staff reports and project documentation.

8) Do you oppose, support, or are neutral to disbanding the Planning Commission?

X Oppose      \_\_\_ Support      \_\_\_ Neutral

CITY OF LEMON GROVE  
PLANNING COMMISSION SURVEY

1) Name (Optional?): CHUCK PENNELL

2) Did you serve on the Planning Commission, City Council, or both:

Planning Commission     City Council     Both

3) What years did you served on the Planning Commission and/or City Council? 91-93

4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council? ① RCUD PUBLIC INFO ON ZONING MATTER

② SPOKE TO PERMIT APPLICATIONS    ③ REQUESTED VARIANCES

5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?

YES     NO

If you answered <sup>yes</sup> NO, why not? ① THE NUMBER OF P.C. ISSUES/BUSINESS DOES NOT JUSTIFY A P.C. ② DUPLICATION OF DISPUTED ISSUE RESOLUTION AS APPEALS END UP AT CITY COUNCIL. ③ MORE EFFICIENT FOR STAFF SINCE THEY DON'T NEED TO PREPARE

If you answered YES, why? TWO REPORTS ④ ADDITIONAL DIRECTION TO STAFF SO PERMITS AND ZONING VARIANCES DO NOT REQUIRE PUBLIC HEARING.

6) If the City Council disbanded the Planning Commission, what concerns would you have?

① COUNCIL MUST ESTABLISH TIME-CERTAIN HEARING EITHER DURING EXISTING MEETINGS OR SPECIAL MEETINGS. ② ARE THERE STAFF TO HANDLE WORKLOAD?

7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?

ADEQUATE NOTIFICATION AND PROCESSING INFO AVAILABLE TO PUBLIC. e.g. ALL PLANNING ISSUES BE POSTED AT LOCAL Home Depot.

8) Do you oppose, support, or are neutral to disbanding the Planning Commission?

Oppose     Support     Neutral

**CITY OF LEMON GROVE  
PLANNING COMMISSION SURVEY**

1) Name (Optional?): Lewis Zollinger

2) Did you serve on the Planning Commission, City Council, or both:

Planning Commission       City Council       Both

3) What years did you served on the Planning Commission and/or City Council? 2003 - 2013 ±

4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?

Decision maker on permits;  
Gave recommendations on ordinances/resolutions.

5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?

YES       NO

▪ If you answered NO, why not?

▪ If you answered YES, why?

Several Council members served on Planning Comm. & are experienced.  
Staff & developers need prepare only once for a public hearing. This  
would save time & money for both.

6) If the City Council disbanded the Planning Commission, what concerns would you have?

None

7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?

Hearings before City Council are sufficient. I would not  
increase public notice beyond the current 300 ft.

8) Do you oppose, support, or are neutral to disbanding the Planning Commission?

Oppose       Support       Neutral

HOWARD P. COOK  
7136 ROSEMARY LN.  
LEMON GROVE, CA.  
91945

I SERVED ON THE LEMON GROVE CITY COUNCIL  
FROM 2010 TO 2014.

I BELIEVE THE PLANNING COMMISSION  
FULFILLED DUTIES THAT IT WAS ASKED TO DO.

AFTER REVIEWING THE AMOUNT OF HOURS THEY  
MET DURING THE FOUR YEARS THAT I SPENT  
ON THE CITY COUNCIL, I BELIEVE THAT THE  
CITY COUNCIL COULD HANDLE THOSE DUTIES  
WITH OUT IT BECOMING TOO MUCH OF A WORK  
LOAD.

I ALSO THINK BY DISBANDING THE PLANNING  
COMMISSION, IT WOULD STREAMLINE THINGS  
AND SAVE NOT ONLY THE CITY TIME AND  
MONEY BUT ALSO THE CONTRACTOR AS WELL.

I DON'T THINK I WOULD HAVE TOO MANY  
CONCERNS, REGARDING THE DISBANDING OF  
THE PLANNING COMMISSION. SEVERAL CITIES'  
HAVE DONE THE SAME, AND HAVE FOUND IT TO  
SPEED PERMITS AS WELL PLANS AND OTHER  
THINGS UP BY AS MUCH AS 60 DAYS. THERE IS

NOT TOO MANY BIG PROJECTS THAT COULD  
COME UP, WHEN LEMON GROVE IS PRETTY MUCH  
BUILT OUT. THOSE THAT DO COME UP COULD  
VERY EAZLY BE HADDLED BY THE CITY  
COUNCIL.

DO I OPPOSE, SUPPORT, OR ARE NEUTRAL TO  
DISBANDING THE PLANNING COMMISSION?

I SUPPORT THE DISBANDING OF THE PLANNING  
COMMISSION.

HOWARD P.COOK

CITY OF LEMON GROVE  
PLANNING COMMISSION SURVEY

1) Name (Optional?): MARY ENGLAND

2) Did you serve on the Planning Commission, City Council, or both:  
 Planning Commission  City Council  Both

3) What years did you served on the Planning Commission and/or City Council?

Council 2006 - 2012

4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?

Reviewed ALL APPLICATIONS FOR ANY TYPE OF ZONING - LAND USE SITUATIONS, ALSO Reviewed PLANS FOR ADDITIONS THAT NEEDED SPECIAL

5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?

YES  NO

\* If you answered NO, why not?

These people have DAY JOBS OUTSIDE OF LEMON GROVE. ONE <sup>OF THEM</sup> MAY BE ABLE TO VISIT A SITE IN QUESTION. THE REST WOULD HAVE TO GO AT NIGHT OR WEEKENDS.

\* If you answered YES, why?

ALSO. THERE IS TIME NEEDED IN LEMON GROVE TO FULFILL THESE DUTIES. THE AMOUNT OF TIME NEEDED TO REVIEW COULD ADD TO A LENGTHY PROCESS.

APPROX

6) If the City Council disbanded the Planning Commission, what concerns would you have?

- 1) How would people appeal a decision?
- 2) How much staff time would it take to TRAW the Council?

7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?

- 1) AN ADDITIONAL City Council Meeting TO ONLY ADDRESS LANDS USE-PLANNING
- 2) ENSURE Complete TRANSPARENCY IN THE PROCESS

8) Do you oppose, support, or are neutral to disbanding the Planning Commission?

Oppose  Support  Neutral

NOTICE AND POST ON WEBSITE

**CITY OF LEMON GROVE  
PLANNING COMMISSION SURVEY**

1) Name (Optional?): DWIGHT SHELLEY

2) Did you serve on the Planning Commission, City Council, or both:

Planning Commission       City Council       Both

3) What years did you served on the Planning Commission and/or City Council?

*PLANNING APPROX 1984-1994      COUNCIL MAY 1995- MAR. 2000*

4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council?

5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?

YES       NO

▪ If you answered NO, why not?

▪ If you answered YES, why?

6) If the City Council disbanded the Planning Commission, what concerns would you have?

7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?

8) Do you oppose, support, or are neutral to disbanding the Planning Commission?

Oppose       Support       Neutral

When I first read in the paper that the Lemon Grove City Council was considering eliminating the planning commission, I thought it was a positive move. After reading the city manager's letter I have had second thoughts.

Here are the reasons I feel the City of Lemon Grove should maintain a planning commission.

1. It gives the citizens an appeals process that I know from experience is important.
2. As I recall the City Council sets codes and policies. The planning commission implements those codes and policies.
3. Planning commissioners are appointed not elected. They can work out problems on projects (Millers Ranch, Home Depot, city plan). This lessons most of the heated public hearings before the project reaches the council.
4. Planning commission provides a good training experience for future council members.
5. There are times when people are willing to comment before the planning commission, but not city council.
6. If the planning commissioners do their job properly, it is a challenging job. However it is satisfying to know you have contributed to your community.

I am sure you will consider this move carefully and make the best decision for the citizens of Lemon Grove.

**CITY OF LEMON GROVE  
PLANNING COMMISSION SURVEY**

- 1) Name: Tom Clabby
- 2) Did you serve on the Planning Commission, City Council, or both:  
 Planning Commission       City Council       Both
- 3) What years did you served on the Planning Commission and/or City Council? Planning Commission: 1991-1992. City Council: 1992-2008
- 4) What role did the Planning Commission play when you served on the Planning Commission and/or City Council? Generally the planning commission convened at the will of the City Development Service Departments. (Planning, engineering). Meeting agendas by the staff were presented to the commissioners for comments and or approval. Similar to existing city council meetings. Now that the counsel no longer has redevelopment responsibilities the disbandment of the planning commission should not pose and additional burden on the City Council or Public. Often when I was on the Planning Commission our recommendatons or decisions were over turned. That is the reason I ran for City Council in 1992.
- 5) Do you believe that the City Council could effectively fulfill the duties of the Planning Commission?  
 YES       NO
- If you answered NO, why not?
  - If you answered YES, why? City decisions belong with the elected representatives. Council verses appointed Commissioners)
- 6) If the City Council disbanded the Planning Commission, what concerns would you have? None, if any thing I believe developers' want and our residents want approval process that is streamlined and transparent.
- 7) If the City Council disbanded the Planning Commission, what measures would you recommend be taken to ensure the public's opportunity to comment on projects/permits?  
The Public always has the opportunity to comment on items brought before the City Council such as projects and permits etc. Disbanding also presents a cost savings to the Taxpayers of our Community, which is a consideration that sometimes is overlooked. The Council no longer has redevelopment issues to review and therefore can handle the extra requirements and use of less staff time.
- 8) Do you oppose, support, or are neutral to disbanding the Planning Commission?  
 Oppose       Support       Neutral
- 9) Please share any additional comments (you may use the back of this page). N/A

Graham Mitchell

Lemon Grove City Manager

The Planning Commission's responsibilities have been clearly stated many times.

What hasn't been stated is what the Planning Commission is beyond its official responsibilities.

The Planning Commission, as stated, is not a policy body. It is, however, a guiding voice to that policy body. Numerous times the City Council has asked for direction and input on items they were considering. This input is requested, I believe, because the Council has selected Planning Commission members that they trust to have valued input that reflect multiple positions from throughout the community.

The Planning Commission, as non-elected officials, is exactly what Council and the city desire from a community forum. A trusted body that is concerned about the direction the city is taking and wants to have input in its own future. They are first and foremost volunteers. Yes they receive a small stipend for their service, but no commissioner ever applied to the position for the pay.

One clear advantage to having a Planning Commission is the consistency of input. A group that is both stable and fluid. It is designed to be a body that can be molded as Council desires. A group that City Council and the community can count on to be responsible and available.

The Planning Commission is also, if nothing else, the extended eyes and ears of the Council as well as the rest of the community.

While it may be true that some cost savings may result in eliminating the Planning Commission, any reports that staff is currently preparing for the Planning Commission, will still have to be prepared for the City Council. While having the City Council handle Planning Commission duties will only extend the meetings a short amount of time, it's not only the Council that this extended time affects. Many city and county representatives, including the Sheriff's dept, Fire dept, and city attorney are also subject to the longer meetings.

It has been suggested that Planning Commissioners may not have the technical expertise to handle some decisions. While Planning Commissioners are not necessarily selected based on their technical abilities, several past Planning Commissioners have certainly had a level of technical expertise that more than qualified them for the position. Some of these former commissioners have since been elected to the City Council. Other Planning Commissioners, without the same level of technical expertise, have also been elected to the City Council. Does their election to Council suddenly increase their technical knowledge or make them more qualified? As with anything in life, experience is often the best teacher.

It has been my great fortune to have served on the Planning Commission for more than 10 years.

I hope to continue in this capacity as long as the Council deems it beneficial. I fully understand if their decision is to head in another direction.

Respectfully,

Bob Bailey

## Graham Mitchell

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**From:** Yepiz, Susan <Susan.Yepiz@sdcounty.ca.gov>  
**Sent:** Wednesday, April 29, 2015 9:13 AM  
**To:** Graham Mitchell  
**Subject:** RE: Future of Planning Commission

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good Morning Graham,

Thank you for including us on this.

I wanted to say, I get to work with absolutely wonderful staff in the Development Services Department. I have contacted them 2 hours before a planning commission meeting about additional questions I have and they were able to talk to me for a good 30-45 minutes.

I wanted to ask if we had ever considered hiring a professional outside consultant to review the structure of our City departments before we consider removing the planning commission. Reviewing our current business process and possibly restructuring of the City Departments may be our first step in considering if we want to eliminate a department. Especially with a general plan update in the near future.

As far as your plan here are some of my ideas;

1. Modify Planning Commissions Responsibilities

I know you have said, in the past, that you wish we had a way of organizing volunteers and putting together more community service projects. The planning commission would be a great group to help organize events, community service programs, and volunteers. We could also help to work on the update of our 20-year-old general plan, or be actively out and about the community as a "boots on the ground" initiative to help clean-up and re-energize our downtown district. Help get the word out to citizens on certain projects and events.

2. Strategies to Maintain Public Involvement

We could also continue to work with focus groups in ways that give more people an opportunity to have a seat at the table. This setting gives a larger group of people a chance to participate in an open dialogue with city staff. We could have more on-line polls and public outreach programs. Work on the Councils directive for more recreational events and facilities.

I understand that eliminating the Planning Commission would shorten and streamline the development process for developers. I don't wish to impose red tape on potential development. However the "unknown" that could develop in the dual public hearing process is a GOOD thing. Not only for liability purposes but also for airing out the laundry, getting it out in a public setting and making sure all those that want to attend do, all those that want to be heard also do so. We would then be able to show, not only was there a public hearing at the Planning Commission, but also at the City Council meeting, on two different nights and two different dates, in case one of those you were unable to attend one of those. The more discussion we have, will hopefully bring to a head issues we want to address now instead of down the line where it can be much more costly.

Also, from what I hear from Carol Dick, our city is already mostly developed. There is only the potential for small developments or redevelopments in the future due to our size. Making a change specifically for potential developers is not in the best interest of our citizens.

What I'm hearing from the council meetings I have attended based on future of the planning commission is that the advisory board to the council and the dual process system is not necessary. We were appointed to investigate projects and to dig a little deeper than the City Council would normally do, so we can make recommendations based on our finding facts. I understand the City Council is fully qualified to handle all the tasks asked of the commission. However, I feel that having more citizens look at everything would help take care of the "unknown" that may potentially occur.

We had a great Planning Commission meeting on Monday with a full room! Commissioner Bob Bailey made some suggestions to a plan amendment, that would save the applicant *thousands* of dollars. This may not have been recognized by the City Council if it were to have been on the agenda.

I hope this helped. Let me know if you have any further questions.  
Susan Yepiz

## Graham Mitchell

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**From:** seancole@aol.com  
**Sent:** Wednesday, April 29, 2015 4:15 PM  
**To:** Graham Mitchell  
**Subject:** Re: Planning Commission

Hi Graham,

You are familiar with the events which led to my interest in serving on the Lemon Grove Planning Commission. I have found it to be good opportunity be of service to my community without the overwhelming responsibility which comes more intensive assignments.

I believe an added layer of common sense review is a benefit the City and City Council gain by having a planning commission. The projects or initiatives which ultimately are appealed to the City Council have the sound logic and concerns of the Commission documented and vetted at an open public meeting first. This gives the Council a solid base to start from when they review and usually uphold the Commission's decision. Without the Commission you will need to find a good starting point for the Council to form it's base. I think doing away with the Commission will detract from that "public process" feature feature you mention below.

So on to your question about how to protect that if it is done away with. I think city staff are still going to end up managing some sort of forum, comprised of the public, regardless of whether it's officially called a "planning commission" or not. I believe that when our citizens find 'that issue' which they feel compels them to attend and hear a discussion and decision be made - they will expect to hear a conversation which includes how it was vetted through the public. Whether it be "neighborhood/developer" meetings as you suggest below or some other form of outreach - the public will expect the Council to draw their advice from some forum which has heard, acknowledged and considered public input. And to not have a City Council meeting be the first public vetting. In order to do that, City Staff will end up managing an entity or process for that to occur.

I don't know that I have any precise offering as to what the new entity or process would look like just that it should have an air of transparency and incorporate public input prior to discussion by the Council. I also have to wonder if the Council is aware of the added work it will entail when lumped onto their already busy calendar of city business. If doing away with the Planning Commission in favor of a "different looking" process ends up being more expedient, either by reduced cost, staff management time or enhanced review then I understand and support your decision to reccomend as much.

Respectfully,

Sean

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 4  
**Mtg. Date** January 20, 2015  
**Dept.** City Manager's Office

**Item Title:** Planning Commission Analysis

**Staff Contact:** Graham Mitchell, City Manager

**Recommendation:**

Receive report and provide direction.

**Item Summary:**

At its October 21, 2014 meeting, the City Council directed staff to provide an analysis regarding the Lemon Grove Planning Commission. On November 4, 2014, staff presented an initial analysis to the City Council. The City Council requested that staff provide additional information regarding several specific questions.

The staff report (**Attachment A**) provides information regarding four specific questions asked by the City Council as well as other information requested. As a reference, staff provided a copy of the November 4, 2014 staff report (**Attachment B**).

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

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

**Attachments:**

- A. Staff Report
- B. November 4, 2014 Staff Report – “Planning Commission”

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 4

Mtg. Date January 20, 2015

Item Title: Planning Commission Analysis

Staff Contact: Graham Mitchell, City Manager

### Discussion:

At its October 21, 2014 meeting, the City Council directed staff to provide an analysis regarding the Lemon Grove Planning Commission. On November 4, 2014, staff presented an initial analysis to the City Council. In the staff report (**Attachment B**), information was provided regarding: 1) Planning Commission Responsibilities, 2) Planning Commission Activity, 3) Streamlining the Approval Process, 4) Planning Commission Costs, 5) Benefits and Drawbacks, and 6) Design Review Boards.

During the November 4<sup>th</sup> meeting, the City Council provided feedback and asked for additional information, requesting that staff specifically address the following questions:

- o If the planning commission were to be dissolved, what are alternative means to ensure community input is heard and expanded on development projects?
- o Besides a planning commission, are there other ways for the City to proactively engage its citizens regarding development projects and other community issues?
- o If the planning commission were to be dissolved, what is the timeframe for that to be implemented?
- o If the planning commission were to be dissolved, what would the impact be to City Council agendas?

The following sections provide information regarding the four questions asked by the City Council as well as other information requested.

### ***Alternative Means to Solicit Community Input on Projects***

One of the primary purposes of a planning commission is to review development projects and to provide a forum for community comment regarding the project. The scope of the planning commission's purview is defined by the City's Municipal Code. The planning commission is not granted authority to act outside of their prescribed scope.

If the City Council were to dissolve the planning commission, the City Council would hear projects previously heard by the planning commission. It is important to note that of the 13 Conditional Use Permits or Planned Development Permits considered by the planning commission in the past two years, only two have also been considered by the City Council—meaning only two projects required more than one public hearing prior to approval.

To ensure an even greater outreach and community engagement than exists now, staff has identified two possible strategies (NOTE: staff has identified potential unintended consequences for each, which are identified on page 5 of this report):

1) *Expand the Noticing Area* – currently, the City provides public notices to property owners within a 300 foot radius of a project (this is the minimum distance prescribed by State law). The City Council could consider expanding that radius to 500 or 700 feet. Staff used two recently approved projects to understand the impact that an expanded noticing area would have

# Attachment A

(noticing maps will be provided to the City Council separately). For the recently approved CityMark project, 37 property owners were notified within 300 feet of the project. If the noticing radius was expanded to 500 feet, 101 owners would have been notified. If expanded to 700 feet, 147 owners would have been notified. The cost comparison for three noticing requirements is \$31 for 37 notices, \$84 for 101 notices, and \$122 for 147 notices (the applicant pays for the cost to mail notices as well as newspaper noticing).

Staff also considered a development project surrounded by single family neighborhoods. The Vista Serrano project (9 lot subdivision located at 7128 San Miguel Avenue) required a noticing of 75 property owners. If the noticing radius was expanded to 500 feet, 145 owners would have been notified. If the noticing radius was expanded to 700 feet, 214 owners would have been notified. The cost comparison for three noticing requirements is \$62 for 75 notices, \$120 for 145 notices, and \$177 for 214 notices.

2) *Required Neighborhood Outreach Meeting* – for larger projects, the City Council could require that a project applicant conduct a meeting with neighbors within a designated radius of the project prior to a hearing. This meeting, facilitated by City staff, would allow the developer to introduce the project and to solicit feedback.

## ***Proactively Engaging Citizens***

One of the topics of discussion during the November 4<sup>th</sup> City Council meeting was meaningful ways to engage with Lemon Grove residents. The three focus groups conducted in the past three years have changed the way in which the City solicits feedback from its residents on defined topics. Staff believes that there are opportunities to expand this concept for other types of projects. It is important to recognize that focus groups require staff resources to manage. However, these groups have the opportunity to be an extension of staff to a certain degree.

Staff has developed a list of several potential smaller focus groups that could be considered (several of these tasks are currently assigned to the planning commission):

- Local skaters and artists to provide feedback on the expansion of the skate spot,
- Group to help develop and manage an organized downtown volunteer crew,
- Planning group to help staff review a larger-scale development project,
- Group to review the implementation of the City's General Plan,
- Group to consider updating special treatment areas and consider development goals in those areas.

These smaller focus groups have the potential to provide leadership opportunities for residents wanting to become involved in their community. Staff would caution that more than two groups at a time may be overwhelming for staff to manage given current staffing levels.

## ***Implementation Plan***

During the November 4<sup>th</sup> City Council meeting, staff was asked to provide the length of time it would take to dissolve the planning commission. In reality, the City Council could adopt a simple ordinance that states when the term "planning commission" is used in the Municipal Code, it is referring to the "planning body which is defined as the city council." Once adopted, the City Attorney and staff would prepare a comprehensive Municipal Code amendment to reflect the change. Staff projects that the entire amendment process would require approximate 6 to 9 months—this change to the Municipal Code would also provide an opportunity to clean up other sections related to the planning process. Alternatively, the City Council could formally dissolve the planning commission in approximately 6 to 9 months once all of the clean up language is prepared.

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 4

Mtg. Date January 20, 2015

Item Title: **Planning Commission Analysis**

Staff Contact: **Graham Mitchell, City Manager**

### Discussion:

At its October 21, 2014 meeting, the City Council directed staff to provide an analysis regarding the Lemon Grove Planning Commission. On November 4, 2014, staff presented an initial analysis to the City Council. In the staff report (**Attachment B**), information was provided regarding: 1) Planning Commission Responsibilities, 2) Planning Commission Activity, 3) Streamlining the Approval Process, 4) Planning Commission Costs, 5) Benefits and Drawbacks, and 6) Design Review Boards.

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- If the planning commission were to be dissolved, what are alternative means to ensure community input is heard and expanded on development projects?
- Besides a planning commission, are there other ways for the City to proactively engage its citizens regarding development projects and other community issues?
- If the planning commission were to be dissolved, what is the timeframe for that to be implemented?
- If the planning commission were to be dissolved, what would the impact be to City Council agendas?

The following sections provide information regarding the four questions asked by the City Council as well as other information requested.

### ***Alternative Means to Solicit Community Input on Projects***

One of the primary purposes of a planning commission is to review development projects and to provide a forum for community comment regarding the project. The scope of the planning commission's purview is defined by the City's Municipal Code. The planning commission is not granted authority to act outside of their prescribed scope.

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To ensure an even greater outreach and community engagement than exists now, staff has identified two possible strategies (NOTE: staff has identified potential unintended consequences for each, which are identified on page 5 of this report):

1) *Expand the Noticing Area* – currently, the City provides public notices to property owners within a 300 foot radius of a project (this is the minimum distance prescribed by State law). The City Council could consider expanding that radius to 500 or 700 feet. Staff used two recently approved projects to understand the impact that an expanded noticing area would have

## ***Impact to City Council Agendas***

During the November 4<sup>th</sup> City Council meeting, staff was asked for its opinion on the impact to the City Council's agenda. In the past four years (48 months), the planning commission met 22 times and considered 31 projects or permits. Of those, 12 projects were also considered by the City Council. The table below shows the frequency of meetings and permits/projects considered by year:

<b>Year</b>	<b># of Meetings</b>	<b>Permits/Projects Heard by Commission</b>	<b>Permits/Projects Requiring Council Approval</b>
2011	7	11	0
2012	7	10	5
2013	3	4	3
2014	5	6	4
<b>TOTAL</b>	<b>22</b>	<b>31</b>	<b>12</b>

Over the past four years, having a planning commission eliminated 19 agenda items from the City Council agenda. Using data from this four year period, if the planning commission were dissolved, the City Council could expect to consider an additional project every two to three months. Planning commission meetings rarely exceeded 90 minutes.

## ***Other Questions***

During the November 4<sup>th</sup> meeting, staff was asked to address the issue of applicant appeals, unintended consequences, and data regarding project streamlining.

*Appeals* – in the past four years, no applicants or neighboring property owners have appealed a planning commission decision to the City Council. Because the City Council, per the Municipal Code, has the final decision authority on land use issues, an applicant with a denied project can either redesign the project to satisfy the City Council or file a lawsuit against the City. Applicants or neighboring property owners currently have this course of action available if a decision reached by the City Council is not satisfactory to them.

*Unintended Consequences* – staff identified several potential consequences from several of the suggestions identified in this staff report. First, staff is concerned about the conflict that may arise out of the creation of “pre-development neighborhood review groups” or “neighborhood outreach meetings.” Many times neighbors of a project (especially a subdivision project) prefer the land remain undeveloped. Although property owners have the right to develop land according to the requirements of the Municipal Code, pre-development neighborhood groups may feel entitled to provide project review, above and beyond project input. Hence, the creation of this group may foster an adversarial environment for development.

Staff is also concerned about the impacts that additional noticing requirements may have on “mom and pop” businesses. For a larger development, this expanded requirement may not pose a burden. However, for a small business owner, the additional cost may be difficult to bear.

*Project Streamlining* – as identified in the November 4<sup>th</sup> staff report, staff estimates that the time saved to process a project is approximately 30 days, assuming the project requires approval by both the planning commission and the City Council. In addition to time, there is also a cost savings experienced by the applicant by having to only attend one meeting. For example, the

# Attachment A

recent CityMark project required two employees and an architect to attend two different meetings. There are costs associated with attending these meetings.

For many developers, the concern about cost is not as critical as the unpredictability of a planning commission. There are times that planning commissioners do not understand intent behind City Council policy/goals or are not as sensitive to deviations that may be supported by the City Council—in part, because they are not tasked to be policy makers. Developers would prefer to meet with the body that has the final approval authority in order to ensure more predictability in the approval process.

**Conclusion:**

Staff recommends that the City Council receive the report and provide direction to staff.

# Attachment A

## ***Impact to City Council Agendas***

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**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

Item No.   3    
Mtg. Date   November 4, 2014    
Dept.   City Manager's Office  

**Item Title:** Planning Commission

**Staff Contact:** Graham Mitchell, City Manager

**Recommendation:**

Receive staff's report and provide direction.

**Item Summary:**

At its October 21, 2014 meeting, the City Council directed staff to provide an analysis regarding the Lemon Grove Planning Commission. The City Council asked staff to address several specific topics:

- 1) Planning Commission activity,
- 2) Streamlining of the approval process,
- 3) Planning Commission costs (past & projected future), and
- 4) Overall benefits and drawbacks of a Planning Commission.

The staff report (**Attachment A**) provides an analysis of the specific topics addressed by the City Council on October 21<sup>st</sup>.

**Fiscal Impact:**

None.

**Environmental Review:**

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

**Public Information:**

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

**Attachments:**

A. Staff Report

# Attachment A

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No.   3  

Mtg. Date   November 4, 2014  

Item Title: **Planning Commission**

Staff Contact: Graham Mitchell, City Manager

### Discussion:

At its October 21, 2014 meeting, the City Council directed staff to provide an analysis regarding the Lemon Grove Planning Commission. The staff report includes the following sections in response to the City Council's request:

- o Planning Commission Responsibilities,
- o Planning Commission Activity,
- o Streamlining the Approval Process,
- o Planning Commission Costs,
- o Benefits and Drawbacks, and
- o Design Review Boards.

In preparation for this staff report, staff consulted with officials from other cities, representatives from the business and development community (San Diego East County Chamber of Commerce, the San Diego East County Economic Development Council, and the Building Industry Association of San Diego), and the City Attorney.

### ***Planning Commission Responsibilities***

In Lemon Grove, the Planning Commission acts as the advisory body to the City Council on land use matters. The Planning Commission has been delegated the following responsibilities:

- 1) Approval of conditional use permits, planned development permits, boundary adjustments, tentative parcel maps, variances, appeals of staff decisions, and CEQA certifications.
- 2) Provide recommendations to the City Council on General Plan/Specific Plan amendments, zoning amendments (text and map), tentative maps associated with Planned Development Permits, and CEQA certifications.

### ***Planning Commission Activity***

Using the time period of January 2012 through October 2014, staff categorized the types of items reviewed by the Planning Commission at its fourteen meetings. Following is a breakdown of the categories of items:

Item Category	# of Items	Required City Council Approval
Conditional Use Permit/Tentative Parcel Map (approval, modification)	7	0
Planned Development Permit (approval, extension, modification)	5	1
General Plan, Specific Plan, Zoning Amendments, Tentative Maps, State Reports	8	7
<b>TOTAL</b>	<b>20</b>	<b>8</b>

# Attachment A

Of the twenty agenda items reviewed by the Planning Commission, eight items (or 40 percent) also required City Council review. In other words, over the past 34 months, by having a Planning Commission, twelve items have been kept off the City Council agenda—on average approximately one agenda item every three months.

## ***Streamlining the Approval Process***

One request from the City Council was for information about the potential time that would be saved for a project applicant in the event the Planning Commission was dissolved. Projects that currently only require Planning Commission approval would now only require City Council approval—the timeline for these projects would not change substantially. However, projects that involve General or Specific Plan amendments, changes to zoning, or tentative maps associated with Planned Development Permits currently require review by both the Planning Commission and the City Council.

Currently, once a complete application is submitted to the City, it takes approximately one week to prepare a staff report and presentation for the Planning Commission. After an application is complete, the applicant must wait for the next Planning Commission meeting for review. Because the Planning Commission meets monthly, this sometimes delays an application review by up to three weeks. However, staff works with applicants early on in the process to ensure the final application submittal is timed appropriately with the upcoming Planning Commission meeting. If the application also needs to be considered by the City Council, depending on the timing, this could delay final approval of the project by up to two weeks.

In short, a “worst case” timing scenario in which a project requires both Planning Commission and City Council consideration, if a final application submittal is provided at the beginning of a month, an applicant would have to wait over a month for final approval. For example, a complete project application submitted on October 1<sup>st</sup> would be heard by the Planning Commission on October 27<sup>th</sup> and then by the City Council on November 4<sup>th</sup>. Without a Planning Commission, that same project could be considered by the City Council on October 7<sup>th</sup>, saving almost a month in processing the application.

## ***Planning Commission Costs***

Continuing to use the time period of January 2012 through October 2014, staff calculated direct and indirect (staff) costs associated with preparing for and conducting Planning Commission meetings. Because the City operates on a “cost recovery” model for projects, many of the hard costs (noticing costs, direct staff time, consultants, etc.) were recovered. However, the City does not recover costs associated with non-project initiated items such as a City-initiated General Plan amendment or review of the Housing Element. Also, costs such as preparing minutes and agenda posting are not recovered.

Based on the past fourteen meetings, staff estimates that the City expended \$8,500 of non-recoverable costs to operate a Planning Commission. These expenditures are primarily associated with the eight City-initiated projects. The costs associated with the other projects, for the most part, were fully recovered through processing fees charged to the applicant. Staff estimates that the Planning Commission will meet between four to seven times in 2015 with a maximum non-recoverable annual cost of \$7,500.

## ***Benefits & Drawbacks***

To gain insights on the benefits and drawbacks of operating with and without a planning commission, staff spoke with officials from cities in San Diego County without planning commissions and officials that have worked in cities with and without planning commissions. Staff also spoke with representatives from the San Diego East County Chamber of Commerce,

# Attachment A

the San Diego East County Economic Development Council, and the Building Industry Association of San Diego.

The first conclusion that staff drew from these conversations is that each city is unique and the need for a planning commission in their community is dependent on many factors. Some factors to consider in determining the value of having a planning commission include:

- 1) Volume and complexity of agenda items,
- 2) Amount of approval authority delegated to staff (more authority delegated to staff to review projects, reduces the role of the planning commission).
- 3) Technical skills and level of interest from the potential pool of planning commission candidates.

Following is a summary of the benefits of not having a planning commission, expressed by those interviewed by staff:

- o Saves staff time and simplifies the process.
- o Removing the planning commission streamlines the development process, saving a potential developer time, expenses, and uncertainty.
- o Planning commissioners sometimes operate outside of their purview and it becomes challenging to correct.
- o Planning commissions are asked to review technical documents but may have no technical expertise in this area. As a result, at times planning commissioners are ill-equipped to meet the intended goal of having a planning commission.
- o Planning commissioners do not always see the “big picture” and may approve or deny a project using a narrower view than possessed by a city council.

Following is a summary of the drawbacks of not having a planning commission, expressed by those interviewed by staff:

- o Planning commissioners are more insulated from the politics of a project than members of a city council.
- o The planning commission serves as a filter and provides a vetting process (another negotiation step) in the approval of a project.
- o Not having a planning commission may give an appearance of insufficient public input (however, this impression can be mitigated with effective outreach efforts).
- o Items denied by the planning commission and appealed to the city council provide staff an opportunity to incorporate adverse public testimony into the analysis for the city council. This means that by the time the city council reviews an item, all of the “surprises” are out in the open.

## ***Design Review Boards***

During the City Council discussion on October 21<sup>st</sup>, there was an interest expressed in potentially changing the focus of the Planning Commission and considering having it do more design review work.

A design review board typically reviews projects to evaluate their consistency with a design ordinance or design program. A design review board determines whether proposed projects are compatible with nearby development, with a focus on the structure’s bulk, mass, and aesthetic appeal.

# Attachment A

Of the cities in the County without a planning commission, only Imperial Beach has a design review board. Design review boards require as much, if not more, time as planning commissions and become a board that exercises much subjectivity, slowing down approval processes and adding uncertainty for developers.

Staff does not recommend instituting a design review board because of the upfront and ongoing workload associated with this entity. If the City were to consider a design review board, the City would first need to determine the areas affected by the design standards and then establish a design ordinance or program. The process of creating a program involves significant public input. Because aesthetics are subjective and developing design standards is challenging, staff anticipates that this endeavor is an approximate two-year project, given current staffing demands. Staff's experience is that design review boards require significant staff time to manage and increase a city's exposure to litigation.

**Conclusion:**

Staff recommends that the City Council receive staff's report and provide direction.

City Council Planning Projects that the Planning Commission would review 5-15-15 to 12-5-17

Resolution No.	Date	Project Name	Project #	Address	PC only	PC Also	Description
2015-3374	11/17/2015	Broadway Lorfs	PDP-150-0001	8465 Broadway	Yes	No	16 unit apartment development
2015-3375	11/17/2015	DVSE Consultant Section	N/A	N/A	Yes	No	Selected Rick Engineering for Planning Professional Services for Downtown Village Specific Plan Expansion
2016-3383	1/9/2016	DVSE Consultant Section	N/A	N/A	Yes	No	Selected Rick Engineering for Planning Professional Services for Downtown Village Specific Plan Expansion
2016-3392	3/1/2016	Northside Commons	PDP-006-09M1	8098 Lemon Grove Way	Yes	No	9 unit townhome development
2016-3394	3/15/2016	General Plan Annual Progress Report	N/A	N/A	No	Yes	Acceptance of 2015 General Plan Annual Progress Report
2016-3405	4/19/2016	PEIR for General Plan Update Consultant Selection	N/A	N/A	No	Yes	Selected Dudak for Program EIR for General Plan Update
2016-3406-07	4/19/2016	Mallard Court	TM0-000-0061/PDP-150-0002	6800 Mallard Ct.	No	Yes	12 unit single-family home development
2016-3408	4/20/2016	Firearm Repair Director Appeal	AA1-600-0001	8204 Blossom Hill Ct.	No	Yes	Beekkeeping procedures providing for sensitive areas, a six month amnesty, a public outreach plan and a permit fee
2016-3446	7/19/2016	Beekkeeping Procedures	N/A	N/A	No	Yes	Appeal of Development Services Director Decision upholding decision to deny a permit for a boardinghouse with 14 bedrooms
2016-3462	9/6/2016	Boardinghouse Appeal	AA1-600-0002	2545 Crestline	No	Yes	General Plan Amendment creating Special Treatment Area IX for Connect Main Street Active Transportation Project
2016-3468,69,70	10/4/2016	Visa Azul	GPA-150-0003/TM0-000-0062/PDP-150-0003	SW Palm & Camino De Las Palmas	No	Yes	Dudak contract extension for Program EIR for General Plan Update
2016-3473	10/18/2016	Connect Main Street	N/A	Main Street & Other	No	Yes	Acceptance of 2016 General Plan Annual Progress Report
2016-3475	11/15/2016	PEIR for General Plan Update Consultant Extension	N/A	N/A	No	Yes	13 unit single-family home development at a public park
2017-3485	3/21/2017	Garage Variance	TM0-000-0063/PDP-160-0001	1999 Dain Drive	No	Yes	Variance denied to allow no garage at a single-family residence
2017-3499,50	6/20/2017	Garage Variance	VAL-700-0001	6547 MacArthur Drive	No	Yes	Appeal of Development Services Director Decision denying a request to apply for a conditional use permit - Separation Requirements not met
2017-3524	7/18/2017	Medical Marijuana Dispensary Appeal	AA1-700-0001/ZCL-700-0006	7309 Broadway	No	Yes	Appeal of Development Services Director Decision denying a request to apply for a conditional use permit - Separation Requirements not met
2017-3528	8/15/2017	Medical Marijuana Dispensary Appeal	AA1-700-0003/ZCL-700-0012	8260 Broadway	No	Yes	Appeal of Development Services Director Decision allowing for a request to apply for a conditional use permit - Separation Requirements met
2017-3533	10/9/2017	Medical Marijuana Dispensary Appeal	AA1-700-0004/ZCL-700-0015	6915 North Ave	No	Yes	Appeal of Development Services Director Decision allowing for a request to apply for a conditional use permit - Separation Requirements met
2017-3539	10/9/2017	Medical Marijuana Dispensary Appeal	TM0-000-0188/PDP-170-0001	3485 Olive Street	No	Yes	18 unit condominium development
2017-3542	10/17/2017	Celcius II	N/A	N/A	Total	2	12
427	5/5/2015	East Broadway Rezone	ZAL-500-0001	Broadway - Various properties	No	Yes	Rezone 10 parcels east of Sweetwater and south of Broadway from HC to RM/H
430	8/4/2015	Smoking Regulations Amendment	N/A	City wide	No	Yes	Adding regulations to restrict electronic smoking in public areas and parks
432	9/1/2015	Expanded Rooftop Solar	N/A	City wide	No	Yes	Established an expedited streamlined permitting process for small residential rooftop solar systems
436	1/6/2016	Water Efficient Landscape Regulations Ordinance	N/A	City wide	No	Yes	Adopted revised water efficient landscape regulations
437	1/19/2016	Marijuana Restrictions	N/A	City wide	No	Yes	Prohibit Commercial Cultivation and Deliveries for Marijuana
438	1/19/2016	Condominium Conversion Ordinance	ZAL-500-0003	City wide	No	Yes	Revised regulations for condominium conversions
439	7/19/2016	Beekkeeping Ordinance	N/A	City wide	No	Yes	Revised regulations for beekkeeping and established a permitting system and fee
440	10/4/2016	Visa Azul	ZAL-500-0004	SW Palm & Camino De Las Palmas	No	Yes	Rezone to from RL and R/LM to RM
444	2/7/2017	Marijuana Restrictions Version 2	N/A	City wide	No	Yes	Prohibit recreational marijuana businesses
446	7/18/2017	Brewery Ordinance	ZAL-500-0002	City wide	No	Yes	Allow for and encourage breweries and related businesses
				Total	0	10	

Approximately 30 projects within 30 months; estimate 1 planning commission meeting per month

**AGENDA ITEM 2**  
**ADDITIONAL ITEMS ADDED DECEMBER 4, 2017**

## Lydia Romero

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**From:** Bob Bailey <rjb1678@cox.net>  
**Sent:** Thursday, November 30, 2017 6:28 PM  
**To:** Lydia Romero  
**Cc:** Racquel Vasquez  
**Subject:** Reinstatement of the Lemon Grove Planning Commission

Lydia Romero  
Lemon Grove City Manager

It was my pleasure to serve on the Planning Commission for the city of Lemon Grove for 11 years.

I was recently asked to put together a few thoughts on what I believe are the benefits of a Planning Commission.

A Planning Commission, is not a policy body. It is, however, a guiding voice to the policy body that exists as the City Council. On occasion the City Council needs input from the community on items they were considering. This valued input should reflect multiple positions from throughout the community.

A Planning Commission, as non-elected officials, is exactly the type of input the Council and the city desire from a community forum. A trusted body that is concerned about the direction the city is taking and wants to have input in its own future. They are first and foremost volunteers. While they may have received a small stipend for their service, no commissioner ever applied to the position for the pay.

The biggest advantage in having a regular Planning Commission is the consistency of input. A group that is both stable and fluid. It is designed to be a body that can be molded as council desires. A group that City Council and the community can count on to be responsible and available.

The Planning Commission is also the extended eyes and ears of the Council as well as the rest of the community.

It has been suggested that Planning Commissioners may not have the technical expertise to handle some decisions. While Planning Commissioners are not necessarily selected based on their technical abilities, several former Planning Commissioners have certainly had a level of technical expertise that more than qualified them for the position. Some of these former commissioners have since been elected to the City Council and the position of Mayor. Other former Planning Commissioners, without the same level of technical expertise, have also been elected to the City Council.

I would be very happy to see the Planning Commission reinstated for the city of Lemon Grove. I found it to be a very fulfilling experience.

Thank you for your time,

Bob Bailey  
619-279-4656



December 1<sup>st</sup>, 2017

Honorable Mayor Racquel Vasquez  
City of Lemon Grove  
3232 Main Street,  
Lemon Grove CA 91945

**RE: Planning Commission Reconsideration for Reinstatement - Request for Agenda Item Continuation**

Dear Mayor Vasquez,

In May of 2015, the City Council Disbanded the Planning Commission. Since the dissolution of the Planning Commission there were about 30 projects that could have been heard by the Commission and of those, 28 have already been heard by the City Council.

The Chamber does not have a position at this time and we would like a little more time to consider the issue for review by our Board of Directors. We therefore are requesting time to consider this issue. We are asking that you continue this agenda item beyond the Dec. 5<sup>th</sup> Council Meeting, so we can present the issue to our members and our Government Affairs Committee for feedback. This will allow our Board an opportunity to consider a solid recommendation.

Thank you for your consideration,

Sincerely,

Eric J. Lund  
President

cc. Lydia Romero, City Manager  
Bob Burton, Chair, San Diego East County Chamber of Commerce  
Barry Jantz, Chair, Chamber Government Affairs Committee



December 4, 2017

Mayor Racquel Vasquez  
City of Lemon Grove  
3232 Main Street  
Lemon Grove CA 91945

via email: [sgarcia@lemongrove.ca.gov](mailto:sgarcia@lemongrove.ca.gov)

**RE: DECEMBER 5, 2017 CITY COUNCIL AGENDA  
AGENDA ITEM #2 (PLANNING COMMISSION)**

Madam Mayor,

I understand that the City Council will be discussing whether or not to reinstate the Planning Commission as a formal body. The purpose of this letter is to recommend against reinstating the Planning Commission if the purpose is to have it function exactly as it was functioning before.

If the goal is to make sure that there is sufficient community involvement when it comes to land use decisions, I would suggest creating official volunteer opportunities (perhaps via a planning-type commission or planning committee) that *proactively* plans for future development. The Planning Commission was historically *reactionary* in nature.

If a Planning Commission is reestablished, I would strongly encourage you to include Commission members such as business and property owners that may not live in town but do business in town. These are community stakeholders that can provide valuable input and who also have a stake in the future of Lemon Grove. I would recommend that a reestablished Planning Commission look to the future by creating Specific Plans throughout the city that provide the [real estate] development community with sufficient guidance from the community at large as to architectural, landscape and civil design expectations.

Community participation in the land development or redevelopment process benefits everyone – *including the development community* – primarily when the community takes proactive steps to plan for its future.

I strongly support a Planning Commission that is proactive in all ways and not reactive in any way. I strongly oppose a Planning Commission that is reactive. Reinstating the same type of Planning Commission that existed before would be nothing short of regressive.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ginger Hitzke', written over a horizontal line.

Ginger Hitzke  
President

**City Council Planning Projects that the Planning Commission would review 5-15-15 to 12-5-17**

Resolution No.	Date	Project Name	Project #	Address	PC only	PC Also	Description
2015-3374	11/17/2015	Broadway Lofts	PDP-150-0001	8465 Broadway	Yes	No	16 unit apartment development
2015-3375	11/17/2015	DVSPE Consultant Section	N/A	N/A	No	Yes	Selected Rick Engineering for Planning Professional Services for Downtown Village Specific Plan Expansion
2016-3383	1/5/2016	DVSPE Consultant Section	N/A	N/A	No	Yes	Selected Rick Engineering for Planning Professional Services for Downtown Village Specific Plan Expansion
2016-3392	3/1/2016	Northside Commons	PDP-006-09M1	8084 Lemon Grove Way	Yes	No	9 unit townhome development
2016-3394	3/15/2016	General Plan Annual Progress Report	N/A	N/A	No	Yes	Acceptance of 2015 General Plan Annual Progress Report
2016-3405	4/19/2016	PEIR for General Plan Update Consultant Selection	N/A	N/A	No	Yes	Selected Dudek for Program EIR for General Plan Update
2016-3406,07	4/19/2016	Mallard Court	TMO-000-0061/PDP-150-0002	6800 Mallard Cr.	No	Yes	12 unit single-family home development
2016-3408	4/20/2016	Firearm Repair Director Appeal	AA1-600-0001	8204 Blossom Hill Ct.	No	Yes	Appeal of Development Services Director Decision reversing decision to permit general repair for consumer goods as a home occupation
2016-3446	7/19/2016	Beekeeping Procedures	N/A	N/A	No	Yes	Beekeeping procedures providing for sensitive areas, a six month amnesty, a public outreach plan and a permit fee
2016-3462	9/6/2016	Boardinghouse Appeal	AA1-600-0002	2545 Crestline	No	Yes	Appeal of Development Services Director Decision upholding decision to deny a permit for a boardinghouse with 14 bedrooms
2016-3468,69,70	10/4/2016	Vista Azul	GPA-150-0003/TMO-000-0062/PDP-150-0003	SW Palm & Camino De Las Palmas	No	Yes	20 unit duplex and single-family home development
2016-3473	10/18/2016	Connect Main Street	GPA-140-0002	Main Street & Other	No	Yes	General Plan Amendment creating Special Treatment Area IX for Connect Main Street Active Transportation Project
2016-3475	11/15/2016	PEIR for General Plan Update Consultant Extension	N/A	N/A	No	Yes	Dudek contract extension for Program EIR for General Plan Update
2017-3495	3/21/2016	General Plan Annual Progress Report	N/A	N/A	No	Yes	Acceptance of 2016 General Plan Annual Progress Report
2017-3499,50	4/4/2017	Dain Drive Subdivision	TMO-000-0063/PDP-160-0001	1993 Dain Drive	No	Yes	13 unit single-family home development a public park
2017-3524	6/20/2017	Garage Variance	VA1-700-0001	6547 Macarthur Drive	No	Yes	Variance denied to allow no garage at a single-family residence
2017-3528	7/18/2017	Medical Marijuana Dispensary Appeal	AA1-700-0001/ZC1-700-0006	7309 Broadway	No	Yes	Appeal of Development Services Director Decision denying a request to apply for a conditional use permit - Separation Requirements not met
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					<b>Total</b>	<b>0</b>	<b>10</b>

Approximately 30 projects within 30 months; estimate 1 planning commission meeting per month

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.**   3    
**Mtg. Date**   December 5, 2017    
**Dept.**   City Attorney  

**Item Title:** **ORDINANCE AMENDING LEMON GROVE MUNICIPAL CODE SECTIONS IN TITLES 10 (VEHICLES AND TRAFFIC) AND 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) TO ADJUST MEMBERSHIP OF THE TRAFFIC ADVISORY COMMITTEE AND MAKE VARIOUS OTHER TECHNICAL CHANGES**

**Staff Contact:**   James P. Lough, City Attorney  

**Recommendation:**

Introduce Ordinance No. \_\_\_\_ (**Attachment B**) amending Sections 10.04.020(M), 10.08.020, 10.16.030, 12.04.540, 12.04.560, 12.04.570 of the Lemon Grove Municipal Code ("LGMC") to adjust the membership of the Traffic Advisory Committee and clarify responsibilities of staff members based on current management roles. .

**Item Summary:**

This Ordinance amends Titles 10 (VEHICLES AND TRAFFIC) AND 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) to adjust the membership of the Traffic Advisory Committee and to make other technical changes to the code to reflect the current management responsibilities of various staff in Public Works and Engineering.

**Fiscal Impact:**

There is no direct fiscal impact.

**Environmental Review:**

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

**Public Information:**

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

**Attachments:**

- A. Staff Report
- B. Ordinance No. \_\_\_\_
- C. Municipal Code Excerpts of Existing Language

## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No.   3  

Mtg. Date December 5, 2017

**Item Title: ORDINANCE AMENDING LEMON GROVE MUNICIPAL CODE SECTIONS IN TITLES 10 (VEHICLES AND TRAFFIC) AND 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) TO ADJUST MEMBERSHIP OF THE TRAFFIC ADVISORY COMMITTEE AND MAKE VARIOUS OTHER TECHNICAL CHANGES**

**Staff Contact:** James P Lough, City Attorney

### **Background**

#### **Traffic Advisory Commission**

The Traffic Advisory Commission has been part of the City's code since incorporation. Its composition is typical of traffic commissions formed in the 1970s or earlier. Its purpose was to bring a wide group of stakeholders to the table to discuss neighborhood traffic issues. The composition was intended to be a mix of laypersons and technical staff that made recommendations to the City Council. These recommendations, like most cities with similar committees, combined political and personal concerns of various stakeholders with the technical requirements of staff. Often these competing forces brought forward recommendations that compromised technical/legal concerns with the represented stakeholder members making policy recommendations inconsistent with city-wide council policies.

Starting in the mid-1970s, cities faced new legal and regulatory challenges. General Plans became mandatory planning tools including a newly required Circulation Element. The California Environmental Quality Act ("CEQA") was adopted and required cities to consider the environmental impacts of their traffic policies. The Subdivision Map Act was overhauled. It went from essentially a surveying guide to a set of regulations that required streets to be properly designed. Over this same period, California Tort Claim requirements, either legislative or judicially inspired, put more pressure on cities to properly design and maintain its infrastructure. Fire and building codes put more emphasis on technical criteria that protected the public. State regulation of traffic regulations now routinely require engineering, law enforcement, fire safety concerns be addressed before decisions can be made by cities.

Over time, the Traffic Advisory Committee became less relevant. It was unwieldy and was difficult to coordinate the schedules of its large roster. The issues were becoming more and more technical, putting the public members in the position of having to either become more educated in the technical aspects of the issues or simply rely on staff expertise. Overall, the process, in most similar cities, led to more *ad hoc* decisions that were at variance with council established city-wide policies.

#### **Reorganization of Offices and Titles**

When the City was incorporated, the County Code was used as a basis for the first Municipal Code. This is the typical way it is done by new cities to keep some continuity in rules applicable to the land within city boundaries. The downside to this approach is the new municipal code contains remnants of terminology better suited to a county.

For instance, counties had road commissioners and surveyors as established offices. Today, most of these roles, in cities and counties, are part of the public works department. Throughout

# Attachment A

the Lemon Grove Municipal Code are references to carryovers from former county titles. For instance, the code references to the city health department.

The Lemon Grove Municipal Code contained dozens of references to the "road commissioner" and the "surveyor". However, surveying is mostly performed by a developer under strict state requirements found in the California Business & Professions Code and the Subdivision Map Act. For City projects, the surveying duties are usually handled as part of engineering services by contract.

## **Analysis:**

### **Traffic Advisory Commission**

The changes to the Traffic Advisory Commission are intended to address legal/technical concerns related to traffic issues. The main purpose is to address the need, under the current regulatory environment, for the City Council to receive unfiltered advice on the traffic impacts of potential developments and general policies. It is the City Council's role to listen to the public and determine whether to make policy changes.

Specifically, the Chamber of Commerce, Mayor, City Manager and School District positions are eliminated. None of these appointments have been made in at least a decade. With these non-technical positions, the technical staff appointments were the minority of the committee membership. The result of these factors resulted in no meetings being held recently. The Council has used Focus Groups and the Community Advisory Commission was formed to address these types of issues.

The choice of the Chamber of Commerce spot predates the Downtown Specific Plans and other long-range planning tools. The School District appointment predates the Safe Routes to School program under that program, which is now the focus of city/school traffic issues. Under this program, the design components are done based on technical expertise which includes school input. Most general traffic issues do not involve schools.

The goal of this amendment is to allow the Traffic Advisory Committee to begin to give the City Council technical/legal advice on traffic issues, whether project specific or not. This input can be used to help the Council address public concerns while establishing a hearing record that demonstrates that the Council applied professional advice to the problem. This helps the Council focus on solutions that do not create unintended safety and/or legal concerns.

### **Reorganization of Offices and Titles**

The office of "road commissioner" is a county creation with no counterpart in most cities. This code amendment defines the "road commissioner" as the Public Works Director since most of the functions fit most closely under the current authority of this office. Some of the functions of the "road commissioner" fall under the aegis of the City Engineer. Since the City Engineer is a contract position, the authority better fits with the Public Works Director. The "road commissioner" definition is modified to allow the Public Works Director (road commissioner) to delegate responsibilities requiring professional/technical expertise to employees or contractors holding the proper professional credentials. This would retain the current method of hiring or relying upon

# Attachment A

professional surveyors or engineers to provide technical services under the direction of the Public Works Director. This Ordinance requires no change in current operations.

The option of eliminating all references to "road commissioner" in the Municipal Code. However, the sheer volume of references made that option impractical.

The code amendments also eliminate two references to the Director of Parks and Recreation. Both references were located in the code sections addressed in the sections dealing with changes involving the 'road commissioner'. Each section addresses park maintenance issues which, in Lemon Grove, have been performed by the Public Works Department even when the City had a Parks and Recreation program.

## **Environmental Impact:**

This Ordinance is not a project as defined under the California Environmental Quality Act. There are no physical changes made to the environment by this Agenda item.

## **Costs**

There are no fiscal impacts. |

## **Conclusion:**

Staff recommends that the City Council introduce Ordinance No. \_\_\_\_ by title and set the matter for adoption at the next regular city Council meeting. Further, that the City Council authorize publication of a summary of the Ordinance in a newspaper of general circulation.

# ATTACHMENT C

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, AMENDING LEMON GROVE MUNICIPAL CODE AMENDING LEMON GROVE MUNICIPAL CODE SECTIONS IN TITLES 10 (VEHICLES AND TRAFFIC) AND 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) TO ADJUST MEMBERSHIP OF THE TRAFFIC ADVISORY COMMITTEE AND MAKE VARIOUS OTHER TECHNICAL CHANGES**

**WHEREAS**, the City of Lemon Grove has a Traffic Advisory Commission that is intended to review traffic and circulation issues; and

**WHEREAS**, the composition of its membership no longer reflects the changing needs for engineering, fire safety, design criteria, law enforcement and legal requirements applicable to the City in managing its roads and rights-of-way; and

**WHEREAS**, the City Council of the City of Lemon Grove has determined that the Traffic Advisory Commission requires a composition that will have the necessary technical expertise to make professional recommendations to the City Council on roads and rights-of-way issues; and

**WHEREAS**, the City Council finds that the current references in the Lemon Grove Municipal Code to “road commissioner” and “surveyor” do not reflect the current responsibilities of officers, contractors and employees performing those duties; and

**WHEREAS**, the City Council finds that a current reference in the Lemon Grove Municipal Code to “director of parks and recreation”, as it pertains to park maintenance responsibilities, do not reflect the current responsibilities of officers, contractors and employees performing those duties; and

**WHEREAS**, the City Council hereby finds that the Municipal Code references to certain duties of City officers and/or employees require clarification.

**NOW THEREFORE**, the City Council of the City of Lemon Grove does ordain as follows:

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** This Ordinance amends Lemon Grove Municipal Code Section 10.04.020

(Definitions), subsection (M) only, to read as follows:

## **TITLE 10 VEHICLES AND TRAFFIC**

### **Chapter 10.04 GENERAL PROVISIONS AND DEFINITIONS**

#### **10.04.020 Definitions.**

**ATTACHMENT C**

**Section 5.** Lemon Grove Municipal Code Section 12.04.560 (Planting—Permit—Required) is amended to read as follows:

**Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES**

**Chapter 12.04 PROTECTION OF HIGHWAYS**

**12.04.560 Planting—Permit—Required.**

**No person shall plant any tree, hedge or shrub upon or within any city highway, public highway or public property within the city, unless authorized in writing to do so by the director of public works.**

**Section 6.** Lemon Grove Municipal Code Section 12.04.570 (Planting—Permit—Issuance or Denial) is amended to read as follows:

**Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES**

**Chapter 12.04 PROTECTION OF HIGHWAYS**

**12.04.570 Planting—Permit—Issuance or Denial.**

**No permit for the planting of a tree, shrub or hedge within any public road, dedicated right of way or city highway shall be issued unless the species of the tree, shrub or hedge to be planted is one approved by the director of public works. The permit for the planting of a tree, shrub or hedge may be issued upon such terms and conditions as the road commissioner determines appropriate to protect persons and property or may be denied.**

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# Attachment B

**Section 7.** This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish the title thereof, as a summary as required by state law.

**INTRODUCED** by the City Council on December 5, 2017. **PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Racquel Vasquez, Mayor

Attest: \_\_\_\_\_

Susan Garcia, City Clerk

Approved as to form:

\_\_\_\_\_

James P. Lough, City Attorney

# ATTACHMENT C

## **10.08.020 Membership—Appointment—Compensation.**

A. The committee shall consist of the following members:

1. One representative designated by the Lemon Grove Chamber of Commerce;
2. Two city representatives appointed by the Mayor and approved by the city council;
3. The city manager or his or her designee;
4. One representative of the San Diego County sheriff's department;
5. One representative designated by the San Miguel Consolidated Fire Protection District;
6. One representative designated by the Lemon Grove School District.

B. The traffic advisory committee secretary shall inform the city council of the name of each member of the committee, and any alternates that such organizations or individuals may appoint.

C. Representatives to the committee shall serve without compensation except traveling expenses when specifically authorized by the council. (Ord. 304, 2001; Ord. 281, 1998; Ord. 134, 1987; prior code § 72.221)

## **10.04.020 Definitions.**

Whenever in this title the following terms are used, they shall have the meaning respectively ascribed to them in this section: ...

M. "Road commissioner" means the surveyor and road commissioner of the city.

### **12.04.540 Trimming or removal—Permit—Required.**

A. No person shall trim, prune, cut, break, deface, destroy, burn or remove any tree, hedge, plant, shrub, or flower growing or to grow upon any city-owned public property within the city, unless authorized in writing to do so by the director of public works, the director of parks and recreation or the city surveyor and road commissioner, whichever is the appropriate city officer, or the city council.

B. No person shall trim, prune, cut, break, deface, destroy, burn or remove any tree, hedge or shrub from a public or city highway within the city, unless authorized in writing to do so by the city surveyor and road commissioner. (Prior code § 71.501)

### **12.04.560 Planting—Permit—Required.**

No person shall plant any tree, hedge or shrub upon or within any city highway, public highway or public property within the city, unless authorized in writing to do so by the director of public works, director of parks and recreation or city surveyor and road commissioner, whichever is the appropriate city officer. (Prior code § 71.510)

### **12.04.570 Planting—Permit—Issuance or denial.**

No permit for the planting of a tree, shrub or hedge within any public or city highway shall be issued by the city surveyor and road commissioner unless the species of the tree, shrub or hedge to be planted is one approved by the director of parks and recreation. The permit for the planting of a tree, shrub or hedge may be issued upon such terms and conditions as the city surveyor and road commissioner determines appropriate to protect persons and property or may be denied. (Prior code § 71.512)