

City of Lemon Grove
City Council Regular Meeting Agenda
Tuesday, August 15, 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

Presentation

"Lemon Grove History Minute"

Proclamation Declaring September Disaster Preparedness Month

Public Comment

(Note: In accordance with State Law, the general public may bring forward an item not scheduled on the agenda; however, the City Council may not take any action at this meeting. If appropriate, the item will be referred to staff or placed on a future agenda.)

1. Consent Calendar

(Note: The items listed on the Consent Calendar will be enacted in one motion unless removed from the Consent Calendar by Council, staff, or the public.)

A. Approval of Meeting Minutes

August 1, 2017 Regular Meeting

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

B. City of Lemon Grove Payment Demands

Reference: Auggie Matt, Finance Manager

Recommendation: Ratify Demands

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

Reference: James P. Lough, City Attorney

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

D. Reject Claim

The City Council will consider rejecting a claim submitted by E. Soto.

Reference: Mike James, Assistant City Manager/Public Works Director

Recommendation: Reject Claim

E. Reject Claim

The City Council will consider rejecting a claim submitted by M.M. Cardenas.

Reference: Mike James, Assistant City Manager/Public Works Director

Recommendation: Reject Claim

F. Reject Claim

The City Council will consider rejecting a claim submitted by M.N. Cardenas.

Reference: Mike James, Assistant City Manager/Public Works Director
Recommendation: Reject Claim

G. Reject Claim

The City Council will consider rejecting a claim submitted by J. Galaviz.

Reference: Mike James, Assistant City Manager/Public Works Director
Recommendation: Reject Claim

H. Reject Claim

The City Council will consider rejecting a claim submitted by J. Soto.

Reference: Mike James, Assistant City Manager/Public Works Director
Recommendation: Reject Claim

I. Reject Claim

The City Council will consider rejecting a claim submitted by M. Castro.

Reference: Mike James, Assistant City Manager/Public Works Director
Recommendation: Reject Claim

J. Reject Claim

The City Council will consider rejecting a claim submitted by P. Hudspeth.

Reference: Mike James, Assistant City Manager/Public Works Director
Recommendation: Reject Claim

K. 2017-18 City Council Priorities

The City Council will consider approving the 2017-18 priorities and work plan that will be added to the budget.

Reference: Lydia Romero, City Manager
Recommendation: Approve Work Plan

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

The City Council will consider the draft request for proposal for the pavement management program update and authorize staff to advertise the request for proposal.

Reference: Mike James, Assistant City Manager/Public Works Director
Recommendation: Discuss and Provide Direction to Staff

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

The City Council will conduct the continued public hearing and consider a resolution that upholds the Development Services Director's determination to deny ZC1-700-0010, a request to apply for a conditional use permit to establish a medical marijuana dispensary at 8249 Broadway in the General Commercial Zone

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

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

The City Council will conduct the continued public hearing and consider a resolution that upholds the Development Services Director's to deny ZC1-700-0012, a request to apply for a conditional use permit to establish a medical marijuana dispensary at 8260 Broadway in the Heavy Commercial Zone.

Reference: David De Vries, Development Services Director

Recommendation: Conduct Public Hearing and Adopt Resolution

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

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

Reference: David De Vries, Development Services Director

Recommendation: Conduct Public Hearing and Adopt Resolution

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

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

Department Director Reports (Non-Action Items)

Closed Session

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

Adjournment

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 prior to the meeting. A full agenda packet is available for public review at City Hall.

MINUTES OF A MEETING OF THE LEMON GROVE CITY COUNCIL

August 1, 2017

The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency

Call to Order

City Councilmembers present:

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

City Council Members absent:

None.

City Staff present:

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

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember M. Mendoza.

Presentation

Chris Wilson, President of Heartland Firefighters Lemon Grove Local 2728, provided a presentation of the Fire OPS 101, where the participants included Mayor Vasquez, Mayor Pro Tem J. Mendoza, City Manager, Lydia Romero, and Human Resources Manager, Corinne Russell.

Public Comment

Abraham Muheize, owner San Diego Kings Basketball, explained that they are a minor league basketball team and they are interested in volunteering in Lemon Grove.

A. Watson explained that he is interested in creating an arts and culture commission, with a vision to serve and partner with Lemon Grove.

John L. Wood expressed appreciation for the removal of the container next to the Community Center and rubbish that was dumped along Central Avenue.

Matt Philbin reported on a property he owns in Lemon Grove, where he is interested in establishing a residential living facility for homeless veterans.

Agnes Cole commented on Mr. Philbin's proposed project and added that she supports his endeavors.

1. Consent Calendar

- A. Ratification of Payment Demands**
- B. Waive Full Text Reading of All Ordinances and Resolutions on the Agenda**
- C. Resolution of the City Council of the City of Lemon Grove, California Adjusting the Campaign Contribution Limits for City Council Candidates Pursuant to Lemon Grove Municipal Code Section 9.08.030(E) From \$1050 to \$1090**
- D. Approving a Professional Services Agreement with Dexter Wilson Engineering, Inc. for Wastewater Consulting Services**
- E. Agreement between Liebert Cassidy Whitmore and the City of Lemon Grove for Employment Relations, Training and Support**

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

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

Resolution No. 2017 – 3529: Resolution of the City Council of the City of Lemon Grove, California Adjusting the Campaign Contribution Limit for City Council Candidates Based on the Consumer Price Index (2015-2016)

Resolution No. 2017-288: Resolution of the District Board of the Lemon Grove Sanitation District Approving a Professional Services Agreement with Dexter Wilson Engineering, Incorporated for Wastewater Consulting Services

Resolution No. 2017- 3530: Resolution of the Lemon Grove City Council Approving an Agreement between Liebert Cassidy Whitmore and the City of Lemon Grove to Provide Employment Relations Training

2. City of Lemon Grove 40th Anniversary Celebration Plans

Miranda Evans reported that July 1, 2017, marked the City of Lemon Grove's 40th Anniversary of "Cityhood" since the July 1, 1977 incorporation date. City staff has prepared a series of low or no-cost activities to commemorate, inform and engage Lemon Grove residents, about this milestone.

Ms. Evans provided a presentation on the 40th Anniversary activities:

August 1, 2017 Celebratory Kick-Off at the City Council meeting with special guests and cupcakes ;

A "Lemon Grove Minute" video will be shared at each City Council meeting until June 19, 2018;

The City's rebranded newsletter, *The Zest*, will launch on August 1st and will subsequently be published on the first day of each month;

A History Hunt will take place in partnership with the Lemon Grove Historical Society, at historical landmarks around town;

A Local Lemon Rush is planned for residents to find 40 hidden lemons, around town and claim prizes;

40#ThrowbackThursday posts will be shared on social media (Instagram, Facebook and Twitter) featuring vintage photos;

The Lemon Grove Acts of Kindness Campaign will launch on August 1 and will encourage kindness and community engagement; and

The 20th Annual Bonfire will feature expanded hours and more entertainment.

Ms. Evans introduced City Councilmembers Dale Bailey and Jack Doherty, both members of the first Lemon Grove City Council.

Dale Bailey and Jack Doherty provided overview of Lemon Grove as a new city, along with history, and their time on the City Council.

Public Speaker(s)

Matt Jennings, Senator Joel Anderson's office, presented a certificate to recognize Lemon Grove's 40th Anniversary.

There was a 15 minute break for refreshments in celebration of the 40th Anniversary.

3. Public Hearing to Consider the Master Fee Schedule for Fiscal Year 2017-2018

Auggie Matt reported that the City Council reviews the City's Master Fee Schedule annually as part of the budget adoption process. The proposed Master Fee Schedule supports the efforts of the City to recover costs incurred by the related individual services provided. In order to recover the costs it is necessary to establish new fees and modify current fees by amending the current Master Fee Schedule.

The proposed fee increases do not exceed a reasonable amount required to provide the service for which the fee or service charge is levied and will not exceed the cost of providing the service.

Fiscal Year 2017-2018 introduces new fees due to new business or services provided. These are art, medical marijuana dispensary permit processing and inspection fees, and Fire Department fees for plan reviews, inspections, appeals to fire codes, technical reviews, hazardous materials management, and fire pumps.

Mayor Vasquez opened the public hearing.

Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to closed the public hearing and adopt the resolution passed, by the following vote:

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

Resolution No. 2017- 3531: Resolution of the City Council of the City of Lemon Grove, California Updating the City of Lemon Grove Master Fee Schedule for Fiscal Year 2017-2018

4. National Pollutant Discharge Elimination System (NPDES) Stormwater Program Order No. R9-2017-0077 Trash Amendments

Malik Tamimi stated that on April 7, 2015, the State Water Board adopted Resolution No. 2015-0019 to address the impacts of trash to the surface waters of California, referred to as the Trash Amendments. Trash is typically conveyed through storm drain systems, to surface waters such as downstream rivers and creeks. On June 2, 2017, the San Diego Regional Board issued a Monitoring and Reporting Order R9-2017-0077 pursuant to Water Code section 13383 to Phase I MS4 permittees, including the City of Lemon Grove, to commence with implementing the Trash Amendments.

Mr. Tamimi added that Order R9-2017-0077 requires the City to submit its intent to implement either Track 1 full capture of trash or Track 2 a combination of full capture system and other treatments, by September 5, 2017. The City conducted a comparison of Track 1 versus Track 2 and found that Track 1 would be more cost effective while ensuring compliance certainty with the Order. Implementation of the Trash Amendments will occur over a 10 year compliance schedule commencing in December 2018. The total cost for Track 1 was estimated at \$471,000 for a 10 year period or \$47,100 per year. Track 2 was estimated at a range of \$508,000 to \$762,000 for a 10 year period or \$50,800 to \$76,200 per year.

Public Speaker(s)

John L. Wood expressed concern for possible roadway flooding after installation of the capture systems.

Action: Motion by Mayor Pro Tem J. Mendoza, seconded by Councilmember Arambula, to adopt the resolution approving Track 1 passed, by the following vote:

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

Resolution No. 2017- 3532: Resolution of the City Council of the City of Lemon Grove, California, Selection of Track 1 Full Capture System to Comply with Statewide Trash Amendments Under the California Regional Water Quality Control Board San Diego Region Monitoring and Reporting Order No. R9-2017-0077

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

Councilmember Jones reported on a recent SANDAG meeting where AB 805 was discussed and added that there will be a special meeting to discuss the investigation report.

Councilmember Arambula reported on a MTS Board meeting and expressed appreciation to Miranda Evans for the community outreach efforts.

Councilmember M. Mendoza commented on the City's 40th Anniversary celebration.

Mayor Pro Tem J. Mendoza expressed appreciation for the City t-shirt and for the updated City newsletter. She attended Concerts in the Park, SANDAG, and Heartland Communications JPA meetings.

Mayor Vasquez attended the grand opening of the Lemon Grove Bakery, Concerts in the Park, participated in the community clean-up event, and served on a panel at Comic Con. She also met with the president of ARC, attended the Annual Law Enforcement Appreciation Awards event, and National Night Out, at the Lemon Grove Promenade.

City Manager and Department Director Reports

Malik Tamimi reported on the recent city-wide community clean-up event.

Miranda Evans commented on the rebranded City newsletter the Zest and added that is primarily web based that will be published on a monthly basis.

Mike James reported that City staff conducted the annual bulk item pick-up in coordination with EDCO. He added the summer day camp attendance has been up this year.

Chief Stowell reported that Heartland Communications JPA has selected a candidate to serve as Director. He noted that today Lemon Grove's Engine 10 served in extinguishing a large fire.

Lt Amos commented on the National Night Out Against Crime.

Lydia Romero commented on recent time spent at Stanford University where one of the topics was autonomous vehicles. She thanked Miranda Evans and Cassandra Mendenhall for their efforts with the City's 40th Anniversary celebration.

James Lough noted that there is a closed session reported on the agenda under Government Code Section 54956.9: D 1.

Closed Session

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

Conference with Legal Counsel – Existing Litigation
San Diego County Office of Education, et al. v. The County of San Diego, et al., San Diego Superior Court, Case Number 37-0017-00019775-CU-WM-CTL

Closed Session Report: Council provided direction to defend San Diego County Office of Education, et al. v. The County of San Diego, et al., San Diego Superior Court, Case Number 37-0017-00019775-CU-WM-CTL, by Lounsbery Ferguson Altona & Peak and coordinate for a joint defense with another firm.

Adjournment

There being no further business the meeting was adjourned at 9:20 p.m.

Susan Garcia, City Clerk

City of Lemon Grove Demands Summary

Approved as Submitted:

Auggie Matt, Finance Manager

For Council Meeting: 08/15/17

ACH/AP Checks 07/21/17-08/07/17

2,574,477.98

Payroll - 08/01/17

139,204.02

Total Demands

2,713,682.00

Check No	Vendor No	Vendor Name	Check Date	Vendor Name	Check Amount	Check Amount
CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	LGCD10TARFB	US Bank- Corporate Trust Services	07/21/2017	Debt Service Payment - 2010 Bonds	510,362.84	510,362.84
ACH	LGCD107TAB	US Bank- Corporate Trust Services	07/24/2017	Debt Service Payment - 2007 Bonds	490,788.09	490,788.09
ACH	LGCDAGB14	US Bank- Corporate Trust Services	07/24/2017	Debt Service Payment - 2014 Bonds	221,653.44	221,653.44
ACH	Jul18-17	US Treasury	07/25/2017	Federal Taxes 7/18/17	34,943.55	34,943.55
ACH	Jun21-Jul4-17 Jul5-Jul18-17	Calpers Supplemental Income 457 Plan	07/26/2017	457 Plan 6/21/17-7/4/17 457 Plan 7/5/17-7/18/17	5,132.00 5,132.00	10,264.00
ACH	7569139	LEAF	07/26/2017	Ricoh C3502 Copier System-PW Yard - Jul'17	160.51	160.51
ACH	Jun21-Jul18-17	California Public Empl Retirement System	07/27/2017	Pers Retirement 6/21/17-7/18/17	68,650.05	68,650.05
ACH	FY17	California Public Empl Retirement System	07/28/2017	Special Comp - Fire Safety FY17	33,867.36	33,867.36
ACH	14995196 14995209 14995226 14995219	California Public Empl Retirement System	07/28/2017	Annual Pers Unfunded Accrued Liability - Rate Plan 1241 Annual Pers Unfunded Accrued Liability - Rate Plan 3602 Annual Pers Unfunded Accrued Liability - Rate Plan 15027 Annual Pers Unfunded Accrued Liability - Rate Plan 26803	223,843.00 126,711.00 123.00 32.00	223,843.00 126,711.00 123.00 32.00
ACH	Jun17	WEX Bank	07/28/2017	Fuel - Fire Dept. - Jun'17	506.21	506.21
ACH	394987	Aflac	07/28/2017	AFLAC Insurance 08/02/17	1,192.80	1,192.80
ACH	Jul-17	Colonial Life	07/28/2017	Colonial Optional Insurance -Jul-17	714.78	714.78
ACH	Refill 7/27/17	Pitney Bowes Global Financial Services	07/28/2017	Postage Usage 7/27/17	250.00	250.00
ACH	Jul-17	Wage Works	07/31/2017	FSA Disbursement - Jul'17	346.57	346.57
ACH	Jul17	Power Pay Biz/Evo	08/01/2017	Online Credit Card Processing - Jul'17	59.19	59.19
ACH	Jul17	Dharma Merchant Services	08/02/2017	Merchant Fees - Jul'17	444.76	444.76
ACH	Jul17	Authorize Net	08/02/2017	Merchant Fees In-Store & Online - Jul'17	49.49	49.49
ACH	Aug-2017	Pers Health	08/02/2017	Pers Health Insurance - Aug-17	52,189.37	52,189.37
ACH	Aug1-17	Employment Development Department	08/03/2017	State Taxes 8/1/17	7,453.04	7,453.04
ACH	80317	Wells Fargo Bank	08/03/2017	Digital Check Xpress CX30 Scanner	532.48	532.48
ACH	Jul19-Aug1-17	Calpers Supplemental Income 457 Plan	08/04/2017	457 Plan 7/19/17-8/1/17	5,132.00	5,132.00
ACH	Jul17	Chase Bank	08/07/2017	Workers' Comp Claims - Jul'17	8,158.84	8,158.84
8048	C3695	A-Pot Rentals, Inc.	07/26/2017	Portable Restroom Rental 7/9/17-8/8/17	132.10	132.10
8049	Ausderan	Ausderan, Amy	07/26/2017	Refund/Tolliver, Jayden/Daycamp	95.00	95.00
8050	5656851377	AutoZone, Inc	07/26/2017	Duralast Gold Battery - LGPW#3- Ranger/Streets	119.51	119.51
8051	30619-IN	Aztec Landscaping Inc	07/26/2017	Landscape Mgmt Svc Jun'17	9,629.00	9,629.00
8052	13380	Azteca Systems Inc	07/26/2017	Cityworks Update and Support - 9/25/17-9/24/18	15,000.00	15,000.00
8053	1146289-IN	Boot World Inc	07/26/2017	Work Boots - PW Crew	1,049.49	1,049.49
8054	8/4/17	Burke, Patrick J	07/26/2017	Pre-Movie in the Park/Music Performance 8/4/17	125.00	125.00
8055	CaliVenture	Cali Venture Party Rentals	07/26/2017	Pre-Movie in the Park/Laser Tag - 8/4/17	400.00	400.00

8056	694368771	Cintas Corporation #694	07/26/2017	Janitorial Supplies - 7/20/17	591.47	591.47
8057	AR137419	City of Chula Vista	07/26/2017	Animal Control Services- Jun '17	15,534.00	15,534.00
8058	7/9/2017 7/18/2017	Cox Communications	07/26/2017	Calsense Modem Line: 8235 Mt Vernon- 7/9/17-8/8/17 City Manager/Copy Room Fax Line- 7/18/17-8/17/17	94.39 3.55	97.94
8059	18100092 18300047 18400260 18400420 18400743 18400932 18500053	CSAC Excess Insurance Authority	07/26/2017	Excess Workers' Comp 7/1/17-7/1/18 General Liability Insurance 7/1/17-6/30/18 Master Crime Program 6/30/17-6/30/18 Optional Excess Liability Insurance 7/1/17-6/30/18 Cyber Liability Premium- 7/1/17-6/30/18 Pollution Liability Insurance 17/18 Installment Property Insurance Premium 3/31/17-3/31/18	122,701.00 60,189.00 1,200.00 11,868.00 1,196.00 1,973.00 48,086.00	247,213.00
8060	369681/FY18 371241/FY18 371261/FY18	CWEA	07/26/2017	CWEA Membership FY18- Bell CWEA Membership FY18- Wilkens CWEA Membership FY18- Adams	180.00 180.00 180.00	540.00
8061	3603 3729 3730 3731 3751	D- Max Engineering Inc	07/26/2017	Mallard Ct SWQMP #4 Review#4 Inspection 5/11/17 LGA Realignment Stormwater Constructn Inspctns thru 6/30/17 Center Hilltop Stormwater Construction Inspctns thru 6/30/17 Grove Lofts Stormwater Construction Inspections thru 6/30/17 D-Max Stormwater Services 5/1/17-6/30/17	150.00 399.45 255.53 200.53 5,247.79	6,253.30
8062	0617.04.1117	Dexter Wilson Engineering, Inc.	07/26/2017	Metro JPA Wastewater Issues - Jun '17	5,670.00	5,670.00
8063	100	Diviana's Party Rentals	07/26/2017	Tablecloth Rental - Bulky Item Drop Off Event 7/22/17	120.00	120.00
8064	0714172305	Domestic Linen- California Inc	07/26/2017	Shop Towels & Safety Mats 7/14/17	102.20	102.20
8065	7/17-20/17	Esgil Corporation	07/26/2017	75% Building Fees - 7/17/17-7/20/17	2,543.91	2,543.91
8066	5-865-93006	Federal Express	07/26/2017	Shipping Charges-Equip Repair/Sanitation Camera/CUES West	361.23	361.23
8067	0024151-IN	HDL Coren & Cone	07/26/2017	Contract Services Property Tax - Jul-Sep 2017	2,073.06	2,073.06
8068	0011296-IN	HDL Software LLC	07/26/2017	Permit Tracking Annual Maint- 8/1/17-7/31/18	800.00	800.00
8069	63486	House of Automation	07/26/2017	PW Yard Security Gate Sensor Repair	198.00	198.00
8070	9993	Infrastructure Engineering Corporation	07/26/2017	Prof Svc: LGA Realignment 5/27/17-6/30/17	30,830.63	30,830.63
8071	1921701007789	Interstate All Battery Center	07/26/2017	Batteries - Fire	467.46	467.46
8072	34029 34875	Interwest Consulting Group	07/26/2017	Prof Svc: SSARP Grant Procurement Svcs - May '17 Prof Svc: SSARP Grant Procurement Svcs - Jun '17	1,300.00 190.00	1,490.00
8073	347667	LN Curtis & Sons	07/26/2017	SCBA/Non-Ambiant Air Check 6/29/17	129.30	129.30
8074	Luquen	Luquen, David	07/26/2017	Refund/Luquen, David/Deposit - LBH- 7/8/17	300.00	300.00
8075	7/27/17EM	Markowitz, Elizabeth	07/26/2017	Concerts in the Park - Three Chord Justice 7/27/17	600.00	600.00
8076	McElroy	McElroy, Lori	07/26/2017	Refund/Pendergrass, Roman/Daycamp	80.00	80.00
8077	4926-AR10490	Metropolitan Transportation Commission	07/26/2017	Street Saver Subscription 9/1/17-8/31/18	1,500.00	1,500.00
8078	209166	Ninyo & Moore	07/26/2017	Hilltop Condos Proj Inspection Svcs thru 6/30/17	341.00	341.00
8079	68144	NVS, Inc	07/26/2017	LGA Realignment- Construction Support Svcs thru 6/30/17	9,708.43	9,708.43
8080	146070	Pacific Sweeping	07/26/2017	St Sweeping,Power Washing/Parking Lot,Bus Shelters - Jun '17	6,655.15	6,655.15
8081	7317 7617	Pro Drain & Plumbing Service Inc	07/26/2017	Plumbing Service - Sheriff Stn Water Leak 7/3/17 Plumbing Service - Sr Ctr Bathroom Leak 7/6/17	210.00 90.00	300.00
8082	1857	Quality Bikes	07/26/2017	Bicycles & Gear/Sheriff Bicycle Patrol/DOJ Grant	1,624.36	1,624.36
8083	286191	San Diego Padres	07/26/2017	Summer Daycamp Fieldtrip - SD Padres 8/2/17	1,500.00	1,500.00
8084	0304717	SCS Engineers	07/26/2017	Env Consulting Svc: LGA Realignment 6/1/17-6/30/17	1,137.00	1,137.00
8085	00053135	The East County Californian	07/26/2017	Ordinance No 446 - Zoning Amendmt Alcohol Bev Mfrs 7/13/17	98.00	98.00
8086	**VOID **	U-Haul Moving & Storage of Lemon Grove	07/26/2017	** VOID **		
8087	Urias	Urias, Norma	07/26/2017	Refund/Urias, Norma/Bus Lic Overpayment - 7/3/17	49.00	49.00
8088	9789162934 9789163552	Verizon Wireless	07/26/2017	City Phone Charges- 6/13/17-7/12/17 Mobile Broadband Access- 6/13/17-7/12/17	333.89 76.02	409.91

8089	Villa	Villa, Crystal	07/26/2017	Refund/Villa, Crystal/Fac Rental Fee & Deposit- LeeHouse 7/22	550.00	550.00
8090	71518662 71518663 71526030	Vulcan Materials Company	07/26/2017	Asphalt/SS1H 4 5 Gallon Bucket Asphalt/SS1H 4 5 Gallon Bucket Asphalt/SS1H 4 5 Gallon Bucket	184.49 175.71 173.95	534.15
8091	2016 04-012	West Coast General Corporation	07/26/2017	LGA Realignment Proj- 6/1/17-6/30/17	344,369.69	344,369.69
8092	0171110	Zumar Industries, Inc	07/26/2017	Vis-Z-Shield Signpost Reflector Coverings	290.93	290.93
8093	268117-1772	American Planning Association	08/02/2017	APA/AICP Dues- DeVries - 10/1/17-9/30/18	603.00	603.00
8094	56155	Anthem Blue Cross EAP	08/02/2017	Employee Assistance Program - Aug 17	165.00	165.00
8095	9953313	AT&T	08/02/2017	Fire Telephone 6/13/17-7/12/17	79.28	79.28
8096	5656857546	AutoZone, Inc.	08/02/2017	Windshield Wiper Blades - LGPW #3	24.67	24.67
8097	792938-9	BJ's Rentals	08/02/2017	Boom Knuckle Rental - Del Mar Fair Banners	329.31	329.31
8098	CD1-700-0009	Celsius Lemon Grove 2, LLC	08/02/2017	Refund/CelsiusLG2 LLC/CD1-700-0009/Diversion Deposit	1,120.00	1,120.00
8099	694371383	Cintas Corporation #694	08/02/2017	Janitorial Supplies - 7/27/17	229.64	229.64
8100	HFTA014289	City of El Cajon	08/02/2017	HFTA Fees - QTR 1 FY17/18	8,017.00	8,017.00
8101	1000202493 1000202775	City of San Diego	08/02/2017	Contractual Agreement- 3 AEDs - 6/13/17-6/12/18 Municipal Sewer Transportation- FY17- 4th Qtr 4/1/17-6/30/17	100.00 7,213.47	7,313.47
8102	7/19/2017	Cox Communications	08/02/2017	Phone/PW Yard/2873 Skyline- 7/19/17-8/18/17	211.02	211.02
8103	14076	Custom Auto Wrap Inc.	08/02/2017	Door Logos/Striping - Animal Control Vehicle	646.80	646.80
8104	7/24-27/17	Esgil Corporation	08/02/2017	75% Building Fees- 7/24/17-7/27/17	8,898.62	8,898.62
8105	108526123	Globalstar USA, Inc.	08/02/2017	Satellite Service 6/16/17-7/15/17	106.33	106.33
8106	GHC0017547	Grier, Elsie	08/02/2017	Claim Settlement- GHC0017547	417.91	417.91
8107	72927701	Hawthorne Machinery Co	08/02/2017	Equip Rental- Skid Steer- Community Trash Event 7/21-24/17	773.25	773.25
8108	17-4188	I love a Clean San Diego	08/02/2017	ILACSD Recycling Cleanup Event thru 7/31/17	2,500.00	2,500.00
8109	1898	Janazz, LLC SD	08/02/2017	Computer Maintenance - Jun 17	2,864.98	2,864.98
8110	1443203 1444031	Liebert Cassidy Whitmore	08/02/2017	Prof Svcs: LE050-00003 Pre-Litigation thru 6/30/17 Prof Svcs: LE050-00200 FLSA Audit thru 6/30/17	3,466.50 66.00	3,532.50
8111	4300929	Mallory Safety and Supply, LLC	08/02/2017	Safety Glasses/Drivers & Nitrile Gloves/Disposable Respirators	387.70	387.70
8112	1375	Miller Spatial Services, LLC	08/02/2017	GIS Developer/Consulting Services- thru 6/30/17	4,250.00	4,250.00
8113	5564	North County EVS, Inc.	08/02/2017	E310 Service Call - Repairs	2,190.92	2,190.92
8114	117056881	Physio-Control, Inc.	08/02/2017	AED Reusable Direct Contact Sensor/Adult Size	612.03	612.03
8115	Aug2017	PLIC- SBD Grand Island	08/02/2017	Dental Insurance -Aug17	4,679.18	4,679.18
8116	2876R	Ramona Paving & Construction Corp	08/02/2017	CDBG 2017 Golden Ave Street Rehab Project - Retention	6,543.50	6,543.50
8117	INV015815	RapidScale Inc	08/02/2017	Virtual Hosting 6/30/17	2,715.03	2,715.03
8118	31167718	RCP Block & Brick, Inc	08/02/2017	Bulk Fertilized Soil - LGA Median South Improvements	310.32	310.32
8119	14503	Regional Training Center	08/02/2017	FY17/18 CCMA Annual Fee	750.00	750.00
8120	Reimb 7/27-B Reimb 7/27-B Reimb 7/27-C	Russell, Corinne	08/02/2017	Mileage Reimbursement- Russell/Jul-Dec '16 Mileage Reimbursement- Russell/Feb-Jun '17 Reimb: Job Listing - Assistant Planner	27.54 154.51 100.00	282.05
8121	7312017	SD County Fire Prev Officers Assn	08/02/2017	2016 CBC Chapter 7 Fire Resistance & Smoke Class- Richardson	70.00	70.00
8122	7/24/2017	SDG&E	08/02/2017	3225 Olive- 6/20/17-7/20/17	221.27	221.27
8123	81521130	SiteOne Landscape Supply, LLC	08/02/2017	Mulch - Trolley Corridor	1,353.49	1,353.49
8124	13595	Straightline Plumbing Enterprises Inc	08/02/2017	Plumbing Repair - Hot Water Valve/Fire	600.00	600.00
8125	00053115 00053163 00053651	The East County Californian	08/02/2017	Public Hearing- Master Fee Schedule 7/6/17 Public Hearing Notice - Admin Appeals MMD 7/6/17 Ordinance #446 - Zoning Amendment Alcohol Bev Mfrs 7/27/17	129.50 171.50 87.50	388.50

8126	Aug1 17	Vantage Point Transfer Agents-457	08/02/2017 ICMA Deferred Compensation Pay Period Ending 8/1/17	580.77	580.77
8127	9789591317 9789162935	Verizon Wireless	08/02/2017 MDC Engine Tablets- 6/21/17-7/20/17 PW Tablets- 6/13/17-7/12/17	190.07 188.78	378.85
8128	94270	Vinyard Doors, Inc	08/02/2017 Gate 1 Repair - Fire Station	290.00	290.00
				2,574,477.98	2,574,477.98

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.D
Mtg. Date August 15, 2017
Dept. Public Works

Item Title: **Rejection of Claim**

Staff Contact: Mike James, Assistant City Manager / Public Works Director

Recommendation:

That the City Council rejects a claim submitted from the law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP on behalf of Emili Soto.

Item Summary:

On July 17, 2017, the City of Lemon Grove received a timely submitted claim from the law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP on behalf of Emili Soto. After reviewing and investigating the claim, staff recommends its rejection.

Fiscal Impact:

None.

Environmental Review:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Not subject to review
<input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Negative Declaration
<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.E
Mtg. Date August 15, 2017
Dept. Public Works

Item Title: **Rejection of Claim**

Staff Contact: Mike James, Assistant City Manager / Public Works Director

Recommendation:

That the City Council rejects a claim submitted from the law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP on behalf of Melina Mata Cardenas.

Item Summary:

On July 17, 2017, the City of Lemon Grove received a timely submitted claim from the law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP on behalf of Melina Mata Cardenas. After reviewing and investigating the claim, staff recommends its rejection.

Fiscal Impact:

None.

Environmental Review:

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

Public Information:

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

Attachments:

None.

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.F
Mtg. Date August 15, 2017
Dept. Public Works

Item Title: Rejection of Claim

Staff Contact: Mike James, Assistant City Manager / Public Works Director

Recommendation:

That the City Council rejects an amended claim submitted from the law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP on behalf of Maribel Nava-Cardenas.

Item Summary:

On July 20, 2017, the City of Lemon Grove received a timely submitted amended claim from the law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP on behalf of Maribel Nava-Cardenas. After reviewing and investigating the amended claim, staff recommends its rejection.

Fiscal Impact:

None.

Environmental Review:

☒ Not subject to review

☐ Negative Declaration

☐ Categorical Exemption, Section

☐ Mitigated Negative Declaration

Public Information:

☒ None

☐ Newsletter article

☐ Notice to property owners within 300 ft.

☐ Notice published in local newspaper

☐ Neighborhood meeting

Attachments:

None.

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.G
Mtg. Date August 15, 2017
Dept. Public Works

Item Title: **Rejection of Claim**

Staff Contact: Mike James, Assistant City Manager / Public Works Director

Recommendation:

That the City Council rejects an amended claim submitted from the law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP on behalf of Jaime Nava Galaviz.

Item Summary:

On July 20, 2017, the City of Lemon Grove received a timely submitted amended claim from the law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP on behalf of Jaime Nava Galaviz. After reviewing and investigating the amended claim, staff recommends its rejection.

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.H
Mtg. Date August 15, 2017
Dept. Public Works

Item Title: **Rejection of Claim**

Staff Contact: Mike James, Assistant City Manager / Public Works Director

Recommendation:

That the City Council rejects an amended claim submitted from the law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP on behalf of Jose Soto.

Item Summary:

On July 20, 2017, the City of Lemon Grove received a timely submitted amended claim from the law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP on behalf of Jose Soto. After reviewing and investigating the amended claim, staff recommends its rejection.

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.I
Mtg. Date August 15, 2017
Dept. Public Works

Item Title: **Rejection of Claim**

Staff Contact: Mike James, Assistant City Manager / Public Works Director

Recommendation:

That the City Council rejects an amended claim submitted from the law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP on behalf of Martha Castro.

Item Summary:

On July 20, 2017, the City of Lemon Grove received a timely submitted amended claim from the law firm Casey Gerry Schenk Francavilla Blatt & Penfield LLP on behalf of Martha Castro. After reviewing and investigating the amended claim, staff recommends its rejection.

Fiscal Impact:

None.

Environmental Review:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Not subject to review
<input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Negative Declaration
<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.J
Mtg. Date August 15, 2017
Dept. Public Works

Item Title: Rejection of Claim

Staff Contact: Mike James, Assistant City Manager / Public Works Director

Recommendation:

That the City Council rejects a claim submitted by Precious Hudspeth.

Item Summary:

On June 27, 2017, the City of Lemon Grove received a timely submitted claim from Precious Hudspeth. After reviewing and investigating the claim, staff recommends that it is rejected.

Fiscal Impact:

None.

Environmental Review:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Not subject to review
<input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Negative Declaration
<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.K
Mtg. Date August 15, 2017
Dept. City Manager's Office

Item Title: 2017-18 City Council Priorities

Staff Contact: Lydia Romero, City Manager

Recommendation:

Approve the Lemon Grove City Council Priorities & Work Plan for 2017-18 (**Attachment A**).

Item Summary:

On May 9, 2017, the City Council conducted a workshop to discuss its priorities for 2017-18. From that meeting, staff developed a work plan to ensure that the priority outcomes are accomplished. A draft work plan was presented to the City Council to provide feedback regarding the priorities and the associated tasks. From that feedback, staff has prepared a priorities and work plan (**Attachment A**) that identifies:

- the priorities,
- the tasks associated with each priority, and
- a target deadline.

Staff recommends that the City Council consider approving its 2017-18 priorities and accompanying work plan. This plan will be added to the final budget document.

Fiscal Impact:

Any fiscal impacts were considered as part of the Fiscal Year 2017-18 budget process.

Environmental Review:

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

Public Information:

- | | | |
|--|--|---|
| <input type="checkbox"/> None | <input checked="" 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. Lemon Grove City Council Priorities & Work Plan for 2017-18

Attachment A

FY 2017-18 City Council Priorities:

Each of the priorities have been integrated into each department's work plan taking adequate resources including financial and staff time into consideration. Although these are identified as priorities for this fiscal year, the day to day delivery of municipal services, not mentioned as a priority, will continue.

These priorities will allow staff to focus their time on the priorities as set by City Council.

- **Streets – ensure that the city streets are repaired and maintained to the appropriate pavement condition index that is identified by the City Council.**
 - a. Repairs -
 - i. Update the 2010 Pavement Management Program with a final report presented to the City Council. Anticipated completion date - March 2018.
 - ii. Evaluate and treat residential neighborhood streets in poor condition. Anticipated completion date - Ongoing.
 - b. City beautification/attractiveness (landscaping in islands)
 - i. Improve landscaping on main arterial and collector streets. Anticipated completion date – Fall of 2017.
 - ii. Continue to seek grants to improve streetscapes with new drought tolerant landscaping. Anticipated completion date –Ongoing.
 - iii. Continue quarterly volunteer litter pick up and bi-yearly bulk item drop off events. Anticipated completion date – Ongoing.
 - c. Sidewalks
 - i. Continue the sidewalk repair program that identifies locations to remove and replace. Anticipated completion date –Ongoing
- **Homelessness**
 - a. Continue to participate in regional meetings, especially in the East County region. Anticipated completion date – Ongoing
 - b. Consideration recommendations from the SAGE report on Homelessness and bring to City Council for consideration. Anticipated completion date –July 2017.
- **Parks & Recreation**
 - a. Continue to add and promote community events.
 - i. Promote City events on social media platforms, web and in print. Anticipated completion date –Ongoing.
 - ii. Explore adding additional events within the fundraising budget. Anticipated completion date – Ongoing.
 - b. Add park space to City
 - i. Explore grant opportunities to add additional park and trails in the City. Anticipated completion date – Ongoing.
 - ii. Encourage developers to add park and trail amenities to developments. Anticipated completion date – Ongoing.

Attachment A

- iii. Bring an analysis to the City Council examining reopening the recreation center and additional recreation programs. Anticipated completion date – October 2017
 - c. Bike lanes and trails
 - i. Explore grant opportunities to add additional bike and trails in the City. Anticipated completion date – Ongoing.
 - d. Public art
 - i. Encourage development of public art. Anticipated completion date – Ongoing.
- **Business and Economic Development**
 - a. Support current businesses i.e. BID/PBID, clean ups, etc.
 - i. Work with the East County Chamber on business support. Anticipated completion date – Ongoing.
 - ii. Explore grant opportunities to help develop a Business Improvement District. Anticipated completion date – Ongoing.
 - b. Activate Downtown Core (DVSPE)
 - i. Bring to the City Council the Downtown Village Specific Plan Expansion (DVSPE) for formal adoption. Anticipated completion date – May 2018.
 - ii. Explore grants to implement the development strategies contained in the DVSPE and Connect Main St. project. Anticipated completion date – Ongoing.
- **Public Safety**
 - a. Parks
 - i. Make permanent the park ranger position.
 - ii. Explore and Adopt a Park or Park Watch program. Anticipated completion date Fall 2017.
 - iii. Promote the new alcohol free park ordinance. Anticipated completion date – Summer 2017.
 - b. Tobacco Retailers License & Responsible Beverage Sales and Services (Social Morals ordinances)
 - i. Work with CASA and other non-profit groups on developing a TRL. Anticipated completion date – Summer 2017.
 - ii. Hold workshops with tobacco retailers on the proposed TRL. Anticipated completion date – Fall 2017.
 - iii. Present to City Council a TRL program for Lemon Grove. Anticipated completion date – Spring of 2018
 - iv. Present to City Council an RBSS program. Anticipated completion date – Winter 2017.

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 2
Mtg. Date August 15, 2017
Dept. Public Works

Item Title: Authorization to Advertise a Request for Proposal for the Pavement Management Program Update

Staff Contact: Mike James, Assistant City Manager / Public Works Director

Recommendation:

Provide feedback regarding the draft request for proposal (**Attachment B**) for the pavement management program update and authorize the City Manager or her designee to advertise the request for proposal.

Item Summary:

On January 5, 2010, the City Council adopted a pavement management program (PMP) that was performed by Nichols Consulting Engineers. The PMP is a tool that allocates limited resources toward the process of selecting the proper street treatment, in a timely manner, to prolong the street conditions over the entire street network. The chief benefit of using a tool like the PMP is to avoid costly repairs to the street network by acting sooner than later because it is less expensive to keep good roads in good shape, than to treat worse roads at a later date. On May 23, 2017, at the Street Rehabilitation Workshop, the City Council received information about the PMP, the City's current pavement condition index (PCI), and staff's recommendation to move forward to update the PMP. This staff report is the first step in the process. After the selection process, staff will return to the City Council with a recommended consultant for approval.

The request for proposals (**Attachment B**) highlights the following key steps that the consultant will perform: review all historic data about the city's pavement management program, evaluate the current street conditions, create a five-year list to treat the City streets utilizing all anticipated funds, and provide software training to city staff to manage the program during the five year period. Staff recommends that the City Council provide feedback regarding the draft request for proposals (**Attachment B**) for the PMP update and authorizes the City Manager or her designee to advertise the RFP.

Fiscal Impact:

There is no fiscal impact affiliated with this report. However, staff anticipates that when a consultant is selected that report will request a budget allocation anticipated to equal \$75,000 to \$100,000 from Fund 14 – TransNet.

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 | |

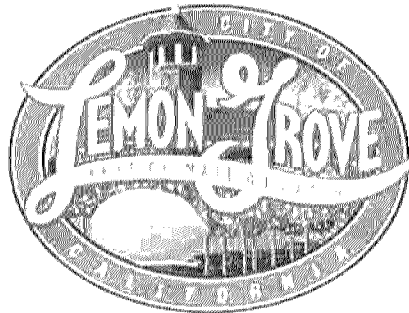
Attachments:

A. Draft Request for Proposal

DRAFT



City of Lemon Grove
Public Works Department
3232 Main Street
Lemon Grove, CA 91945



Request for Proposals No. 2017-30
For
Pavement Management Program Update

Submittal Deadline:
5:00 p.m. on September 20, 2017

Attachment A

Table of Contents

- I. Introduction
 - II. City Profile
 - III. Project Description
 - IV. Project Background
 - V. General Scope of Services
 - VI. Proponent Information
 - a. RFP Proposal Timeline
 - b. Oral Interview
 - c. Travel Expenses
 - d. Labor Compliance Requirements
 - VII. Instructions for Submission of Proposal
 - a. Registering as a Vendor
 - b. Document Format and Upload/Downloading
 - c. Examination of the Content of the RFP
 - d. Proposal Content
 - e. Proposal Submittal
 - f. Proposal Withdrawal
 - VIII. Selection Criteria and Agreement Award
 - a. Selection Criteria
 - b. Agreement Award
 - IX. Conditions and Legal Requirements
- Exhibit A – Sample of Agreement for Consultant Services
- Exhibit B – Subcontractor's List

I. INTRODUCTION

The City of Lemon Grove, hereinafter referred to as the “City”, is requesting proposals (RFP) from qualified consulting firms, hereinafter, referred to as “Proposers” to provide an update to the City’s Pavement Management Program Update.

II. CITY PROFILE

The City is a general law city of 3.88 square miles, located in easterly portion of San Diego County bordered to the west and south by the City of San Diego, to the north by the City of La Mesa, and to the east by the unincorporated portion of County of San Diego. The City maintains approximately 67 miles of roads with a combination of internal maintenance activities and contracted capital repair projects.

III. PROJECT DESCRIPTION

The project consists of reviewing all public roadways within the City, evaluating and updating the City’s existing Pavement Management Program (PMP), update the existing software used to manage the PMP, provide a capital improvement program (CIP), and CIP budget for the next five years.

The City is seeking to update its database with a field survey from a mechanical and/or visual inspection of each pavement section’s surface distress information. Lastly, a training manual (or procedural manual) will be created to accurately detail how to perform and update key functions of the software program.

IV. PROJECT BACKGROUND

Currently, the City uses Street Saver to manage its PMP. The City is seeking to update the information in the existing software. The City is open to using other PMP software programs. However, the proposal should clearly define the benefits of that platform versus Street Saver and include a cost to make the transition with all historical data being transferred to the new software system. All geographic data produced from the PMP update shall be compatible with the City’s Geographic Information System (GIS). The City’s GIS utilizes ESRI ARC GIS as its GIS platform. All data shall ultimately be stored within a Geodatabase format and projected in NAD 1983 State Plan California Zone VI. In addition, the PMP update shall utilize the City-maintained GIS centerline layer as its base (which will be provided by the City).

V. GENERAL SCOPE OF SERVICES

The City is requesting proposals from qualified consulting firms to provide an update to the City’s PMP. The project consists of reviewing all public roadways within the City,

Attachment A

evaluating and updating/upgrading the City's existing PMP software, and providing CIP planning document for a five-year capital budget. The consultant shall:

1. Meet with City staff to discuss project details and expectations.
2. Plan to meet with staff at least three (3) times during the project which includes one City Council presentation of the final report.
3. Evaluate the present Street Saver software. Specific attention should be paid to the priority allocation established between arterial, collector and residential streets.
4. Update the base map and identify all streets, as noted under Section IV. PROJECT BACKGROUND listed above.
5. Resurvey all streets by using a distance meter or other accurate measuring device and check segment limits of each street.
6. Review the City's existing Street Saver files and review the prior PMP update completed in 2010.
7. Obtain/incorporate the following data into the update:
 - i. Incorporate the most recent traffic counts.
 - ii. Relationship of improvement strategies to cost benefit analysis.
 - iii. Condition of the street surfaces.
 - iv. Incorporate pavement rehabilitation and slurry seal projects completed since the last PMP update.
 - v. Incorporate street improvement projects completed since the last PMP update.
 - vi. Incorporate new street segments completed and accepted into the City's right of way since the last update.

City of Lemon Grove
Request for Proposals No. 2017-30
Pavement Management Program Update

- vii. Analyze, interpret and use existing electronic data in the City database.
- 8. Conduct and document condition survey with team for the initial street condition survey (City staff may be present for this).
- 9. Develop unit cost and pavement life data for improvement options from maintenance (e.g. dig outs, slurries) to AC grind and overlay (up to 2" in depth) and if applicable full depth reconstruction.
- 10. Utilizing the database and reporting formats developed previously, prepare a report summarizing the condition of the pavement for each street segment and the calculated pavement condition index (PCI) rating.
- 11. Develop a list of streets according to the recommended improvement calculated for each street segment.
- 12. Prepare a report establishing a prioritized list of projects with recommended improvement based on cost-benefit formulas. Based on unit cost data and the estimated benefits derived from the road users, a cost-benefit analysis shall be performed for each alternative improvement strategy. The result of this analysis will allow the City to select those improvements which will have the largest return on investment. The results of this analysis will be documented in a priority report which will allow the City to quantify and rank the improvements impact to road users.
- 13. Update the existing database with the improved and new street segments and assign a PCI rating for each street segment.
- 14. Prepare a five-year project list for crack sealing, dig outs, slurry, overlay, fabric material, milling/paving, and complete reconstruction of street projects to be included in the CIP for review and approval. The five-year project list shall divide the City into logical pavement management areas that shall also consider the City's quadrant maintenance system (City provided).
- 15. Prepare a pavement management report that documents the entire project. The report as a minimum will include the following:

Attachment A

- i. Introduction.
- ii. Executive summary.
- iii. Current pavement network replacement value by classification.
- iv. Results of budget needs and scenario analysis.
- v. System methodology.
- vi. Condition distribution by classification and surface type.
- vii. PCI report (in order by index and by name) that includes a comparison of 2010 PCI with current conditions versus the updated 2017 PCI.
- viii. Projected work programs.
- ix. Historical maintenance activity.
- x. Street Saver or other software program settings.

16. Procure and provide the City with the latest version of Street Saver. If another leading program in the industry is recommended the vendor must register it in the City's name for at least one year and guarantee that all historical information in Street Saver will be successfully transferred into the new program.

VI. PROPONENT INFORMATION

1. RFP Proposal/Project Timeline – The following is the City's tentative timeline for the selection of a Proponent.

RFP Proponents Electronically Notified	August 16, 2017
Deadline for Submitting Questions	September 13, 2017
Deadline for Submitting Proposals	September 20, 2017
Panel Review of Proposals (Tentative)	September 25-26, 2017
Interview Qualifying Firms (If Necessary)	October 3, 2017
Council Approval and Award (Tentative)	October 17, 2017
Begin Services (Tentative)	November 1, 2017

Once the work begins, the City anticipates the following timeline.

Complete Report	April 4, 2018
Internal Review of Final Report	April 9-12, 2018

City of Lemon Grove
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Pavement Management Program Update

City Council Presentation (Tentative)	May 1, 2018
City Staff Training Session (Tentative)	May 2, 2018
Project Completion and Final Billing	May 31, 2018

2. Oral Interview – Those Proponents considered most qualified to provide the required services may be requested to participate in an oral interview at the City's discretion. Applicants will be notified in writing of the time and place for the interview no later than September 26, 2017. It is expected that key members of the engagement team (owner, partner, manager, senior personnel, and project manager) will be present for the presentation/interview process. Failure to appear for the oral interview will be cause to disqualify the firm from further consideration.
3. Travel Expenses – The City shall not reimburse Proponent for any travel expenses incurred responding to this RFP or requirements outlined within this section.

The City shall not reimburse awarded Proponent for local travel related expenses; therefore, any such costs must be included in the rates set forth in the Fee Schedule. The City will, however, provide reimbursement for reasonable pre-approved travel out of area to include airfare and hotel reimbursement only. Proponents submitting expenses reimbursement request to the City shall include on their invoices detailed information including description, date of the expenses (including hotels) shall be reimbursed at direct cost, but not to exceed the Federal per diem rate as established by the U.S. General Services Administration (<http://www.gsa.gov/perdiem>), plus applicable taxes. Proponent shall attach supporting documents substantiating all expenses such as itemized receipts, paid invoices, or paid documents substantiating all expenses such as itemized receipts, paid invoices, or paid credit card statements (if description has sufficient detail). Any requests for travel-related expenses reimbursement must be pre-approved by the City and Finance Manager.

4. Labor Compliance Requirements – Proponent must comply with all labor compliance requirements including but not limited to prevailing wage requirements and SB854. No contractor, subcontractor or consultant may be listed on or awarded an agreement public works projects unless registered with the Department of Industrial Relations (DIR) pursuant to Labor Code sections 1771.1(a), 1720, 1725.5 and Public Contract Code section 4104. This project, work, or service may be subject to compliance, monitoring and enforcement by the DIR. For more information, refer to: <http://www.dir.ca.gov/Public-Works/PublicWorks.html>.

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VII. INSTRUCTION FOR SUBMISSION OF PROPOSAL

1. Registering as a Vendor – Proponents must be registered as a vendor with the City to download the RFP document(s) and to submit a proposal. If not already registered, Proponents may “New Vendor Registration” via the City’s website: <https://www.planetbids.com/portal/portal.cfm?CompanyID=33470>
2. Document Format and Upload/Downloading – Documents must be uploaded in PDF format. It is the Proponent’s responsibility to insure its proposal documents are properly uploaded in the City’s online bid management system. Proposals that are missing pages, cannot be opened, etc., may be considered as unresponsive. **Hard copies submitted to the City, in lieu of an electronic copy uploaded in the system, will not be accepted as a viable proposal.**

It is the Proponents sole responsibility to contact the City’s online bid management provider (PlanetBids at 1-818-992-1771) to resolve any technical issues, related to electronic bidding, including but not limited to, registering as a vendor, updating passwords, updating profiles, uploading/downloading documents, submitting an electronic proposal, etc.

3. Examination of the Content of the RFP – By submitting a proposal, the Proponent represents that it has thoroughly examined and become familiar with the contents of the RFP and that it is capable of performing quality work to achieve the City objectives. The submission of a signed proposal shall be considered an agreement to all the terms, conditions, and specifications provided in the RFP.

If the Proponent suggest alternatives or states exceptions to any term or condition in the agreement, or to any provision or recurrent of the RFP, **such alternative or exception shall be clearly stated and identified in the submitted proposal.** Otherwise, the successful Proponent will be expected to sign an agreement upon award. Any alternative proposed must satisfy all minimum qualifications specified in the RFP. The City expressly reserves the right, in its sole discretion, to (1) reject a proposal containing any exception or alternatives as non-conforming, or (2) accept any proposal alternative or exception and to award an agreement based there on if determined to be in the best interest of the City.

Any questions, interpretations, or clarifications about any portion of this RFP must be requested in writing by the deadline indicated in the RFP Proposal Timeline via the City’s on-line bid management system, PlanetBids. All written questions will be answered in writing and conveyed to all proposers in writing via PlanetBids. Oral explanations or instructions will not bind the City.

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Contained herein is a Sample Professional Services Agreement (Exhibit A) for the purpose of informing the proposer of the fixed, predetermined, standard agreement and insurance provisions with which they will be required to comply. These provisions are subject to revision by the City at any time prior to the signing of the agreement.

Upon signing of an agreement, the Consultant shall provide certificates (Exhibit A) evidencing that the required insurance is in effect.

4. Proposal Content

- i. *Executive Summary:* A 1-2 page summary that highlights the critical informational items from the PMP update. Specific attention should be paid to the current pavement index, budget needs, any significant observations, and the repair and maintenance options that the Consultant is recommending and why.
- ii. *Qualifications and Experience:*
 1. Proponent shall provide the number of years its firm has provided the services outlined in the RFP.
 2. Proponent shall provide the name of the principal or project manager in the firm who will have direct and continued responsibility for the project. This person will be the City staff contact on all matters dealing with the project and will handle the day-to-day activities through completion.
 3. Proponent shall provide a resume for all staff/employees assigned to the project (identified in this RFP) along with a clear indication of their responsibilities for this project.
 4. Proponent shall provide at least five (5) references that have purchased similar services from the Proponent in the last three (3) years. Proponent shall provide the company name, contact name, email address, and phone number for each reference.
 5. Proponent shall identify those services that will be outsourced to a subcontractor (Exhibit B). The Proponent will be responsible for verifying the experience, qualifications and validity of all liens, permits, and copyrights for any outsourced work to subcontractors.

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The Proponent is also responsible for paying its employees and any subcontractors the Proponent hires.

6. Proponent shall identify, obtain, and provide all licenses, permits, clearances, reports, and documents required to complete the project and perform the services within required timelines.
7. Proponent shall provide copy of DIR contractor and subcontractor registrations pursuant to SB854 and Labor Code sections 1720, 172.5, and Public Contract Code section 4104 if applicable.
8. Proponent shall provide an outline of its business safety record. Proponent will be required to comply with all existing Federal, State, and CAL OSHA laws and requirements.
9. Proponent shall provide a list of any litigation, including personal and property, involving the Proponent's firm in the last five (5) years.

iii. *Technical Approach and Timeline:*

1. Proponent shall provide a detailed written outline of their firms proposed approach and timeline to the project and the tasks the firm undertakes prior to and during the project to insure its completion and success. It shall include a schedule showing all work tasks included in the scope of work, the estimated duration to complete each task, and estimated state/finish dates.

iv. *Price:*

1. A fee schedule shall be provided to calculate the total price for each service. Proponent shall provide its proposed fee schedule (pricing) for all scope of work. The fee schedule must be uploaded in PDF Format in the "cost file" in PlanetBids. If there are discrepancies between services, labor, product, materials, or fees the City reserves the right to clarify pricing with the affected Proponent.

- v. *Compliance:* Show information that complies with SB854 and Labor Code sections 1720, 1771.1(a), 172.5, and Public Contract Code section 4104 if applicable.

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- vi. *Additional PMP Alternatives*: This section may be used by the Proponent to provide additional information, alternatives, or requirements not otherwise listed in the Proposal Content.
5. Proposal Submittal - In addition to the information requested in this section, each Proponent must upload to PlanetBid the following documents with its electronic proposal prior to the date and time of the submittal deadline:
- i. Subcontractor's List (Exhibit B)
 - ii. Fee Schedule (**must be signed by an authorized official of the company uploaded in PDF format in the "cost file" in PlanetBids**).

The proposal must be signed by an official authorized to bind the firm and contain no more than thirty (30) pages (including the cover and section dividers). It is the responsibility of the Proponent to insure the proposal is delivered on time. Any proposal received after the deadline will be disqualified and will not be considered. Proposals sent via facsimile will not be accepted. The proposal shall be valid for a minimum of ninety (90) days after the deadline.

6. Proposal Withdrawal - Proponent agrees that failure on its part to list all cost components related to the service will not be accepted by the City as an acceptable justification to re-quote the proposal. Proponent acknowledges that the original proposal and costs provided stand. However, Proponent has the option of withdrawing a proposal at any time until a final agreement is awarded. Any withdrawn proposals will not be considered for re-submittal.

VIII. SELECTION CRITERIA AND AGREEMENT AWARD

1. Selection Criteria – The City will establish a proposal selection panel whose members must have no conflict of interest with any Proponent. Individual panel members will review and evaluate the proposals and qualifications of all responsive Proponents. The selection panel may be comprised of City staff and/or other people with related expertise.

The selection panel will consider the following factors (and other reasonable, objective, and accountable factors) which are listed here without implication of priority:

- i. *Proper Formatting* – The Proponent included all items requested in the proposal (5% of total score).

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- ii. *Responsiveness* – The Proponent's ability to effectively meet the scope of services and all the requirements stipulated in the RFP (15% of total score).
 - iii. *Qualifications and Experience*: The Proponent's capability and qualifications to perform the Scope of Services and all the requirements stipulated in the RFP (35% of total score).
 - iv. *Technical Approach and Timeline*: The Proponent's method to effectively provide the scope of services and all the requirements stipulated in the RFP within a reasonable timeline. Innovative approaches that also incorporate subsurface analysis are encouraged (30% of total score).
 - v. *Price*: The Proponent's ability to cost effectively meet the scope of services and all the requirements stipulated in the RFP (10% of total score).
 - vi. *Compliance*: Must comply with SB854 and Labor Code sections 1720, 1771.1(a), 172.5, and Public Contract Code section 4104 if applicable (5% of total score).
2. Agreement Award – A final agreement will be awarded to the best qualified individual or firm with the most cost effective (competitively priced) proposal. Although price is of prime consideration, it is not the sole determining factor. The City reserves the right to select the appropriate firm based on the most qualified proposal.

The City reserves the right to accept or reject any or all responses and proposals received in response to this RFP, to waive minor irregularities, to negotiate with any qualified source, or cancel in whole or in part this RFP if it is in the best interest of the City to do so, and to take all proposals under advisement for a period of ninety (90) days. If an agreement cannot be negotiated the City reserves the right to negotiate with any other finalist.

Subsequent to agreement negotiations, prospective Proponents may be required to submit revisions to their proposal.

This RFP does not commit the City to award an agreement, to pay any cost incurred in preparation of a proposal, or to procure or contract for supplies or services.

The City reserves the right to select a Proponent to perform all the work identified in the RFP, or only selected portions based on price and other factors.

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The City may, at its sole discretion, award the agreement in whole, or in part, to one or more Proponents.

No contractor, vendor or consultant may be awarded an agreement for Public Works projects unless registered with the DIR pursuant to Labor Code 1725.5.

All companies submitting a proposal should note that the execution of any agreement pursuant to this RFP is dependent upon the recommendation of the selection panel and may be subject to the approval of the City of Lemon Grove City Council.

IX. CONDITIONS & LEGAL REQUIREMENTS

Any evidence of agreement or collusion among Proponents, acting illegally to restrain freedom of completion by agreement to propose a fixed price, or otherwise, will render the proposal of such Proponents void.

The selected Proponent(s) agree to maintain a City of Lemon Grove business license for the duration of the agreement.

Selected Proponent is required to comply with all existing State and Federal labor and public works laws. Selected Proponent is also responsible for complying with all OSHA and any other applicable standards and requirements. If Proponent outsources any work or job to a subcontractor, it will be the Proponent's responsibility to ensure that all subcontractors meet the requirements as stated in this RFP and agreement award.

All submitted responses, proposals and information included therein shall become public record upon agreement award. Proposals are not to be marked as confidential or proprietary. Regardless of any identification otherwise, including marking some or all of the pages as "confidential" or "proprietary", information in proposals shall become part of the public record and subject to disclosure without further notice to the Proponent. The City shall not in any way be liable or responsible for the disclosure of any such records.

All addenda issued during the bidding period for forming a part of the documents issued for bidding shall be listed in the form of proposal and shall be made a part of the agreement.

Pursuant to the provisions of Section 1773 of the Labor Code of the State of California, the City Council has obtained the general prevailing rate of per diem wages and the general rate for holiday and overtime work in this locality for each craft, classification or

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type of workman needed to execute this agreement from the Director of the DIR. Copies may be obtained from the CCA DIR internet website at <http://www.dir.ca.gov>. Contractor shall provide a copy of prevailing wage rates to any staff or sub-contractor hired, and shall pay the approved prevailing wage rates as a minimum. Contractor shall comply with the provisions of Sections 1720, 1725.5, 1771.1(a), 1773.8, 1775, 1776, 1777.5, 1777.6, and 1813 of the Labor Code. Pursuant to the provisions of 1775 of the Labor Code, Contractor shall forfeit to the City, as a penalty, the sum of \$20000 for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, paid less than the stipulated prevailing rates for any work done under this agreement, by him or by any subcontractor under him, in violation of the provisions of the agreement. This project, work, or service will be subject to compliance monitoring and enforcement by the DIR pursuant to Labor Code Section 1771.4.

Registration with the DIR is mandatory as a condition for bidding, providing certain services, and working on a public works project as specified in Labor Code Section 1771.1(a). Contractor and any subcontractors must be registered with the DIR to be qualified to bid, or provide a proposal and/or time and material quote or be listed in a bid, proposal or quote, subject to the requirements of Public Contract Code Section 4104; or engage in the performance of any contract that is subject to Labor Code Section 1720 et seq., unless currently registered and qualified to perform public works pursuant to Labor Code Section 1725.5. Contractor and subcontractors will be required to provide proof registration with the DIR. For more information regarding registration with the DIR, refer to <http://www.dir.ca.gov/Public-Works/PublicWorks.html>.

Exhibit A – Sample Professional Services Agreement

Attachment A

AGREEMENT BY AND BETWEEN THE CITY OF LEMON GROVE AND _____

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 _____, a *(delete and insert type of business)* (the "CONTRACTOR").

RECITALS

WHEREAS, the CITY desires to employ a CONTRACTOR to provide _____

WHEREAS, the CITY has determined that the CONTRACTOR is a *(delete and insert type of business)* and is qualified by experience and ability to perform the services desired by the CITY, and the CONTRACTOR is willing to perform such services.

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

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

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

2. **SCOPE OF SERVICES.** The CONTRACTOR will perform services as set forth on pages XX-XX of Exhibit "_____" (Attached).

The CONTRACTOR shall be responsible for all research and reviews related to the work and shall not rely on personnel of the CITY for such services, except as authorized in advance by the CITY. The CONTRACTOR shall appear at meetings cited in Exhibit "_____" to keep staff and City Council advised of the progress on the project.

~~The CITY may unilaterally, or upon request from the CONTRACTOR, from time to time reduce or increase the Scope of Services to be performed by the CONTRACTOR under this Agreement.~~ Upon doing so, the CITY and the CONTRACTOR 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.**

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_____ hereby is designated as the Project Coordinator for the CITY and will monitor the progress and execution of this Agreement. The CONTRACTOR shall assign a single Project Director to provide supervision and have overall responsibility for the progress and execution of this Agreement for the CONTRACTOR. _____ thereby is designated as the Project Director for the CONTRACTOR.

4. **COMPENSATION AND PAYMENT.** The compensation for the CONTRACTOR shall be based on monthly billings covering actual work performed. Billings shall include labor classifications, respective rates, hours worked and also materials, if any. The total cost for all work described on page XX of Exhibit "___" shall not exceed SPELL OUT COST (\$XX,XXX) (the Base amount) without prior written authorization from the INSERT TITLE OF PERSON RESPONSIBLE. 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 "___" as determined by and in the sole discretion of the CITY.

The CONTRACTOR 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 SPELL OUT DAYS (XX) days from the approved and executed date or until all work has been completed by the CONTRACTOR and accept by the DISTRICT, whichever event occurs first.

Contract Extension. Contract may be extended for SPELL OUT AMOUNT (example:(4) additional (1) year periods) by written agreement of the parties, and subject to both City Council appropriation of funds and City Council authorization of such contract extension(s).

6. **DISPOSITION AND OWNERSHIP OF DOCUMENTS.** The Memoranda, Reports, Maps, Drawings, Plans, Specifications and other documents prepared by the CONTRACTOR 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. By accepting payment for completion, filing and delivering documents as called for in this paragraph, the CONTRACTOR discharges the City of all of the City's payment obligations and liabilities under this agreement.

Contemporaneously with the transfer of documents, the CONTRACTOR hereby assigns to the CITY and CONTRACTOR 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 CONTRACTOR shall, upon request of the CITY, execute any further document(s) necessary to further effectuate this waiver and disclaimer.

The CONTRACTOR agrees that the CITY may use, reuse, alter, reproduce, modify, assign, transfer, or in any other way, medium or method utilize the CONTRACTOR's

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written work product for the CITY's purposes, and the CONTRACTOR 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 CONTRACTOR shall relieve the CONTRACTOR 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 CONTRACTOR.** Both parties hereto in the performance of this Agreement will be acting in an independent capacity and not as agents, employees, partners or joint venturers with one another. Neither the CONTRACTOR nor the CONTRACTOR'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 CONTRACTOR and the CONTRACTOR's employees, and it is recognized by the parties that a substantial inducement to the CITY for entering into this Agreement was, and is, the professional reputation and competence of the CONTRACTOR and its employees. Neither this Agreement nor any interest herein may be assigned by the CONTRACTOR without the prior written consent of the CITY. Nothing herein contained is intended to prevent the CONTRACTOR from employing or hiring as many employees, or subcontractors, as the CONTRACTOR may deem necessary for the proper and efficient performance of this Agreement. All agreements by CONTRACTOR 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 CONTRACTOR or any of the CONTRACTOR's employees except as herein set forth, and the CONTRACTOR expressly agrees not to represent that the CONTRACTOR or the CONTRACTOR's agents, servants, or employees are in any manner agents, servants or employees of the CITY, it being understood that the CONTRACTOR, its agents, servants, and employees are as to the CITY wholly independent contractors and that the CONTRACTOR's obligations to the CITY are solely such as are prescribed by this Agreement.

9. **COMPLIANCE WITH APPLICABLE LAW.** The CONTRACTOR, 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 CONTRACTOR, 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 CONTRACTOR represents and covenants that it has all licenses, permits, qualifications, and approvals of whatever nature that are legally

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required to practice its profession. The CONTRACTOR represents and covenants that the CONTRACTOR 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 CONTRACTOR to practice its profession. Submittals Required with the Agreement. Failure of the CONTRACTOR to provide the following documentation with the executed agreement will cause delay in the agreement being executed by the City:

- A. Insurance as specified in Section 15 of this agreement;
- B. Taxpayer Identification Number (W-9)
<http://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- C. IRS Letter of Non-Profit 501 (c) (3) (If Applicable)
- D. City's Equal Opportunity Contracting Program requirement;
- E. Certification for a Drug-Free Workplace;
- F. City Business License;
- G. Contractor Standards Pledge of Compliance.

11. STANDARD OF CARE.

A. The CONTRACTOR, 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 CONTRACTOR'S trade or profession currently practicing under similar conditions and in similar locations. The CONTRACTOR shall take all special precautions necessary to protect the CONTRACTOR'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.

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

C. The CONTRACTOR is responsible for identifying any unique products, treatments, processes or materials whose availability is critical to the success of the project the CONTRACTOR 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 CONTRACTOR has notified the CITY otherwise, the CONTRACTOR 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 CONTRACTOR to use due diligence under this sub-paragraph will render the CONTRACTOR 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 price range that allows for project completion in the time frame specified or, when not specified, then within a commercially reasonable time.

D. City's Right to Terminate for Default. If the CONTRACTOR fails to perform or adequately perform any obligation required by this agreement, the CONTRACTOR's failure

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constitutes a Default. If the CONTRACTOR fails to satisfactorily cure a Default within ten (10) calendar days of receiving a written notice from the City specifying the nature of the Default, the City may immediately cancel and/or terminate this Agreement, and terminate each and every right of the CONTRACTOR, and any person claiming any rights by or through the CONTRACTOR under this Agreement. The rights and remedies of the City enumerated in this paragraph are cumulative and shall not limit the City's rights under any other provision of this Agreement, or otherwise waive or deny any right or remedy, at law or in equity, existing as of the date of this Agreement or enacted or established at a later date, that may be available to the City against the CONTRACTOR.

12. **NON-DISCRIMINATION PROVISIONS.** The CONTRACTOR 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 CONTRACTOR 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, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The CONTRACTOR 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 CONTRACTOR certain confidential information to enable the CONTRACTOR to effectively perform the services to be provided herein. The CONTRACTOR shall treat all such information as confidential and shall not disclose any part thereof without the prior written consent of the CITY. The CONTRACTOR 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 CONTRACTOR, hereafter disclosed in publicly available sources of information; (iii) is already in the possession of the CONTRACTOR without any obligation of confidentiality; (iv) has been or is hereafter rightfully disclosed to the CONTRACTOR 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 CONTRACTOR 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 CONTRACTOR 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.

CONTRACTOR 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 CONTRACTOR shall indemnify, defend, and hold harmless the CITY, and its officers, officials, agents and employees from any

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and all claims, demands, costs or liability that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of CONTRACTOR, its employees, agents, and subcontractors in the performance of services under this Agreement. CONTRACTOR'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. CONTRACTOR's indemnification obligations shall not be limited by the insurance provisions of this Agreement. The CITY AND CONTRACTOR 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.

15. **INSURANCE**. The CONTRACTOR, 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 hired and non-owned vehicles.

C. Comprehensive general liability insurance, with minimum limits of \$1,000,000 combined single limit per occurrence, covering all personal injury, bodily injury and property damage arising out of its operation under this Agreement. Contractual liability shall include coverage of tort liability of another party to pay for bodily injury or property damage to a third person or organization. Contractual liability limitation endorsement is not acceptable.

D. Workers' compensation insurance covering all of CONTRACTOR's employees. The CONTRACTOR shall comply with all of the provisions of the Worker's 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 officers, and employees from and against all claims, demands, payments, suits, actions, proceedings and judgments of every nature and description, including reasonable attorney's fees and defense costs presented, brought or recovered against the CITY or its officers, employees, or volunteers, 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 CONTRACTOR under this Agreement. That policy shall provide a minimum of \$1,000,000 of employer's liability coverage, and the CONTRACTOR shall provide an endorsement that the insurer waives the right of subrogation against the City and its respective elected officials, officers, employees, agents and representatives.

E. The aforesaid policies shall constitute primary insurance as to the CITY, its officers, employees, and volunteers, 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.

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

G. 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.

H. Deductibles. All deductibles on any policy shall be the responsibility of the CONTRACTOR

I. **Specific Provisions Required.** Each policy required under this section shall expressly provide, and an endorsement shall be submitted to the City, that:

1. Said policies, except for the professional liability and worker's compensation policies, shall name the CITY and its officers, agents and employees as additional insureds. The CITY's Additional Insured status must be reflected on additional insured endorsement form CG 20 12, or equivalent, which shall be submitted to the CITY.

2. The Policies cannot be canceled, non renewed or materially changed except after thirty (30) calendar days prior written notice by the CONTRACTOR to the CITY by certified mail, as reflected in an endorsement which shall be submitted to the CITY except for non-payment of premium, in which case ten (10) days notice will be provided.

3. 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 CONTRACTOR 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.

4. The CONTRACTOR may obtain additional insurance not required by this Agreement.

16. **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, 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. 17.

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 principles, 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.

If a third part dispute or litigation, or both, arises out of, or relates in any way to the services provided under this Agreement, upon the City's request, the CONTRACTOR, its agents, officers, and employees agree to assist in resolving the dispute or litigation. The CONTRACTORs assistance includes, but is not limited to, providing professional consultations, attending mediations, arbitrations, depositions, trials or any event related to the dispute resolution and/or litigation.

City of Lemon Grove
Request for Proposals No. 2017-30
Pavement Management Program Update

18. **TERMINATION**. A. This Agreement may be terminated with or without cause by the CITY. Termination without cause shall be effective only upon 30-day's written notice to the CONTRACTOR. During said 30-day period the CONTRACTOR shall perform all services in accordance with this Agreement. The CONTRACTOR 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.

B. 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 CONTRACTOR in connection with the formation of this Agreement or the performance of services, or the failure to perform services as directed by the CITY.

C. Termination with or without cause shall be effected by delivery of written Notice of Termination to the CONTRACTOR as provided for herein.

D. In the event of termination, all finished or unfinished Memoranda Reports, Maps, Drawings, Plans, Specifications and other documents prepared by the CONTRACTOR, whether paper or electronic, shall immediately become the property of and be delivered to the CITY, and the CONTRACTOR 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, and less any damages caused the CITY by the CONTRACTOR's breach, if any. Thereafter, ownership of said written material shall vest in the CITY all rights set forth in Section 6.

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

F. The termination of the services shall be effective upon receipt of the notice by the CONTRACTOR.

19. **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 telegraphed or cabled; or delivered or sent by telex, telecopy, 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 (ten (10) days if the address is outside the State of California) after the date of deposit in a post office, mailbox, mail chute, or other like facility regularly maintained by the United States Postal Service, (iv) if given by telegraph or cable, when delivered to the telegraph company with charges prepaid, or (v) if given by telex, telecopy, 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: (Insert name and title)
CITY OF LEMON GROVE
3232 Main Street

Attachment A

Lemon Grove, CA 91945-1701

To the CONTRACTOR: _____

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. Any notice, request, demand, direction or other communication sent by cable, telex, telecopy, facsimile or fax must be confirmed within forty-eight (48) hours by letter mailed or delivered as specified in this Section.

20. CONFLICT OF INTEREST AND POLITICAL REFORM ACT OBLIGATIONS. During the term of this Agreement, the CONTRACTOR 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 CONTRACTOR also agrees not to specify any product, treatment, process or material for the project in which the CONTRACTOR has a material financial interest, either direct or indirect, without first notifying the CITY of that fact. The CONTRACTOR shall at all times comply with the terms of the Political Reform Act and the Lemon Grove Conflict of Interest Code. The CONTRACTOR 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 CONTRACTOR has a financial interest as defined in Government Code Section 87103. The CONTRACTOR 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 the CONTRACTOR violates any conflict of interest laws or any of these provisions in this section, the violation shall be grounds for immediate termination of this Agreement. Further, the violation subjects the Contractor to liability to the CITY for attorney fees and all damages sustained as a result of the violation.

☐ If checked, the CONTRACTOR 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 CONTRACTOR shall:

1. Go to 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 contracts.

The CONTRACTOR 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 CONTRACTOR.

City of Lemon Grove
Request for Proposals No. 2017-30
Pavement Management Program Update

21. 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.

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.

^L. *Severability.* The unenforceability, invalidity, or illegality of any provision of this Agreement shall not render any other provision of this Agreement unenforceable, invalid, or illegal.

Attachment A

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

CITY OF LEMON GROVE

(Delete line & Insert Co's Name – in bold)

(Corporation – signatures of two corporate officers)

(Partnership – one signature)

(Sole proprietorship – one signature)

By: _____
Lydia Romero

City Manager
(Title)

(Date)

By: _____
(Name)

(Title)

(Date)

(Name)

(Title)

(Date)

APPROVED AS TO FORM:

By: _____
James Lough

City Attorney
(Title)

(Date)

By: _____
(Name)

(Title)

(Date)

Exhibit B – Subcontractor's List

Attachment A

SUBCONTRACTOR'S LIST

The General Contractor submitting a proposal will hereinafter state the subcontractor who will be the subcontractor on the job for each particular trade or subdivision of the work. If a General Contractor fails to specify a subcontractor, or if he specifies more than one subcontractor for the same portion of work to be performed under the Agreement, he agrees that he is fully qualified to perform that portion himself and that he shall perform that portion himself.

DIVISION OF WORK OR TRADE	NAME OF FIRM OR CONTRACTOR	LOCATION (City)

Dated: _____

By: _____
Signature of Contractor

Printed Name and Title

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 3
Mtg. Date August 15, 2017
Dept. Development Services Department

Item Title: **Public Appeal to Consider Appeal No. AA1-700-0002 Regarding the Denial of Zoning Clearance No. ZC1-700-0010 Continued from July 18, 2017; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 8249 Broadway in the General Commercial Zone.**

Staff Contact: David De Vries, Development Services Director

Recommendation:

1. Continue the public hearing from July 18, 2017; and
2. Adopt a Resolution (**Attachment B**) upholding the Development Services Director's determination to deny ZC1-700-0010, a request to apply for a conditional use permit to establish a medical marijuana dispensary at 8249 Broadway in the General Commercial Zone.

Item Summary:

On April 3, 2017, the Development Services Director (Director) denied Zoning Clearance Application No. ZC1-700-0010, a request to establish a medical marijuana dispensary (MMD) on an undeveloped lot at 8249 Broadway. The application was denied because the proposed MMD would be at a property located within 1,000 feet of a private school and a State-licensed daycare center (Saint John of the Cross Catholic Parish). The appellant, Mr. Rodi Mikha, subsequently filed an appeal and request for public hearing, stating: "The property may not be within 1,000 feet of a school or daycare facility. Further, the parcel can be divided to avoid possibly being within 1,000 feet of a school, or daycare facility. Lastly, the map put out by the City of Lemon Grove showing parcels that could contain a medical marijuana dispensary included at least part of APN: 503-012-34-00." Staff's response to the appellant's statements are provided herein (**Attachment A**). This public hearing was continued from July 18, 2017.

Fiscal Impact:

None.

Environmental Review:

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

Public Information:

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

Attachments:

- A. Staff Report
- B. Resolution of Denial
- C. Lemon Grove Municipal Code Section 17.32.090
- D. Search Results from Greatschools.org
- E. Search Results from State Department of Social Services Website
- F. Draft City of Lemon Grove Medical Marijuana Zoning Map
- G. ZC1-700-0010 Application Form
- H. Staff Denial Letter for ZC1-700-0010
- I. AA1-700-0002 Appeal Form
- J. Map Showing Distance Between Uses
- K. Staff Acknowledgment Letter for AA1-700-0002
- L. Director's Approval of Continuance Request
- M. Letter from Saint John of the Cross Catholic Parish Staff
- N. Public Comment from Jack and Helen Ofield

LEMON GROVE CITY COUNCIL STAFF REPORT

Mtg. Date August 15, 2017

Item Title: **Public Appeal to Consider Appeal No. AA1-700-0002 Regarding the Denial of Zoning Clearance No. ZC1-700-0010 Continued from July 18, 2017; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 8249 Broadway in the General Commercial Zone.**

Staff Contact: David De Vries, Development Services Director

Background:

This appeal hearing was scheduled for the July 18, 2017 City Council meeting. At the public hearing, the hearing was continued by the City Council to August 15, 2017 at the applicant's request.

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

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

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

On March 30, 2017, the appellant filed ZC1-700-0010, an application to apply for a conditional use permit to establish a MMD at the subject property (**Attachment G**). Prior to accepting the application, staff checked the location of the project site on the Medical Marijuana Zoning Map and determined it was ineligible for a dispensary. Staff then informed the appellant that the

Attachment A

proposed project site was within 1,000 feet of a protected use, and therefore staff would have no option but to deny the ZC application.

The appellant chose to file the ZC application despite staff's admonishment, and on April 3, 2017, the Development Services Director denied ZC1-700-0010 (**Attachment H**). On April 12, 2017, the appellant filed AA1-700-0002, an administrative appeal of the Director's decision (**Attachment I**). The basis of the appeal is that a small portion of the subject property is outside the 1,000 foot buffer around Saint John of the Cross Catholic Parish. The appellant states that portion of the property could be subdivided to create a separate parcel more than 1,000 feet from the Church's property. See the attached exhibit prepared by staff depicting the location of the site in relation to the Church property (**Attachment J**). As of August 9, 2017, no application for a subdivision has been submitted.

On April 26, 2017, staff sent a letter to the appellant acknowledging receipt of the appeal, informing him that the appeal hearing date would be May 16, 2017, and advising him to submit any additional information he wished to provide prior at the hearing (**Attachment K**). However, the appellant's legal counsel did contact staff and requested to defer the hearing until July 18, 2017. That request was granted by the Director of Development Services as indicated on **Attachment L**, dated May 8, 2017. In the same letter, staff disclosed that the protected use affecting the subject property was the Saint John of the Cross Catholic Parish and that school operations are located at both 8086 and 8175 Broadway. As of August 9, 2017, no additional information has been received from the appellant. On May 23, 2017, City staff received a letter (**Attachment M**) from the staff at Saint John of the Cross Catholic Parish. The letter verifies that all three parcels comprising the church property are utilized in the conduct of the school and the daycare program. For example, the school uses the auditorium on the eastern parcel (APN 503-011-11-00) to conduct school-related events and to serve school lunch on a daily basis. The church also uses the youth center located on the eastern parcel to conduct daycare activities.

Discussion:

The purpose of this appeal is to determine whether a MMD is allowed to proceed with a conditional use permit application based on a determination that the subject property is within 1,000 feet of a protected use, in this instance a school and licensed daycare facility. Staff contends that it has discovered appropriate evidence and made appropriate measurements to justify that there is both a school and a licensed daycare facility within 1,000 feet of the subject property. The appellant contends that the subject property may not be within 1,000 feet of the protected uses, and also suggests that the subject property could be subdivided in order to create a separate lot that would be more than 1,000 feet from the existing school and daycare property.

As indicated above and on **Attachment J**, staff has verified that Saint John of the Cross Catholic Parish is located approximately 744 feet west of the proposed dispensary site. As such, the site is ineligible for a dispensary. Staff further contends that the portion of the subject property which is more than 1,000 feet from the protected uses is too small to be developed and used as a separate commercial property.

The total area of the subject property is 46,174 square feet. The portion of the site located outside the 1,000 foot buffer around the protected uses has an area of approximately 5,600 square feet. The minimum size for a lot in the General Commercial zone is 10,000 square feet. As such, the portion of the subject property located outside the 1,000 foot buffer around the protected uses does not meet the minimum area requirements established in the Lemon Grove Municipal Code for lots in the General Commercial zone. Regardless, the property is not subdivided and a zoning clearance application authorizing such use could not be approved until the subdivision is finalized.

Attachment A

Public Information:

The Notice of Public Hearing for this item was published in the July 6, 2017 edition of The East County Californian, and mailed to all property owners within 500 feet of the subject property.

As of August 9, 2017, the City has received one response to the Notice of Public Hearing opposing the appellant's request which was a revision of a previously submitted statement (**Attachment N**). At the time of the public hearing, staff will provide the City Council with any additional written comments that may be received after distribution of the staff report.

Conclusion:

Staff recommends that the City Council conduct a public hearing and adopt a Resolution (**Attachment B**) upholding the Development Services Director determination to deny ZC1-700-0010, and denying a request to apply for a conditional use permit to establish a medical marijuana dispensary at 8249 Broadway.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE UPHOLDING THE DEVELOPMENT SERVICES DIRECTOR'S DETERMINATION TO DENY A REQUEST TO APPLY FOR A CONDITIONAL USE PERMIT TO ESTABLISH A MEDICAL MARIJUANA DISPENSARY AT 8249 BROADWAY, LEMON GROVE, CALIFORNIA

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

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

WHEREAS, City staff verified the presence of a school and State-licensed daycare facility at Saint John of the Cross Catholic Parish located at 8086 and 8175 Broadway; and

WHEREAS, staff at the church has verified in writing that the church uses all three parcels comprising the church's property to conduct school and daycare-related activities; and

WHEREAS, on March 21, 2017, after being informed verbally by City staff that the subject property was within 1,000 feet of a school and licensed daycare facility, and that submittal of a zoning clearance application would result in a denial, the appellant (Rodi Mikha) filed ZC1-700-0010, an application to apply for a conditional use permit to establish a MMD at 8249 Broadway, Lemon Grove, CA; and

WHEREAS, on April 3, 2017, the Development Services Director denied ZC1-700-0010 because the proposed project site is located within 1,000 feet of a school and a state-licensed daycare facility; and

WHEREAS, on April 26, 2017, the appellant filed an administrative appeal of the Director's decision (AA1-700-0002), suggesting that there may be no schools or licensed daycare facilities within 1,000 feet of the subject property, and suggesting that the subject property could be subdivided to create a new lot more than 1,000 feet from any schools or daycare facilities; and

WHEREAS, the Lemon Grove Municipal Code requires at least 10,000 square feet to create a new lot in the General Commercial zone; and

WHEREAS, the portion of the subject property located more than 1,000 feet from the existing school and daycare facility at 8086 Broadway is only 5,600 square feet; and

WHEREAS, City staff disclosed in writing the address of the existing school and daycare facility at 8086 and 8175 Broadway on May 8, 2017 as evidenced by the letter attached to the Agenda Item Summary as Attachment "L"; and

WHEREAS, the appellant has failed to show that their facility is greater than 1,000 feet from the school and California-licensed daycare facility at 8086 and 8175 Broadway; and

WHEREAS, at the request of the applicant, the Director of Development Services set the hearing date to consider AA1-700-0002, an appeal of the Development Services Director's determination to deny ZC1-700-0010 as July 18, 2017; and

Attachment B

WHEREAS, on July 18, 2017, the Lemon Grove City Council held a duly noticed public hearing to consider AA1-700-0002, an appeal of the Development Services Director's determination to deny ZC1-700-0010 and at the request of the applicant, the City Council continued the public hearing to August 15, 2017; and

WHEREAS, on August 15, 2017, the Lemon Grove City Council held a continued public hearing to consider AA1-700-0002, an appeal of the Development Services Director's determination to deny ZC1-700-0010; and

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

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

1. Denies Rodi Mikha's Administrative Appeal No. AA1-700-0002 based on the above-findings; and
2. Upholds the Development Services Director's April 3, 2017 determination to deny Zoning Clearance No. ZC1-700-0010, a request to apply for a conditional use permit to operate a medical marijuana dispensary, at 8249 Broadway, Lemon Grove, CA.

/////
/////

17.32.090 Medical marijuana dispensary regulations.

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

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

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

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

C. Standards.

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

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

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

- a. Lemon Grove city manager;

Attachment C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment C

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

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

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

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

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

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

j. Sales of alcoholic beverages are prohibited.

k. Sales of tobacco and tobacco products are prohibited.

l. Sales of drug paraphernalia are prohibited.

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

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

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

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

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

ii. Description of chemicals stored or used; and

Attachment C

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

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

California / Lemon Grove

Nearby Cities: [Spring Valley](#) [La Mesa](#) [Bonita](#) [National City](#) [El Cajon](#) [Chula Vista](#) [San Diego](#) [Coronado](#)

13 private schools found in Lemon Grove, CA [View all results](#)



Distance: [0 to 1](#) [1 to 2](#) [2 to 3](#) [3 to 4](#) [4 to 5](#)

Assigned School To see which school is your neighborhood or assigned school, search using your home address

Today's Mortgage Rate

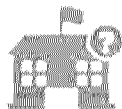
3.12%
APR (30-year Fixed)

Select Loan Amount

\$225,000

lendingtree

[Calculate Payment](#)



St. Ann's Catholic School
1000 W. 10th St., Lemon Grove, CA 91936

Private

[Compare](#)

[View Details](#)



St. Ann's Catholic School
1000 W. 10th St., Lemon Grove, CA 91936

Private

[Compare](#)

[View Details](#)



St. Ann's Catholic School
1000 W. 10th St., Lemon Grove, CA 91936

Private

[Compare](#)

[View Details](#)



St. Ann's Catholic School
1000 W. 10th St., Lemon Grove, CA 91936

Private

[Compare](#)

[View Details](#)




Attachment E

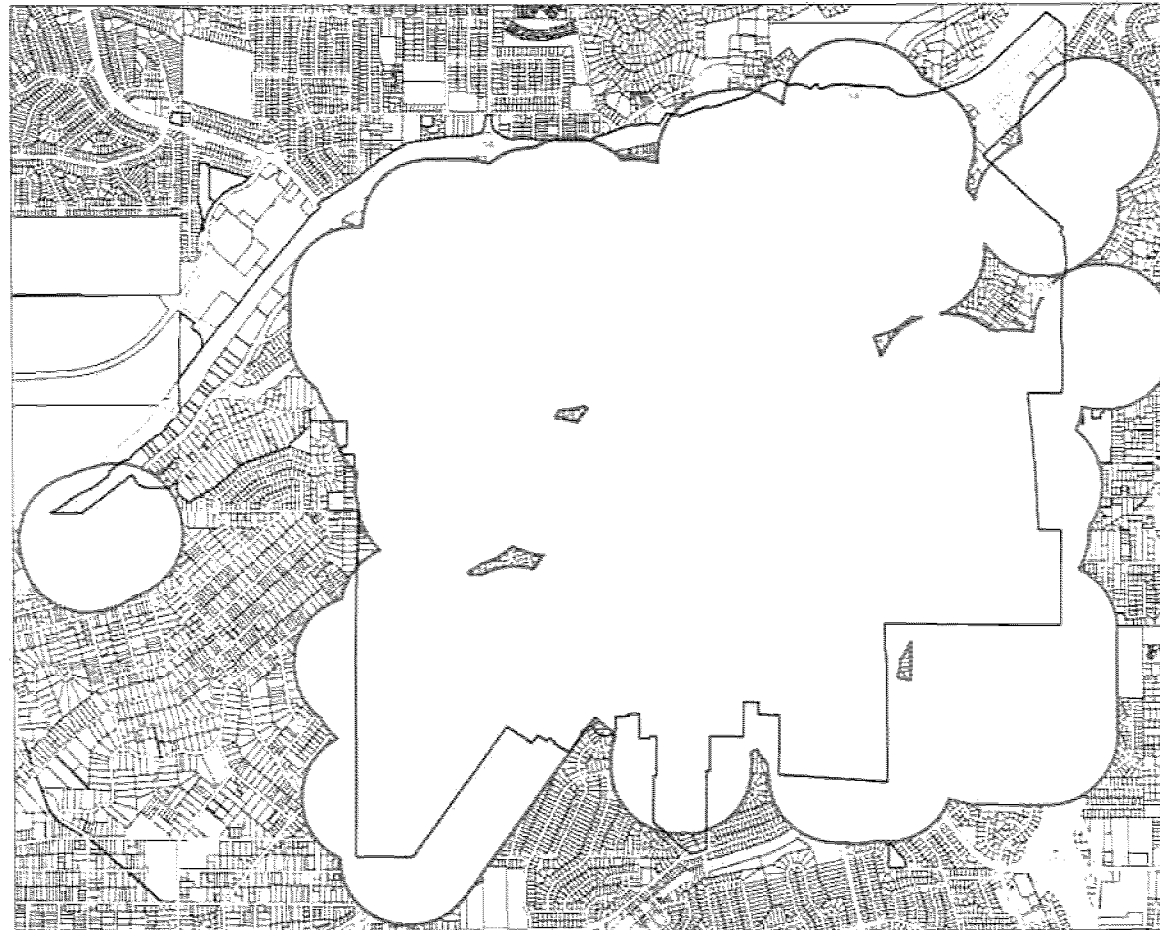
Child Care Center Preschool (CDSS Website; Facility Search)

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

Draft Lemon Grove Medical Marijuana Dispensary Zoning

Legend

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



NOTES

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

0 1,000 2,000 Feet



PLANNING PERMIT APPLICATION

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

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

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

APPLICANT: Rodi Mikha
 ADDRESS: 8280 Broadway
Lemon Grove, CA 91945

PHONE: 619 212-1508
 FAX: _____
 EMAIL: _____

PROPERTY OWNER: Rodi Mikha
 ADDRESS: 8280 Broadway
Lemon Grove, CA 91945

PHONE: 619 212 1508
 FAX: _____
 EMAIL: _____

CONTACT PERSON: _____
 ADDRESS: _____

PHONE: _____
 FAX: _____
 EMAIL: _____

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

PROJECT NAME: Lemon Grove plaza

PROJECT ADDRESS: 8249 Broadway Lemon Grove 91945

ASSESSOR PARCEL #: 503-012-34-00 SITE ACREAGE: 1.12

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

~~Proposed medical marijuana dispensary~~
~~Proposed medical marijuana dispensary~~

Licensed medical marijuana dispensary
under Measure V

Attachment G

APPLICANT CERTIFICATION:

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

Signature: [Signature]

Name (please print): Radi MIRHA

Date: 03/20/17

Phone: 619 212 1508

CONSENT BY PROPERTY OWNER

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

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

Signature: [Signature]

Name (please print): Radi MIRHA

Date: 03/20/17

Phone: 619 212 1508

Signature: _____

Name (please print): _____

Date: _____

Phone: _____

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

TO BE COMPLETED BY PLANNING STAFF

APPLICATION PROCESSING:

FILE #(s): 201-700-0010

DATE: 3-30-2017

FEES: \$150 RECEIPT #: 18227

ZONE: GC

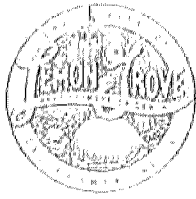
COMMENTS and/or CONDITIONS:

ACTION:

☐ APPROVED ☐ DISAPPROVED

☐ CONDITIONALLY APPROVED (See Below)

LAND USE DESIGNATION:



CITY OF LEMON GROVE
Development Services Department

"Best Climate On Earth"

Date: April 3, 2017

Rodi Mikha
8280 Broadway
Lemon Grove, CA 91945

SUBJECT: Denial of Zoning Clearance Application ZC1-700-0010 for property located at 8249 Broadway, in the City of Lemon Grove (APN: 503-012-34-00).

Rodi Mikha,

On March 30, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. The application has been denied for the following reasons, which may not be all inclusive:

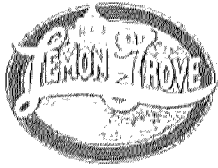
- The property is located within 1,000 feet of a school and a State-licensed daycare facility.

In order for staff to process a conditional use permit application for a MMD, the application must include all of the information required by Chapter 17.32 of the Lemon Grove Municipal Code, as well as the items listed on the City's MMD Planning Permit Checklist. Additionally, the location of the proposed MMD must comply with the zoning requirements and distance restrictions contained within Chapter 17.32. If any of the required items are missing, or if the proposed location does not meet the zoning requirements and distance restrictions, then staff cannot process a conditional use permit application. Please review the requirements of Chapter 17.32 and the MMD Planning Permit Checklist prior to submitting another application. Please also verify that the site chosen meets the distance restrictions established by Chapter 17.32. Staff's decision to deny this application may be appealed to the Lemon Grove City Council pursuant to Lemon Grove Municipal Code, Section 17.28.020(I). Appeals must be filed in writing within 10 calendar days of the date on this denial letter and must include a filing fee of \$75.00. Appeals must be filed using forms provided by the Development Services Department.

Respectfully,

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

David De Vries, Development Services Director



APPEAL APPLICATION & REQUEST FOR PUBLIC HEARING

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

APPLICANT: Iden's Investments, I.I.C, DBA Green Haven San Diego	PHONE: 619-784-6682
ADDRESS: 8249 Broadway, Lemon Grove, CA 91945 - Physical	FAX:
8280 Broadway, Lemon Grove, CA 91945 - Mailing	EMAIL: greenhavensd@gmail.com

CASE/PROJECT NUMBER: ZC1-700-0010 - Zoning Clearance Application

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

Denial of Zoning Clearance Application ZC1-700-0010 for a property located at 8249 Broadway, Lemon Grove, CA 91945 (APN: 503-012-34-00). Applicant seeks to establish a medical marijuana dispensary at the property, and the zoning clearance was denied because the property is allegedly within 1,000 feet of a school and a state-licensed daycare facility.

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

The property may not be within 1000 feet of a school or daycare facility. Further, the parcel can be divided to avoid possibly being within 1000 feet of a school or daycare facility. Lastly, the map put out by the City of Lemon Grove showing parcels that could contain a medical marijuana dispensary included at least part of APN: 503-012-34-00.

Attach additional sheets if necessary.

Applicants Signature *[Signature]* by Rodi Mikha, Member-Manger, for Iden's Investments, I.I. Date *4-12-2017*

TO BE COMPLETED BY PLANNING STAFF

FILE #(s):

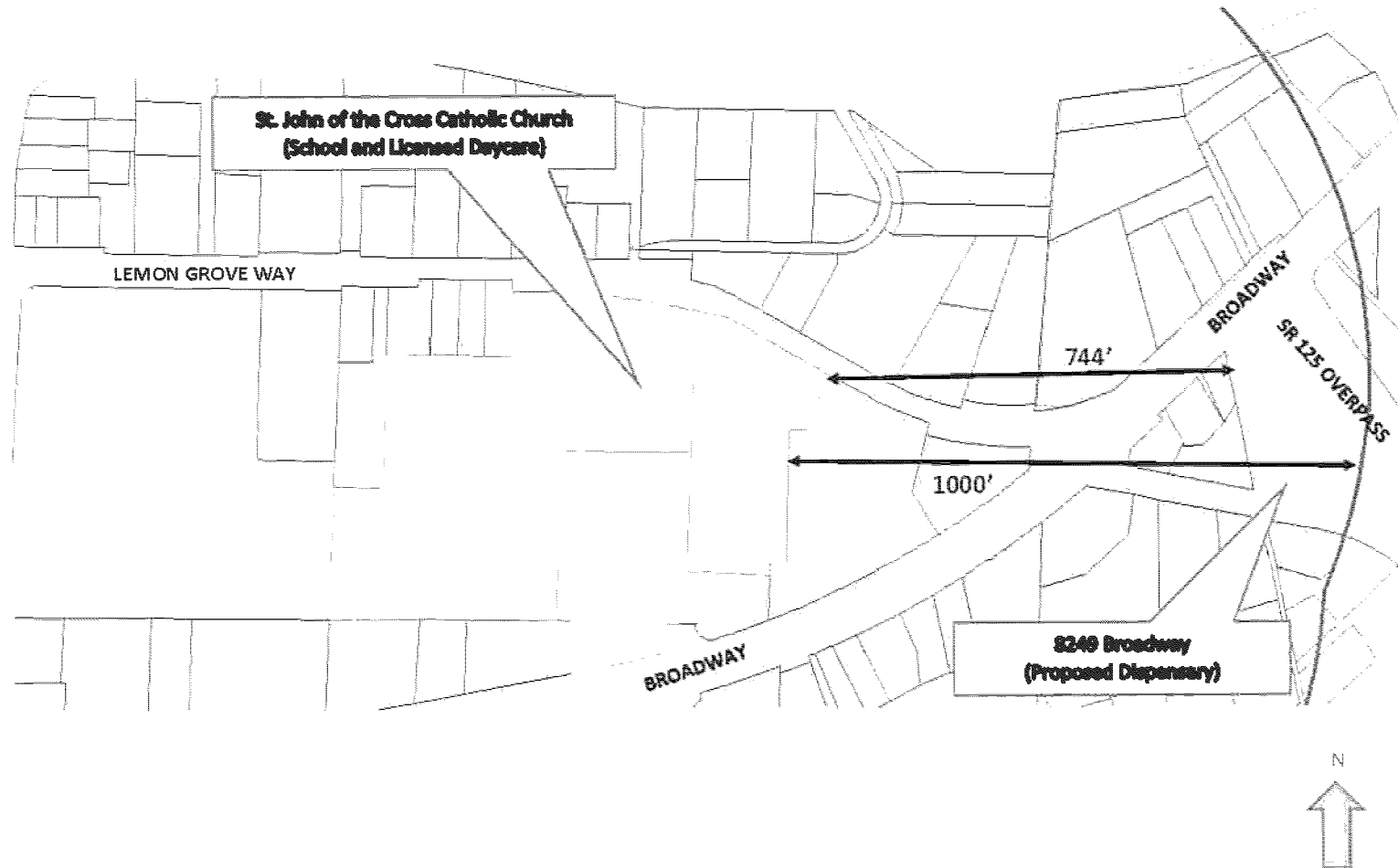
DATE:

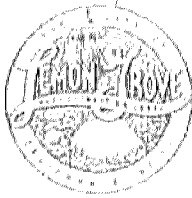
FEES:

RECEIPT #: ~~1009~~ 18430

COMMENTS and/or CONDITIONS:

Saint John of the Cross and 8249 BROADWAY





CITY OF LEMON GROVE
Development Services Department

"Best Climate On Earth"

Date: April 26, 2017

Rodi Mikha
8280 Broadway
Lemon Grove, CA 91945

SUBJECT: Appeal hearing for denial of Zoning Clearance application ZC1-700-0010 for property located at 8249 Broadway, in the City of Lemon Grove (APN: 503-012-34-00).

Rodi Mikha,

On March 30, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. On April 3, 2017, staff denied the application because the property is located within 1,000 feet of a school and a State-licensed daycare facility.

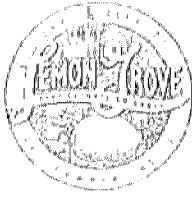
On April 12, 2017, staff received an appeal of its decision to deny the application. Staff's decisions are subject to appeal pursuant to the provisions of the Lemon Grove Municipal Code, Section 17.28.020(l). The Lemon Grove City Council will consider the appeal and make a determination to grant or deny the appeal at a public hearing to be conducted on May 16, 2017.

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

Respectfully,

A handwritten signature in dark ink, appearing to read "Eric Craig", is written over a horizontal line.

Eric Craig, Associate Planner



CITY OF LEMON GROVE
Development Services Department

Best City in the South

Date: May 8, 2017

Rodi Mikha
8280 Broadway
Lemon Grove, CA 91945

Jessica C. McElfresh
P.O. Box 230363
Encinitas, CA 92023

SUBJECT: Continued appeal hearing for denial of Zoning Clearance application ZC1-700-0010 for property located at 8249 Broadway, in the City of Lemon Grove (APN: 503-012-34-00)

Rodi Mikha,

At the request of your attorney, Jessica McElfresh, the City is continuing your appeal hearing from the May 16, 2017 City Council agenda, to the July 18, 2017 agenda. If you have any additional supporting material you would like to submit for the appeal, please provide that information to staff at your earliest convenience.

Also, in order to provide a full and open opportunity for you to understand the reason staff denied your zoning clearance permit, and to allow you to respond accordingly, we wish to inform you that the protected use affecting your project site is the Saint John of the Cross Catholic Church, located at 8086 Broadway. The church property is comprised of three parcels, each of which is utilized by the school and the licensed daycare facility associated with the church. As such, the entire church property is considered a protected use. By measuring georeferenced parcel boundary information, we have determined that your property at 8249 Broadway is located 745 feet west of the church property, and is therefore ineligible for approval as a dispensary. A copy of this letter will be attached to the City Council staff report.

Respectfully,


Eric Craig, Associate Planner



St. John of the Cross Catholic Parish
8086 Broadway Ave
Lemon Grove, CA, 91945

OFFICE OF RELIGIOUS EDUCATION
(619) 461-2681

May 23, 2017

Eric Craig, AICP
Associate Planner
City of Lemon Grove

Saint John of the Cross Catholic Church operates an elementary and middle school, and provides licensed daycare services. The church programs activities for both the school and the daycare on all three of the parcels that comprise the church property. For example, the school uses the auditorium on the eastern parcel (APN 503-011-11-00) to conduct school-related events and to serve school lunch on a daily basis. Our Youth Center which is also on the north eastern side of our parcel is also used extensively for child care and youth activities.

Should you have any questions please feel free to contact me at 619-461-2681.

Respectfully,

Jesse Ramirez
Director Religious Education/Facility Manager

David DeVries

From: Jack / Helen Ofield
Sent: Wednesday, August 2, 2017 3:45 PM
To: David DeVries
Subject: Pot Shop Opposition Letters for Aug. 15

Mayor and Council, City Manager, City Attorney,

Our family urges you to uphold your staff's recommendation and deny Mr. Rodi Mika a CUP to sell medical marijuana at 8249 Broadway opposite the campus of St. John of the Cross Church. St. John's encompasses a parish school (K-8), youth center, day care center, Knights of Columbus Hall, and playing fields, all in use by some 7,000 parishioners. For that reason Mr. Mikha's application to sell marijuana within the 1,000 foot buffer zone, is outrageous.

Moreover, St. John's Plaza Senior Apartments, run by Catholic Charities, is right next door to the campus.

The Catholic church was established in our town in 1920 as St. Theresa's. The formal church, built in 1940, is now the Knights of Columbus Hall. The big church opened in 1959. This church community is a pillar of Lemon Grove and does not deserve to be subjected to the presence of an inherently criminal enterprise.

We suspect that Mr. Mikha's keen interest in selling a federally-banned drug--a business that all too often is an all-cash deal--may be linked to his several investment companies and his partners' profit motive. We should remember that the benign-sounding "medical marijuana" is but a pretext for raking in huge profits and is a target for criminals.

Please defend our city.

Jack and Helen Ofield

Mayor and Council, City Manager, City Attorney,

Our family urges you to uphold your staff's recommendation and deny Mr. Christopher Williams a CUP to sell medical marijuana at 8260 Broadway adjacent to the large campus of St. John of the Cross Church. St. John's serves thousands of diverse parishioners in a historic church built 77 years ago. The parish school, established in 1948, serves K-8. The William's pot shop is too close to this important campus.

St. John's is a linchpin of Lemon Grove, embedded in the heartbeat for nearly a century. Yet, the parish school principal reports that drug addicts hanging around Kunkel Park on the western border of church playing fields harass students with offers of drugs. Comes now a cynical effort to peddle marijuana under the guise of "medical" to help the sick and infirm. Nonsense. This is about raw profits for people who symbolize an increasingly addicted, anti-social and degenerate part of the population.

In closing, one of the nation's largest Fentanyl heists occurred in mid-June on Central Avenue in a historic residential neighborhood. One of the three smugglers was raised in Lemon Grove, while the other two appear to be Mexican nationals. And this is just part of the local drug crime we know about. Let's not exacerbate our town's already grim drug crime scenario by adding marijuana dispensaries. No self-respecting city council

Attachment N

would deny its law-abiding residents the protection they need in this new world of potentially rampant sales of marijuana and other drugs. Please say no.

Kind regards,
Jack and Helen Ofield

—
Jack and Helen Ofield

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 4
Mtg. Date August 15, 2017
Dept. Development Services Department

Item Title: **Public Appeal to Consider Appeal No. AA1-700-0003 Regarding the Denial of Zoning Clearance No. ZC1-700-0012 Continued from July 18, 2017; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 8260 Broadway in the Heavy Commercial Zone.**

Staff Contact: David De Vries, Development Services Director

Recommendation:

1. Continue the public hearing from July 18, 2017; and
2. Adopt a Resolution (**Attachment B**) upholding the Development Services Director's determination to deny ZC1-700-0012, a request to apply for a conditional use permit to establish a medical marijuana dispensary at 8260 Broadway in the Heavy Commercial Zone.

Item Summary:

On April 17, 2017, the Development Services Director (Director) denied Zoning Clearance Application No. ZC1-700-0012, a request to establish a medical marijuana dispensary (MMD) on an undeveloped lot at 8260 Broadway. The application was denied because the proposed MMD would be at a property located within 1,000 feet of a private school and a State-licensed daycare center (Saint John of the Cross Parish and Catholic School). The appellant, Mr. Christopher O. Williams, subsequently filed an appeal and request for public hearing, stating: "The denial letter does not state the specific school or state licensed daycare home and therefore has not put the applicant on notice for the reason of denial. However, the only potential sensitive use is St. John of the Cross and this school is more than 1000' from the proposed use." Staff's response to the appellant's statements are provided herein (**Attachment A**). This public hearing was continued from July 18, 2017.

Fiscal Impact:

None.

Environmental Review:

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

Public Information:

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

Attachments:

- A. Staff Report
- B. Resolution of Denial
- C. Lemon Grove Municipal Code Section 17.32.090
- D. Search Results from Greatschools.org
- E. Search Results from State Department of Social Services Website
- F. Draft City of Lemon Grove Medical Marijuana Zoning Map
- G. ZC1-700-0012 Application Form
- H. Staff Denial Letter for ZC1-700-0012
- I. AA1-700-0003 Appeal Form and Attachments with Updates
- J. Map Showing Distance Between Uses
- K. Staff Acknowledgment Letter for AA1-700-0003
- L. Email from Appellant's Attorney Agreeing to the July 18, 2017 Hearing Date
- M. Letter from Saint John of the Cross Catholic Parish Staff
- N. Public Comment from Jack and Helen Ofield

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 4
Mtg. Date August 15, 2017

Item Title: Public Appeal to Consider Appeal No. AA1-700-0003 Regarding the Denial of Zoning Clearance No. ZC1-700-0012 Continued from July 18, 2017; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 8260 Broadway in the Heavy Commercial Zone.

Staff Contact: David De Vries, Development Services Director

Background:

This appeal hearing was scheduled for the July 18, 2017 City Council meeting. At the public hearing, the hearing was continued by the City Council to August 15, 2017 at the applicant's request.

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

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

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

On April 6, 2017, the appellant filed ZC1-700-0012, an application to apply for a conditional use permit to establish a MMD at the subject property (**Attachment G**). Prior to accepting the application, staff checked the location of the project site on the Medical Marijuana Zoning Map and determined it was ineligible for a dispensary. Staff then informed the appellant that the

Attachment A

proposed project site was within 1,000 feet of a protected use, and therefore staff would have no option but to deny the ZC application.

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

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

On May 23, 2017, City staff received a letter (**Attachment M**) from the staff at Saint John of the Cross Catholic Parish. The letter verifies that all three parcels comprising the church property are utilized in the conduct of the school and the daycare program. For example, the school uses the auditorium on the eastern parcel (APN 503-011-11-00) to conduct school-related events and to serve school lunch on a daily basis. The church also uses the youth center located on the eastern parcel to conduct daycare activities.

Discussion:

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

Saint John of the Cross Catholic Parish owns three adjacent parcels on the north side of Broadway. All three of these parcels comprise the church site. The western parcel is developed with school classroom buildings, a playground, meeting rooms, parking facilities, and landscaping. The center parcel is developed with the church sanctuary, parking, and landscaping. The eastern parcel is developed with a meeting hall used by the Knights of Columbus, a youth center, and an auditorium with more parking and landscaping. The appellant has correctly indicated that the portion of the site developed with classroom buildings is the western parcel, and that parcel is slightly more than 1,000 feet from the proposed dispensary site. However, staff has verified that the church utilizes all three parcel in the conduct of the school and daycare facility. For example, the youth center located on the eastern parcel is used for daycare, and the auditorium also located on the eastern parcel is used daily to serve lunch to the students. The auditorium is also used to host special events and presentations for the school. As indicated on **Attachment J**, the eastern parcel of the church property is located approximately 822 feet from the proposed dispensary site and is therefore ineligible to be approved as a dispensary. Please also refer to **Attachment M**, a

Attachment A

letter from the church staff which verifies that the church uses all three parcels in the conduct of the school and daycare uses.

Public Information:

The Notice of Public Hearing for this item was published in the July 6, 2017 edition of The East County Californian, and mailed to all property owners within 500 feet of the subject property.

As of August 9, 2017, the City has received one response to the Notice of Public Hearing opposing the appellant's request which was a revision of a previously submitted statement (**Attachment N**). At the time of the public hearing, staff will provide the City Council with any additional written comments that may be received after distribution of the staff report.

Conclusion:

Staff recommends that the City Council conduct a public hearing and adopt a Resolution (**Attachment B**) upholding the Development Services Director determination to deny ZC1-700-0012, and denying a request to apply for a conditional use permit to establish a MMD at 8260 Broadway.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE UPHOLDING THE DEVELOPMENT SERVICES DIRECTOR'S DETERMINATION TO DENY A REQUEST TO APPLY FOR A CONDITIONAL USE PERMIT TO ESTABLISH A MEDICAL MARIJUANA DISPENSARY AT 8260 BROADWAY, LEMON GROVE, CALIFORNIA

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

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

WHEREAS, City staff verified the presence of a school and State-licensed daycare facility at Saint John of the Cross Catholic Parish located at 8086 and 8175 Broadway; and

WHEREAS, staff at the church has verified in writing that the church uses all three parcels comprising the church's property to conduct school and daycare-related activities; and

WHEREAS, on April 6, 2017, after being informed verbally by City staff that the subject property was within 1,000 feet of a school and licensed daycare facility, and that submittal of a zoning clearance application would result in a denial, the appellant (Christopher O. Williams) filed ZC1-700-0012, an application to apply for a conditional use permit to establish a MMD at 8260 Broadway, Lemon Grove, CA; and

WHEREAS, on April 17, 2017, the Development Services Director denied ZC1-700-0012 because the proposed project site is located within 1,000 feet of a school and a state-licensed daycare facility; and

WHEREAS, on April 20, 2017, the appellant filed an administrative appeal of the Director's decision (AA1-700-0003), stating that there are no schools or licensed day care facilities within 1,000 feet of the subject property; and

WHEREAS, City staff disclosed in writing the address of the existing school and daycare facility at 8086 and 8175 Broadway on May 8, 2017 as evidenced by the letter attached to the Agenda Item Summary as Attachment "L"; and

WHEREAS, the appellant has failed to show that their facility is greater than 1,000 feet from the school and California-licensed daycare facility at 8086 and 8175 Broadway; and

WHEREAS, with consent of the applicant, on May 8, 2017, the Director of Development Service set the hearing date to consider AA1-700-0003, an appeal of the Development Services Director's determination to deny ZC1-700-0012 to July 18, 2017; and

WHEREAS, on July 18, 2017, the Lemon Grove City Council held a duly noticed public hearing to consider AA1-700-0003, an appeal of the Development Services Director's determination to deny ZC1-700-0012 and at the request of the applicant, the City Council continued the public hearing to August 15, 2017; and

WHEREAS, on August 15, 2017, the Lemon Grove City Council held a continued public hearing to consider AA1-700-0003, an appeal of the Development Services Director's determination to deny ZC1-700-0012; and

Attachment B

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

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

1. Denies Christopher O. Williams' Administrative Appeal No. AA1-700-0003 based on the above-findings; and
2. Upholds the Development Services Director's April 17, 2017 determination to deny Zoning Clearance No. ZC1-700-0012, a request to apply for a conditional use permit to operate a medical marijuana dispensary, at 8260 Broadway, Lemon Grove, CA.

/////
/////

17.32.090 Medical marijuana dispensary regulations.

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

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

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

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

C. Standards.

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

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

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

- a. Lemon Grove city manager;

Attachment C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- d. Text and graphic materials showing the site, floor plan and facilities of the *dispensary*. The material shall also show adjacent structures and land use;
 - e. A description of the security measures located on the *premises*, including, but not limited to, lighting, alarms, and automatic law enforcement notification;
 - f. A description of the screening, registration and validation process for *qualified patients*;
 - g. A description of *qualified patient* records acquisition and retention procedures;
 - h. The process for tracking *medical marijuana* quantities and inventory controls employed, including the source of *medical marijuana* (on-site cultivation, processing, or plant material, or processed products, received from outside sources);
 - i. Procedures to ensure accurate record keeping, including protocols to ensure that quantities purchased do not suggest re-distribution;
 - j. Other information required by the development services director.
7. Operating Standards. *Dispensaries* shall comply with all of the following operating standards. In addition to these standards, the *dispensaries* shall comply at all times with conditions outlined in the approved conditional use permit and the operational manual.
- a. Dispensing *medical marijuana* to an individual *qualified patient* or *primary caregiver* more than once a day is prohibited;
 - b. *Dispensaries* shall only dispense *medical marijuana* to an individual *qualified patient* or *primary caregiver* who has a valid, verified *licensed physician*'s recommendation, and if appropriate, a valid *primary caregiver* designation. The *dispensary* shall verify that the *licensed physician*'s recommendation is current and valid;
 - c. On-site evaluation by a *licensed physician* for the purposes of obtaining a qualified status is prohibited;
 - d. *Dispensaries* shall display the client rules and/or regulations in a conspicuous place that is readily seen by all persons entering the *dispensary*. The client rules and/or regulations shall include, but are not limited to:
 - i. Each building entrance to a *dispensary* shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming *medical marijuana* on the *premises* or in the vicinity of the *dispensary* is prohibited unless specifically authorized within the governing conditional use permit.
 - ii. The building entrance to a *dispensary* shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen are precluded from entering the *premises*.
 - iii. The hours of operation for an authorized *dispensary* shall be limited to between eight a.m. to eight p.m. or as specified within the conditional use permit.
 - iv. *Dispensaries* shall not permit the use or consumption of *medical marijuana* on-site unless specifically authorized under the conditional use permit.
 - v. *Dispensaries* shall not permit the on-site display of unprocessed marijuana plants or representations of marijuana plants in any areas visible to the public;
 - vi. All signage for *dispensaries* shall require a sign permit from the city prior to installation. Signage shall not include any terminology (including slang) or symbols for marijuana.

Attachment C

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

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

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

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

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

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

j. Sales of alcoholic beverages are prohibited.

k. Sales of tobacco and tobacco products are prohibited.

l. Sales of drug paraphernalia are prohibited.

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

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

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

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

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

ii. Description of chemicals stored or used; and

Attachment C

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

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

Great!
SCHOOLS

Find a School



Find a City

EN ESPAÑOL

SIGN IN

California / Lemon Grove

City or Zip

City or Zip

Radius
5 miles

Nearby Cities: Spring Valley La Mesa Bonita National City El Cajon Chula Vista San Diego Coronado

13 private schools found in Lemon Grove, CA

13 results



Compare results by clicking on the map

ASSIGNED SCHOOL

To see which school is your neighborhood or assigned school, search using your home address

Today's Mortgage Rate

3.12%

APR 10, 2020 3:40PM

Select Loan Amount

\$225,000

LendingTree

Calculate Payment >

Lemon Grove Private School
15000 W. 15th Avenue, Lemon Grove, CA 91943

Private K-8

✓ Complete

🏠 Home

Lemon Grove Private School
15000 W. 15th Avenue, Lemon Grove, CA 91943

Private K-8

✓ Complete

🏠 Home

Lemon Grove Private School
15000 W. 15th Avenue, Lemon Grove, CA 91943

Private K-8

✓ Complete

🏠 Home

Lemon Grove Private School
15000 W. 15th Avenue, Lemon Grove, CA 91943

Private K-8

✓ Complete

🏠 Home




Attachment E

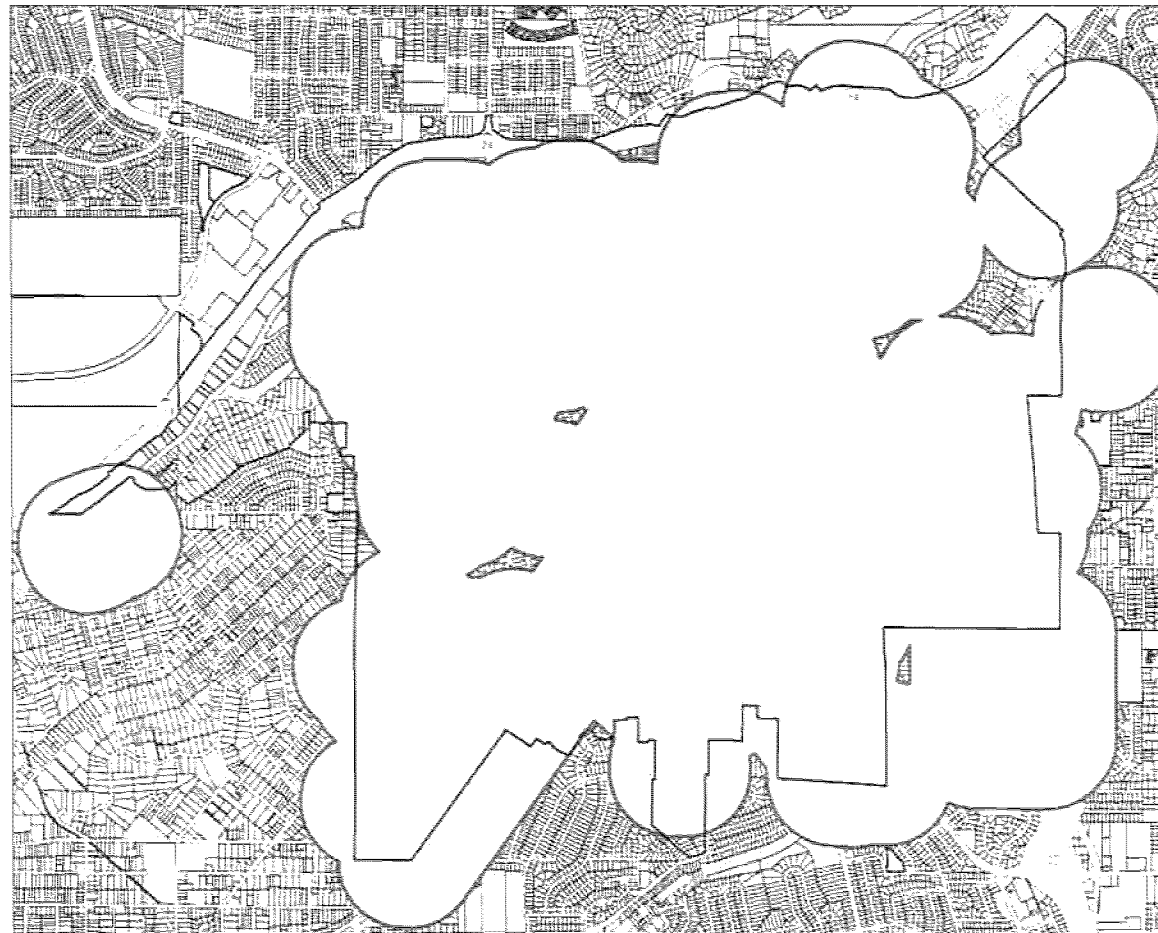
Child Care Center Preschool (CDSS Website; Facility Search)

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

Draft Lemon Grove Medical Marijuana Dispensary Zoning

Legend

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



NOTES

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

0 1,000 2,000 Feet



PLANNING PERMIT APPLICATION

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

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

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

APPLICANT:	Pick Axe Holdings LLC - Christopher Williams	PHONE:	619-326-4182
ADDRESS:	7364 Mission Gorge Rd. San Diego, CA 92120	FAX:	
		EMAIL:	chris@xmmedia.com
PROPERTY OWNER:	MATTAR FAMILY TRUST OF 1990	PHONE:	619-666-9978
ADDRESS:	4395 Alta Mira Dr La Mesa CA. 91941	FAX:	
		EMAIL:	
CONTACT PERSON:	Pick Axe Holdings LLC - Christopher Williams	PHONE:	619-326-4182
ADDRESS:	7364 Mission Gorge Rd San Diego, CA 92120	FAX:	
		EMAIL:	chris@xmmedia.com

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

PROJECT NAME:	BROADWAY MMD
PROJECT ADDRESS:	8260 Broadway, Lemon Grove, CA. 91945
ASSESSOR PARCEL #:	499-200-18-00
SITE ACREAGE:	0.46

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

The proposed project consists of an existing single story commercial building with an approximate square footage of 2,802sf to be converted into a Medical Marijuana Dispensary located at 8260 Broadway, Lemon Grove CA. 91945.

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

Site modifications to include parking lot re-stripping, pedestrian access from the parking lot and existing right of way and miscellaneous site improvements such as lighting, fencing and security cameras. Parking lot will be re-stripped to accommodate conforming parking spaces and accessible parking spaces.

11/1/17

Rev November 2015

Attachment G

APPLICANT CERTIFICATION

I hereby certify that the information furnished in this application is true and complete to the best of my knowledge and belief, and that the facts stated are true and correct in the light of my knowledge. I understand that the City of Longmont may require additional information or data to be provided for planning staff to review the application. I understand that the City of Longmont may require additional information or data to be provided for planning staff to review the application.

Signature: _____ Date: _____
Name (please print): _____

CONSENT BY PROPERTY OWNER

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

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

Signature: _____ Date: _____
Name (please print): _____

Signature: _____ Date: _____
Name (please print): _____

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

TO BE COMPLETED BY PLANNING STAFF

APPLICATION PROCESSING:

FILE # (s): ZC-1-100-0-12

DATE: 4-6-2017

FEES: \$150 RECEIPT # 10346

ZONE: H-C

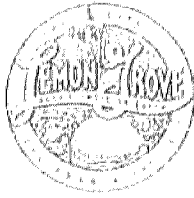
COMMENTS and/or CONDITIONS:

ACTION:

☒ APPROVED ☐ DISAPPROVED

☐ CONDITIONALLY APPROVED (See Below)

LAND USE DESIGNATION



CITY OF LEMON GROVE
Development Services Department

"Best Climate On Earth"

Date: April 17, 2017

Pick Axe Holdings, LLC
Attn: Christopher Williams
7364 Mission Gorge Road
San Diego, CA 92120

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

SUBJECT: Denial of Zoning Clearance Application ZC1-700-0012 for property located at 8260 Broadway, in the City of Lemon Grove (APN: 499-200-18-00)

Christopher Williams,

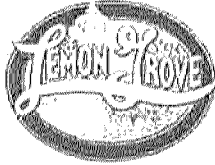
On April 6, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. The application has been denied for the following reasons, which may not be all inclusive:

- The property is located within 1,000 feet of a school and a State-licensed daycare facility.

In order for staff to process a conditional use permit application for a MMD, the application must include all of the information required by Chapter 17.32 of the Lemon Grove Municipal Code, as well as the items listed on the City's MMD Planning Permit Checklist. Additionally, the location of the proposed MMD must comply with the zoning requirements and distance restrictions contained within Chapter 17.32. If any of the required items are missing, or if the proposed location does not meet the zoning requirements and distance restrictions, then staff cannot process a conditional use permit application. Please review the requirements of Chapter 17.32 and the MMD Planning Permit Checklist prior to submitting another application. Please also verify that the site chosen meets the distance restrictions established by Chapter 17.32. Staff's decision to deny this application may be appealed to the Lemon Grove City Council pursuant to Lemon Grove Municipal Code, Section 17.28.020(l). Appeals must be filed in writing within 10 calendar days of the date on this denial letter and must include a filing fee of \$75.00. Appeals must be filed using forms provided by the Development Services Department.

Respectfully,

David De Vries, Development Services Director



APPEAL APPLICATION & REQUEST FOR PUBLIC HEARING

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

APPLICANT: Pick Axe Holdings, LLC *c/o Gina Austin* PHONE: 619 924-9600
ADDRESS: 7364 Mission Gorge Rd FAX:
San Diego, CA 92120 EMAIL: gaustin@austinlegalgroup.com

CASE/PROJECT NUMBER: ZC1-700-0012

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

Applicant is appealing staff's determination that the property is located within 1,000 feet of a school or State-licensed daycare home.

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

The denial letter does not state the specific school or state licensed daycare home and therefore has not put the applicant on notice for the reason for denial. However, the only potential sensitive use is St. John of the Cross and this school is more than 1000' from the proposed use (See attached letter.)

Attach additional sheets if necessary.

Christopher Williams
Applicants Signature

Apr 120, 2017
Date

TO BE COMPLETED BY PLANNING STAFF

FILE #(s): *AA1-700-0003*

DATE: *4-20-17*

FEES: *\$75* RECEIPT #: *18540*

COMMENTS and/or CONDITIONS:

Attachment I

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

CITY OF SAN DIEGO, CALIFORNIA & HAWAII
TELEPHONE
(619) 926-9600

FAX
(619) 926-9645

Writer's Email:
gaustin@austinlegalgroup.com

April 10, 2017

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

Re: **8260 Broadway, Application for Medical Marijuana Dispensary (MMD)**

To Whom It May Concern:

Austin Legal Group, APC ("ALG") represents the applicant for a MMD located at 8260 Broadway, Lemon Grove ("MMD Location"). The purpose of this letter is to provide further clarification as to why the MMD Location is not within 1000' of a Protected Use as defined by section 17.32.090 of the Lemon Grove Municipal Code (the "Code".) It is our professional opinion that there are no Protected Uses within 1000' of the MMD Location.

While the MMD Location is not within the approved highlighted properties on the City's most recent map of protected uses, the City's map incorrectly measures the distance to St. John of the Cross Catholic School. This office conducted an independent analysis and the parcel that contains the Catholic School is approximately 1004' from the closest property line of the MMD Location. Further, the City supplied a list of Protected Uses in response to a public records request ("City's Response"). The City's Response is attached hereto as Exhibit 1¹. No other Protected Uses were identified in the City's Response within 1000' of the MMD Location.

Exhibit 2, attached hereto, identifies the 1000' radius around the MMD Location on an image map. Exhibit 2, page 2, is a blow up of the approximate 4' separation between the MMD Location and the St. John of the Cross Catholic School. While the parcel with the Church only may be within 1000' of the MMD Location, **the parcel with the school is at least 1004' from the MMD Location.** In light of the above, **the applicant is requesting the City process the CUP application for the MMD at 8260 Broadway all the way through to City Council Hearing** despite the MMD Location being identified within the buffer area identified on the City's zoning map.

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

¹ Page 3 of Exhibit 1 is a mapping of each Protected Use provided by the City

City of Lemon Grove
April 10, 2017
Page 2

To the north and northwest of the MMD Location there are no identified schools, parks, playgrounds, or alcohol and substance rehabilitation facilities. (See Exhibit 1 – page 3 and Exhibit 6.) Although it is possible an unknown licensed day care facility is present within the residential area north of the MMD location, that area is separated by the Route 94 Freeway. The code requires that the City shall take into account "natural topographical barriers and constructed barriers that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access" (Lemon Grove Municipal Code § 14.32.090 (B).)² The northeast is only freeway and therefore no Protected Use can be located in this area. Route 94 is a constructed barrier that would impede direct physical access between the uses. The most direct route from the MMD Location around the constructed barrier of Route 94 is approximately 3,801 ft. (See Exhibit 3.)

Similarly, to the west of the MMD Location there are no identified schools, parks, playgrounds, or alcohol and substance rehabilitation facilities. (See Exhibit 1, page 3 and Exhibit 6.) The extent to which the residential areas to the west could potentially include private licensed daycare facilities is eliminated due to constructed barriers that impede direct physical access. A direct path from the MMD Location to the closest homes to the west requires an individual to cross private property under the Sweetwater St. overpass, climb 8 foot fences and brick walls, and traverse the backyard of private residences. Each of these constructed barriers impedes direct physical access and requires the measurement to the residential area and potential licensed daycare facility to follow the most direct route around the constructed barriers³. The most direct route around these constructed barriers to the nearest residential property is over 1000'. (See Exhibit 4.)

There are also no identified schools, parks, playgrounds, or alcohol and substance rehabilitation facilities to the south of the MMD Location. (See Exhibit 1, page 3 and Exhibit 6.) Directly south there are a variety of commercial entities and New Horizons Church.

There are also some residential homes that have the potential to locate a licensed childcare facility to the east and southeast of the MMD Location. While the closest residential home is within 1000 ft southeast of the MMD location there is no direct access from the MMD Location because the direct path includes a fenced off area with trees that are enclosed under the freeway overpass. The direct route from the MMD Location around the constructed barrier is approximately 3019 ft. (See Exhibit 5.)

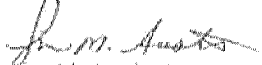
² All Further references are to the Lemon Grove Municipal Code unless stated otherwise

³ This analysis is only necessary if there is a licensed daycare facility within one of the private residences to the west. At this point in time, there is no information to believe that such a facility exists

Attachment I

City of Lemon Grove
April 10, 2017
Page 3

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

Sincerely,
AUSTIN LEGAL GROUP, APC

Gina M. Austin, Esq.

PROTECTED USES

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

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

Child Care Center Preschool (CDSS Website; Facility Search)

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

Attachment I

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

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

Drug Treatment Facilities (Google Search)

Alano Club	6901 Central Avenue
McAllister Institute	2049 Skyline Drive

Adult Daycare

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

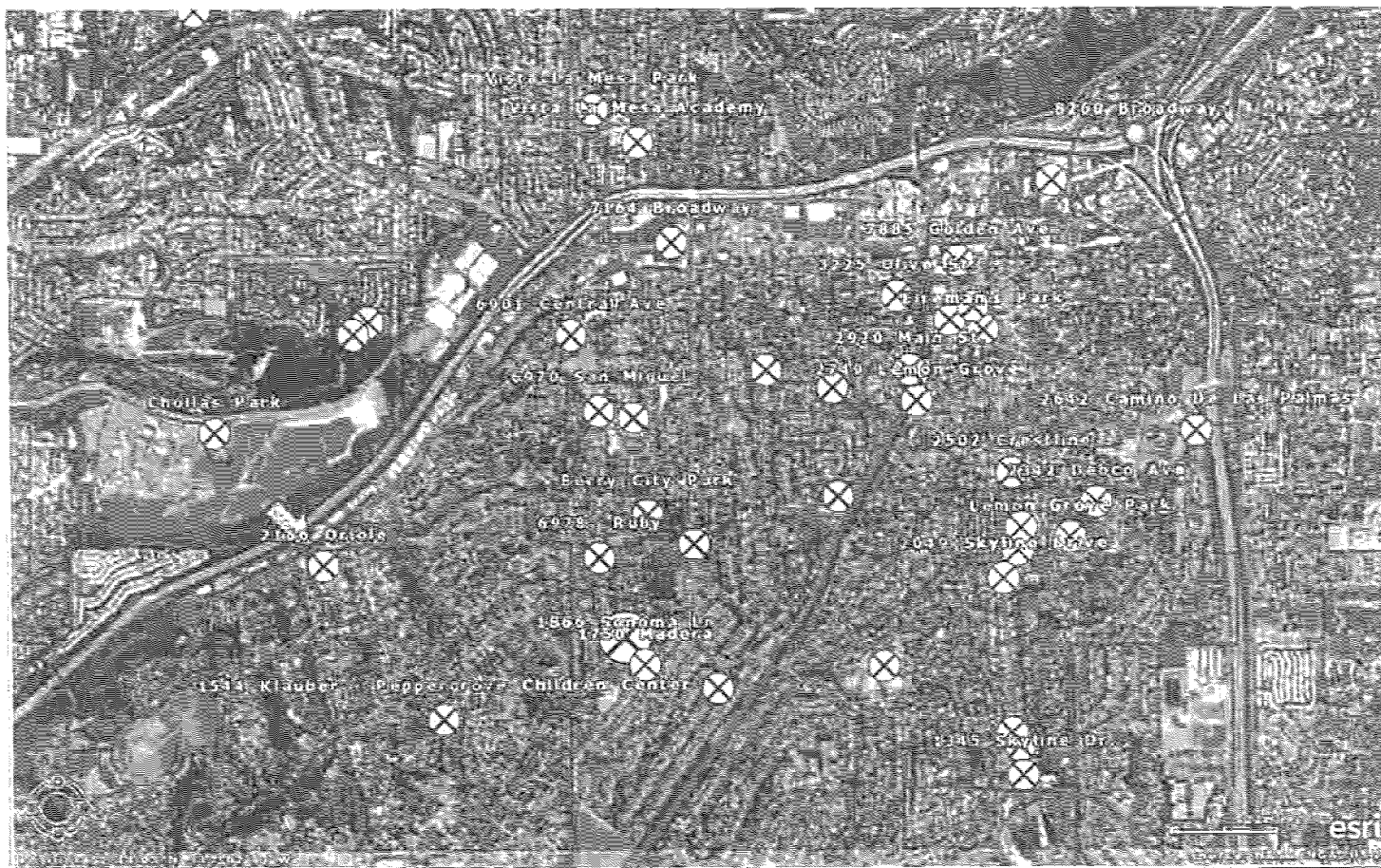


Exhibit 1 - page 3

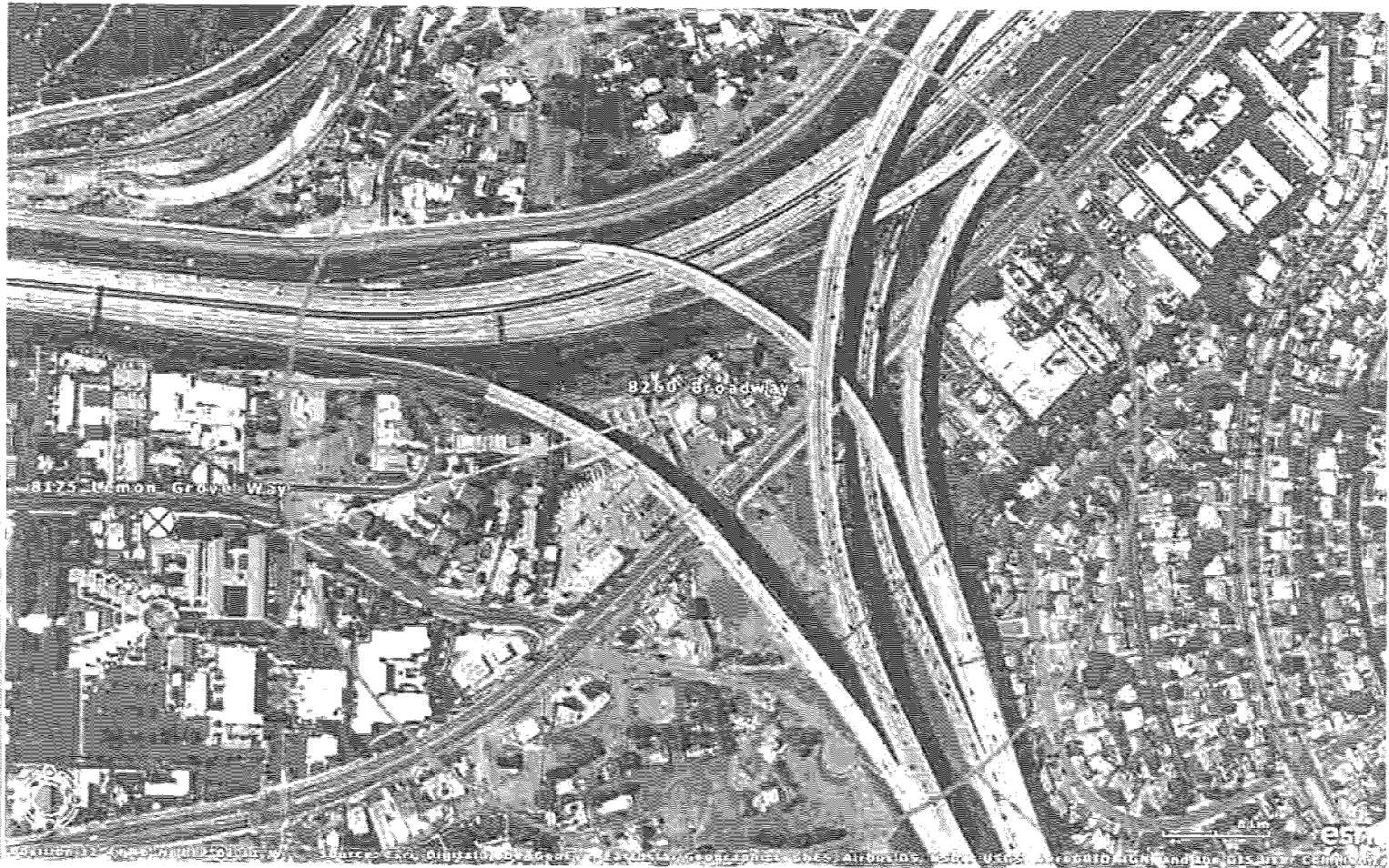


Exhibit 2 - Page 1

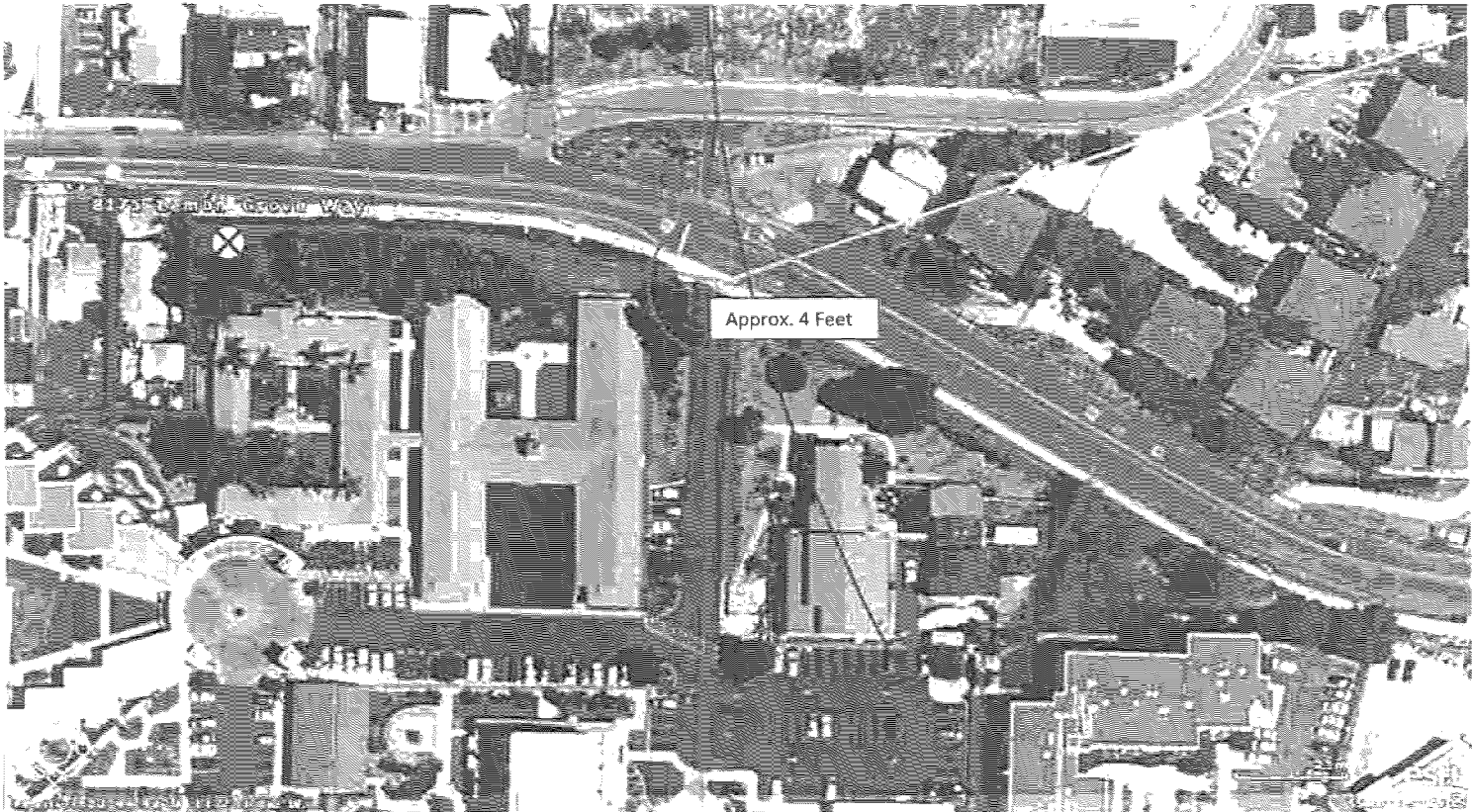


Exhibit 2 - Page 2

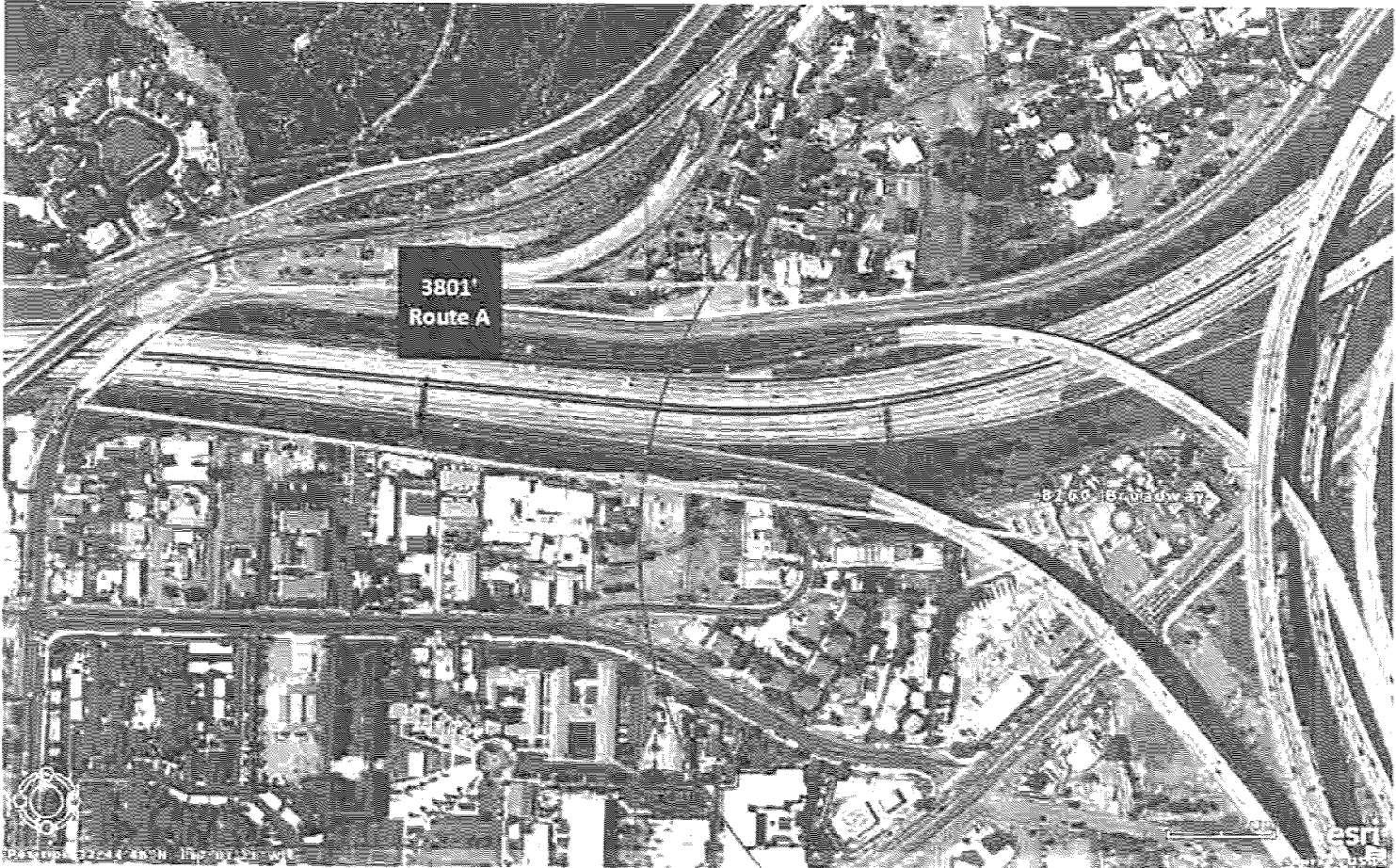


EXHIBIT 3

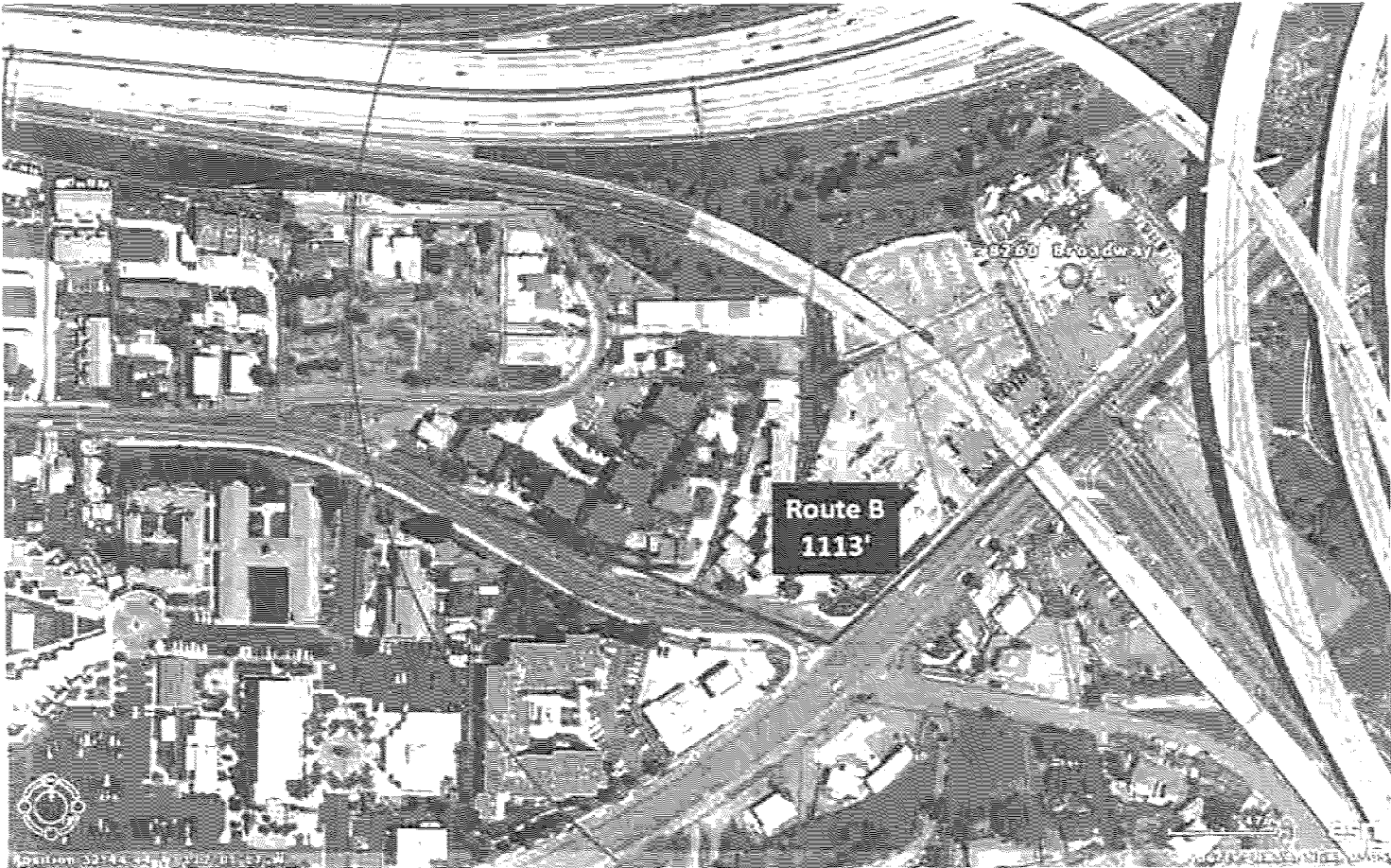


EXHIBIT 4



EXHIBIT 5

SUMMARY OF PARCELS APRIL 2019 LA BOULEVARD							
Index	Use Description	Site Address	City	State	Zip	Parcel Number	Owner/Trustee Name
1	SINGLE FAMILY RESIDENCE	8115 CASCAJO CT	LEMONGROVE	CA	91541	499-460-08-00	LEITCH FAMILY TRUST
2	RELIGIOUS	8115 LEMON GROVE WAY	LEMONGROVE	CA	91541	499-460-17-00	ST JOHN OF THE CROSS CATHOLIC CHURCH
3	SINGLE FAMILY RESIDENCE	1128 ROTO TIERRA RD	LA MESA	CA	91941	499-161-14-00	DECHEN FAMILY TRUST
4	SINGLE FAMILY RESIDENCE	3820 ROTO TIERRA RD	LA MESA	CA	91941	499-161-02-00	HUGO FAMILY 2009 TRUST
5	SINGLE FAMILY RESIDENCE	3814 ROTO TIERRA RD	LA MESA	CA	91941	499-161-03-00	OSORIO LAMARCO E & MARIEA N
6	SINGLE FAMILY RESIDENCE	3724 RIVIERA DR	LA MESA	CA	91941	499-161-04-00	DILLON BARBARA L LIVING TRUST
7	SINGLE FAMILY RESIDENCE	3808 ROTO TIERRA RD	LA MESA	CA	91941	499-161-05-00	ALANER LADMAN
8	SINGLE FAMILY RESIDENCE	3823 ROTO TIERRA RD	LA MESA	CA	91941	499-162-01-00	WILSON LOUISA S
9	SINGLE FAMILY RESIDENCE	3754 RIVIERA DR	LA MESA	CA	91941	499-162-04-00	HEBERT HARUKO FAMILY TRUST
10	SINGLE FAMILY RESIDENCE	3811 ROTO TIERRA RD	LA MESA	CA	91941	499-162-05-00	NELSON MELEAH C
11	SINGLE FAMILY RESIDENCE	3815 ROTO TIERRA RD	LA MESA	CA	91941	499-162-06-00	NOURSE JASON
12	RESIDENTIAL MISCELLANEOUS	VACANT/UNIMPROVED LAND	LA MESA	CA	91941	499-171-00-00	WILSON LOUISA S
13	MULTI-FAMILY DWELLING (2-4 UNITS)	3730 RIVIERA DR	LA MESA	CA	91941	499-171-10-00	HOLLAND EMILIO TRUST
14	MULTI-FAMILY DWELLING (2-4 UNITS)	3738 RIVIERA DR	LA MESA	CA	91941	499-171-11-00	HOLLAND EMILIO TRUST
15	SINGLE FAMILY RESIDENCE	3750 RIVIERA DR	LA MESA	CA	91941	499-171-12-00	PRICE REBECCA
16	DUPLEX	3756 RIVIERA DR	LA MESA	CA	91941	499-171-13-00	CURTIS LEE C TRUST
17	DUPLEX	3754 RIVIERA DR	LA MESA	CA	91941	499-171-14-00	CURTIS LEE C TRUST
18	SINGLE FAMILY RESIDENCE	3750 BELVUE DR	LA MESA	CA	91941	499-171-15-00	HEBERT HARUKO & SHARON M
19	SINGLE FAMILY RESIDENCE	3754 BELVUE DR	LA MESA	CA	91941	499-171-22-00	HEBERT HARUKO & SHARON M
20	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LA MESA	CA	91941	499-171-26-00	FLYING DOG TRUST
21	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LA MESA	CA	91941	499-171-27-00	FLYING DOG TRUST
22	SINGLE FAMILY RESIDENCE	3838 ROTO TIERRA RD	LA MESA	CA	91941	499-171-32-00	PINUELAS NICOLAS
23	SINGLE FAMILY RESIDENCE	3750 BELVUE DR	LA MESA	CA	91941	499-171-33-00	BAXTER RYAN & MARGARET
24	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LA MESA	CA	91941	499-171-34-00	FLYING DOG TRUST
25	MULTI-FAMILY DWELLING (2-4 UNITS)	8121 CASCAJO CT APT B	LEMONGROVE	CA	91541	499-181-01-00	BARNES JOHN & TRICIA
26	MULTI-FAMILY DWELLING (2-4 UNITS)	8123 CASCAJO CT APT A	LEMONGROVE	CA	91541	499-181-01-00	BARNES JOHN & TRICIA
27	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LEMONGROVE	CA	91541	499-181-02-00	WOLF FLOYD & ALICE E REVOCABLE
28	VACANT RESIDENTIAL	8139 CASCAJO CT	LEMONGROVE	CA	91541	499-181-03-00	WOLF FLOYD & ALICE E REVOCABLE
29	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 9	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
30	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 8	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
31	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 7	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
32	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 6	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
33	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 5	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
34	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 4	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
35	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 3	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
36	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 2	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
37	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 19	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
38	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 18	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
39	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 17	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
40	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 16	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
41	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 15	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
42	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 14	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
43	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 13	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
44	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 12	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
45	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 11	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
46	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 10	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
47	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 1	LEMONGROVE	CA	91541	499-181-08-00	LEMONTREE ON LINCOLN LLC
48	SINGLE FAMILY RESIDENCE	8234 LEMON GROVE WAY	LEMONGROVE	CA	91541	499-181-09-00	ESPINOSA JOHN D
49	MULTI-FAMILY DWELLING (2-4 UNITS)	8232 LEMON GROVE WAY	LEMONGROVE	CA	91541	499-181-10-00	WOLF FLOYD & ALICE E REVOCABLE
50	MULTI-FAMILY DWELLING (2-4 UNITS)	8232 LEMON GROVE WAY APT B	LEMONGROVE	CA	91541	499-181-10-00	WOLF FLOYD & ALICE E REVOCABLE
51	MULTI-FAMILY DWELLING (2-4 UNITS)	8232 LEMON GROVE WAY APT A	LEMONGROVE	CA	91541	499-181-10-00	WOLF FLOYD & ALICE E REVOCABLE
52	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt A1	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
53	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt A2	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
54	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt A3	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
55	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt A4	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
56	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt A5	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
57	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt B1	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
58	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt B2	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
59	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt B3	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
60	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt B4	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
61	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt C1	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
62	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt C2	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
63	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt C3	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
64	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt C4	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
65	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt D1	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
66	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt D2	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
67	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt D3	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
68	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt D4	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
69	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt E1	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
70	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt E2	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
71	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt E3	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC
72	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt E4	LEMONGROVE	CA	91541	499-181-11-00	SD PROPERTY INV GROUP LLC

EXHIBIT 6

Attachment I

73	MULTI-FAMILY RES (5+ UNITS)	3621 HILLTOP DR APT 1	LEMONGROVE	CA	91945-189-181-11-00	SD PROPERTY INV GROUP LLC
74	MULTI-FAMILY RES (5+ UNITS)	3621 HILLTOP DR APT 2	LEMONGROVE	CA	91945-189-181-11-00	SD PROPERTY INV GROUP LLC
75	MULTI-FAMILY RES (5+ UNITS)	3621 HILLTOP DR APT 3	LEMONGROVE	CA	91945-189-181-11-00	SD PROPERTY INV GROUP LLC
76	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 1	LEMONGROVE	CA	91945-189-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
77	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 2	LEMONGROVE	CA	91945-189-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
78	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 3	LEMONGROVE	CA	91945-189-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
79	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 4	LEMONGROVE	CA	91945-189-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
80	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 5	LEMONGROVE	CA	91945-189-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
81	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 6	LEMONGROVE	CA	91945-189-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
82	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 7	LEMONGROVE	CA	91945-189-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
83	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 8	LEMONGROVE	CA	91945-189-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
84	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 9	LEMONGROVE	CA	91945-189-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
85	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 10	LEMONGROVE	CA	91945-189-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
86	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR APT 1	LEMONGROVE	CA	91945-189-181-11-00	HAMMETT FAMILY TRUST
87	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR APT 2	LEMONGROVE	CA	91945-189-181-11-00	HAMMETT FAMILY TRUST
88	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR APT 3	LEMONGROVE	CA	91945-189-181-11-00	HAMMETT FAMILY TRUST
89	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR APT 4	LEMONGROVE	CA	91945-189-181-11-00	HAMMETT FAMILY TRUST
90	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR APT 5	LEMONGROVE	CA	91945-189-181-11-00	HAMMETT FAMILY TRUST
91	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR APT 6	LEMONGROVE	CA	91945-189-181-11-00	HAMMETT FAMILY TRUST
92	MULTI-FAMILY DWELLING (2-4 UNITS)	3603 HILLTOP DR	LEMONGROVE	CA	91945-189-181-11-00	SD PROPERTY INV GROUP LLC
93	DUPLEX	3621 LEMON GROVE WAY	LEMONGROVE	CA	91945-189-181-11-00	SERPA FAMILY TRUST
94	DUPLEX	3621 LEMON GROVE WAY	LEMONGROVE	CA	91945-189-181-11-00	SERPA FAMILY TRUST
95	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 1	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
96	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 2	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
97	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 3	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
98	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 4	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
99	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 5	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
100	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 6	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
101	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 7	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
102	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 8	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
103	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 9	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
104	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 10	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
105	SINGLE FAMILY RESIDENCE	3705 HILLTOP DR	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
106	VACANT/RESIDENTIAL	VACANT/ROADWAY	LEMONGROVE	CA	91945-189-181-11-00	MONROE, WILLIAM L
107	RESIDENTIAL MISCELLANEOUS	VACANT/ROADWAY	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
108	VACANT/RESIDENTIAL	VACANT/PARKING LOT	LEMONGROVE	CA	91945-189-181-11-00	SHROYER, EDWARD B & JANE TRUST
109	SINGLE FAMILY RESIDENCE	3886 AMERICAN AVE	LA MESA	CA	91941-499-181-22-00	FLYING DOG TRUST
110	SINGLE FAMILY RESIDENCE	3874 AMERICAN AVE	LA MESA	CA	91941-499-181-22-00	FLYING DOG TRUST
111	SINGLE FAMILY RESIDENCE	3883 AMERICAN AVE	LA MESA	CA	91941-499-181-22-00	FLYING DOG TRUST
112	SINGLE FAMILY RESIDENCE	3774 QUARRY RD	LA MESA	CA	91941-499-181-22-00	ACOSTA, ANTHONY
113	SINGLE FAMILY RESIDENCE	3891 AMERICAN AVE	LA MESA	CA	91941-499-181-22-00	MONTERO, JAVIER M & PATRICIA N
114	SINGLE FAMILY RESIDENCE	3880 QUARRY RD	LA MESA	CA	91941-499-181-22-00	SHAWLEY, JOHN & SHELLEY
115	SINGLE FAMILY RESIDENCE	3881 AMERICAN AVE	LA MESA	CA	91941-499-181-22-00	ROBINSON, GARY J & BETTY J
116	SINGLE FAMILY RESIDENCE	3882 AMERICAN AVE	LA MESA	CA	91941-499-181-22-00	ROBINSON, GARY J
117	VACANT/RESIDENTIAL	VACANT/UNIMPROVED LAND	LA MESA	CA	91941-499-181-22-00	REAU, LINDA L
118	DUPLEX	3810 AMERICAN AVE	LA MESA	CA	91941-499-181-22-00	FLYING DOG TRUST
119	DUPLEX	3808 AMERICAN AVE	LA MESA	CA	91941-499-181-22-00	FLYING DOG TRUST
120	DUPLEX	3804 AMERICAN AVE	LA MESA	CA	91941-499-181-22-00	FLYING DOG TRUST
121	DUPLEX	3802 AMERICAN AVE	LA MESA	CA	91941-499-181-22-00	FLYING DOG TRUST
122	MULTI-FAMILY DWELLING (2-4 UNITS)	3850 AMERICAN AVE	LA MESA	CA	91941-499-181-22-00	KATZ, PETER N
123	SINGLE FAMILY RESIDENCE	3860 AMERICAN AVE	LA MESA	CA	91941-499-181-22-00	FLYING DOG TRUST
124	SINGLE FAMILY RESIDENCE	3840 RIVERA DR	LA MESA	CA	91941-499-181-22-00	SCHWARTZ, PETER
125	SINGLE FAMILY RESIDENCE	3762 MILTON RD	LEMONGROVE	CA	91945-189-181-11-00	STATE OF CALIFORNIA
126	VACANT/RESIDENTIAL	3760 MILTON RD	LEMONGROVE	CA	91945-189-181-11-00	RCP CO INC
127	SINGLE FAMILY RESIDENCE	3765 MILTON RD	LEMONGROVE	CA	91945-189-181-11-00	MATTAR FAMILY TRUST
128	VACANT/RESIDENTIAL	3757 BROADWAY	LEMONGROVE	CA	91945-189-181-11-00	RCP CO INC
129	VACANT/COMMERCIAL	3750 BROADWAY	LEMONGROVE	CA	91945-189-181-11-00	RCP BLOCK & BRICK
130	VACANT/COMMERCIAL	3744 BROADWAY	LEMONGROVE	CA	91945-189-181-11-00	RCP BLOCK & BRICK
131	VACANT/COMMERCIAL	3746 BROADWAY	LEMONGROVE	CA	91945-189-181-11-00	RCP BLOCK & BRICK
132	STORES, RETAIL OUTLET	3740 BROADWAY	LEMONGROVE	CA	91945-189-181-11-00	RCP BLOCK & BRICK
133	PARKING LOT, PARKING STRUCTURE	3742 BROADWAY	LEMONGROVE	CA	91945-189-181-11-00	MATTAR FAMILY TRUST
134	STORES, RETAIL OUTLET	3740 BROADWAY	LEMONGROVE	CA	91945-189-181-11-00	LITTLE DARLINGS
135	VACANT/RESIDENTIAL	3767 MILTON RD	LEMONGROVE	CA	91945-189-181-11-00	MATTAR 1980 FAMILY TRUST
136	VACANT/COMMERCIAL	VACANT/PARKING LOT	LEMONGROVE	CA	91945-189-181-11-00	ABC LIMITED
137	PARKING LOT, PARKING STRUCTURE	3845 BROADWAY	LEMONGROVE	CA	91945-189-181-11-00	QUANTITY TOWING & RECOVERY
138	SINGLE FAMILY RESIDENCE	3811 BROADWAY LN	LEMONGROVE	CA	91945-189-181-11-00	ODANGA, CORNELIUS Z & LYNCH
139	SINGLE FAMILY RESIDENCE	3807 BROADWAY LN	LEMONGROVE	CA	91945-189-181-11-00	PERKINS, JUDITH D & DONALD W JR
140	SINGLE FAMILY RESIDENCE	3809 BROADWAY LN	LEMONGROVE	CA	91945-189-181-11-00	SIMONSON, ALBERT J
141	HOSPITALS/CONVALESCENT HOMES	VACANT/PARKING LOT	LEMONGROVE	CA	91945-189-181-11-00	SCHS PGOY LLC 676
142	SINGLE FAMILY RESIDENCE	3819 BROADWAY LN	LEMONGROVE	CA	91945-189-181-11-00	MCCLEARY, ROBERT C & D 2014 TRUST
143	DUPLEX	3811 BROADWAY LN	LEMONGROVE	CA	91945-189-181-11-00	ROZELLE, SEAN P
144	RESIDENTIAL MISCELLANEOUS	3811 BROADWAY LN	LEMONGROVE	CA	91945-189-181-11-00	LEMONGROVE CARE & REHAB CTR
145	CONDOMINIUM, PUD	3811 BROADWAY LN	LEMONGROVE	CA	91945-189-181-11-00	SCHWARTZ, DIETRICH W & KERRIN L
146	CONDOMINIUM, PUD	3811 BROADWAY LN	LEMONGROVE	CA	91945-189-181-11-00	RAMIREZ, JAMES W JR & JENNIFER C
147	CONDOMINIUM, PUD	3811 BROADWAY LN	LEMONGROVE	CA	91945-189-181-11-00	PETIT, FORD, DEWEYN

148	CONDOMINIUM, PUD	8365 BROADWAY 5	LEMON GROVE	CA	91945	499-220-57-03	HANDS BUR JEWELERS
149	CONDOMINIUM, PUD	8365 BROADWAY 7	LEMON GROVE	CA	91945	499-220-57-04	ASCENTIO ZODIAC & ADRIANA
150	CONDOMINIUM, PUD	8365 BROADWAY 9	LEMON GROVE	CA	91945	499-220-57-05	KILLER KITCHEN
151	CONDOMINIUM, PUD	8365 BROADWAY 11	LEMON GROVE	CA	91945	499-220-57-06	HUGHES, JAMES & LEIGH TRUST
152	CONDOMINIUM, PUD	8365 BROADWAY 13	LEMON GROVE	CA	91945	499-220-57-07	DOUBLET, DUSTIN E
153	CONDOMINIUM, PUD	8365 BROADWAY 15	LEMON GROVE	CA	91945	499-220-57-08	GREEN, WINIFRED
154	CONDOMINIUM, PUD	8365 BROADWAY 17	LEMON GROVE	CA	91945	499-220-57-09	RIKIN, ANDREA B
155	CONDOMINIUM, PUD	8365 BROADWAY 19	LEMON GROVE	CA	91945	499-220-57-10	CATZ, JEFFREY
156	CONDOMINIUM, PUD	8365 BROADWAY 21	LEMON GROVE	CA	91945	499-220-57-11	BUSH, SANDRA A
157	CONDOMINIUM, PUD	8365 BROADWAY 23	LEMON GROVE	CA	91945	499-220-57-12	HOPE, JUANITA
158	CONDOMINIUM, PUD	8365 BROADWAY 25	LEMON GROVE	CA	91945	499-220-57-13	WILLIAMS, THOMAS A JR
159	CONDOMINIUM, PUD	8365 BROADWAY 27	LEMON GROVE	CA	91945	499-220-57-14	FRANKS, KATHLEEN G 1997 REVOCABLE
160	CONDOMINIUM, PUD	8365 BROADWAY 29	LEMON GROVE	CA	91945	499-220-57-15	ARMSTRONG, PAUL & MARIA G
161	CONDOMINIUM, PUD	8365 BROADWAY 31	LEMON GROVE	CA	91945	499-220-57-16	JOHN, MARIA H
162	CONDOMINIUM, PUD	8365 BROADWAY 33	LEMON GROVE	CA	91945	499-220-57-17	SANTI, LANCES, MARIE A
163	CONDOMINIUM, PUD	8365 BROADWAY 35	LEMON GROVE	CA	91945	499-220-57-18	LE, LISA J
164	CONDOMINIUM, PUD	8365 BROADWAY 37	LEMON GROVE	CA	91945	499-220-57-19	MIDALGO, MANUEL
165	CONDOMINIUM, PUD	8365 BROADWAY 39	LEMON GROVE	CA	91945	499-220-57-20	IPPESSEN, JOSHUA
166	CONDOMINIUM, PUD	8365 BROADWAY 41	LEMON GROVE	CA	91945	499-220-57-21	MAHARAJ, BOWEN GAMES NO EYER
167	CONDOMINIUM, PUD	8365 BROADWAY 43	LEMON GROVE	CA	91945	499-220-57-22	MILFORD, JAMES H & GAIL
168	CONDOMINIUM, PUD	8365 BROADWAY 45	LEMON GROVE	CA	91945	499-220-57-23	WILLIAMS, DANIEL H
169	CONDOMINIUM, PUD	8365 BROADWAY 47	LEMON GROVE	CA	91945	499-220-57-24	BROWN, RACHELLE L
170	CONDOMINIUM, PUD	8365 BROADWAY 49	LEMON GROVE	CA	91945	499-220-57-25	GARCIA, RUBEN
171	CONDOMINIUM, PUD	8365 BROADWAY 51	LEMON GROVE	CA	91945	499-220-57-26	SANTANA, LUISA
172	CONDOMINIUM, PUD	8365 BROADWAY 53	LEMON GROVE	CA	91945	499-220-57-27	MATHIAS, GOMALI
173	CONDOMINIUM, PUD	8365 BROADWAY 55	LEMON GROVE	CA	91945	499-220-57-28	ZUNIGA, LANCEST O
174	STORES, RETAIL OUTLET	8373 BROADWAY	LEMON GROVE	CA	91945	499-220-57-29	MR. ALITO, HADJIMIS
175	STORES, RETAIL OUTLET	8375 BROADWAY	LEMON GROVE	CA	91945	499-220-57-30	LEAH, RAQUEL ELIZABETH
176	STORES, RETAIL OUTLET	8377 BROADWAY STE A	LEMON GROVE	CA	91945	499-220-57-31	SV BODY & PAINT
177	STORES, RETAIL OUTLET	8377 BROADWAY STE B	LEMON GROVE	CA	91945	499-220-57-32	JAVY'S SPOT PAINT & BODY WORK
178	STORES, RETAIL OUTLET	8377 BROADWAY STE C	LEMON GROVE	CA	91945	499-220-57-33	MR. D. J. PAUL
179	STORES, RETAIL OUTLET	8377 BROADWAY STE D	LEMON GROVE	CA	91945	499-220-57-34	WILSON, TRACY A
180	VACANT/PARKING LOT	VACANT/PARKING LOT	LEMON GROVE	CA	91945	499-220-61-00	SOUTH C HEALTH HOLDINGS LLC
181	SINGLE FAMILY RESIDENCE	4646 TROPHY DR	LA MESA	CA	91941	499-313-01-00	SHARPE, SARAH
182	SINGLE FAMILY RESIDENCE	4652 TROPHY DR	LA MESA	CA	91941	499-313-01-01	KATLIESON, JANA DOR
183	SINGLE FAMILY RESIDENCE	4654 TROPHY DR	LA MESA	CA	91941	499-313-01-02	MAXTED, TERESA
184	SINGLE FAMILY RESIDENCE	4656 TROPHY DR	LA MESA	CA	91941	499-313-01-03	CLIFF, BENNY G KELLY D JT & BENNY
185	SINGLE FAMILY RESIDENCE	4658 TROPHY DR	LA MESA	CA	91941	499-313-01-04	BRIERS, JAMES R & JONETTE C
186	SINGLE FAMILY RESIDENCE	4660 TROPHY DR	LA MESA	CA	91941	499-313-01-05	WILSON, CAROL A
187	SINGLE FAMILY RESIDENCE	4662 TROPHY DR	LA MESA	CA	91941	499-313-01-06	VILLALBOS, DAWN A
188	SINGLE FAMILY RESIDENCE	4664 TROPHY DR	LA MESA	CA	91941	499-313-01-07	WILSON, MICHELLE M
189	SINGLE FAMILY RESIDENCE	4666 TROPHY DR	LA MESA	CA	91941	499-313-01-08	WILSON, MICHELLE M
190	SINGLE FAMILY RESIDENCE	4668 TROPHY DR	LA MESA	CA	91941	499-313-01-09	PEW, THOMAS H
191	SINGLE FAMILY RESIDENCE	4670 TROPHY DR	LA MESA	CA	91941	499-313-01-10	MEYERS, MICHELLE L & SUZIE E
192	SINGLE FAMILY RESIDENCE	4672 TROPHY DR	LA MESA	CA	91941	499-313-01-11	FRINLEY, MURRAY JR & SHIRLEY A T
193	SINGLE FAMILY RESIDENCE	4674 TROPHY DR	LA MESA	CA	91941	499-313-01-12	WILSON, ANTHONY A
194	SINGLE FAMILY RESIDENCE	4676 TROPHY DR	LA MESA	CA	91941	499-313-01-13	WILSON, DIANA D
195	SINGLE FAMILY RESIDENCE	4678 TROPHY DR	LA MESA	CA	91941	499-313-01-14	KAFARIC, FAMILY TRUST
196	SINGLE FAMILY RESIDENCE	4680 TROPHY DR	LA MESA	CA	91941	499-313-01-15	WILSON, PAMELA M
197	SINGLE FAMILY RESIDENCE	4682 TROPHY DR	LA MESA	CA	91941	499-313-01-16	WILSON, JOEL M & JIMMIE J
198	SINGLE FAMILY RESIDENCE	4684 TROPHY DR	LA MESA	CA	91941	499-313-01-17	WILSON, FAT MING BOLLY
199	SINGLE FAMILY RESIDENCE	4686 TROPHY DR	LA MESA	CA	91941	499-313-01-18	WILSON, MARK A
200	SERVICE STATION, GAS STATION	8170 BROADWAY	LEMON GROVE	CA	91945	499-220-57-35	MOBILE GAS
201	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 101	LEMON GROVE	CA	91945	503-011-12-00	ROMAN CATHOLIC BISHOP OF SAN JUAN
202	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 102	LEMON GROVE	CA	91945	503-011-12-01	CALEXICO PLAZA DEVELOPMENT CORP
203	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 103	LEMON GROVE	CA	91945	503-011-12-02	CALEXICO PLAZA DEVELOPMENT CORP
204	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 104	LEMON GROVE	CA	91945	503-011-12-03	CALEXICO PLAZA DEVELOPMENT CORP
205	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 105	LEMON GROVE	CA	91945	503-011-12-04	CALEXICO PLAZA DEVELOPMENT CORP
206	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 106	LEMON GROVE	CA	91945	503-011-12-05	CALEXICO PLAZA DEVELOPMENT CORP
207	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 107	LEMON GROVE	CA	91945	503-011-12-06	CALEXICO PLAZA DEVELOPMENT CORP
208	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 108	LEMON GROVE	CA	91945	503-011-12-07	CALEXICO PLAZA DEVELOPMENT CORP
209	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 109	LEMON GROVE	CA	91945	503-011-12-08	CALEXICO PLAZA DEVELOPMENT CORP
210	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 110	LEMON GROVE	CA	91945	503-011-12-09	CALEXICO PLAZA DEVELOPMENT CORP
211	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 111	LEMON GROVE	CA	91945	503-011-12-10	CALEXICO PLAZA DEVELOPMENT CORP
212	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 112	LEMON GROVE	CA	91945	503-011-12-11	CALEXICO PLAZA DEVELOPMENT CORP
213	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 113	LEMON GROVE	CA	91945	503-011-12-12	CALEXICO PLAZA DEVELOPMENT CORP
214	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 114	LEMON GROVE	CA	91945	503-011-12-13	CALEXICO PLAZA DEVELOPMENT CORP
215	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 115	LEMON GROVE	CA	91945	503-011-12-14	CALEXICO PLAZA DEVELOPMENT CORP
216	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 116	LEMON GROVE	CA	91945	503-011-12-15	CALEXICO PLAZA DEVELOPMENT CORP
217	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 117	LEMON GROVE	CA	91945	503-011-12-16	CALEXICO PLAZA DEVELOPMENT CORP
218	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 118	LEMON GROVE	CA	91945	503-011-12-17	CALEXICO PLAZA DEVELOPMENT CORP
219	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 119	LEMON GROVE	CA	91945	503-011-12-18	CALEXICO PLAZA DEVELOPMENT CORP
220	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 120	LEMON GROVE	CA	91945	503-011-12-19	CALEXICO PLAZA DEVELOPMENT CORP
221	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 121	LEMON GROVE	CA	91945	503-011-12-20	CALEXICO PLAZA DEVELOPMENT CORP
222	GOVERNMENTAL, PUBLIC	8175 BROADWAY Apt 122	LEMON GROVE	CA	91945	503-011-12-21	CALEXICO PLAZA DEVELOPMENT CORP

Attachment I

[illegible]

Attachment I

[illegible]

Attachment I

[illegible]



13520 Scarsdale Way
San Diego, CA 92128
www.titleprois.com

CERTIFICATION

I SEAN WILSON/ TITLE PRO INFORMATION SYSTEMS HEREBY CERTIFY THAT THE ATTACHED LIST CONTAINS THE NAMES, ADDRESSES AND PARCEL NUMBERS OF ALL PERSONS TO WHOM ALL PROPERTY IS ASSESSED AS THEY APPEAR ON THE LATEST AVAILABLE ASSESSMENT ROLL OF THE COUNTY WITHIN THE AREA DESCRIBED AND REQUESTED BY YOU THE CLIENT, THE REQUIRED RADIUS MEASURED FROM THE EXTERIOR BOUNDARIES OF THE PROPERTY REQUESTED AND DESCRIBED AS:

APN...
499-200-18 1000FT MMCC

PLAT DATE 03/15/2017
COUNTY OF: SAN DIEGO
CITY OF: LEMON GROVE



SEAN WILSON
TITLE PRO INFORMATION SYSTEMS

DATE:
03/18/2017

Phone: 760.295.3951 | Fax: 760.295.4038

Attachment I

Austin Legal Group

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Writer's Email
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February 15, 2017

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

Re: **8260 Broadway, Appeal of Zoning Clearance Denial ZC-700-0012**

Dear City Council Members:

Austin Legal Group, APC represents Pick Axe Holdings, LLC (the "Applicant") for a MMD located at 8260 Broadway, Lemon Grove ("MMD Location"). This letter is intended to provide additional support for the appeal filed by the Applicant for the denial of Zoning Clearance application ZC1-700-0012.

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

FACTUAL BACKGROUND

The Applicant submitted an application for Zoning Clearance, ZC1-700-0012, in accordance with the City's rules and regulations on April 6, 2017 ("Application"). In connection with the Application, the Applicant submitted an additional letter of support clarifying that no protected uses are within 1,000' of the Applicant's proposed project. (See Exhibit I attached to the staff report.) On April 17, 2017, the City denied ZC1-700-0012 stating that "the property is located within 1,000 feet of a school and State-licensed daycare facility."

On April 20, 2017, the Applicant appealed staff's denial based upon factual error. On May 8, 2017, the City informed the Applicant that the specific protected use affecting the proposed project was "Saint John of the Cross Catholic Church, located at 8086 Broadway. The church property is comprised of three parcels, each of which is utilized by the school and the licensed daycare facility associated with the church. As such, the entire church property is considered a protected use" ("May 8th Letter"). The staff report incorrectly states that "staff disclosed that the protected use affecting the subject property was Saint John of the Cross Catholic Parish located at 8086 and 8175 Broadway." The May 8th Letter does not identify 8175 Broadway and in fact no such address exists within the City

City of Lemon Grove
July 15, 2017
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limits. The Applicant has assumed that the City *intended* to identify 8175 Lemon Grove Way but either way the 8175 address was not identified in the May 8th Letter. Moreover, as explained in more detail below, 8175 Lemon Grove Way is not within 1000' of the proposed location.

ARGUMENT

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

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

LGMC section 17.32.050 defines *Premises* as "a lot, parcel, tract or plot of land, together with the buildings, structures and appurtenances thereon." The plain language of section 17.32.090 states that measurement is between the property lines of the Premise upon which the Protected or Regulated use is located is to be taken into account. It provides for no inclusion of other neighboring properties that may have intermittent use by the Regulated Use.

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

In the case at hand, the Development Services Director abused his discretion when he applied the uses located on the 8175 Lemon Grove Way (School and Child Care) to the Premise activities that occur on the 8125 Broadway. Premises that do not contain a Protected or Regulated use may not be considered when determining distance measurements.

A. There Are No Protected Or Regulated Uses Within 1000'

According to the May 8th Letter the City's decision to deny the zoning clearance was based on the fact that the Applicant's proposed location is within 1,000 feet of Saint John of the Cross' school and child care facilities located at 8086 Broadway when measured from property line to property line.

Attachment I

City of Lemon Grove
July 15, 2017
Page 3

8086 Broadway, however, is 1,035 feet from the proposed location. (See Exhibit A.) The City agrees that the “portion of the site developed with classroom buildings is the western parcel, and that parcel is slightly more than 1,000 feet from the proposed dispensary site.” (Staff Report, page 4.) The staff report continues that “the eastern parcel is developed with a meeting hall used by the Knights of Columbus, a youth center [for the church], and an auditorium with more parking and landscaping.” (*Id.*) None of these are Protected or Regulated Uses.

B. Auditorium Use of 8125 Broadway For Lunch or Assemblies Does Not Make It A Protected Use

The staff report cites to a letter from St. John of the Cross that states that the school “uses the auditorium on parcel (APN 503-011-11-00) to conduct school-related events and to serve school lunch on a daily basis.” By definition, these activities do not make the Premise upon which 8125 is located a “School” or a “Licensed Child Care Facility.” Further, 8125 Broadway, even if utilized by the school is outside of the 1,000’ radius. (See Exhibit B.)

(i) 8125 Broadway Is Not A Licensed Day Care Facility

Licensed Day Care Facilities are defined by LGMC section 17.08.003

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

1. “Small family day care” means day care that is provided in a single-family dwelling for up to eight people in accordance with Section 1597 of the California Health and Safety Code. The day care provider shall reside in the home.
2. “Large family day care” means day care that is provided in a single-family dwelling for up to fourteen people in accordance with Section 1597 of the California Health and Safety Code. The day care provider shall reside in the home.
3. “Day care center” means a day care, regardless of size or capacity that is located in a commercial zone or commercial structure. “Days” means calendar days, unless otherwise noted.

A search of public records reveals that no structure located on APN 503-011-11-00 is licensed and equipped as required by law to provide non-medical care and supervision. In fact, the letter by the Church (Attachment M to the Staff Report) noticeably leaves out any mention of licensed day care activities occurring on APN 503-011-11-00. It may well be that various ad hoc activities occur with children at the church’s facilities located at 8125 Broadway. However, these uses are not Protected Uses as defined by LGMC. Moreover, as explain in more detail elsewhere in this letter, this building is located outside of 1000’ radius.

City of Lemon Grove
July 15, 2017
Page 4

(ii) 8125 Broadway Is Not A School

A school is defined by Health & Safety Code section 11362.768 (h) as “any public or private school **providing instruction** in kindergarten or any grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.”

Again, a search of public records reveals that no structure located on APN 503-011-11-00 is a school. The school’s own website identifies its address as 8175 Lemon Grove Way. Further, attachment D and E to the staff report identifies St. John of the Cross School and Preschool as located on 8175 Lemon Grove Way not 8175 Broadway (an address that doesn’t appear to exist.) The letter by the church (Attachment M to the Staff Report) states the school uses the auditorium to “serve lunch on a daily basis” but this is insufficient to qualify as a school. The definition of a school requires that instruction occur. Classifying a Premise as a School because it contains a building where kids eat lunch is simply nonsensical. Many high schools have an open campus where children leave campus to eat lunch. Under this scenario, every location where children eat lunch during the day would be deemed a school. This interpretation is absurd and clearly not the intent of the ordinance or the voters.

C. Unity of Ownership Does Not Make the Premise Protected Use

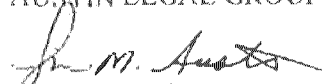
The City suggests that because all three adjacent parcels are owned by the church, the use on one Premise somehow creates a defacto use on the other parcels. This is simply another creative argument by the City that has no basis in law or fact in the City’s attempt to prohibit the will of the voters.

As stated above, LGMC section 17.32.050 defines Premises as “a lot, parcel, tract or plot of land, together with the buildings, structures and appurtenances thereon.” Each Premise, in this instance each tax parcel, must be evaluated individually. The LGMC provides no authority for a defacto use based upon common ownership.

* * *

For the reasons stated above, the Applicant respectfully requests the City Council reverse the Hearing Officer’s denial of the Zoning Clearance.

Sincerely,
AUSTIN LEGAL GROUP, APC


Gina M. Austin, Esq.

cc: Development Services Director

-48-



EXHIBIT A
Sensitive Use Proximity Map

Attachment I

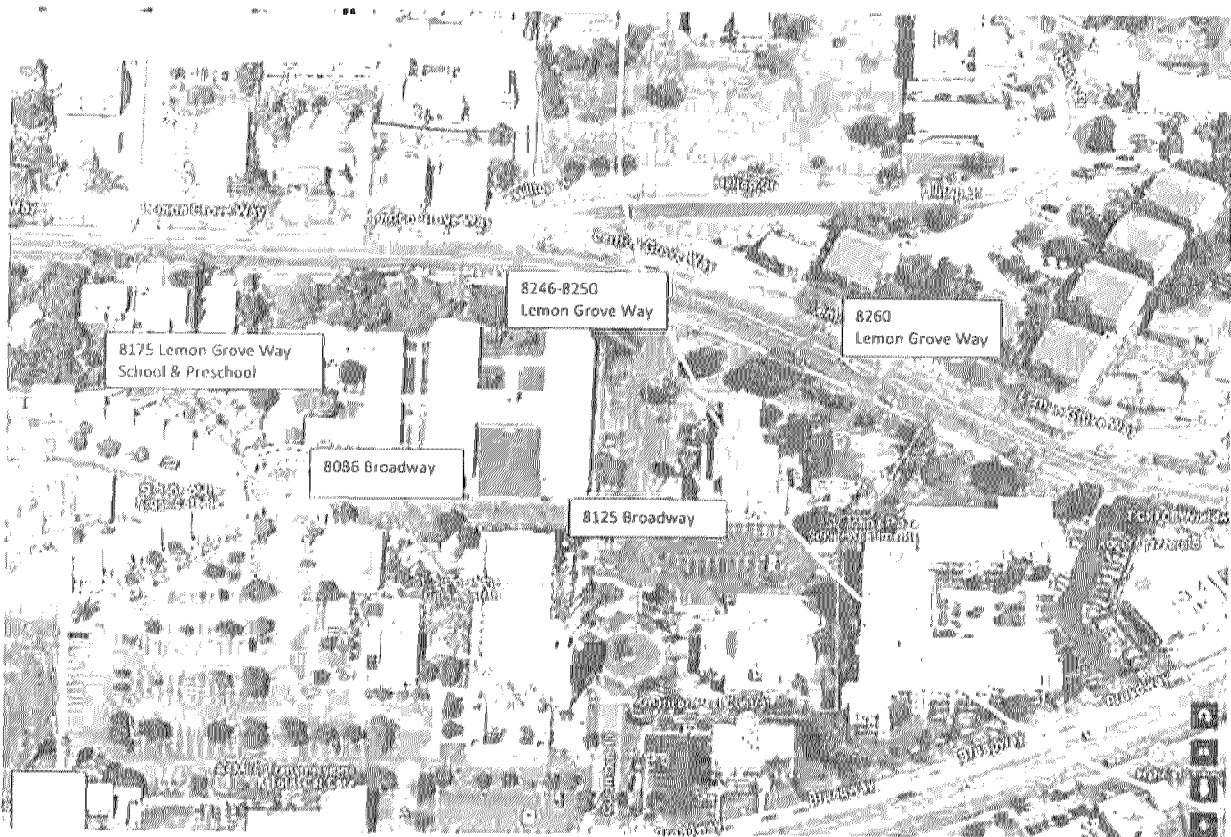
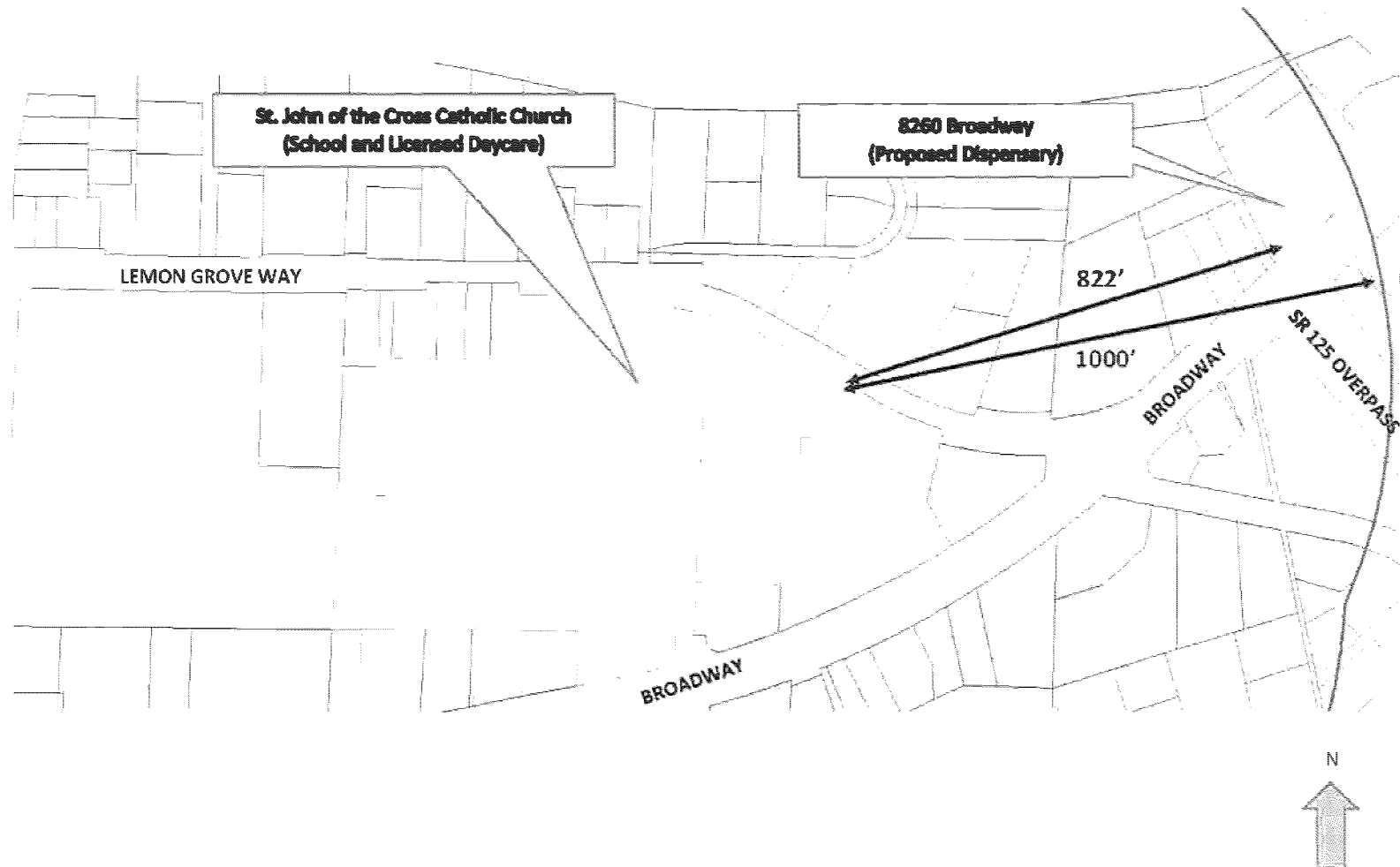
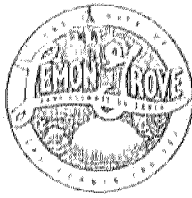


EXHIBIT B
Location Map

Saint John of the Cross and 8260 BROADWAY





CITY OF LEMON GROVE
Development Services Department

"Best Climate On Earth"

Date: May 8, 2017

Pick Axe Holdings, LLC
Attn: Gina Austin
7364 Mission Gorge Road
San Diego, CA 92120

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

SUBJECT: Appeal hearing for denial of Zoning Clearance application ZC1-700-0012 for property located at 8260 Broadway, in the City of Lemon Grove (APN: 499-200-18-00).

Gina Austin,

On April 6, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. On April 17, 2017, staff denied the application because the property is located within 1,000 feet of a school and a State-licensed daycare facility. In order to provide a full and open opportunity for you to understand the reason staff denied your zoning clearance permit, and to allow you to respond accordingly, we wish to inform you that the specific protected use affecting your project site is the Saint John of the Cross Catholic Church, located at 8086 Broadway. The church property is comprised of three parcels, each of which is utilized by the school and the licensed daycare facility associated with the church. As such, the entire church property is considered a protected use. By measuring georeferenced parcel boundary information, we have determined that your property at 8260 Broadway is located 822 feet west of the church property, and is therefore ineligible for approval as a dispensary.

On April 20, 2017, staff received an appeal of its decision to deny the application. Staff's decisions are subject to appeal pursuant to the provisions of the Lemon Grove Municipal Code, Section 17.28.020(I). The Lemon Grove City Council will consider the appeal and make a determination to grant or deny the appeal at a public hearing to be conducted on July 18, 2017.

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

Respectfully,

Eric Craig, Associate Planner

Eric Craig

From: Austin, Gina <gaustin@austinlegalgroup.com>
Sent: Monday, May 15, 2017 9:44 AM
To: Eric Craig
Cc: 'chris@xmgmedia.com'
Subject: Re: Acknowledgement and Hearing Date for Medical Marijuana Dispensary Appeal (AAI-700-0003)

Confirmed

Gina

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Eric Craig <ecraig@lemongrove.ca.gov>
Date: 5/15/17 9:43 AM (GMT 08:00)
To: "Austin, Gina" <gaustin@austinlegalgroup.com>
Cc: "chris@xmgmedia.com" <chris@xmgmedia.com>
Subject: RE: Acknowledgement and Hearing Date for Medical Marijuana Dispensary Appeal (AAI-700-0003)

Good Morning Gina,

Please respond to this email acknowledging receipt of the letter I sent last Monday 5/8/17, and acknowledging your agreement to go to Council on July 18th. I attached another copy for your reference.

Thanks,

Eric Craig, AICP

Associate Planner

City of Lemon Grove

Development Services Department

3232 Main St

Lemon Grove, CA 91945

(619) 825-3806 phone

Attachment L

(619) 825-3818 fax

ecraig@lemongrove.ca.gov

www.lemongrove.ca.gov

From: Eric Craig
Sent: Monday, May 8, 2017 1:42 PM
To: 'gaustin@austinlegalgroup.com' <gaustin@austinlegalgroup.com>; 'chris@xmgmedia.com' <chris@xmgmedia.com>
Cc: 'chris@xmgmedia.com' <chris@xmgmedia.com>; David DeVries <ddevries@lemongrove.ca.gov>
Subject: Acknowledgement and Hearing Date for Medical Marijuana Dispensary Appeal (AA1-700-0003)

Gina,

The attached letter acknowledges our receipt of the appeal and indicates that the hearing date will be July 18th
Call me if you have any questions.

Respectfully,

Eric Craig, AICP

Associate Planner

City of Lemon Grove

Development Services Department

3232 Main St.

Lemon Grove, CA 91945

(619) 825-3806 phone

(619) 825-3818 fax

ecraig@lemongrove.ca.gov



St. John of the Cross Catholic Parish
8086 Broadway Ave
Lemon Grove, CA, 91945

OFFICE OF RELIGIOUS EDUCATION
(619) 461-2681

May 23, 2017

Eric Craig, AICP
Associate Planner
City of Lemon Grove

Saint John of the Cross Catholic Church operates an elementary and middle school, and provides licensed daycare services. The church programs activities for both the school and the daycare on all three of the parcels that comprise the church property. For example, the school uses the auditorium on the eastern parcel (APN 503-011-11-00) to conduct school-related events and to serve school lunch on a daily basis. Our Youth Center which is also on the north eastern side of our parcel is also used extensively for child care and youth activities.

Should you have any questions please feel free to contact me at 619-461-2681.

Respectfully,

Jesse Ramirez
Director Religious Education/Facility Manager

David DeVries

From: Jack / Helen Ofield
Sent: Wednesday, August 2, 2017 3:45 PM
To: David DeVries
Subject: Pot Shop Opposition Letters for Aug. 15

Mayor and Council, City Manager, City Attorney,

Our family urges you to uphold your staff's recommendation and deny Mr. Rodi Mika a CUP to sell medical marijuana at 8249 Broadway opposite the campus of St. John of the Cross Church. St. John's encompasses a parish school (K-8), youth center, day care center, Knights of Columbus Hall, and playing fields, all in use by some 7,000 parishioners. For that reason Mr. Mikha's application to sell marijuana within the 1,000 foot buffer zone, is outrageous.

Moreover, St. John's Plaza Senior Apartments, run by Catholic Charities, is right next door to the campus.

The Catholic church was established in our town in 1920 as St. Theresa's. The formal church, built in 1940, is now the Knights of Columbus Hall. The big church opened in 1959. This church community is a pillar of Lemon Grove and does not deserve to be subjected to the presence of an inherently criminal enterprise.

We suspect that Mr. Mikha's keen interest in selling a federally-banned drug--a business that all too often is an all-cash deal--may be linked to his several investment companies and his partners' profit motive. We should remember that the benign-sounding "medical marijuana" is but a pretext for raking in huge profits and is a target for criminals.

Please defend our city.

Jack and Helen Ofield

Mayor and Council, City Manager, City Attorney,

Our family urges you to uphold your staff's recommendation and deny Mr. Christopher Williams a CUP to sell medical marijuana at 8260 Broadway adjacent to the large campus of St. John of the Cross Church. St. John's serves thousands of diverse parishioners in a historic church built 77 years ago. The parish school, established in 1948, serves K-8. The William's pot shop is too close to this important campus.

St. John's is a linchpin of Lemon Grove, embedded in the heartbeat for nearly a century. Yet, the parish school principal reports that drug addicts hanging around Kunkel Park on the western border of church playing fields harass students with offers of drugs. Comes now a cynical effort to peddle marijuana under the guise of "medical" to help the sick and infirm. Nonsense. This is about raw profits for people who symbolize an increasingly addicted, anti-social and degenerate part of the population.

In closing, one of the nation's largest Fentanyl heists occurred in mid-June on Central Avenue in a historic residential neighborhood. One of the three smugglers was raised in Lemon Grove, while the other two appear to be Mexican nationals. And this is just part of the local drug crime we know about. Let's not exacerbate our town's already grim drug crime scenario by adding marijuana dispensaries. No self-respecting city council

Attachment N

would deny its law-abiding residents the protection they need in this new world of potentially rampant sales of marijuana and other drugs. Please say no.

Kind regards,

Jack and Helen Ofield

—

Jack and Helen Ofield

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 5
Mtg. Date August 15, 2017
Dept. Development Services Department

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

Staff Contact: David De Vries, Development Services Director

Recommendation:

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

Item Summary:

On June 13, 2017, the Development Services Director (Director) denied Zoning Clearance Application No. ZC1-700-0016, a request to establish a medical marijuana dispensary (MMD) on a 0.53 acre shopping center property located at 6915 North Avenue. The application was denied because the proposed MMD would be at a property located within 1,000 feet of three State-licensed family daycares. The City of Lemon Grove obtained a confidential list of family daycare homes from the Department of Social Services (DSS), subject to the provision that the list be kept confidential. The appellant, Mr. Christopher O. Williams, subsequently filed an appeal and request for public hearing, stating: "The denial letter does not state the licensed daycare home and therefore has not put the applicant on notice for the reason for denial. Further, however, the applicant will provide additional details once the specific sensitive use has been identified by the City." Staff's response to the appellant's statements and DSS confidentiality requirements related to family daycare homes are provided herein (**Attachment A**).

Fiscal Impact:

None.

Environmental Review:

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

Public Information:

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

Attachments:

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

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 5
Mtg. Date August 15, 2017

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

Staff Contact: David De Vries, Development Services Director

Background:

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

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

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

On June 1, 2017, the appellant filed ZC1-700-0016, an application to apply for a conditional use permit to establish a MMD at the subject property (**Attachment E**). Prior to accepting the application, staff checked the location of the project site on the Medical Marijuana Zoning Map and determined it was ineligible for a dispensary. Staff then informed the appellant that the

Attachment A

proposed project site was within 1,000 feet of a protected use, and therefore staff would have no option but to deny the ZC application.

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

On July 25, 2017, staff contacted the three family daycare home operators via a phone call and written letter and informed them that their locations would be disclosed to the appellant. One of the daycare operators informed staff that an employee stated they had been contacted by a third party regarding the daycare operations at the subject property in order to facilitate the establishment of a dispensary. On this same day, staff sent a letter to the appellant acknowledging receipt of the appeal, informing him that the appeal hearing date would be August 15, 2017, and advising him to submit any additional information he wished to provide prior to the hearing (**Attachment I**). In the same letter, out of an abundance of caution and in order to provide a full and open opportunity for the appellant to understand the reason staff denied the zoning clearance permit, and to allow the appellant to respond accordingly, staff disclosed that the protected use affecting the subject property were three licensed family daycare facilities located 853 feet southeast of the subject property with the address of the facilities provided. See the attached exhibit prepared by staff depicting the location of the site in relation to the licensed daycare facilities (**Attachment H**). As of August 9, 2017, no additional information has been received.

Discussion:

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

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

Government Code Section 6254.5. [Excerpts only]

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

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

(e) Made to a governmental agency that agrees to treat the disclosed material as confidential. **Only persons authorized in writing by the person in charge of the agency shall be**

Attachment A

permitted to obtain the information. Any information obtained by the agency shall only be used for purposes that are consistent with existing law.

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

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

Public Information:

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

As of August 9, 2017, the City has received no responses to the Notice of Public Hearing. At the time of the public hearing, staff will provide the City Council with any additional written comments that may be received after distribution of the staff report.

Conclusion:

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

RESOLUTION NO.

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, on August 15, 2017, the Lemon Grove City Council held a duly noticed public hearing to consider AA1-700-0004, an appeal of the Development Services Director's determination to deny ZC1-700-0016; and

Attachment B

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

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

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

/////

/////

17.32.090 Medical marijuana dispensary regulations.

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

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

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

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

C. Standards.

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

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

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

- a. Lemon Grove city manager;

Attachment C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment C

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

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

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

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

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

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

j. Sales of alcoholic beverages are prohibited.

k. Sales of tobacco and tobacco products are prohibited.

l. Sales of drug paraphernalia are prohibited.

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

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

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

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

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

ii. Description of chemicals stored or used; and




Attachment C

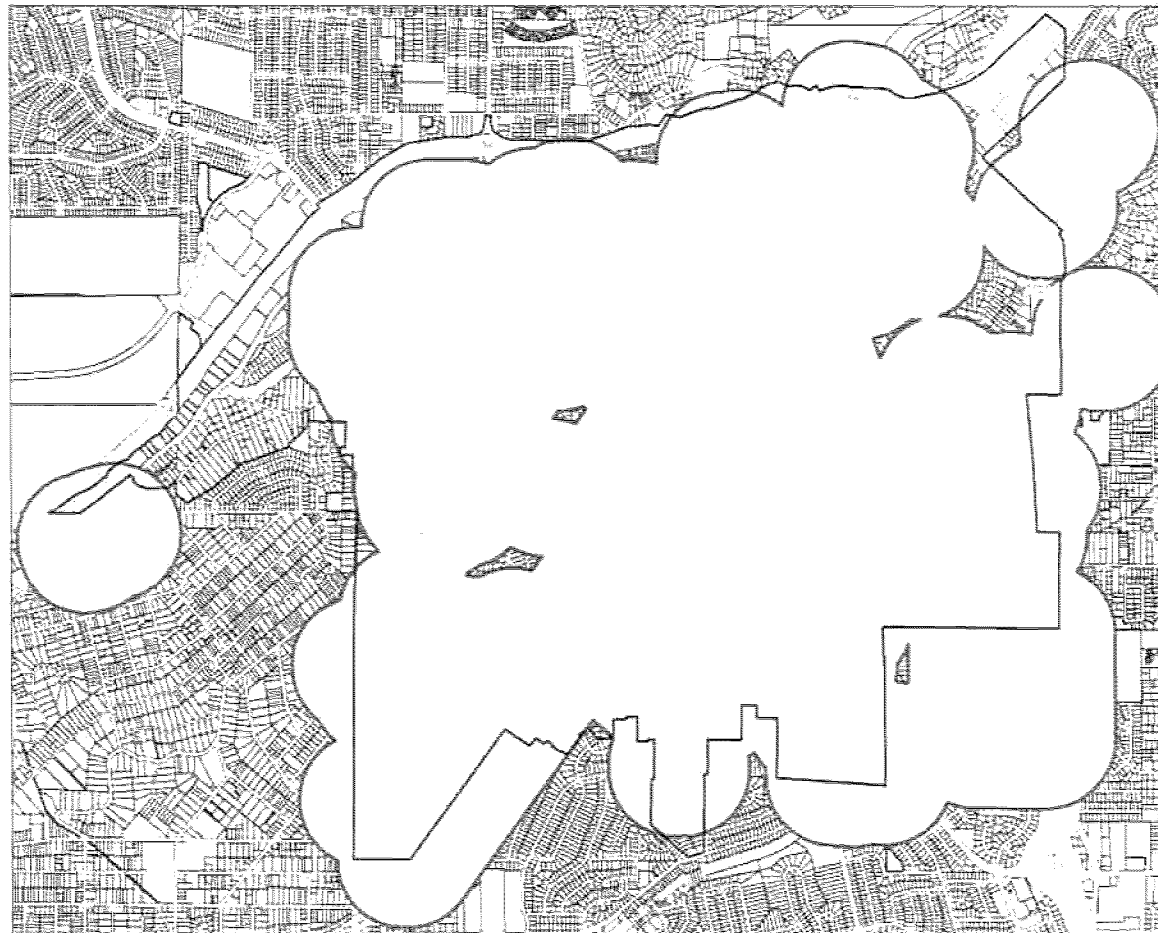
iii. Description of any effluent discharged into the city's wastewater and/or stormwater system;

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

Draft Lemon Grove Medical Marijuana Dispensary Zoning

Legend

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

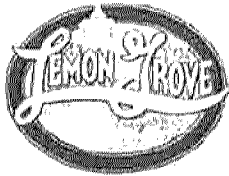


NOTES

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

0 1,000 2,000 Feet





PLANNING PERMIT APPLICATION

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

CITY OF LEMON GROVE
 DEVELOPMENT SERVICES
 JUN 15 2013

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

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

APPLICANT:	Christopher O'Neal Williams	PHONE:	(619) 847-8264
ADDRESS:	6257 Thorn St	FAX:	
	San Diego, CA 92115	EMAIL:	chris@xmgmedia.com
PROPERTY OWNER:	MATTAR FAMILY TRUST OF 1950	PHONE:	619-666-9978
ADDRESS:	4395 Alta Mira Dr	FAX:	
	La Mesa CA. 91941	EMAIL:	
CONTACT PERSON:	Abhay Schweitzer	PHONE:	(619) 940-5814
ADDRESS:	3956 30th Street	FAX:	
	San Diego, CA 92104	EMAIL:	abhay@techno-us.com

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

PROJECT NAME: NORTH AVE. MMD

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

ASSESSOR PARCEL #: 479-013-03-00

SITE ACREAGE:

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

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

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

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

2017-0016

Attachment E

APPLICANT CERTIFICATION

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

Signature: *[Signature]* Date: *July 1, 2011*
Name (please print): *William Williams* Phone: *(480) 821-1111*

CONSENT BY PROPERTY OWNER

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

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

Signature: *[Signature]* Date: _____
Name (please print): _____ Phone: _____

Signature: _____ Date: _____
Name (please print): _____ Phone: _____

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

TO BE COMPLETED BY PLANNING STAFF

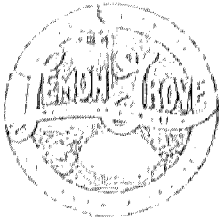
APPLICATION PROCESSING:

FILE #(s): _____
DATE: _____
FEES: _____ RECEIPT #: _____
ZONE: _____
COMMENTS and/or CONDITIONS: _____

ACTION:

☐ APPROVED ☐ DISAPPROVED
☐ CONDITIONALLY APPROVED (See Below)
LAND USE DESIGNATION: _____

Rev. November 2015



CITY OF LEMON GROVE
Development Services Department

"Best Estimate On Earth"

Date: June 13, 2017

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

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

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

Christopher Williams,

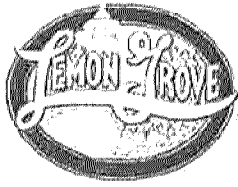
On June 1, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. The application has been denied for the following reasons, which may not be all inclusive:

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

In order for staff to process a conditional use permit application for a MMD, the application must include all of the information required by Chapter 17.32 of the Lemon Grove Municipal Code, as well as the items listed on the City's MMD Planning Permit Checklist. Additionally, the location of the proposed MMD must comply with the zoning requirements and distance restrictions contained within Chapter 17.32. If any of the required items are missing, or if the proposed location does not meet the zoning requirements and distance restrictions, then staff cannot process a conditional use permit application. Please review the requirements of Chapter 17.32 and the MMD Planning Permit Checklist prior to submitting another application. Please also verify that the site chosen meets the distance restrictions established by Chapter 17.32. Staff's decision to deny this application may be appealed to the Lemon Grove City Council pursuant to Lemon Grove Municipal Code, Section 17.28.020(I). Appeals must be filed in writing within 10 calendar days of the date on this denial letter and must include a filing fee of \$75.00. Appeals must be filed using forms provided by the Development Services Department.

Respectfully,

David De Vries, Development Services Director



APPEAL APPLICATION & REQUEST FOR PUBLIC HEARING

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

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

CASE/PROJECT NUMBER: ZC1-700-0016

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

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

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

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

Attach additional sheets if necessary.

Gina Austin
Applicants Signature

06/21/17
Date

TO BE COMPLETED BY PLANNING STAFF

FILE #(s): AA1-700-0004

DATE: 6/21/17

FEES: \$75

RECEIPT #:

COMMENTS and/or CONDITIONS:

Customer # → 052190
Lot # → 045868

Attachment G

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

CITY OF LEMON GROVE

JUN 01 2017

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

DEVELOPMENT SERVICES

FACSIMILE
(619) 881-0045

Writer's Email:
gaustin@austinlegalgroup.com

May 31, 2017

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

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

To Whom It May Concern:

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

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

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

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

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

City of Lemon Grove
March 23, 2017
Page 2

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

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

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

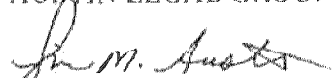
To the east of the MMD Location there is a commercial shopping center that does not contain any Protected Uses. The extent to which 1000' to the east of the MMD Location extends is to Albertsons located at 7090 Broadway. Based on the APN and Parcel IDs for schools, parks, playgrounds, alcohol and substance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

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

* * *

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

Sincerely,
AUSTIN LEGAL GROUP, APC


Gina M. Austin, Esq.

Attachment G

PROTECTED USES

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

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

Child Care Center Preschool (CDSS Website; Facility Search)

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

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

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

Drug Treatment Facilities (Google Search)

Alano Club	6901 Central Avenue
McAllister Institute	2049 Skyline Drive

Adult Daycare

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

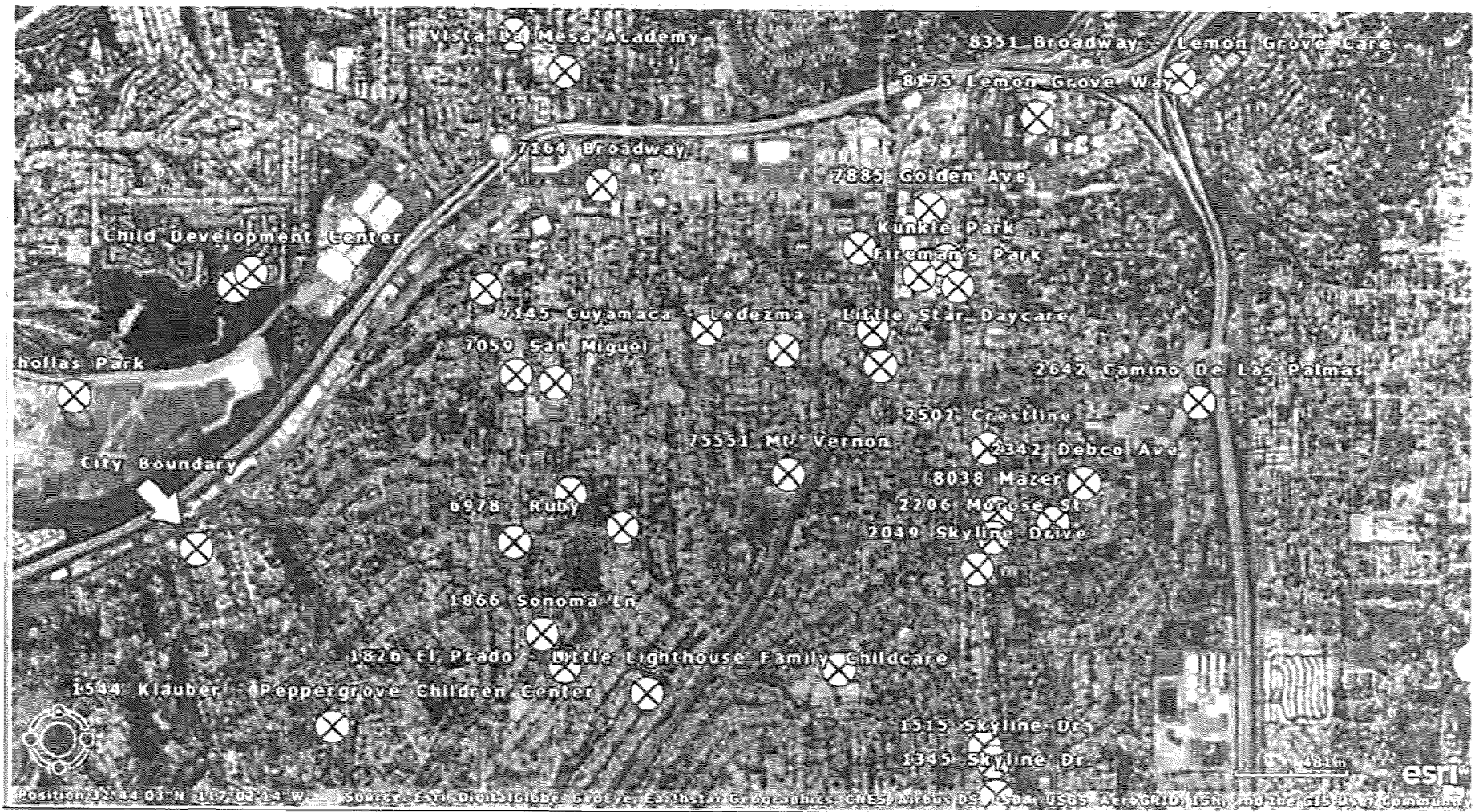


EXHIBIT 2

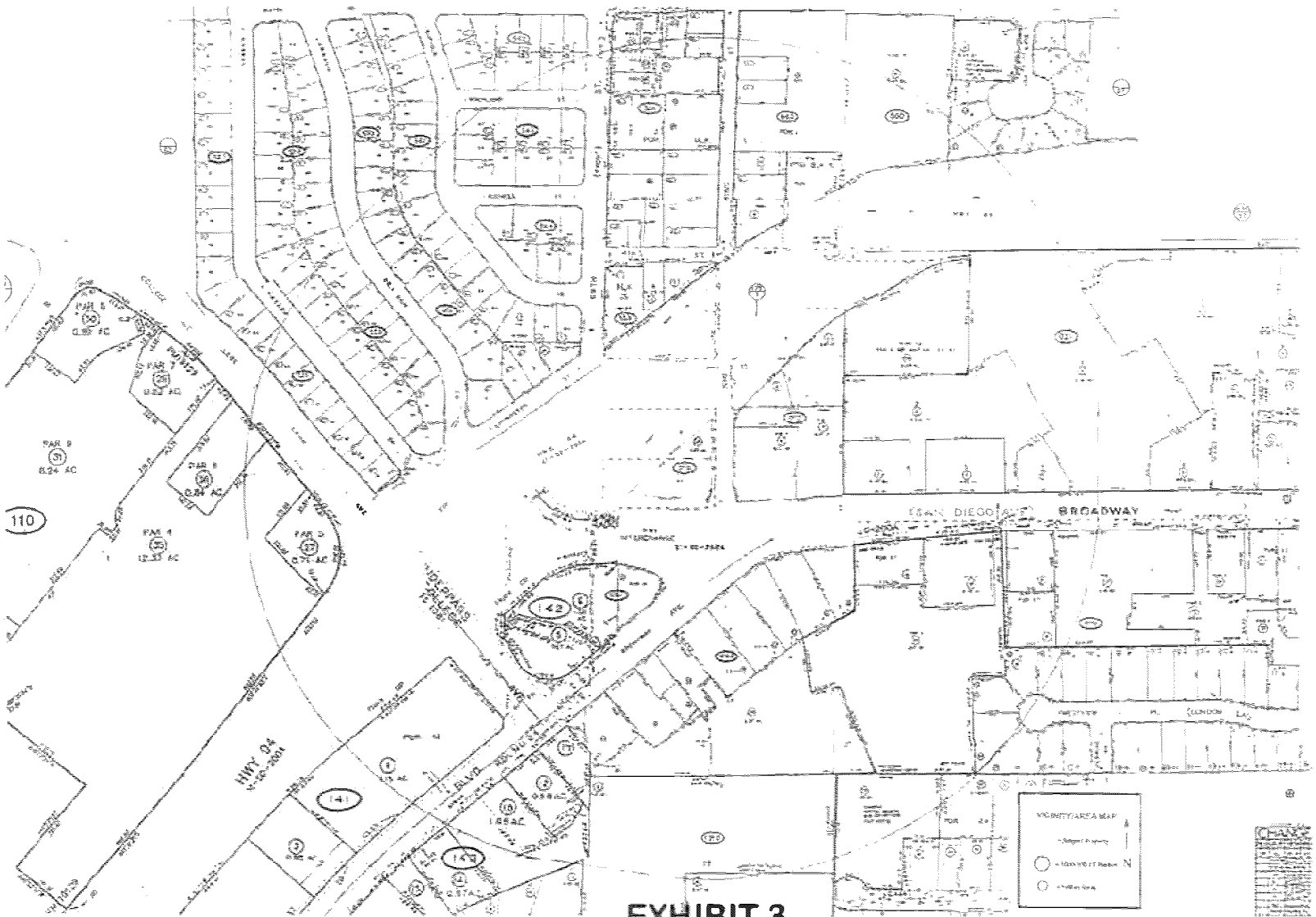


EXHIBIT 3

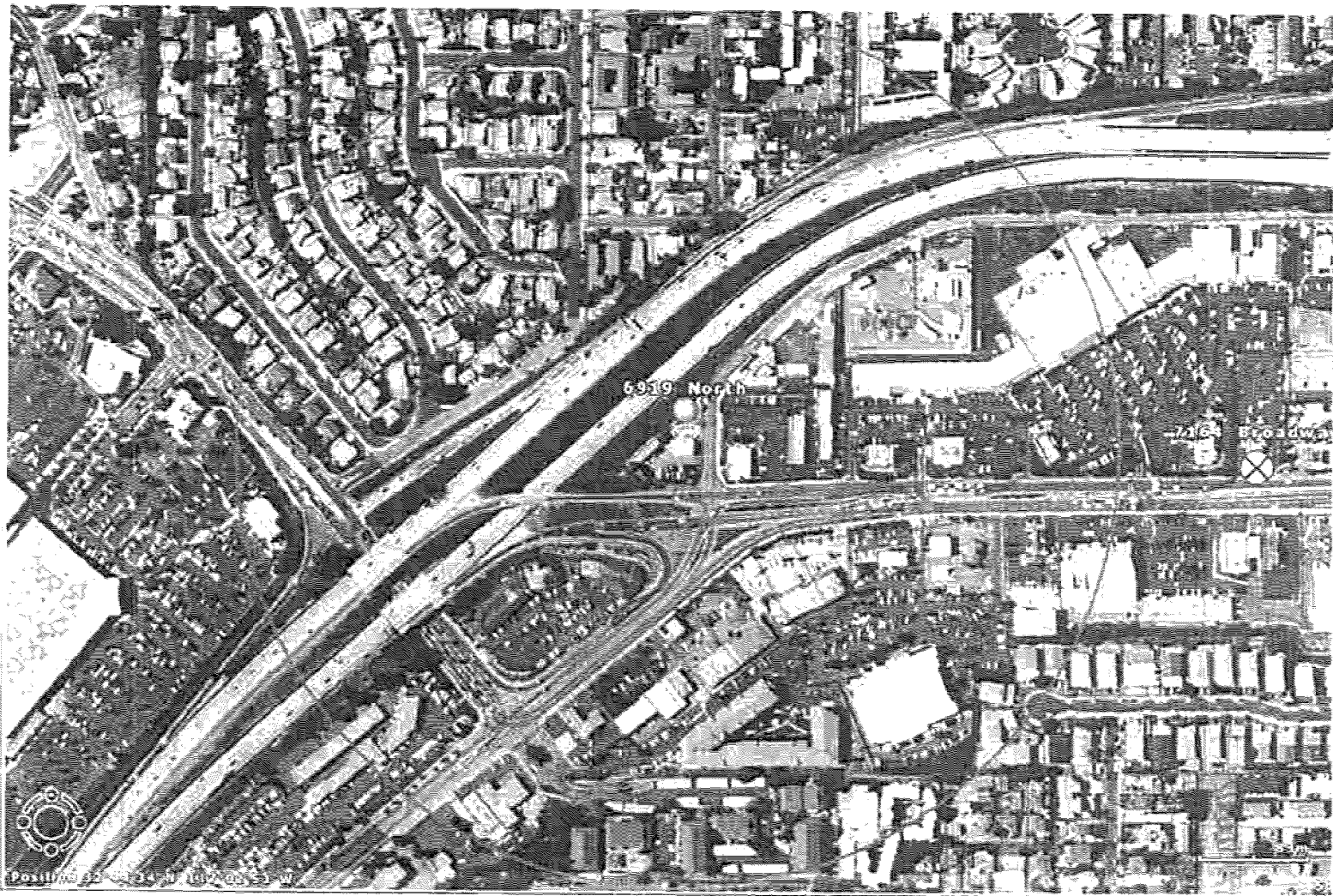


EXHIBIT 4



EXHIBIT 5

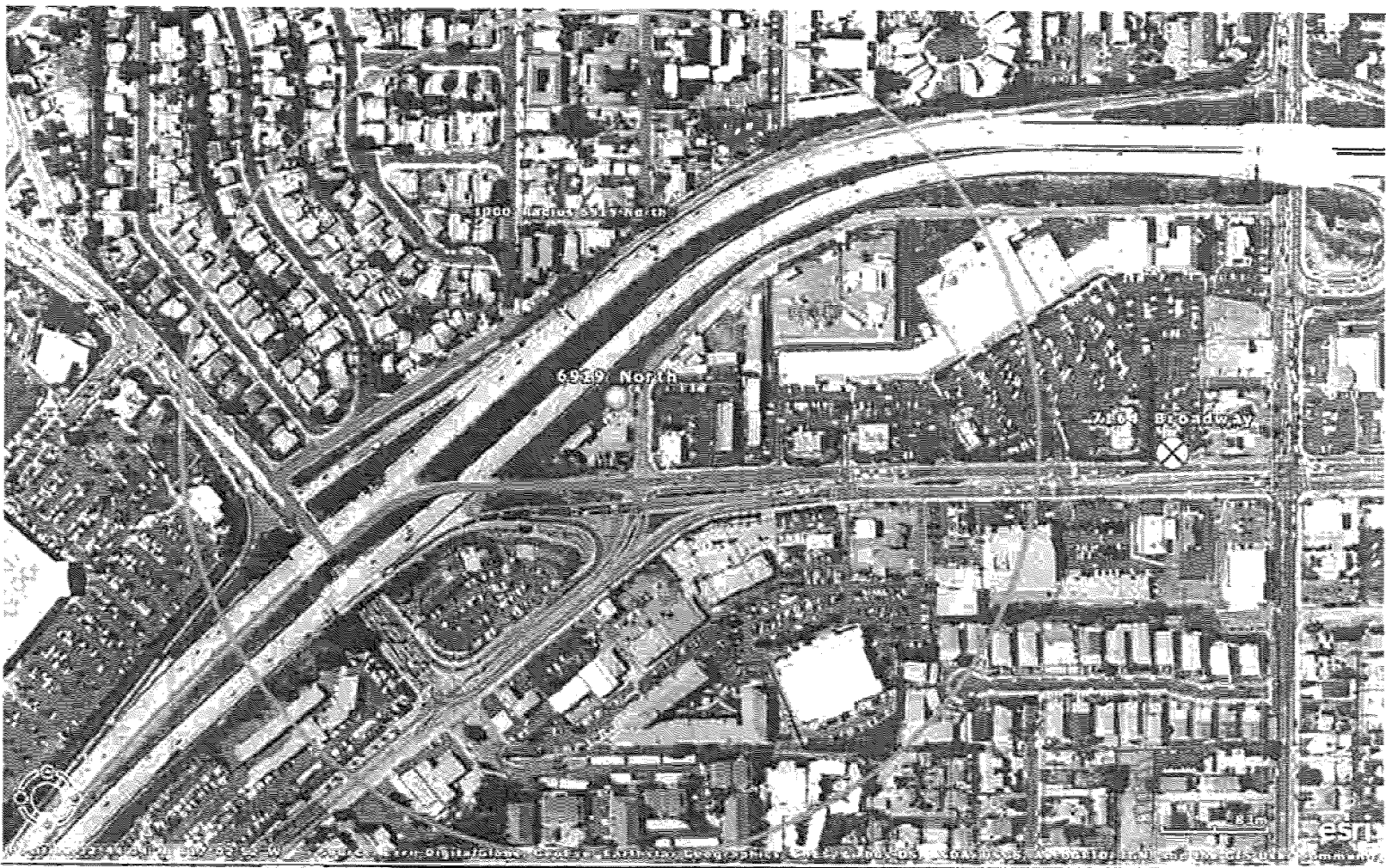
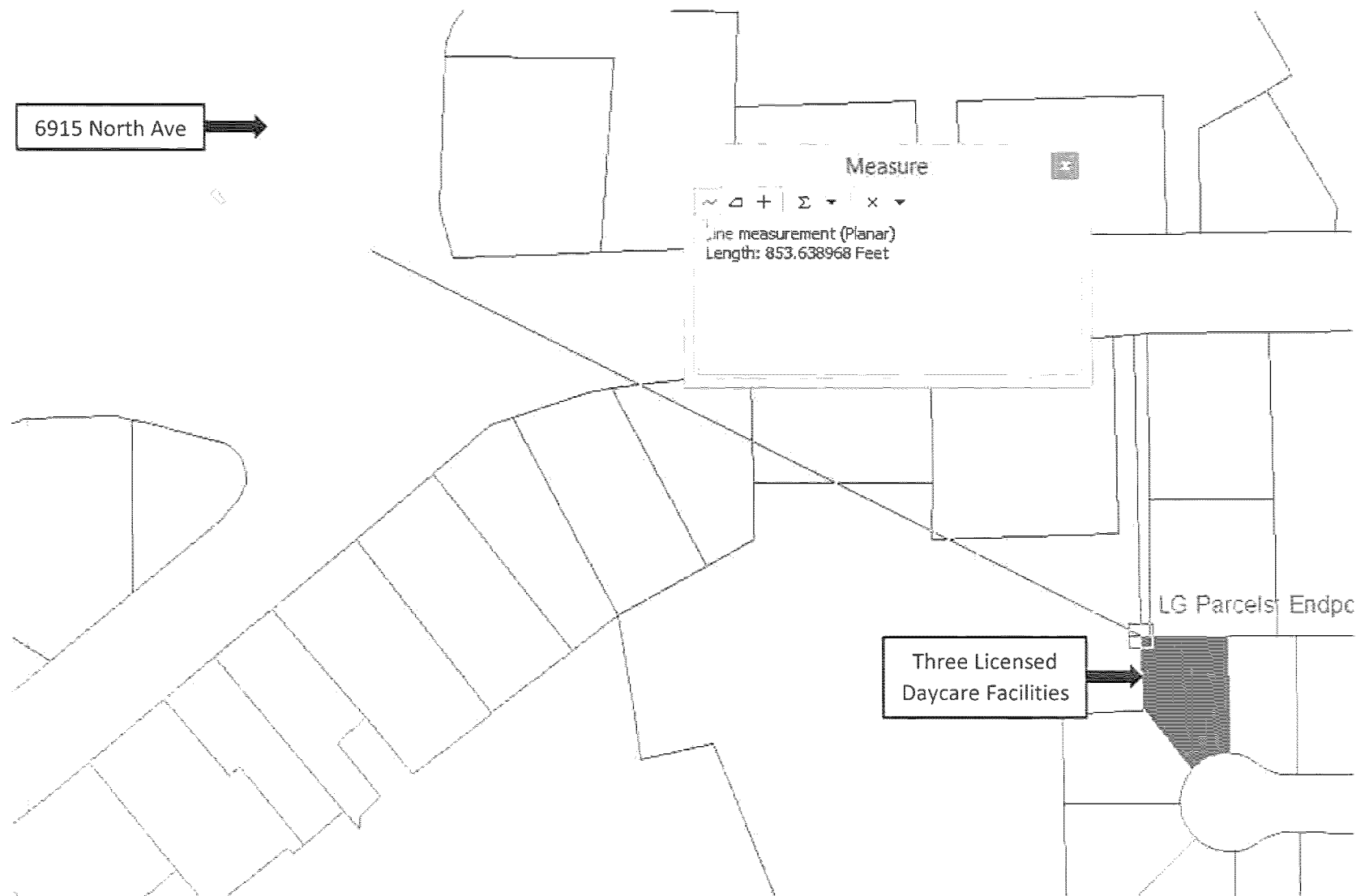
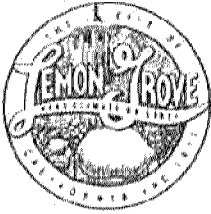


EXHIBIT 6



Source: City of Lemon Grove GIS database 2017



CITY OF LEMON GROVE
Development Services Department

"Best Climate On Earth"

Date: July 25, 2017

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

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

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

Christopher Williams,

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

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

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

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

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

Attachment I

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

Respectfully,

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

David De Vries, Development Services Director



Frequently Asked Questions

Where can I find the facility definitions?

See the Glossary link at the top

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

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

What is the best way to search?

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

Where can I find the definitions of the facility types?

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

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

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

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

Because these are Child Care providers' homes, the publication of addresses is restricted. To find Small Family Child Care home providers in your area, contact the Resource and Referral Network

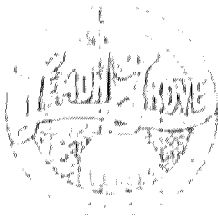
(http://www.rrnetwork.org/find_child_care) or call 1-800-KIDS-793. The Network can also assist you in searching for the right child care for your child and can provide you with addresses of facilities in your area.

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

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

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

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



CITY OF LEMON GROVE
Development Services Department

February 9, 2017

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

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

Michelle

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

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

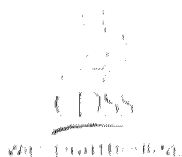
Sincerely,

A handwritten signature in cursive script that reads "David DeVries".

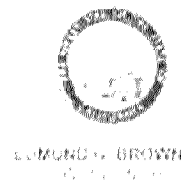
David DeVries, AIA
Director of Community Development
City of Lemon Grove

Attachments

- 1. Measure V



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



February 21, 2017

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

RE: Request for Confidential Child Care Facilities Data

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

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

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

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

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

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

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

Sincerely,


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

Attachment

cc: Steven Blount, ISD