

City of Lemon Grove
City Council Regular Meeting Agenda
Tuesday, July 18, 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

Major League All Stars – District Champions

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

June 6, 2017 Regular Meeting

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

June 13, 2017 Special Meeting

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

June 20, 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. Acceptance of the Community Development Block Grant (CDBG) 2017 Golden Avenue Street Rehabilitation Project

The City Council will consider a resolution accepting the project as complete per the contract specifications. The final project cost, was under budget, and totaled \$134,838.01.

Reference: Malik Tamimi, Management Analyst
Recommendation: Adopt Resolution

E. Rejection of Claim

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

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

Recommendation: Reject Claim

F. Rejection of Claim

The City Council will consider rejecting a claim submitted by D. Correa.

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

Recommendation: Reject Claim

G. Rejection of Claim

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

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

Recommendation: Reject Claim

H. Acceptance of the FY 2016-17 Street Rehabilitation Project (Contract No. 2017-17)

The City Council will consider a resolution accepting the FY 2016-17 Street Rehabilitation Project as complete per the contract specifications. The final project cost totaled \$294,909.53 of which \$11,273.85 will be reimbursed by Helix Water District.

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

Recommendation: Adopt Resolution

2. Sage Project Presentation

The City Council will receive a presentation of the Sage Project partnership with the City led by Dr. Jessica Barlow, Sage Project Manager.

Reference Mike James, Assistant City Manager/Public Works Director

Recommendation: Discuss and Provide Direction to Staff

3. Ordinance No. 446 – Zoning Amendment ZA1-500-0002 Amending the Alcoholic Beverage Sales Regulations and the General Commercial Zoning District Regulations to Allow for Light Manufacturing, Brewpubs, Wine Bars and Related Accessory Uses

The City Council will consider a zoning amendment that would allow for alcoholic beverage manufacturers breweries, wineries, distilleries, brewpubs, and wine bars to be permissible by-right in industrial and commercial zones with related accessory uses.

Reference: David De Vries, Development Services Director

Recommendation: Waive further reading and adopt Ordinance No. 446 certifying Mitigated Negative Declaration ND17-02 and approving Zoning Amendment ZA1-500-0002

4. Five-Year Agreement with San Diego County Sheriff's Department for Law Enforcement Service

The City Council will consider a resolution approving and an agreement between the City and the San Diego County Sheriff's Department for General, Specialized Law Enforcement, and Traffic Services for a term of five-years.

Reference: Lydia Romero, City Manager

Recommendation: Adopt Resolution

5. Public Appeal to Consider Appeal No. AA1-700-0001 Regarding the Denial of Zoning Clearance No. ZC1-700-0006 Continued from May 16, 2017; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 7309 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 ZC1-700-0006, a request to apply for a conditional use permit to establish a medical marijuana dispensary at 7309 Broadway in the General Commercial Zone.

Reference: David De Vries, Development Services Director

Recommendation: Conduct Continued Public Hearing and Adopt Resolution

6. 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 a 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

7. 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 a public hearing and consider a resolution that upholds 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.

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)

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

June 6, 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, and Councilmember Matt Mendoza.

City Council Members absent:

Councilmember Jerry Jones.

City Staff present:

City Manager, Lydia Romero; Development Services Director, David De Vries, Sheriff's Department Sergeant, Jorge Dueno; 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; Human Resources Manager, Corinne Russell; Finance Department, Gilbert Rojas; Fire Chief, Colin Stowell; and Management Analyst, Malik Tamimi.

Pledge of Allegiance

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

Presentations

Mayor Vasquez presented the 27th Annual Treganza Third Grade History Essay Awards.

Public Comment

Ranger Dick Whitmore commented on street repair, construction work at a gas station, and the Family Magazine.

Lorenzo Higley, Community Action Service and Advocacy, commented on tobacco issues with retailer education, and illegal sales of tobacco.

Natasha Vazquez, Rose Freeman, Paula LaBond, and Brenda LeVerette expressed concern and commented on vehicle speed on Sweetwater Road, a recent vehicle accident, and road signage.

1. Consent Calendar

Councilmember Arambula requested that Consent Calendar item 1. E Assembly Bill 805 Resolution be removed for discussion.

A. Approval of City Council

March 18, 2017 Special Meeting

May 9, 2017 Special Meeting

May 16, 2017 Regular Meeting

May 23, 2017 Special Meeting

B. Ratification of Payment Demands

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

D. Resolution Reauthorizing the City's Public, Educational and Governmental Access Fee on State Video Franchises

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

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

Absent: Jones

Resolution No. 2017- 3909: A Resolution of the City Council of the City of Lemon Grove, California Reaffirming Authorization to Collect Public, Educational and Governmental ("PEG") Fees by Cox Communications, LLC

1. E Assembly Bill 805 Resolution

Councilmember Arambula stated that the Resolution presented does not capture the voting majority intent and asked that paragraphs 2, 3, and 4 are removed from the Resolution.

Mayor Pro Tem J. Mendoza questioned the need for a Resolution and the proposed letter. She added that her preference is that their decision stands without a Resolution or a letter on the City Council's position on AB 805. She noted that this matter has already passed through the State Assembly.

Motion by Mayor Pro Tem J. Mendoza, seconded by Councilmember Arambula, to not approve the Resolution presented or send a letter stating the City's position on AB 805.

Public Speaker(s)

Katie Meyer commented on the benefits of AB 805 for Lemon Grove residents, along with countywide benefits related to transit.

Daniella Trujillo, represented the San Diego County Bike Coalition, spoke in support of AB 805.

Action the motion passed by the following vote:

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

Absent: Jones

2. Ordinance No. 445 Amending Park Regulations (Chapter 12.20 of the Lemon Grove Municipal Code)

On May 16, 2017, the City Council introduced and conducted the first reading of Ordinance No. 445 to approve amendments to the City's park regulations. Proposed amendments to the existing regulations include; provisions related to hours of operation, the prohibition of alcohol possession and consumption, the prohibition of smoking marijuana, and marijuana-related products within City parks.

Public Speaker(s)

There were no requests from the public to speak.

Action: Motion by Mayor Pro Tem J. Mendoza, seconded by Councilmember Arambula, to waive further reading and adopt Ordinance No. 445 passed, by the following vote:

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

Absent: Jones

Ordinance No. 445: An Ordinance of the City Council of the City of Lemon Grove, California Amending Chapter 12.20 of the Lemon Grove Municipal Code to Provide Modifications to Park Regulations

3. Draft Fiscal Year 2017-18 Consolidated Operating & Capital Budget

Lydia Romero explained that the purpose of this report is to solicit comments regarding the City's financial plan for FY 2017-18. Any changes supported by a majority of the City Council will be incorporated in the formal document presented at the June 20, 2017, City Council meeting.

Gilbert Rojas provided an overview and presentation of the following items:

- Budget Entities
 - City of Lemon Grove
 - Lemon Grove Roadway Lighting District
 - Lemon Grove Sanitation District
 - Lemon Grove Successor Agency
- Budget (Accounting) Foundation
 - Fund Equal Business Entity
 - Salary and Benefits allocated over most funds
 - Retirement normal cost
 - Retirement unfunded liability payment
- General Fund
 - Revenue and Transfers equal Expenditures
 - \$12.4 million Estimated Revenues
 - \$.9 million Transfers In
 - \$.2 million Transfers Out
 - \$13.1 million Budgeted Expenditures

Mike James provided an overview and presentation of the following items:

- Capital Improvement Projects (CIP)
 - Various Funds - \$9,000,000 Lemon Grove Realignment

- Sanitation Fund - \$1,591,360
 - Sewer Main Maintenance (construction)
 - Sewer Main Rehabilitation (design)
 - Sewer Main Rehabilitation (construction)
- TransNet Fund - \$1,928,000
 - Traffic Improvements
 - Storm Drain Rehabilitation
 - Pavement Management
 - Street Improvement
 - Traffic Signal Improvements
 - Street/Sidewalk Rehabilitation
 - Lemon Grove Realignment

Lydia Romero provided an overview and presentation of the following items:

- Capital Improvement and Facilities Projects (CIP) List
 - Annex Courtyard
 - Folding chairs
- Community Center
 - Padded chairs
 - Glass door replacement
 - Paint
 - Baby changing tables
 - Linoleum floor
- Fire Department
 - Roll up door sensors and bumpers
 - Furnace and A/C unit
- Lemon Blossom Hall
 - New laminate counter tops in restrooms
 - Mirror replacement in restrooms
 - Linoleum floor
 - (4) 8ft. rectangular mobile tables
 - Baby changing tables

- Recreation Center

- Counter top and cabinets arts crafts room
 - Activity room frame repair
 - Shade structure pad replacements
 - Gym wall mat replacement
 - Foosball table
 - Baby changing tables
 - Southwest end gym door replacement

- Public Works Yard

- Tile conference room
 - Auto Scrubber
 - One ton roller

- Sheriff's Building

- Repair subterranean leaking

- Future Unfunded Department Needs:

- New Fire Engine
 - Fire Command Vehicle
 - Station Generator
 - SCBA replacement bottles
 - Mobile Data Center
 - GIS Oblique Imagery software

Chief Stowell commented on Fire Fees related to fire inspection services and updates to the Master Fee Schedule.

David De Vries reported on fees for the medical marijuana dispensaries to be included in the Master Fee Schedule, along with art review for a possible Art District.

Councilmember Arambula asked for a cost analysis and priority of the unfunded Fire Department needs that would include a timeframe to address these needs.

Mayor Pro Tem J. Mendoza commented on the business license fee and asked if an analysis could be prepared, regarding providing an after school program.

Lydia Romero noted that the business license fee is actually a tax. In order to increase business license fees, the proposed increase would need to go before the voters for approval. She stated that the business license fee could be brought back for consideration along with strategies to sustain the City's financial plan. The analysis for restoring recreation programs will be presented to the City Council in the fall of this year.

Mayor Vasquez asked if staff could evaluate diversified revenue sources outside of tax revenue.

After the City Council's budget review and discussion, Mayor Vasquez noted that at the June 20, 2017, City Council meeting, the Fiscal Year 2017-18 Consolidated Operating and Capital Budget will be presented for adoption.

Kimberly Simms representing John Marks, property owner at 7309 Broadway, noted that the closed session item on the agenda is related to this property. She commented on the City's Code Enforcement activity and added that they seek to resolve this issue amicably.

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

Councilmember Arambula attending the May 23 City Council Special meeting where the pavement management program was discussed, a Memorial Day Event, and the Summer Kick-off Barbeque Event,

Councilmember M. Mendoza had no reports this evening.

Mayor Pro Tem J. Mendoza attended a Helix Water District Board meeting, where a rate increase was discussed, Mexican American Business Association luncheon, two SANDAG Transportation Committee meetings, Relay for Life, City Council Special meeting where the pavement management program was discussed, SANDAG Regional Energy Working Group, SANDAG's Regional Planning and Transportation Committee joint meeting, and a ceremony commemorating the Battle of Midway, on the USS Midway Museum.

Mayor Vasquez attended the San Diego Bravo Awards, One San Diego 100 Regional Reception, Relay for Life, Lemon Grove's Art Fest, AutoZone's event to reduce an individual's carbon footprint, City Council Special meeting where the pavement management program was discussed, San Diego Taxpayers Golden Watchdog and Fleece Awards Event, SANDAG's Independent Tax Overseers Committee Appointment Meeting.

City Manager and Department Director Reports

Chief Stowell reported that he attended the Burn Institute's demolition derby fund raising event at the San Diego County Fair where Chris Wisley, Lemon Grove Firefighter/Paramedic, won the event.

Lydia Romero commented on her attendance at the Burn Institute's demolition derby fund raising event and acknowledged Miranda Evans, Dave Huey, and Monica Gonzales for their efforts in obtaining grants to offset food costs that will provide food, for Lemon Grove children, along with residents of the Citronica Apartments, throughout the summer.

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:

One Case

Closed Session Report: No reportable action was taken.

Adjournment

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency, the meeting was adjourned at 8:30 p.m.

Susan Garcia, City Clerk

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

June 13, 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, City Attorney, James Lough, and Management Analyst, Miranda Evans.

Pledge of Allegiance

Public Comment

None

1. Community Advisory Commission Interviews

The City Council interviewed fourteen Community Advisory Commission candidates. After conducting the interviews with the candidates, the City Council nominated and voted unanimously to appoint three permanent members: James Davis, Angeles Nelson and Yajaira Preciado and two alternate members: Tom Clabby and Walter Oliwa. and directed staff to formalize their appointments at the June 20, 2017 City Council meeting.

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: One Case
Closed Session Report: No reportable action was taken.

Adjournment

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency the meeting was adjourned at 9:20 p.m.

Susan Garcia, City Clerk

MINUTES OF A MEETING OF THE LEMON GROVE CITY COUNCIL

June 20, 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; 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 Lough; Finance Manager, Auggie Matt; Sheriff's Department Sergeant, Kelly Moody; Human Resources Manager, Corinne Russell; Finance Department, Gilbert Rojas; Fire Chief, Colin Stowell; and Management Analyst, Malik Tamimi

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Jones.

Mayor Vasquez called to order a concurrent special meeting for a closed session item, additional to the three items listed on the regular agenda.

Presentation

Mayor Vasquez presented the July is Parks and Recreation Month Proclamation to the City's Community Services staff.

Luis Valdiva reported on the 2017 San Diego County Fair at the Del Mar Fairgrounds.

Public Comment

John L. Wood commented on Trolley operations, media coverage of the park ordinance, and the City Council's position on SANDAG's voting structure.

Paula La Bond commented on issues along Sweetwater Road and asked for the cost of a solar powered sign.

Lani Stacks commented on a woman who had handed out rabbits, Lemon Grove Pets Store, and on an article regarding milk.

1. Consent Calendar

James Lough noted that Consent Calendar item 1.L Five Year Lease Agreement with the Lemon Grove Historical Society for the Use of the H. Lee House Located at 3205 Olive Street needs to be removed for discussion.

- A. **Approval of City Council**
April 8, 2017 - Special Meeting
- B. **Ratification of Payment Demands**
- C. **Waive Full Text Reading of All Ordinances and Resolutions on the Agenda**
- D. **Community Development Block Grant Program Cooperation Agreement**
- E. **Renewal of Professional Services Agreement Stormwater Program Support Services with D-MAX Engineering, Inc.**
- F. **Renewal of Stormwater Professional Services Agreement for Plan Review and Construction Inspections with D-MAX Engineering, Inc.**
- G. **Reimbursement of Expenses to the City of San Diego Based on Draft Cost Share Agreements Phase 1 Activities Associated with Investigative Order No. R9-2015-0058 for the Investigation of Sediment Quality in the Mouth of Chollas Creek**
- H. **Acceptance of the Connect Main Street Project (Contract No. 2017-16) Segment I Phase**
- I. **Approve the Engineer's Report Detailing Zone L Assessments for Fiscal Year 2017-2018**
- J. **Approve the Engineer's Report Detailing Sewer Service Charges for Fiscal Year 2017-2018**
- K. **Contract Extension for Street Light Maintenance and Repair**
- M. **Levy and Collection of Assessments within the Lemon Grove Wildflower Landscape Maintenance Assessment District 97-1 for Fiscal Year 2017-2018**
- N. **Reject All Bids for the North Avenue/Olive Street 20A Muni-Trench & Conduit**
- O. **Revise the Completion Date for Converting the Overhead Distribution Facilities within Underground Utility District No. 7**

Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to approve the Consent Calendar without item 1.L passed, by the following vote:

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

Resolution No. 2017- 3510: Resolution of the City Council of the City of Lemon Grove, California, Authorizing the Renewal of the Community Development Block Grant (CDBG) Program Cooperation Agreement for Three (3) Periods from July 1, 2018 through June 30, 2021

Resolution No. 2017- 3511: Resolution of the City Council of the City of Lemon Grove, California Approving an Agreement for Professional Services with D-Max Engineering, Inc. for Stormwater Plan Review and Construction Inspection Services

Resolution No. 2017- 3512: Resolution of the City Council of the City of Lemon Grove, California Approving an Agreement for Professional Services with D-Max Engineering, Inc. for Stormwater Support Services

Resolution No. 2017 - 3513: Resolution of the Lemon Grove City Council Approving a Reimbursement of Expenses to the City of San Diego for the Implementation of Phase 1 Activities Associated with Investigative Order R9-2015-0058 Pertaining to an Investigation of Sediment Quality in the Mouth of Chollas Creek, San Diego Bay, San Diego County, California

Resolution No. 2017- 3514: Resolution of the Lemon Grove City Council Accepting the Connect Main Street Segment I Phase I Project (Contract No. 2017-16) as Complete

Resolution No. 2017- 169: Resolution of the Lemon Grove Roadway Lighting District Approving the Engineer's Report Regarding the Zone L Charges for Fiscal Year 2017-2018

Resolution No. 2017-286: Resolution of the Board of Directors of the Sanitation District Approving the Engineer's Report Regarding the Sewer Service Charges for Fiscal Year 2017-2018

Resolution No. 2017- 3515: Resolution of the City Council of the City of Lemon Grove and the Board of Directors of the Lemon Grove Lighting District Authorizing a One-Year Extension of the Existing Contract between the City and CTE, Inc. for Street Light Maintenance and Repair for Fiscal Year 2017-2018

Resolution No. 2017 – 3517: Resolution of the City Council of the City of Lemon Grove, California Approving the Levy and Collection of Assessments with the Lemon Grove Wildflower Landscape Maintenance Assessment District 97-1 for Fiscal Year 2017-2018

Resolution No. 2017- 3518: Resolution of the Lemon Grove City Council Rejecting All Bids for the North Avenue/Olive Street 20A Muni-Trench and Conduit Project

Resolution No. 2017-3519: Resolution of the City Council of the City of Lemon Grove, California Revising the Completion Date for Converting the Overhead Distribution Facilities within Underground Utility District No. 7

1. L Five Year Lease Agreement with the Lemon Grove Historical Society for the Use of the H. Lee House Located at 3205 Olive Street

Mike James noted that there were substantive revisions to the agreement after preparation of the agenda. He provided the City Council with the revised version of the agreement. The revisions are the Historical Society will pay a \$100 fee when the gazebo area is rented and permits approved by the Community Services Superintendent are a no fee permit.

Action: Motion by Councilmember Jones, seconded by Mayor Pro Tem J. Mendoza, to approve Consent Calendar item 1. L passed, by the following vote:

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

Resolution No. 2017-3516: Resolution of the City Council of the City of Lemon Grove, California Approving a Five Year Lease Agreement with the Lemon Grove Historical Society for the Use of the H. Lee House Located at 3205 Olive Street

2. Appointment of Three Permanent and Two Alternate Community Advisory Commission Members

Miranda Evans stated that on June 13, 2017, the City Council interviewed fourteen Community Advisory Commission (CAC) applicants. Following the interviews, there was an unanimous vote for the three permanent CAC appointees James Davis, Angeles Nelson, and Yajaira Preciado. These three permanent CAC members will be required to submit conflict of interest forms and complete ethics training.

Ms. Evans noted that two alternate members were selected to each serve a one-year term and unanimously voted to appoint Tom Clabby as first alternate and Walter Oliwa as second alternate.

Public Speaker(s)

There were no requests from the public to speak

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

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

Resolution No. 2017 - 3520: Resolution of the City Council of the City of Lemon Grove, California Appointing Three Permanent and Two Alternate Members to the Community Advisory Commission

3. Fiscal Year 2017-2018 Consolidated Operating and Capital Budget

Gilbert Rojas explained that on June 6, 2017, staff presented a draft of the Fiscal Year 2017-18 (FY 2017-18) budgets for all City funds as well as the Sanitation District and the Roadway Lighting District for feedback. Based on feedback received, staff presents the FY 2017-18 consolidated budget for approval by the City Council, the Roadway Lighting District Board, the Sanitation District Board, and the Successor Agency. The Draft Budget presented to the City Council on June 6, highlighted the following items:

2% cost of living increase for all Fire Safety employees (as specified in contract)

6% increase in the Sheriff Department service contract

10 year RCS lease to upgrade communication equipment at an annual cost of \$49,000

Contracting for City Engineer service with an Engineering firm for \$218,000. Cost is allocated over multiple funds.

An increase for the Animal Services contract.

Public Speaker(s)

There were no requests from the public to speak.

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

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

Resolution No. 2017- 3521: Resolution of the City Council of the City of Lemon Grove, California Approving the City of Lemon Grove Budget for Fiscal Year 2017-2018 and Authorizing Expenditures Thereto

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

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

Resolution No. 2017- 3522: Resolution of the City Council of the City of Lemon Grove, California Approving a Salary Plan and Classification Summary

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

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

Resolution No. 2017- 3523: Resolution of the City Council of the City of Lemon Grove, California Establishing the Appropriations Limit for Fiscal Year 2017-2018

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

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

Resolution No. 2017- 170: Resolution of the Lemon Grove Roadway Lighting District Board Approving the Lemon Grove Roadway Lighting District Budget for Fiscal Year 2017-2018 and Authorizing Expenditures Thereto

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

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

Resolution No. 2017- 287: Resolution of the Lemon Grove Sanitation District Board Approving the Lemon Grove Sanitation District Budget for Fiscal Year 2017-2018 and Authorizing Expenditures Thereto

4. Public Hearing to Consider Variance Request VA1-700-0001 to Modify Development Standards Requiring Two Off-street Parking Spaces to be Garaged in the Residential Low Zoning District

Michael Viglione explained that this item is a variance application at 6547 MacArthur Drive. The variance is a modification of the Residential Low Zoning District Development Standard that requires two garaged, off-street parking spaces per house.

The property owner submitted the Variance application in response to City Code Enforcement Action in late 2016 after non-permitted alterations were discovered. Specifically, the attached garage was converted into a living room, while both the basement and the detached garage were converted into accessory apartments. The conversion of both garages left the property without garaged, off-street parking in violation of the Off-Street Parking Development Standard. The Code Enforcement Citation requires the legalization of these non-permitted conversions either through building permits, demolition permits or a combination thereof.

In January, the applicant filed a Variance application proposing unenclosed off street parking to preserve both garage conversions as living space.

The plot plan submitted with the variance application shows the proposed parking pad behind the house approximately 140 feet from the MacArthur Drive. The pad provides space enough for 4 vehicles, exceeding the number of off-street spaces required at this location for a dwelling and accessory apartment.

The proposed parking area is also about 15 feet below the grade at the front of the house and is not visible from the street. Trees partially obscure the parking area from adjoining neighbors.

The following Findings must be made for the approval of the application. To paraphrase:

That the strict application of the title deprives the property of rights enjoyed by others.

That the Variance is necessary to preserve a property right possessed by other property owners.

The Variance will not be a detriment to the public health, welfare or property.

The Variance will not constitute a special privilege.

Mr. Viglione explained that staff believes the project may be approved because the proposed concealed parking pad satisfies the intent of the Residential Low Zoning District's Garaged, Off-Street Parking Requirement. Staff believes the intent is to limit cars that are visible from adjacent public streets. Accessory apartments are also an important housing resource that the State is encouraging. A maximum of one additional accessory apartment will be allowed on site. If findings are made granting the variance, a condition requiring the maintenance of the parking area in perpetuity will be included. Conversely, staff believes the project may be denied because the proposed parking pad does not meet the letter of the law and the property has sufficient space to provide a 2-car garage.

Regardless of the decision, the applicant will be required to permit or demolish all unpermitted construction to close the code enforcement action.

Andrea Vielma, property owner's partner, explained that the construction of an additional garage would result in financial hardship. Further, restoring the garages would result in the destruction of valuable architectural and artistic elements.

Mayor Vasquez opened the public hearing.

Public Speaker(s)

Tom Clabby commented that the property owner should be required to comply with the City's zoning regulations and added that the City might not be receiving property tax related to the conversions.

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

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

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. 2017-3524: Resolution of the Lemon Grove City Council Denying Variance Request VA1-700-0001 to Modify Off-Street Parking Requirements for Two Off-Street Parking Spaces to be Unenclosed (Not Garaged) At 6547 Macarthur Drive, Lemon Grove, California

5. Public Hearing to Consider Ordinance No. 446 – Zoning Amendment ZA1-500-0002 Amending the Alcoholic Beverage Sales Regulations and the General Commercial Zoning District Regulations to Allow for Light Manufacturing, Brewpubs, Wine Bars and Related Accessory Use

David De Vries explained that this item is a City initiated request to allow for and encourage alcoholic beverage manufacturers like breweries and wineries in the City's commercial and industrial zones.

Cities like Santee, Vista and the City of San Diego have encouraged breweries and related uses and have received increased economic development, sales tax revenue and neighborhood revitalization as a result. These have also created valuable regional destinations for these cities.

The zoning amendment request is to amend the general commercial zoning regulations and the alcoholic beverage sales ordinance regulations to allow for light manufacturing uses like breweries, wineries, distilleries, rectifiers, brewpubs and wine bars. These would be considered an incidental use allowed by right, provided the new business complies with performance standards related to noise, air emissions, odor and other standards and also the minimum conditions of approval shown, in the alcoholic beverage sales ordinance.

Other incidental uses like restaurants serving beer and wine would also be subject to the same provisions and would now be allowed by right without requirements for public noticing or minor use permit.

The amendment also includes allowances for accessory uses that are common with brewery type businesses including tasting rooms, outdoor consumption in fenced patio areas, catering on-site, live music indoors, recreational activities including billiards or darts, or games of skill or chance like video games and retail sales of alcoholic beverages for off-site consumption, for instance, buying a six pack or a growler to bring home. . These are common amongst breweries and similar uses. .

After sending the staff report to the prospective brewery owner, the owner stated that prohibiting the single-serve beers is problematic because a lot of their business is selling single-serve 32 ounce beers cans called growlers. The proposed zoning amendment would allow sales of two or more at a time, but not just one. Should the Council desire to allow the single-serve sales for manufacturers only, staff recommend saying "excepting off-sale alcoholic beverages from manufacturers on-site" as a part of the prohibition requirements.

An Initial Environmental Study was prepared for this project and identified potential environmental impacts related to noise from new outdoor patios and indoor live music. Appropriate noise mitigation measures will be implemented for each project and noise complaints can result in the closure of these patio and live music areas.

Mr. De Vries noted that written correspondence was received in support of this item from Bob Frank, 13 Point Brewing Company, and the San Diego Brewers Guild.

Mayor Vasquez opened the public hearing.

Public Speaker(s)

Anita Lopez, spoke on behalf of the Heal Zone, expressed concern with the proposed zoning ordinance, related to the message being conveyed related, to health and wellness with alcohol consumption.

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

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

Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to waive further reading and introduce Ordinance 446 with an amendment read into the record by Mr. De Vries passed, by the following vote:

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

Ordinance No. 446: An Ordinance of the City Council of the City of Lemon Grove, California Amending Chapter 18.27 (Alcoholic Beverage Sales Regulations) and Section 17.16.070 (General Commercial Zoning District Regulations) of the Lemon Grove Municipal Code to Allow for Light Manufacturing, Brewpubs, Wine Bars and Related Accessory Uses

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

Councilmember Jones reported that he was in Sacramento, where he attended the League of California Cities Policy Committee meetings.

Councilmember Arambula attended a MTS Board meeting and the Special City Council meeting where the Community Advisory Commission interviews were conducted. He also attended UCSD's graduation ceremony, along with Heartland Fire and Rescue's Fire OPS 101, a fund raising event for the homeless veterans' pet care, and a tour at San Onofre Nuclear Power Plant.

Councilmember M. Mendoza had no reports this evening.

Mayor Pro Tem J. Mendoza reported on the League of California Cities Policy Committee meetings in Sacramento, the League's luncheon in San Diego, and SANDAG's Transportation Committee meeting. She represented the City during a media event that covered the City's new park ordinance and participated in Heartland Fire and Rescue's Fire OPS 101.

Mayor Vasquez attended Heartland Fire and Rescue's Fire OPS 101 and thanked the firefighters for volunteering their time for this event.

City Manager and Department Director Reports

David De Vries reported on the upcoming community clean-up event to be held on July 22.

Mike James thanked the City Council for recognizing the community services staff. He reported on the upcoming events at Berry Street Park; Movies in the Park on July 14 and August 4 along with Concerts in the Park Thursday nights from June 29 to August 17.

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:

Three Cases

Closed Session Report: No reportable action was taken.

Adjournment

There being no further business to come before the City Council, Housing Authority, Sanitation District Board, Lemon Grove Roadway Lighting District Board, and the Lemon Grove Successor Agency, the meeting was adjourned at 9:30 p.m.

Susan Garcia, City Clerk

City of Lemon Grove Demands Summary

Approved as Submitted:

Auggie Matt, Finance Manager

For Council Meeting: 07/18/17

ACH/AP Checks 06/09/17-07/05/17

2,329,176.93

Payroll - 06/20/17

143,493.72

Payroll - 07/05/17

177,746.32

Total Demands

2,650,416.97

Check No	Vendor No	Vendor Name	Check Date	Vendor Name	Check Amount	
CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	May24-Jun6	Calpers Supplemental Income 457 Plan	06/09/2017	457 Plan 5/24/17-6/6/17	8,180.90	8,180.90
ACH	May17	Wells Fargo Bank	06/12/2017	Bank Service Charge - May'17	541.41	541.41
ACH	May17	Colonial Life	06/12/2017	Colonial Optional Insurance -May17	714.78	714.78
ACH	Jun6 '17	US Treasury	06/13/2017	Federal Taxes 6/6/17	31,367.06	31,367.06
ACH	Refill 6/15/17	Pitney Bowes Global Financial Services	06/16/2017	Postage Usage 6/15/17	250.00	250.00
ACH	Apr '17	San Diego County Sheriff's Department	06/20/2017	Law Enforcement Services - Apr'17	433,675.64	433,675.64
ACH	Jun22 '17 Jun8 '17	Southern CA Firefighters Benefit Trust	06/21/2017	LG Firefighters Benefit Trust 6/22/17 LG Firefighters Benefit Trust 6/8/17	876.85 876.85	1,753.70
ACH	Jun20 '17	Employment Development Department	06/22/2017	State Taxes 6/20/17	8,123.69	8,123.69
ACH	Jun20 '17	US Treasury	06/27/2017	Federal Taxes 6/20/17	29,916.96	29,916.96
ACH	50116739	WEX Bank	06/27/2017	Fuel - Fire Dept - May'17	657.55	657.55
ACH	7489198	LEAF	06/28/2017	Ricoh C3502 Copier System-PW Yard - Jun'17	160.51	160.51
ACH	Jun7-Jun20 '17	Calpers Supplemental Income 457 Plan	06/28/2017	457 Plan 6/7/17-6/20/17	5,140.60	5,140.60
ACH	May24-Jun20	California Public Empl Retirement System	06/30/2017	Pers Retirement 5/24/17-6/20/17	66,974.98	66,974.98
ACH	Jun '17	Wage Works	06/30/2017	FSA Disbursement - Jun'17	463.69	463.69
ACH	Jun '17	Dharma Merchant Services	07/03/2017	Merchant Fees - Jun'17	564.97	564.97
ACH	Jun '17	Power Pay Biz/Evo	07/03/2017	Online Credit Card Processing - Jun'17	62.28	62.28
ACH	Refill 7/3/17	Pitney Bowes Global Financial Services LLC	07/05/2017	Postage Usage 7/3/17	250.00	250.00
ACH	Jun6 '17	Authorize Net	07/05/2017	Merchant Fees In-Store & Online - Jun'17	49.68	49.68
7747	5718	Aguirre & Associates	06/14/2017	2065 69th Street - Map Review - May '17	1,265.00	1,265.00
7748	55996	Anthem Blue Cross EAP	06/14/2017	Employee Assistance Program - May '17	165.00	165.00
7749	5/22/2017	AT&T	06/14/2017	Backup City Hall Internet- 4/23/17-5/22/17	75.00	75.00
7750	10172L-IN 15457L-IN	Aztec Landscaping Inc	06/14/2017	Right of Way Maintenance in Trolley Corridor Weed Abatement Stormdrain Easement Behind San Altos Elem	13,680.00 5,097.40	18,777.40
7751	Burkett-5/27	Burkett, Terry	06/14/2017	Training/EMS Today Conf/Mileage- 5/22/17-5/25/17 Burkett	250.80	250.80
7752	Cali Venture 1	Cali Venture Party Rentals	06/14/2017	Summer Daycamp - Laser Tag Rental 6/15/17	400.00	400.00
7753	1706023	California Aquatics	06/14/2017	Fountain Repair Service - May '17	140.00	140.00
7754	17355948 17375865	Canon Financial Services Inc	06/14/2017	Canon Plotter Contract Charge - May '17 Canon Copier Contract Charge Jun '17 Basement	288.00 132.99	420.99
7755	4022315993 4022322787 4022322788	Canon Solutions America, Inc	06/14/2017	Canon Maintenance-Copier Usage 2/26/17-5/25/17 Basement Canon Maintenance-Copier Usage 2/27/17-5/26/17 City Hall Canon Maintenance-Copier Usage 2/27/17-5/26/17 Fire	77.58 896.11 109.44	1,083.13
7756	694348104	Cintas Corporation #694	06/14/2017	Janitorial Supplies - 5/25/17	428.58	428.58
7757	19222 19253	City of La Mesa	06/14/2017	Household Hazardous Waste Event- 3/18/17 Household Hazardous Waste Event- 5/13/17	1,001.50 1,276.50	2,278.00

7758	1000198981	City of San Diego	06/14/2017	Chollas Creek TMDL- Metals Monitoring Cost Share	25,033.42	25,033.42
7759	81804264 81808897	Corelogic Solutions, LLC	06/14/2017	RealQuest Graphics Package- May '17 Image Requests- May '17	300.00 60.50	360.50
7760	17CTOFLGN11	County of San Diego- RCS	06/14/2017	800 MHZ Network - May '17	2,860.00	2,860.00
7761	201700308	County of San Diego/Assessor/Recorder	06/14/2017	Recording Services- 5/17/17	96.00	96.00
7762	6/1/2017 6/1/2017 5/30/2017 5/30/2017	Cox Communications	06/14/2017	Main Phone/Fire- 5/1/17-5/31/17 Phone/City Hall- 6/1/17-6/30/17 Internet/Community Ctr- 5/30/17-6/29/17 Peg Circuit Svc - 5/30/17-6/29/17	936.06 972.88 75.00 2,888.46	4,872.40
7763	0067123-IN	Doggie Walk Bags Inc	06/14/2017	4,200 Doggie Walk Dispenser Bags w/ Pouch	1,118.74	1,118.74
7764	31547	Dokken Engineering	06/14/2017	Sewer Upsizing Construction Mgmt 4/1/17-4/30/17	25,465.00	25,465.00
7765	6/5-8/17	Esgil Corporation	06/14/2017	75% Building Fees- 6/5/17-6/8/17	3,683.16	3,683.16
7766	AR008654	Grossmont Union High School District	06/14/2017	Summer Daycamp Flyers	851.00	851.00
7767	00044356	Hudson Safe-T- Lite Rentals	06/14/2017	CDBG Golden Ave Street Rehab 2017 Signage	525.01	525.01
7768	38365	Kennedy Electric	06/14/2017	Electrical Work/Sheriff's Station	158.04	158.04
7769	120513	Knott's Pest Control, Inc.	06/14/2017	Exterior Mosquito Control - Various Locs 4/5/17	565.00	565.00
7770	07-2288	Lemon Grove School District	06/14/2017	Annual Rent- PW Yard 2873 Skyline Dr	100.00	100.00
7771	May 17	Lounsbery Ferguson Altona & Peak LLP	06/14/2017	General 01163-00002 - May '17 Code Enforcement 01163-00003 - May '17 Cost-Share Agreement 00023 - May '17 7741 Broadway 01163-00028 - May '17 1440 San Altos Pl 01163-00033 - May '17 7309 Broadway 01163-00024 - May '17 Jesse Lane, Minor v LG 01163-00034 - May '17 Sanitation District 01163-00036 - May '17 City v USTDS 01163-00037 - May '17	11,666.13 1,561.42 132.80 282.20 298.80 747.00 99.60 680.60 609.50	16,078.05
7772	977435 981321	Michael Baker International	06/14/2017	Prof Svc: Main St. Promenade Phase I thru 4/30/17 Prof Svc: Main St. Promenade Phase I thru 5/28/17	1,750.00 4,550.00	6,300.00
7773	617000044 617000045	NBS Govt Finance Group	06/14/2017	Develop Add'l Rate Alternatives & Consulting Svcs- thru 5/31/17 Task 3 Public Presentations/Consulting/Travel Reimb-thru 5/31	567.50 143.62	711.12
7774	3R	New Century Construction, Inc	06/14/2017	Connect Main St Segment 1 Phase 1 - 5/6/17-6/7/17	152,191.01	152,191.01
7775	208176	Ninyo & Moore	06/14/2017	Materials Testing Svcs/Connect Main St thru 5/26/17	4,704.50	4,704.50
7776	WO-37403-2	Office Advantage, Inc.	06/14/2017	Supplies/USB Drives	62.47	62.47
7777	3101295182	Pitney Bowes Global Financial Services	06/14/2017	Postage Meter Rental 3/30/17-6/29/17	180.75	180.75
7778	0055202 17546B(12) 17546B(12) 17546B(12)	Rick Engineering Company	06/14/2017	Prof Svc: LGA Realignment & 20A UG Dist Projs 4/1/17-4/28/17 Prof Svc: City Engineer/Berry St Park/CC Mtgs 4/1/17-4/28/17 Prof Svc: Sanitation District Services 4/1/17-4/28/17 Prof Svc: Connect Main St/Phase I 4/1/17-4/28/17	12,573.47 13,881.06 940.00 4,230.00	31,624.53
7779	FY18/Gay	SD County Fire Chiefs Assn-Admin	06/14/2017	SDCFCA Membership & Meeting Dues - Gay - 7/1/17-6/30/18	90.00	90.00
7780	LG06012017	SD Sports Medicine and Family Health Ctr	06/14/2017	Medical Fitness Evaluations - 6/1/17	1,736.44	1,736.44
7781	6/12/2017	San Diego Zoo	06/14/2017	Summer Daycamp Fieldtrip - San Diego Zoo Safari	1,160.00	1,160.00
7782	Jun 17	Sun Life Financial	06/14/2017	Life Insurance Premium - Jun '17	124.20	124.20
7783	RG1442417	Swank Motion Pictures, Inc.	06/14/2017	Movies in the Park- 7/14/17, 8/4/17	826.00	826.00
7784	JBCSD17-443	The JBC Groups, LLC	06/14/2017	JBC AB939 2015 Annual Report	1,325.00	1,325.00
7785	STMT 5/22/17	US Bank Corporate Payment Systems	06/14/2017	Concrete Coring Bit & First Aid Kit Concrete for Sidewalk Repair/Broadway & Skyline Phone Case & Screen Protector Printer Ink/Highlighters Jump Starter CFED Conference & Expo 2017/Hayward 5/21/17 Workers Comp/Chair/Desk & Keyboard Tray/City Clerk Carpet Cleaning/Fire Station Refrigerator Drawer & Door Trim/Fire Stn Printing & Postage/Urban Greening Grant Submission	344.21 229.51 48.80 116.05 107.74 500.00 1,357.14 605.00 88.44 246.38	6,369.79

				MMASC Membership - Boyce	85.00	
				Park Ranger Citation Books	290.66	
				Skatepark Re-opening 4/30/17	191.33	
				Deposit for Skating Rink- Bonfire 2017	1,000.00	
				Daycamp/Dodgeballs	64.04	
				Vehicle Maint/Tire & Inflator Gauges/Tire	56.53	
				Ear Plugs	8.61	
				Diesel Exhaust Fluid	53.88	
				Conference Call/Romero 4/29/17	1.88	
				Team Building Mtg/City Council 5/9/17	51.37	
				Sound Cloud Audio Recording/Council Mtgs/Annual Subscriptn	121.50	
				Airfare/League Policy Mtg/Sacramento- 6/9/17 Jones	218.96	
				Training/GPS- Refurbished- Fire	551.86	
				Laptop Battery	30.90	
7786	3128348-CA 3132290-CA 3132290-CA	US HealthWorks Medical Group,PC	06/14/2017	DOT Physical Exam Recertification - 5/17/17	99.00	404.00
				Annual DMV BAT Medical Exam - 5/31/17	104.00	
				Medical Exam/Field Physical - 5/25/17	201.00	
7787	0169484	Zumar Industries, Inc	06/14/2017	Signs/LG Ave & West St	813.02	813.02
7788	3518 3524 3525 3526 3527 3528 3529 3623 3635 3636 3637 3638 3639 3640	D- Max Engineering Inc.	06/14/2017	D-Max Stormwater Services 11/1/16-1/31/17	15,530.90	19,580.32
				100 Celsius Stormwater Construction Inspections thru 2/28/17	413.21	
				Center Hilltop Stormwater Construction Inspectns thru 2/28/17	264.28	
				8040 Lincoln St Stormwater Construction Inspectns thru 2/28/17	261.25	
				Grove Lofts Stormwater Construction Inspections thru 2/28/17	318.05	
				LGA Realignment Stormwater Construction Inspectn thru 2/28/17	521.43	
				Sewer Upsizing Proj Stormwater Constrctn Inspectn thru 2/28/17	456.24	
				Ctr Hilltop Stormwater Doc Review/Retaining Wall Change 5/17	90.00	
				LGA Realignment Stormwater Construction Inspectn thru 5/31/17	599.81	
				Grove Lofts Stormwater Construction Inspections thru 5/31/17	198.92	
				Center Hilltop Stormwater Construction Inspectns thru 5/31/17	363.39	
				Sewer Upsizing Proj Stormwater Constrctn Inspectn thru 5/31/17	281.42	
				Connect Main St Stormwater Construction Inspectns thru 5/31/17	226.42	
				8040 Lincoln St Stormwater Constrctn Inspectn Prog thru 5/31/17	55.00	
7789	FY2017	American Medical Response	06/21/2017	Emergency Medical Services - FY17	35,165.00	35,165.00
7790	5656785790 5656794288 5656802180	AutoZone, Inc.	06/21/2017	Drain Pan - LGPW #26	9.55	42.62
				Adjustable Brake Cylinder Hone	20.16	
				Vinyl Electrical Tape - LGPW #26	12.91	
7791	782132-9	BJ's Rentals	06/21/2017	Boom Knuckle Rental - Del Mar Fair Banners	396.34	396.34
7792	694350651 694353226 694353227 694355824	Cintas Corporation #694	06/21/2017	Janitorial Supplies - 6/1/17	187.36	2,153.47
				Janitorial Supplies - 6/8/17	441.19	
				Janitorial Supplies - 6/8/17	1,337.56	
				Janitorial Supplies - 6/15/17	187.36	
7793	235-7	Circulate San Diego	06/21/2017	Caltrans SSARP Project- 5/1/17-5/31/17	5,860.00	5,860.00
7794	May-17	City of Chula Vista	06/21/2017	After Hours Calls- May '17	268.73	1,008.72
				Mileage & Fuel for Animal Control Veh- May '17	739.99	
7795	FRS0000052	City of El Cajon	06/21/2017	Overtime Reimbursement- Kelsen- 5/20/17	1,085.16	3,515.52
				Overtime Reimbursement- Geilenfeldt- 5/28/17	1,328.83	
				Overtime Reimbursement- Silonov- 5/30/17	1,101.53	
7796	19256	City of La Mesa	06/21/2017	Overtime Reimbursement - Perrins 5/28/17 & Doig 6/1/17	1,502.64	1,502.64
7797	6/6/2017 6/6/2017 6/9/2017 6/4/2017	Cox Communications	06/21/2017	Calsense Modem Line:2259 Washington Ave 6/6/17-7/5/17	20.91	232.62
				Calsense Modem Line:7071 Mt Vernon- 6/6/17-7/5/17	19.80	
				Calsense Modem Line:8235 Mt Vernon- 6/9/17-7/8/17	94.39	
				Phone/Rec Ctr/ 3131 School Ln - 6/4/17-7/3/17	97.52	
7798	060417560	DAR Contractor	06/21/2017	Animal Disposal- May '17	162.00	162.00
7799	0616172305	Domestic Linen- California Inc	06/21/2017	Shop Towels & Safety Mats 6/16/17	102.20	102.20
7800	6/12-15/17	Esgil Corporation	06/21/2017	75% Building Fees- 6/12/17-6/15/17	2,202.38	2,202.38
7801	Reimb 6/19/17	Evans, Miranda	06/21/2017	Reimb: Supplies/Label Maker Tape	54.23	54.23
7802	INV1011995	George Hills Company	06/21/2017	TPA Claims Svc - May17	904.70	904.70
7803	PettyCash6/20	Gill Rojas or Brenda Wardrip	06/21/2017	Petty Cash- Copies- County Assessor	28.00	473.22
				Petty Cash- Hex Nut/Bolt/Lockwasher	5.66	
				Petty Cash- Parking/Sage Proj Meeting 4/20/17	16.00	
				Petty Cash- LG Community Clean-up Supplies	24.52	
				Petty Cash- Serrated Machete for Sidewalk Vegetation Clearing	19.35	
				Petty Cash- Postage/Overnight Mail	39.99	
				Petty Cash- Office Supplies-Dividers/Hard Binders	17.73	

				Petty Cash- Mileage/Stormwtr Mtgs/Tamimi 3/2, 3/21, 4/26, 5/2	44.41	
				Petty Cash- Summer Daycamp Supplies	96.31	
				Petty Cash- Tire Replacement LGPW#03	43.10	
				Petty Cash- Mileage/Stormwater Mtgs/Tamimi 5/16, 5/17, 5/23	42.80	
				Petty Cash- Shuttle&Taxi/League Mtg/Sacramento-Jones 6/10	52.00	
				Petty Cash- Binder Tabs/Council Interview Binders	43.35	
7804	17-4154	I love a Clean San Diego	06/21/2017	ILACSD Education Presentations thru May '17	375.00	375.00
7805	James 6/15/17	James, Mike	06/21/2017	Cell Phone Reimbursement - Jul '15-Jun '17/James	840.00	840.00
7806	121510 121511	Knott's Pest Control, Inc.	06/21/2017	Monthly Bait Stations- Civic Ctr - Jun 17 Monthly Bait Stations- Sheriff - Jun 17	60.00 45.00	105.00
7807	Apr-May 17	Law Offices of Chance Hawkins	06/21/2017	Prof Svcs/Legal Advice/MMD Permit Denial Appeals Apr-May '17	2,244.00	2,244.00
7808	1370	Law Offices of James F. Holtz, APC	06/21/2017	Lane, Minor v City/GHC0013049/DOL- 4/15/16- Svcs thru 5/31/17	2,925.00	2,925.00
7809	201718	Lemon Grove Car Wash, Inc.	06/21/2017	Deluxe Car Wash - LGPW#31 Ford Escape 4/28/17	16.00	16.00
7810	07-2225 07-2236 07-2258 07-2271 07-2289 07-2235 07-2257 07-2270	Lemon Grove School District	06/21/2017	Fuel Services-PW: Jan '17 Fuel Services-PW: Feb '17 Fuel Services-PW: Mar '17 Fuel Services-PW: Apr '17 Daycamp Supplies for Rec Center Fuel Services-Fire Stn- Feb '17 Fuel Services-Fire Stn- Mar '17 Fuel Services-Fire Stn- Apr '17	2,129.26 2,029.45 2,177.66 2,187.47 222.47 1,176.31 1,546.39 1,396.67	12,865.68
7811	Reimb:6/14/17	Lewis, Charles	06/21/2017	Reimb: Mileage 5/31/17-6/13/17/Fire Vehicle Not Available	57.78	57.78
7812	INV17659	Logiccoppy	06/21/2017	Ricoh C3502 Copier Contract Charge- PW Yard 6/7/17-7/6/17	51.61	51.61
7813	442051	Mason's Saw & Lawnmower Service Inc.	06/21/2017	Starter Solenoid Kit/Weed Mower	386.72	386.72
7814	45274	McNamara Pump and Electric Inc.	06/21/2017	Duplex Sewage Pump Station 6-Mo Maintenance Svc- 6794 Cntrl	275.00	275.00
7815	13164395	Motorola Solutions, Inc.	06/21/2017	2 Portable Radios & Accessories w/ 5yr Warranty Service	10,351.52	10,351.52
7816	5203 5400 5474	North County EVS, Inc	06/21/2017	E310 Service Call/Check Brakes & Transmission Retarder E310 Service Call/Check Siren/Replace Siren Speaker E310 Service Call/Check Ladder Rack Hydraulic Leak	683.21 756.17 466.05	1,905.43
7817	2017-200	Quality Code Publishing LLC	06/21/2017	Website Maintenance & Storage Fee 7/1/17-12/31/17	240.00	240.00
7818	INV013702	RapidScale Inc.	06/21/2017	Virtual Hosting 5/31/17	2,715.03	2,715.03
7819	May17	SDG&E	06/21/2017	Gas & Electric 4/21/17-5/22/17	20,163.24	20,163.24
7820	8122488636	Shred-It USA	06/21/2017	Shredding Services 5/3/17	62.06	62.06
7821	80904893	SiteOne Landscape Supply, LLC	06/21/2017	Herbicide/Weed Control/Roundup Ptiomax	176.34	176.34
7822	8807 8893	Spring Valley Lawn Mower Shop	06/21/2017	Trimmer Line Trimmer Head Assembly & Line	19.29 75.36	94.65
7823	237316	State of California- Justice	06/21/2017	Fingerprint Apps - May '17	384.00	384.00
7824	00052431	The East County Californian	06/21/2017	Public Hearing Notice - Variance App in RtZ MacArthur Dr 6/8/17	143.50	143.50
7825	Torres	Torres, Manuel	06/21/2017	Refund/Torres,Manuel/Change Rental Fee - Berry St- 7/8/17	20.00	20.00
7826	Jun20 17	Vantage Point Transfer Agents-457	06/21/2017	ICMA Deferred Compensation Pay Period Ending 6/20/17	580.77	580.77
7827	9786868955	Verizon Wireless	06/21/2017	Modems- Cardiac Monitors - 5/4/17-6/3/17	14.06	14.06
7828	208762	Ninyo & Moore	06/27/2017	CDBG 2017 Golden Ave St Rehab Proj Mat'l Testing thru6/23/17	3,254.00	3,254.00
7829	2875	Ramona Paving & Construction Corp	06/27/2017	CDBG 2017 Golden Ave St Rehab Proj/Contract # 2017-22	124,326.50	124,326.50
7830	Fieldtrip 6/28	USS Midway Museum	06/27/2017	Summer Daycamp Fieldtrip - USS Midway Museum 6/28/17	750.00	750.00
7831	062217	AAA Imaging	06/28/2017	Business Cards - Finance, Bldg Dept	86.20	86.20
7832	9816057	AT&T	06/28/2017	Fire Telephone 5/13/17-6/12/17	78.88	78.88
7833	10174/5/6L-IN	Aztec Landscaping Inc.	06/28/2017	Trolley Corridor Tree Maintenance	18,164.00	18,164.00
7834	780527-9	BJ's Rentals	06/28/2017	Skidsteer & Mower Attachmt Rental/Weed Abatement 6/15/17	2,791.12	2,791.12
7835	17422438	Canon Financial Services Inc	06/28/2017	Canon Copier Contract Charge 7/1/17	642.60	642.60

7836	Chavez	Chavez, Catalina	06/28/2017	Refund/Chavez, Catalina/Deposit - LBH- 6/3/17	300 00	300 00
7837	694358413	Cintas Corporation #694	06/28/2017	Janitorial Supplies - 6/22/17	591 47	591 47
7838	1000197269 1000197270 1000198978	City of San Diego	06/28/2017	Investigative Order/Mouth of Chollas Creek- Phase I Investigative Order/Mouth of Chollas Creek- Phase I Metro Wastewater Reconciliation - FY2015	7,741 18 26,889 96 118,820 00	153,451 14
7839	1348 1349 1350	Clark Telecom & Electric Inc	06/28/2017	Parking Lot Light Maintenance- May '17 Street Light Repairs- May '17 Street Light Dig Alert Mark Outs - May '17	141 76 551 59 1,194 82	1,888 17
7840	WO40352	College Copy Center	06/28/2017	BBQ Flyers 6/5/17	1,232.14	1,232 14
7841	62817	County of San Diego	06/28/2017	Refund/Asha,Mohamed/County Traffic Cit Collected in Error	100 50	100 50
7842	Enviro Law	Environmental Law Group LLP	06/28/2017	Prof Svcs: Environmental Consultation for Celsius I	357 00	357.00
7843	6/19-22/17	Esgil Corporation	06/28/2017	75% Building Fees- 6/19/17-6/22/17	2,307 50	2,307 50
7844	390805	EW Truck & Equipment Company, Inc.	06/28/2017	Gauge for PW Shop	54 95	54.95
7845	Goggins	Goggins, Ema	06/28/2017	Refund/Goggins, Ema/Deposit - CommCtr- 6/16/17	200.00	200.00
7846	Reimb-6/18/17	Govea, Garrett	06/28/2017	Reimb:Tuition Reimb & Books- BS Mgmt Prog/Govea 3/19-6/15	575 00	575.00
7847	AR008690	Grossmont Union High School District	06/28/2017	Day Camp Flyers/Movie Flyers	1,702.00	1,702.00
7848	Reimb-6/21/17	Hales, Suzanna	06/28/2017	Field Observer & Display Proc Trng/Hales - 5/9/17-5/12/17	537 88	537 88
7849	00044595	Hudson Safe-T- Lite Rentals	06/28/2017	Concrete In A Can	142 89	142 89
7850	1441300	Liebert Cassidy Whitmore	06/28/2017	Prof Svcs: LE050-00003 Pre-Litigation thru 5/31/17	420 00	420.00
7851	342096	LN Curtis & Sons	06/28/2017	Cairns Custom Reaxtion Jackets & Pants - Angelillo/Brackney	4,311 98	4,311.98
7852	7/6/17	Loftis, Steve	06/28/2017	Concerts in the Park - The Catillacs 7/6/17	800 00	800.00
7853	4274748 4281769	Mallory Safety and Supply, LLC	06/28/2017	Nitrile Gloves/Safety Glasses Nitrile Gloves/Disposable Respirators/Straw Hat	157 37 106.13	263 50
7854	Maosi	Maosi, Virginia	06/28/2017	Refund/Maosi, Virginia/Deposit - LBH- 6/10/17	200 00	200.00
7855	Reimb 6/27/17	Mendoza, Jennifer	06/28/2017	LCC Policy Comm Mtg/Airfare/Hotel/Transp/Sacra/Mendoza-6/8-9/17	471.81	471 81
7856	IN1138777	Municipal Emergency Services Inc.	06/28/2017	SCBA Fit Test	450 00	450 00
7857	5379	North County EVS, Inc	06/28/2017	Service/Safety Inspection - Repairs & Labor - E210 - Pierce '04	17,638 17	17,638 17
7858	Reimb-6/14/17	Pepin, Matt	06/28/2017	Reimb: Intro to Humanities/Psychology/Art Hist 10/24/16-6/7/17	1,000 00	1,000 00
7859	3350	Qual Chem Corp	06/28/2017	Shop Towels	1,745 04	1,745 04
7860	Quintana	Quintana, Domenica	06/28/2017	Refund/Quintana,Domenica/Summer Daycamp - Maude Quintana	35 00	35.00
7861	Retoriano	Retoriano, Kevin	06/28/2017	Refund/Retoriano, Kevin/Deposit - Courtyard- 6/3/17	200 00	200.00
7862	062217	San Diego County Clerk	06/28/2017	Filing Fee - Brewery Ordinance CEQA	50 00	50 00
7863	LG06152017	SD Sports Medicine and Family Health Ctr	06/28/2017	Medical Fitness Evaluations - 6/15/17	1,736 44	1,736 44
7864	1052-06 1052-07	SC Valley Engineering Inc	06/28/2017	LG Sewer Upsizing Proj- 4/1/17-4/30/17 LG Sewer Upsizing Proj- 5/1/17-5/31/17	206,720 25 49,416 92	256,137 17
7865	6/22/2017	SDG&E	06/28/2017	3500 1/2 Main- 5/21/17-6/20/17	175 71	175 71
7866	80753063	SiteOne Landscape Supply, LLC	06/28/2017	Grounds Maintenance Supply/QCV With Locking Rubber Cover	49 17	49.17
7867	LG-3 LG-4	Smith Air Conditioning	06/28/2017	Service Call/AC Unit/Sheriff Dept Service Call/Backup AC-Server Room/Sheriff Dept	780 00 312 50	1,092 50
7868	8822	Spring Valley Lawn Mower Shop	06/28/2017	Pole Saw 12 Inch Kit	203 65	203.65
7869	6/29/17	Torres, Tawnya	06/28/2017	Concerts in the Park - Suspicious Minds 6/29/17	700 00	700 00
7870	44880	Uniforms Plus, Inc.	06/28/2017	Uniforms- Lewis	232 87	232 87
7871	0136090-IN	Vavrinek, Trine, Day & Co , LLP	06/28/2017	Accounting Svc- Sanitation Fund Cost Analysis- May '17	2,600 00	2,600.00
7872	9787426946 9787427569 9787426947	Verizon Wireless	06/28/2017	City Phone Charges- 5/13/17-6/12/17 Mobile Broadband Access- 5/13/17-6/12/17 PW Tablets- 5/13/17-6/12/17	340 76 76 02 188 78	605 56

7873	71414692 71476613	Vulcan Materials Company	06/28/2017	Asphalt Asphalt/SS1H 4 5 Gallon Bucket	137.11 180.98	318.09
7874	White	White, Andrew	06/28/2017	Refund/White, Andrew/Deposit - Rec Ctr- 6/16/17	200.00	200.00
7875	Jul-Dec 17	Adams Robert	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	902.88	902.88
7876	10192	AdminSure	07/05/2017	Workers' Compensation Claims Administration - Jul 17	415.00	415.00
7877	Jul-Dec 17	Anderson, Curtis	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7878	32577	Anita Fire Hose Company Etc	07/05/2017	Hydrant/Spinner - PW	39.76	39.76
7879	56107-Jul 17	Anthem Blue Cross EAP	07/05/2017	Employee Assistance Program - Jul 17	165.00	165.00
7880	5656786390 5656818369	AutoZone, Inc.	07/05/2017	Power Cleaner/Degreaser Diesel Exhaust Fluid - LGPW #32	21.54 26.94	48.48
7881	15509L-IN 30502-IN	Aztec Landscaping Inc.	07/05/2017	Replace 24 inch Pinus Canariensis - LGA Landscape Mgmt Svc May'17	461.93 9,629.00	10,090.93
7882	4841 4842 4917	Bear Electrical Solutions, Inc	07/05/2017	Main St Promenade - Install 2 No Rt Turn Signs/Remove Existing LGA & Palm Ave- Signal Light Knocked Over/Repair Traffic Signal Maintenance Svc - Response - May 2017	2,258.00 3,501.50 2,693.00	8,452.50
7883	6055244	Bob Stall Chevrolet	07/05/2017	Cleaned Throttle Body - LGPW#22	140.00	140.00
7884	1145881-IN	Boot World Inc,	07/05/2017	Work Boots - Irons	122.73	122.73
7885	Jul-Dec 17	Brackmann, Bruce	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	902.88	902.88
7886	Z6208-1	Brobeck, West, Borges, Rosa & Douville LLP	07/05/2017	Prof Svcs: George Hills # GH0015650 Soto v CLG	1,519.85	1,519.85
7887	Buffalo Spot	Buffalo Spot Management Group	07/05/2017	Refund/Buffalo Spot Mgmt Group/Bus License Overpaymt	70.00	70.00
7888	071317	Burke, Patrick J	07/05/2017	Concerts in the Park - We Kinda Music 7/13/17	750.00	750.00
7889	Jul 2017	California Dental Network Inc.	07/05/2017	California Dental Insurance - Jul17	309.98	309.98
7890	Jul-Dec 17	Chamberlain, Dale	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7891	FRS0000053	City of El Cajon	07/05/2017	Overtime Reimbursement- Thorn 6/3/17	1,101.54	1,101.54
7892	17CTOFLGN12	County of San Diego- RCS	07/05/2017	800 MHZ Network - Jun '17	2,860.00	2,860.00
7893	6/18/2017 6/17/2017	Cox Communications	07/05/2017	Phone/PW Yard/2873 Skyline- 6/19/17-7/18/17 City Manager/Copy Room Fax Line- 6/18/17-7/17/17	211.15 4.09	215.24
7894	6/19/17 6/27/17	Custom Auto Wrap Inc.	07/05/2017	Sponsor Patches for Concert Banner/Date Changes Sponsor Banner - SDG&E/Sponsor Banner Patch	145.46 269.38	414.84
7895	3665	D- Max Engineering Inc	07/05/2017	Celsius II SWQMP Review I - 6/21/17 thru 6/26/17	900.00	900.00
7896	Jul-Dec 17	Davisson, William	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7897	0517 03 1062	Dexter Wilson Engineering, Inc	07/05/2017	Metro JPA Wastewater Issues - May '17	11,520.00	11,520.00
7898	31589	Dokken Engineering	07/05/2017	Sewer Upsizing Construction Mgmt 5/1/17-5/31/17	9,880.00	9,880.00
7899	0113172305 0519172305	Domestic Linen- California Inc.	07/05/2017	Shop Towels & Safety Mats 1/13/17 Shup Towels & Safety Mats 5/19/17	96.40 102.20	198.60
7900	Jul-Dec 17	Ek, James	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7901	6/26-29/17	Esgil Corporation	07/05/2017	75% Building Fees- 6/26/17-6/29/17	1,917.01	1,917.01
7902	93274201	ESRI Inc.	07/05/2017	ArcGIS Annual Maintenance 7/1/17-6/30/18	5,420.88	5,420.88
7903	9134	FailSafe Testing	07/05/2017	Ground Ladder Testing 6/27/17	356.40	356.40
7904	108428979	Globalstar USA, Inc.	07/05/2017	Satellite Service 5/16/17-6/15/17	106.44	106.44
7905	COMP 6/27/17	Hales, Suzanna	07/05/2017	Computer Loan Program - Hales 6/27/17	1,677.68	1,677.68
7906	Jul-Dec 17	Harper, Raymond	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	902.88	902.88
7907	060617-1	Heartland Fire Training Facility	07/05/2017	Registration - Rescue Systems Course Jul10-14,2017- Brackney	839.00	839.00
7908	4/26-6/23	Helix Water District	07/05/2017	Water Services- 4/26/17-6/23/17	17,716.36	17,716.36
7909	Reimb 6/29/17	Huey, David	07/05/2017	Reimb: Day Camp Aquatica Field Trip 6/29/17	2,300.00	2,300.00

7910	33439 33439Disc	Hunter's Nursery Inc	07/05/2017	Platanus/Caesalpinia/Strelitzia-LGA Median Improvements Discount-LGA Median Improvements	1,237.23 -123.72	1,113.51
7911	9916	Infrastructure Engineering Corporation	07/05/2017	Prof Svc: LGA Realignment 4/29/17-5/26/17	27,036.93	27,036.93
7912	102639	Kniffling's Discount Nursery	07/05/2017	Trees for Trolley Corridor Landscaping- So of Palm on LGA	1,831.75	1,831.75
7913	Jul-Dec 17	Laff, Timothy	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7914	2287	Lemon Grove School District	07/05/2017	Water Usage - Softball Field 7/1/16-4/30/17	10,048.28	10,048.28
7915	Jul-Dec 17	Maciejewski, Frank	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7916	Jul-Dec 17	Marcon, Romeo	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7917	Jul-Dec 17	McBride, Thomas	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7918	Jul-Dec 17	McReynolds, Mildred	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7919	17-041-15 17-041-27 17-041-28 17-041-29	MJC Construction	07/05/2017	Drainage Improvements- 2300 Block Lawton Dr San Miguel Ave Storm Drain Addl Purchase&Install San Miguel Ave Storm Drain Improvements @Federal 29 Median Improvements on LGA (2700 blk)	15,433.00 4,000.00 39,380.00 7,761.00	66,574.00
7920	Jul-Dec 17	Mullins, Karl	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7921	IN1128870	Municipal Emergency Services Inc.	07/05/2017	AV-3000 HT Mask	311.16	311.16
7922	207522 207523 208476 208477 208478 208479 208480 208481 208482	Ninyo & Moore	07/05/2017	Materials Testing Svcs/CIP Sewer Upsizing Proj thru 4/28/17 Materials Testing Svcs/2016-17 Street Rehab Proj thru 4/28/17 Golden Ave Row Homes Inspection Svcs thru 5/26/17 Grove Loft Apartments Inspection Svcs thru 5/26/17 Hilltop Condos Proj Inspection Svcs thru 5/26/17 Lincoln Homes Project Inspection Svcs thru 5/26/17 Materials Testing Svcs/CIP Sewer Upsizing Project thru 5/26/17 Materials Testing Svcs/2016-17 Street Rehab Proj thru 5/26/17 Emergency Svcs - 8500 Block Calle Norte thru 5/26/17	7,022.50 8,859.00 1,109.75 482.00 661.50 1,014.00 423.00 1,996.50 1,861.50	23,429.75
7923	Jul-Dec 17	Ott, Manie	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	902.88	902.88
7924	145856	Pacific Sweeping	07/05/2017	Street Sweeping/Parking Lot/Bus Shelters - May '17	6,655.15	6,655.15
7925	38672	Penske Ford	07/05/2017	LGPW #31- Replace 4 Tires & Routine Maint - '14 Ford Escape	1,091.08	1,091.08
7926	Jul2017	PLIC- SBD Grand Island	07/05/2017	Dental Insurance -Jul17	4,679.18	4,679.18
7927	PD-35312	Plumbers Depot Inc.	07/05/2017	LGPW #26 Sewer Camera Repair/Replaced Lamps	216.61	216.61
7928	171608	Quality Chevrolet	07/05/2017	New 2017 Chevy City Cargo Van + Mavron Animal Transport	43,903.51	43,903.51
7929	31168345	RCP Block & Brick, Inc	07/05/2017	Bulk Fertilized Soil - LGA Median South	387.90	387.90
7930	AR171442	San Diego Association of Governments	07/05/2017	Sandag Member Agency Assessments - FY'18	5,657.00	5,657.00
7931	6262017	San Diego Fire County Fire Prev Officers Ass	07/05/2017	2016 CFC Flammable Liqs & Gases Class & Handout - Richardson 2016 CFC High-Piled Combustible Storage Class & Handout	65.00 65.00	130.00
7932	LG06222017	SD Sports Medicine and Family Health Ctr	07/05/2017	Medical Fitness Evaluations - Pepin 6/22/17	868.22	868.22
7933	Jul-Dec 17	Schmidtman, Warren	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7934	6/22/2017	SDG&E	07/05/2017	3225 Olive- 5/21/17-6/20/17	121.10	121.10
7935	Jul-Dec 17	Smith, Timothy	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7936	8934	Spring Valley Lawn Mower Shop	07/05/2017	RedMax Cutting Heads - Trimmers	77.76	77.76
7937	Jul-Dec 17	Taff, Jon	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	1,200.00	1,200.00
7938	Jul4 17	Vantage Point Transfer Agents-457	07/05/2017	ICMA Deferred Compensation Pay Period Ending 7/4/17	580.77	580.77
7939	9787850815	Verizon Wireless	07/05/2017	MDC Engine Tablets- 5/21/17-6/20/17	190.09	190.09
7940	71498664 71500236	Vulcan Materials Company	07/05/2017	Asphalt Asphalt	138.00 138.87	276.87
7941	2016 04-011	LGA Realignment Proj- 5/1/17-5/31/17	07/05/2017	LGA Realignment Proj- 5/1/17-5/31/17	394,293.27	394,293.27
7942	Jul-Dec 17	Wright, Nancy	07/05/2017	Retiree Health Benefit - Jul'17-Dec'17	902.88	902.88
					2,329,176.93	2,329,176.93

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.D
Mtg. Date July 18, 2017
Dept. Development Services Department

Item Title: **Acceptance of the Community Development Block Grant (CDBG) 2017 Golden Avenue Street Rehabilitation Project**

Staff Contact: Malik Tamimi, Management Analyst

Recommendation:

Adopt a resolution (**Attachment A**) accepting the CDBG 2017 Golden Avenue Street Rehabilitation Project as complete.

Item Summary:

On May 16, 2017, Ramona Paving and Construction Corp. was awarded the CDBG 2017 Golden Ave Street Rehabilitation Project (Contract No. 2017-22) with a bid cost of \$130,870.00 and a project budget (including material testing by Ninyo and Moore for \$5,775.00) not to exceed \$179,476.00.

Since the project was awarded, there have been no change orders. The final project cost, which came in under budget, including material testing, bid advertising, and project signage, totaled \$134,838.01. On June 29, 2017, staff completed the final inspection of the improvements and determined the work was completed per the contract specifications.

Staff recommends that the City Council adopt a resolution (**Attachment A**) accepting the work as complete, authorize the City Manager or designee to file a notice of completion with the County of San Diego, and authorize staff to release the retention of \$6,543.50 no sooner than thirty (30) days after the notice of completion has been filed.

Fiscal Impact:

None; Community Development Block Grant (CDBG) was used to fund this project.

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:

A. Resolution

Attachment A

RESOLUTION NO. 2017 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA ACCEPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2017 GOLDEN AVENUE STREET REHABILITATION PROJECT (CONTRACT NO. 2017-22) AS COMPLETE

WHEREAS, on May 16, 2017, the City Council awarded the Community Development Block Grant (CDBG) 2017 Golden Avenue Street Rehabilitation Project (Contract No. 2017-22) to Ramona Paving and Construction Corp.; and

WHEREAS, the final project cost including material testing, bid advertising, and project signage, totaled \$134,838.01 and is under the approved budget of \$179,476.00 and was adequately funded from CDBG grant funds; and

WHEREAS, Ramona Paving and Construction Corp. completed the scope of work as defined by the original contract and change order; and

WHEREAS, City staff inspected all of the improvements on June 29, 2017 and determined that Ramona Paving and Construction Corp. fulfilled its contractual obligations; and

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

1. Accepts the work for the CDBG 2017 Golden Avenue Street Rehabilitation Project (Contract No. 2017-22) as complete; and
2. Authorizes the City Manager or designee to file a notice of completion with the County of San Diego; and
3. Authorizes City staff to release the retention no sooner than thirty (30) days after the notice of completion is filed.

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**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 1.E
Mtg. Date July 18, 2017
Dept. Public Works

Item Title: Rejection of Claim

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

Recommendation:

Reject a claim submitted by Nicolosa Zazueta.

Item Summary:

On May 23, 2017, the City of Lemon Grove received a timely submitted claim from Nicolosa Zazueta. After reviewing the 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.F
Mtg. Date July 18, 2017
Dept. Public Works

Item Title: Rejection of Claim

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

Recommendation:

Reject a claim submitted by Dino Correa.

Item Summary:

On April 27, 2017, the City of Lemon Grove received a timely submitted claim from Dino Correa. After reviewing the 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 July 18, 2017
Dept. Public Works

Item Title: Rejection of Claim

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

Recommendation:

Reject a claim submitted by Pedro Zazueta.

Item Summary:

On May 23, 2017, the City of Lemon Grove received a timely submitted claim from Pedro Zazueta. After reviewing the 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.H
Mtg. Date July 18, 2017
Dept. Public Works

Item Title: **Acceptance of the FY 2016-17 Street Rehabilitation Project (Contract No. 2017-17)**

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

Recommendation:

Adopt a resolution (**Attachment A**) accepting the FY 2016-17 Street Rehabilitation Project (Contract No. 2017-17) as complete.

Item Summary:

On February 21, 2017, American Asphalt South was awarded the FY 2016-17 Street Rehabilitation Project (Contract No. 2017-17) with a total bid cost including Additive Alternates of \$258,488.47 and a project budget not to exceed \$299,019.12. Since the project was awarded, there was one change order: Change Order No.1. The change order was issued for various unforeseen items including the addition and deduction of slurry, stop legends, stop bars, striping, deep grind and replace with hot mix asphalt, traffic loops, and adjustment to manholes. In addition, a jointly funded project, with Helix Water District, treated Broadway between Massachusetts and Lemon Grove Avenue with a slurry seal and included striping. The overall change order reflects the unforeseen construction items, project deductions and increase of construction quantities, time and materials by \$25,565.56. The final project cost including material testing totaled \$294,909.53 of which \$11,273.85 will be reimbursed by Helix Water District. On June 15, 2017, staff completed the final inspection of the improvements and determined the work was completed per the contract specifications.

Staff recommends that the City Council adopts a resolution (**Attachment A**) accepting the work as complete, authorizes the City Manager or designee to file a notice of completion with the County of San Diego, and authorizes staff to release the retention no sooner than thirty (30) days after the notice of completion has been filed.

Fiscal Impact:

TransNet funds were budgeted for this project as part of the Five-Year Capital Improvement Program.

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:

A. Resolution

Attachment A

RESOLUTION NO. 2017-_____

RESOLUTION OF THE LEMON GROVE CITY COUNCIL ACCEPTING THE FY 2016-17 STREET REHABILITATION PROJECT (CONTRACT NO. 2017-17) AS COMPLETE

WHEREAS, on February 21, 2017, the City Council awarded the FY 2016-17 Street Rehabilitation Project (Contract No. 2017-17) to American Asphalt South; and

WHEREAS, the contract bid amount was established at \$258,488.47 with Additive Alternates and a total project budget not to exceed \$299,019.12; and

WHEREAS, one change order in the total amount of \$25,565.56 increased the original contract price from \$258,488.47 to \$284,054.03; and

WHEREAS, the final project cost, including material testing, of \$294,909.53 was allocated for this project from TransNet funds; and

WHEREAS, on June 15, 2017, American Asphalt South completed the scope of work as defined by the original contract and change orders; and

WHEREAS, City staff inspected all of the improvements and determined that American Asphalt South fulfilled its contractual obligations.

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

1. Accepts the work for the FY 2016-17 Street Rehabilitation Project (Contract No. 2017-17) as complete; and
2. Authorizes the City Manager or designee to file a notice of completion with the County of San Diego; and
3. Authorizes city staff to release the retention no sooner than thirty (30) days after the notice of completion is filed.

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**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 2
Mtg. Date July 18, 2017
Dept. Public Works

Item Title: **Sage Project Presentation**

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

Recommendation:

That the City Council receives and then provides feedback to staff regarding the Sage Project presentation.

Item Summary:

In February 2016, city staff submitted a proposal to San Diego State University (SDSU) to participate in the Sage Project for Fiscal Year 2016-2017. There were 14 topics included in the proposal. Those topics included: Art Walls, Comprehensive Economic Development Strategy, Downtown Revitalization Plan, Gateway Improvements and Way Finding Signage, Homeless Outreach/Resources, Infrastructure Maintenance Methodology and Gap Analysis, IT Analysis and Recommendation, Lighting District Analysis and Recommendation, Parks and Recreation Program Analysis, Place-Making, Public Art Project, Safety Analysis – Farmers Market Analysis, Tactical Urbanism, and Urban Agriculture.

Of the 14 projects submitted, six were selected by SDSU and they included: Homeless Outreach/Resources, Image Development/Gateway Improvements, Infrastructure Maintenance Methodology and Gap Analysis, Parks and Recreation Program Analysis, Place-Making, and Public Art Project. A seventh project was included by SDSU that included the Climate Action Plan.

The presentation will be led by Dr. Jessica Barlow, Sage Project Manager in conjunction with faculty, staff and students of the Sage Project partnership with the City.

At the conclusion of the presentation, staff requests that the City Council provides comments/feedback to staff regarding the information presented.

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:

A. None.

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 3
Mtg. Date July 18, 2017
Dept. Development Services Department

Item Title: **Ordinance No. 446 – Zoning Amendment ZA1-500-0002 Amending the Alcoholic Beverage Sales Regulations and the General Commercial Zoning District Regulations to Allow for Light Manufacturing, Brewpubs, Wine Bars and Related Accessory Uses**

Staff Contact: David De Vries, Development Services Director
Mike Viglione, Assistant Planner

Recommendation:

- 1) Conduct the second reading, by title only, and adopt Ordinance No. 446 (**Attachment A**)

Item Summary:

On June 20, 2017, the City Council introduced Ordinance No. 446 (Attachment A). This ordinance amends Lemon Grove Municipal Code (LGMC) Title 17, Zoning, and Title 18, Citywide Regulations. The ordinance specifically modifies the General Commercial (GC) Zoning District regulations in Section 17.16.070 of the LGMC to allow brewpubs and wine bars and light manufacturing businesses in conjunction with retail. Alcoholic Beverage Sales regulations in Chapter 18.27 of the LGMC are also amended to allow alcoholic beverage light manufacturing land uses as incidental alcoholic beverage sales land uses and permit by-right accessory uses that are common to breweries. The Ordinance also exempts alcoholic beverage manufacturers from the prohibition on the sale of alcohol in single-serve containers equal to or greater than 32 ounces. Those revisions to the ordinance that were read into the record during the Council hearing are incorporated, and are featured in bold text. This bolded text serves strictly to highlight revisions to the ordinance and has no legal meaning. If adopted, the ordinance becomes effective August 15, 2017.

Fiscal Impact:

None.

Environmental Review:

- | | |
|--|--|
| ☐ Not subject to review | ☐ Negative Declaration |
| ☐ Exempt, Section 15307 and 15308 | ☒ Mitigated Negative Declaration |

Public Information:

- | | | |
|---|---|---|
| ☐ None | ☐ Newsletter article | ☐ Tribal Government Consultation Request |
| ☒ Notice published in local newspaper | ☐ Notice to property owners within 500 ft. | |

Attachments:

A. Ordinance No. 446 – ZA1-500-0002

ORDINANCE NO. 446

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING CHAPTER 18.27 (ALCOHOLIC BEVERAGE SALES REGULATIONS) AND SECTION 17.16.070 (GENERAL COMMERCIAL ZONING DISTRICT REGULATIONS) OF THE LEMON GROVE MUNICIPAL CODE TO ALLOW FOR LIGHT MANUFACTURING, BREW PUBS, WINE BARS AND RELATED ACCESSORY USES

WHEREAS, staff has received several inquiries and business license proposals from prospective alcoholic beverage manufacturers to open a related business within the City; and

WHEREAS, allowing and encouraging alcoholic beverage manufacturing and related accessory uses is found to be an important economic development strategy. Alcoholic beverage manufacturers create employment opportunities, revitalize property, stimulate economic development, create regional destinations that attract visitors, and provide increased tax revenue; and

WHEREAS, on June 20, 2017, a public hearing was duly noticed and held by the Lemon Grove City Council; and

WHEREAS, the City of Lemon Grove conducted an environmental assessment for Zoning Amendment ZA1-500-0002 on May 25, 2017. A Mitigated Negative Declaration (MND) of Environmental Impact will be filed subsequent to the adoption and final approval of the proposed project. The Initial Environmental Study prepared for this project identified potential environmental impacts related to noise from indoor live music and outdoor patios. Mitigation measures included compliance with noise regulations; patio areas are required to have appropriate barriers and interior spaces will require double entry doorways, appropriate STC rated windows with a closed window and door condition and a HVAC system when live music is proposed. A noise analysis may alternatively be prepared to identify appropriate noise mitigations; and

WHEREAS, the City Council finds that the following findings required to approve a Zoning Amendment can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. That the proposed amendment is consistent with the General Plan, in accordance with Government Code Section 65860, as amended.
 - Provisions for alcoholic beverage sales and manufacturing uses include implementation of and consistency with General Plan goals and policies including encouraging redevelopment of the Broadway corridor to attract regional shoppers; fostering revitalization of the light industrial district; pursuing new local entertainment opportunities; cultivating small businesses; and encouraging outdoor dining.
2. That the public health, safety, and general welfare benefit from the adoption of the proposed amendment.
 - Allowing alcoholic beverage sales manufacturers improves property aesthetics, increases employment and services to the site thereby increasing “eyes on the street” in the surrounding area where the manufacturer is located and attracts economic development and visitors to the City. Also, the prohibition of single-serving alcoholic beverages will reduce public consumption of alcoholic beverages ensuring appropriate

Attachment A

safety measures are taken to benefit the public health, safety and general welfare of the community; and

WHEREAS, the City Council has considered the following findings of fact, as required by Section 18.27.050 of the Lemon Grove Municipal Code (LGMC) for allowing alcoholic beverage manufacturing businesses with accessory uses within commercial and industrial zones:

1. Whether the proposed use will result in an undue concentration of establishments selling alcoholic beverages as defined by the State Alcoholic Beverage Control Department (ABC) or by City ordinance or policy.
 - The City Council finds that the proposed project will result in an over-concentration of establishments selling alcoholic beverages within Census Tract 144, however, because permits for off-sale alcohol uses in the entire City are less than what is allowed (16 exist; approximately 20 allowed), there will not be an undue concentration for the City as a whole and the proposed zoning amendment will not result in an undue concentration of establishments selling alcoholic beverages in the City.
2. Whether the approval of the proposed use will violate the minimum requirements, set forth in Chapter 18.27, for distance separations between establishments which sell, serve or give away alcoholic beverages; and separations between establishments which sell, serve or give away alcoholic beverages and other specific land uses.
 - The City Council finds that the proposed zoning amendment continues to support separation and minimum requirements to limit alcoholic beverage sales businesses within the City.
3. Whether the proposed use will be located in an area which, based on the most recent yearly compilation by the San Diego County Sheriff's Department or other appropriate law enforcement agency, has experienced a greater than average number of reported crimes and arrests, including those reported as alcohol-related, as well as, criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, motor vehicle theft combined with all arrests for other crimes, felonies and misdemeanors, except traffic citations.
 - The City Council finds that the City includes Census Tract 144, which is shown to have high crime (137.9% of average), however, the proposed zoning amendment, which includes allowing alcoholic beverage sales manufacturers, improves property aesthetics and encourages redevelopment, increases employment and services to the site thereby increasing "eyes on the street" in the surrounding area where the manufacturer is located and attracts economic development and visitors to the City. Also, the prohibition of single-serving alcoholic beverages will reduce public consumption of alcoholic beverages and is consistent with Sheriff staff public safety recommendations; and

WHEREAS, based on crime statistics and number of alcohol beverage sales licenses within Census Tract 144, the State Department of Alcoholic Beverage Control (ABC) has determined that there is an over-concentration of licenses (two permitted; 10 exist) and that there is a higher than average crime rate in the Census Tract that the subject property is located in (137.9% of average) and as a result, ABC requires that the governing body determine that public convenience or necessity would be served by the issuance of this license.

- The City Council finds that public convenience and necessity would be served by allowing alcoholic beverage sales manufacturers within the City based on findings stated herein; and

Attachment A

NOW, THEREFORE, the City Council of the City of Lemon Grove hereby ordains as follows:

SECTION ONE:

ENVIRONMENTAL FINDING. The City Council finds in its independent judgment that the proposed amendment to the Municipal Code could not have a significant effect on the environment and certifies Mitigated Negative Declaration ND17-02.

SECTION TWO:

Amendments to Chapter 18.27 (Alcoholic Beverage Sales Regulations) and Section 17.16.070 (General Commercial Zoning District Regulations) of the Lemon Grove Municipal Code to Allow for Light Manufacturing, Brewpubs, Wine Bars and Related Accessory Uses, are hereby added to the City of Lemon Grove Municipal Code to read as shown in Exhibit A.

INTRODUCED by the City Council on June 20, 2017.

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Attachment A

EXHIBIT A

TEXT OF PROPOSED REGULATIONS

NOTE:

- Text proposed to be added is displayed in underlined type.
- Text proposed to be deleted is displayed in strikethrough type.

The City of Lemon Grove Municipal Code to amend Zoning District Regulations for the General Commercial Zone, Section 17.16.070, and to amend the Alcoholic Beverage Sales Regulations, Chapter 18.27, to read as follows:

17.16.070 General commercial (GC) zone. [Excerpts Only]

A. Purpose. The general commercial (GC) zone is available to auto-oriented, generally large-scale businesses and activities offering retail goods and services meant to serve the needs of local and regional shoppers. These regulations establish development standards and conditions through which uses may be located in this zone. All uses shall be subject to the applicable regulations of this title.

B. Permitted Uses. Uses that are consistent with the following categories, as determined by the development services director, are permitted by right, as verified by zoning clearance:

1. Animal Sales and Services—Pet Supplies. Uses that provide sales of pet supplies including feed and grain. Facilities and operations shall comply with all standards set forth in this title.
2. Animal Sales and Services—Grooming. Uses that provide animal grooming, with or without the sale of supplies, for household pets and small farm animals as defined in LGMC Chapter 18.16. Facilities and operations shall comply with all standards set forth in this title.
3. Brewpubs and wine bars as defined by Chapter 18.27.
- ~~34.~~ Business and Professional. Uses related to the practice of a vocation requiring specialized training or education that can be performed in an office setting.
- ~~45.~~ Business Support. Uses that provide printing, copying, photographic, computer, or technological services.
- ~~56.~~ Educational and Training Facilities. Uses that provide classroom-style instruction for occupancies less than fifty persons as determined by the building official.
- ~~67.~~ Financial Institutions. Uses related to the exchange, lending, borrowing, and safe-keeping of money.
- ~~78.~~ Food and Beverage Establishments with Drive-Through. Uses that prepare, provide, or serve food or beverages for consumption on or off the premises that may include drive-through service. Alcoholic beverage sales shall be subject to LGMC Chapter 18.27.
- ~~89.~~ Funeral and Mortuary Services—No Assembly Space. Uses that provide services related to the death of a human (without crematoria). This use does not include assembly space.
- ~~910.~~ Government. Uses related to local, state, or federal government agencies in an office setting.

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11. Light Manufacturing. Uses that process, fabricate, assemble, treat, or package finished parts or products, of a limited intensity that result in few outside impacts. This use requires a retail component along the entire street frontages.

4012. Maintenance and Repair of Consumer Goods. Uses that provide maintenance, cleaning, and repair services for consumer goods. This use does not include vehicle repair uses.

4413. Medical, Dental, Clinics and Health Practitioners. Uses related to diagnosis and treatment of human illness and physical malfunction, including medical and dental laboratories that can be performed in an office setting.

4214. Parking. Uses that provide surface or structure parking for passenger vehicles. Parking areas may be public or privately-owned and managed.

4315. Personal Services. Uses that provide a variety of services associated with personal grooming or adornment, health maintenance, or well-being.

4416. Recreation—Small. Uses or facilities associated with indoor or outdoor, active or passive recreation for indoor occupancies less than fifty persons as determined by the building official and outdoor occupancies less than fifty persons as determined by the community development director.

4517. Retail. Uses that provide new consumer goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics; goods for personal grooming or day-to-day maintenance of personal health and well-being. This use includes, but is not limited to, furniture, appliances, sundries, pharmaceuticals, wearing apparel and accessories, small equipment sales and rentals. This use does not include vehicle uses.

4618. Retail—Antiques. Uses that provide antique goods, large and small, functional and decorative, for use, entertainment, comfort, or aesthetics.

4719. Vehicle Equipment and Supplies Without Installation. Uses related to the sale of new or used parts, tools or supplies for repairing or maintaining vehicles. This use does not include on-site installation.

Chapter 18.27 ALCOHOLIC BEVERAGE SALES

18.27.010 Statement of necessity.

A. The city council finds and determines that the sale and use of alcoholic beverages contributes to problems encountered by residents, businesses, property owners, visitors and workers of the city of Lemon Grove. Documented problems include: (1) debilitating and life-threatening medical conditions such as those related to the dysfunction of the heart and circulatory system, stroke and diseases of the liver; (2) social problems such as child and family neglect and abuse, public drunkenness, and lost productivity; (3) public safety issues relating to drunk driving and related automobile traffic and pedestrian accidents, violence and crime.

B. The city council finds and determines that, without the appropriate regulation, the sale, service and use of alcoholic beverages may adversely and seriously affect the peace, health, safety and welfare of residents of the community and may specifically affect the safety of

Attachment A

children and of visitors to the city, may contribute to the deterioration of neighborhoods, cause devaluation of property, erode community values and lower the quality of life.

C. The city council finds that relatively high densities of alcohol outlets are associated with relatively higher rates of related medical disorders, relatively higher rates of social problems and alcohol-related traffic casualties.

18.27.020 Purpose.

A. To deal with and ameliorate problems and adverse conditions associated with establishments which sell, serve or give away alcoholic beverages by restricting the location of such uses in relation to one another, and their proximity to facilities primarily devoted to use by children and families and the general public, and through the denial of a conditional use permit or through the imposition of conditions on a case by case basis, thereby preventing undue concentration and undesirable community impact of such uses, and by the imposition of reasonable conditions upon the operation of all such uses both existing and in the future.

B. To implement the purposes, policies, and programs of the general plan.

18.27.030 Definitions.

The following words and phrases are specifically defined to apply to the regulations of this chapter. Where words are not defined here or elsewhere in this municipal code, their common meaning shall apply.

A. "Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

B. Alcoholic Beverage Sales, Incidental.

1. Alcoholic beverage sales in restaurants shall be considered incidental if all of the following conditions exist:

- a. Alcoholic beverages are sold for consumption on the premises only;
- b. The primary purpose of the establishment is sit-down dining with table service;
- c. The restaurant contains a fully equipped kitchen, which is utilized each day of business operation for preparation of meals to be served to patrons;
- d. Full food service is available in the restaurant for all hours that the facility, including the bar or cocktail lounge, is open;
- e. Take-out food service, if any, is only incidental to the primary use, sit-down food service;
- f. The restaurant offers no drive-up or drive-through service and does not have a take-out window.
- g. A separate bar or cocktail lounge may be located on the premises (subject to the provisions set forth in Section 17-28.050 conditional use permits, of the city of Lemon Grove development code);

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h. ~~No alcoholic beverage is served in conjunction with any recreational activity, any game of skill or chance, any athletic event or any form of adult entertainment in accordance with Chapter 18.28.~~

2. Alcoholic beverage sales in food stores other than convenience markets shall be considered incidental when the shelving or display area allocated to alcoholic beverages does not exceed more than ten percent of the total shelf and display area within the store;

3. Alcoholic beverage sales in drug stores with a floor area greater than ten thousand square feet, with or without the sale of household merchandise, beauty supplies, toiletries, and packaged food products, shall be considered incidental when the shelving or display area allocated to alcoholic beverages does not exceed six percent of the total shelf and display area within the store.

4. Brewpubs, wine bars, rectifiers, and alcoholic beverage manufacturers with accessory on- and off-sale alcoholic beverage sales including, but not limited to, tasting rooms and off-sale alcoholic beverages that are manufactured on-site with catering permitted on-site shall be considered incidental provided performance standards in Section 17.24.080(E) are adhered to.

5. Accessory indoor music and outdoor consumption of alcoholic beverages within a private fenced area shall be considered incidental provided noise regulations within Section 9.24.080(B) are adhered to during the hours between 7 P.M. to 7 A.M.

C. "Brewpub" means a small primary or accessory beer manufacturer, which may include a restaurant, where the alcohol is produced exclusively at its own premises and sold for on- and/or off-site consumption. This operation allows the sale of other supplier's alcohol for consumption on its own premises.

GD. "Convenience markets" means, for purposes of this chapter, any store selling food and household merchandise to the public, which has a floor area less than ten thousand square feet.

DE. "Establishment" means a place of business with its furnishings and staff which may be regarded as the smallest unit conveyable by sale, rent or lease.

EF. "Notice and order" means the community development director's written notice and order to a business or facility owner or operator which directs such owner or operator to comply with city regulations and the specific requirements of the conditional use permit or minor-use permit zoning clearance authorizing the operation of the business or facility which sells, serves or gives away alcoholic beverages.

FG. "Off-sale liquor establishment" means any establishment wherein alcoholic beverages are sold or given away for consumption off the premises including but not limited to any establishment which is applying for or has obtained a liquor license from the California Department of Alcoholic Beverage Control, including types 20 and 21.

H. "On-sale liquor establishment" means any establishment wherein alcoholic beverages are sold, served or given away for consumption on the premises including but not limited to any establishment which is applying for or has obtained a California Department of Alcoholic Beverage Control license types 41, 42, 47, 48, 51, 52 and 63.

I. "Rectifier" means to cut, blend, rectify, mix, flavor and color distilled spirits and wine upon which excise tax has been paid and, whether rectified by the licensee or another person,

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to package, label, export and sell the products to persons holding licenses authorizing the sale of distilled spirits.

J. "Tasting Room" means an area used for accessory alcoholic beverage retail consumption on the premises where the alcoholic beverages are produced.

K. "Wine bar" means a small primary or accessory wine beverage manufacturer, which may include a restaurant, where the wine is produced exclusively at its own premises and sold for on- and/or off-site consumption. This operation allows the sale of other supplier's alcohol for consumption on its own premises.

HL. Substantial Change in Mode or Character of Operation. Any of the following actions or situations will constitute a "substantial change in mode or character of operation" for purposes of this chapter:

1. The establishment changes its type of retail liquor license within a license classification; or

2. The establishment ceases operation for a period of thirty-one days. The suspension of business during the diligent prosecution of building repairs or remodeling undertaken under the authority of a valid building permit shall not be considered a substantial change in the mode or character of operation if the repairs or remodeling do not change the nature of the licensed premises and do not increase the square footage of the area which constitutes the establishment;

3. Any addition exceeding ten percent of the existing floor area is made to the building or portion of a building occupied exclusively by a business which sells or serves alcoholic beverages and which would be subject to approval by conditional use permit, if being established as a new use;

4. Any modification, remodeling or renovation of an existing building, or portion thereof, occupied exclusively by a business or facility which sells or serves alcoholic beverages, when the value of such modification, remodeling, or renovation exceeds fifty percent of the replacement value of the subject premises as determined by the building official;

5. The establishment is found to be a public nuisance by the city council;

6. The California Department of Alcoholic Beverage Control has held a formal hearing regarding accusations of violations, by the establishment, of ABC rules and has determined that such violations have occurred.

IM. Timely Compliance.

1. For all violations involving the unauthorized enlargement or physical modification to the existing building, facility or outdoor service area, timely compliance means complete removal of the physical modifications which constitute the violation or submittal of detailed working drawings sufficient for an application for building permit and a complete application for modification of the conditional use permit or ~~minor use permit~~ zoning clearance which authorizes the business or facility. Evidence of the complete removal of unauthorized work, or the working drawings and complete application shall be filed in the office of the ~~community development services~~ department within fifteen calendar days following the receipt of the ~~community development services~~ director's notice and order by the owner, operator or employee-in-charge of the business or facility.

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2. For all violations, other than those described in subsection ~~HL~~ of this section, such as, but not limited to, the sale or display of unauthorized fortified wines, the display of unauthorized advertising signs, exceeding shelf area limitations; "timely compliance" means full compliance within twenty-four hours following receipt of the ~~community development~~ services director's notice and order by the owner, operator or employee-in-charge of the business or facility.

18.27.040 General provisions.

A. Alcoholic Beverage Sales or Service, New and Substantial Changes. Except as otherwise stated herein, on and after the effective date of the ordinance creating this chapter, no place, facility or business wherein alcoholic beverages are sold, served or given away for on-site or off-site consumption, shall be established or shall affect a "substantial change" in mode or character of operation as defined in Section 18.27.030(G) without first obtaining a conditional use permit, or modification of an existing conditional use permit, pursuant to Section 17.28.050 of the zoning ordinance. A ~~minor use permit, or modification of a minor use permit,~~ zoning clearance shall be required if alcoholic beverage sales or services are "incidental" as defined in Section 18.27.030(B).

B. Alcoholic Beverage Sales or Service, Not Authorized by CUP or ~~MUP~~ zoning clearance. Except for those places, businesses and facilities described in subsection A of this section as an establishment having a conditional use permit or ~~minor use permit~~ zoning clearance and being in full or substantial compliance with current requirements, on and after the effective date of the ordinance creating this chapter, all existing places wherein alcoholic beverages are sold, served, or given away for on-site or off-site consumption shall be considered nonconforming uses. Elimination of nonconforming status may be achieved by filing the appropriate application, receiving a conditional use permit or ~~minor use permit~~ zoning clearance as required by this chapter, and complying with conditions of approval which shall be limited to the minimum conditions of approval as set forth in Sections 18.27.060(A) and (B). These requirements shall be enforced according to the provisions of subsection C of this section. For existing businesses selling alcoholic beverages, the requirements of this chapter relating to minimum separations between the existing business, similar establishments and other specific land uses shall be waived.

C. Alcoholic Beverage Sales or Service—Enforcement. The alcoholic beverage sales ordinance shall be enforced according to the provisions of Section 18.27.120 of the development code and Section 17.28.020 of the zoning ordinance. (Ord. 386 § 3, 2009)

18.27.050 Findings.

In addition to the findings required for the granting of conditional use permits by Section 17.28.050 of the zoning ordinance, the decision making authority shall consider the following:

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

B. Whether the approval of the proposed use will violate the minimum requirements, set forth in this chapter, for distance separations between establishments which sell, serve or give

Attachment A

away alcoholic beverages; and separations between establishments which sell, serve or give away alcoholic beverages and other specific land uses.

C. Whether the proposed use will be located in an area which, based on the most recent yearly compilation by the San Diego County sheriff's department or other appropriate law enforcement agency, has experienced a greater than average number of reported crimes and arrests, including those reported as alcohol-related, as well as, criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, motor vehicle theft combined with all arrests for other crimes, felonies and misdemeanors, except traffic citations. (Ord. 386 § 3, 2009)

18.27.060 Minimum conditions of approval.

A. Businesses or facilities providing alcoholic beverages for off-site consumption shall comply with the following minimum conditions of approval. However, the ~~planning commission, or city council on appeal,~~ may impose such additional conditions and restrictions as found necessary or desirable to achieve the purposes of this chapter.

1. No alcoholic beverages shall be consumed on the premises under the control of the business owner or the property owner, excepting when alcoholic beverages are manufactured on the premises.

2. Adequate litter receptacles shall be provided.

3. All display of alcoholic beverages shall be located a minimum of five feet from the store entrance.

4. For establishments which sell or give away alcoholic beverages and also sell gasoline, no signs advertising alcoholic beverages may be visible from the exterior of the building. Except for liquor stores, the signage for which shall be governed by conditional use permit and the city sign ordinance, signage advertising alcoholic beverages for all other establishments selling alcoholic beverages for off-premises consumption shall be limited to no more than fifty percent of the temporary window display permitted by the sign ordinance (twelve and one-half percent of total window area). Not more than two neon signs which hang on the inside of a window may be permitted subject to, and deducted from, the area limitations established in this subsection. No reference to liquor, any alcoholic beverage or product, or alcoholic beverage brand name may be included in any permanent signage for any establishment selling alcoholic beverages for off-site consumption other than that displayed by liquor stores or alcoholic beverage manufacturers when they are on the premises.

5. No wine shall be displayed, sold or given away in containers of less than seven hundred ml, except multipack containers of wine and wine coolers containing no more than ~~six~~fifteen percent alcohol by volume.

6. No distilled spirits shall be displayed, sold or given away in containers of less than two hundred fifty ml, except two-hundred-ml pre-mixed cocktails.

7. The display, sale or distribution of fifty ml "airport bottles" and three-hundred-seventy-five ml "hip flask" containers is prohibited.

8. No single serve beer, ale or malt liquor shall be offered for sale in a container with a volume equal to or greater than thirty-two ounces, excepting off-sale alcoholic beverages

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from manufacturers on the premises. This restriction is not intended to prohibit the sale of such beverages in kegs or other types of containers, **with a volume of two or more gallons**, which are clearly designed to dispense multiple servings.

9. No wine with an alcoholic content greater than fifteen percent by volume shall be displayed, sold or given away unless the following conditions are met:

- a. The alcohol content is solely the result of the natural fermentation process; or
- b. If the alcohol content resulting from natural fermentation has been increased by the addition of wine spirits, brandy, or other alcohol, the wine must be sealed and capped by cork closure and aged for two or more years.

10. All litter shall be removed from the exterior areas around the building as required and no less frequently than once each day this business is open.

11. The operation of the business shall comply fully with all the rules, regulations and orders of the state Alcoholic Beverage Control Department. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit or ~~minor use permit~~zoning clearance.

12. The business shall comply with all of the conditions of the conditional use permit or ~~minor use permit~~zoning clearance which authorizes its operation.

13. For all businesses other than liquor stores, brewpubs, wine bars, rectifiers and manufacturing, warehouse, and distribution facilities, the display, sale and distribution of alcoholic beverages shall be accessory to other permitted activities. Except where Section 18.27.030(B)(3) requires a greater limitation, shelving or other display area allocated to the display of alcoholic beverages shall not exceed ten percent of the total shelf or display area within the premises.

14. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.

15. No display, sale or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, ~~barrel~~ or similar container.

16. Employees engaged in the sale or distribution of alcoholic beverages shall be at least twenty-one years old, or at least one salesperson twenty-one years old or older must be on the premises during all times when alcoholic beverages are sold.

17. Businesses engaged in the sale or distribution of alcoholic beverages for off-site consumption shall maintain a minimum separation of five hundred feet from any other business required to have a conditional use permit for the sale of alcoholic beverages. This subdivision shall not apply to incidental alcoholic beverage sales and the following:

- ~~1. Warehouses, and distribution facilities;~~
- ~~2. Food or drug stores engaged in the incidental sale of alcoholic beverages as defined in Section 18.27.030(B).~~

B. Businesses providing the sale or service of alcoholic beverages for on-site consumption shall comply with the following minimum conditions of approval. However, the ~~planning commission, or city council on appeal~~, may impose such additional conditions and restrictions as are found necessary or desirable to achieve the purposes of this chapter.

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1. Except within city-approved outdoor ~~eating places~~ which are adequately separated from direct public access via a fence or other means, no alcoholic beverages shall be consumed outside of an enclosed building.

2. For restaurants, bars, taverns and cocktail lounges, signs advertising alcoholic beverages shall be limited to no more than fifty percent of the temporary window display permitted by the sign ordinance (twelve and one-half percent of total window area). Not more than two neon signs which hang on the inside of a window may be permitted subject to, and deducted from, the area limitations established in this subsection.

3. Except for manufacturers, brewpubs, wine bars and rectifiers, ~~No~~ reference to liquor, any alcoholic beverage or product, or alcoholic beverage brand name may be included in any permanent signage for any establishment selling alcoholic beverages for on-site consumption other than that displayed by bars, taverns and cocktail lounges.

No wine with an alcoholic content greater than fifteen percent by volume shall be displayed, sold or served unless the following conditions are met:

- a. The alcohol content is solely the result of the natural fermentation process; or
- b. If the alcohol content resulting from natural fermentation has been increased by the addition of wine spirits, brandy, or other alcohol, the wine must be sealed and capped by cork closure and aged for two or more years.

4. All litter shall be removed from the exterior of the building as required and no less frequently than once each day the business is open.

5. The operation of the business or facility shall comply fully with all the rules, regulations and orders of the state Alcoholic Beverage Control Department. Failure to comply with these requirements shall constitute grounds for revocation of a conditional use permit or ~~minor use permit~~ zoning clearance.

6. For all businesses and other facilities engaged in the sale or service of alcoholic beverages for on-site consumption other than bars and taverns, the sale of alcoholic beverages shall be incidental and accessory to other permitted activities.

7. Employees engaged in the sale or service of alcoholic beverages for on-site consumption shall be at least twenty-one years old.

8. Except for ~~restaurants with incidental on-site alcoholic beverage sales~~ businesses consuming, businesses engaged in the sale or service of alcoholic beverages for on-site consumption shall maintain a minimum separation of one thousand feet from another business selling or serving alcoholic beverages for on-site consumption and a minimum of five hundred feet from any other business requiring a conditional use permit for the on-site or off-site sale or service of alcoholic beverages; any church or other place of worship; any public or private preschool, elementary school or high school; any public park or playground; any hospital, clinic, or other health care facility; any residential unit other than a caretaker's dwelling on a commercial or industrial property; and any property zoned for residential use. Except that existing businesses that serve alcohol and that were located closer than five hundred feet or one thousand feet from another business serving alcohol prior to adoption of the ordinance codified in this chapter shall be allowed to expand their business as long as the expansion does not violate the distance requirements from any of the designated sensitive uses identified in this section above. Based upon the particular circumstances involved, the ~~planning commission~~ City

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Council shall determine the appropriate separation between private clubs and lodges operated by recognized national, state or regional religious or fraternal order and appropriate distances between such clubs and lodges and other types of land use.

18.27.070 Measurement of distance.

A. Types of Uses.

1. "Regulated uses" are those businesses and facilities which sell, serve or give away alcoholic beverages and which have been identified in Sections 18.27.060(A)(16) and 18.27.060(B)(8).

2. "Protected uses" are churches or other places of worship; any public or private preschool, elementary school or high school; any park or playground; any hospital, clinic, or other health care facility; any residential unit other than a caretaker's dwelling on a commercial or industrial property; and any property zoned for residential use.

B. Distance Computation.

1. When a physical separation is required between two regulated uses, the distance of such separation is measured along a straight line extending between the closest exterior structural walls of each use.

2. When a physical separation is required between a regulated use and a protected use, the distance of such separation is measured along a straight line extending between the closest exterior structural wall of the regulated use and the closest property line of the protected use.

18.27.080 Notification to alcoholic beverage control department.

A. Within five days following the city's approval of a conditional use permit or ~~minor-use permit~~zoning clearance for a business proposing to sell, serve or give away alcoholic beverages, the city will send a written notice of such approval to the local office of the State Alcoholic Beverage Control Department.

1. The notice shall include a copy of the resolution or notice of approval and will state that city approval of the business or other facility proposing to sell, serve or give away alcoholic beverages has been granted subject to compliance, by the business or facility, with certain specific conditions.

2. The notice shall indicate the final date for the filing of any appeals from the decision or conditions of approval.

3. The notice shall state clearly in its heading and text that formal city approval of the business or facility which proposes to sell, serve or give away alcoholic beverages will be withheld until the business has complied with all appropriate conditions of approval.

B. Within three working days of the city's determination that a business proposing to sell alcoholic beverages has fully complied with all appropriate conditions of approval of a conditional use permit or ~~minor-use permit~~zoning clearance, a notice regarding such full compliance will be sent to the local ABC office.

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18.27.090 Notification regarding violations.

Each time the ~~community development~~ services director determines that a business or other facility which sells, serves or gives away alcoholic beverages has violated any provision or condition of its conditional use permit, ~~minor use permit~~ zoning clearance, other city law or regulation, or any requirement of the state Alcoholic Beverage Control Department, it shall issue a written notice and order to the owner of the business or facility. The notice and order shall include the following:

- A. A requirement that the business owner or facility operator correct all violations immediately.
- B. A statement that a violation of the alcoholic beverage sales ordinance constitutes a misdemeanor subject to the general penalty provisions of this code, that conviction of a misdemeanor shall be punishable by fine or imprisonment or both such fine and imprisonment, and that each day a violation is committed or continued constitutes a separate offense.
- C. A statement that, in addition to the penalties stated in Section 18.27.080, failure to comply in a timely manner or repeated violations may result in a revocation of the conditional use permit or ~~minor use permit~~ zoning clearance which authorizes the maintenance of an establishment selling, serving or giving away alcoholic beverages.
- D. A notification that a written report of such violation or violations has been transmitted to both the owner of the property where the business or facility is being conducted or operated and to the local office of the Alcoholic Beverage Control Department.

18.27.100 Justification for revocation of approvals.

Any business establishment which has been authorized by the city to sell, serve or give away alcoholic beverages shall comply fully with all city zoning and sign regulations, with all conditions attached to the approval of its conditional use permit or ~~minor use permit~~ zoning clearance, and with all rules, regulations and orders of the State Alcoholic Beverage Control Department. Failure to comply with any of these requirements shall constitute grounds for revocation of a conditional use permit or ~~minor use permit~~ zoning clearance.

18.27.110 Hearing regarding alleged violations.

If a business or other facility which sells, serves or gives away alcoholic beverages has been declared a public nuisance; if it has been found, by the California Department of Alcoholic Beverage Control, to be in violation of ABC rules; if its owner or operator fails to comply or refuses to comply with a notice and order to correct a violation in a timely manner; or if the ~~community development~~ services director, on three separate occasions within any twelve-month period, has issued a written notice and order to the owner of said business or operator of the facility, pursuant to Section 18.27.080, requiring the correction of specific violations of its conditional use permit or ~~minor use permit~~ zoning clearance; the ~~planning commission~~ City Council will schedule a public hearing, consistent with the requirements of Section 17.28.020 of the zoning ordinance to consider these matters. Following such public hearing, the ~~planning commission~~ City Council may make any findings which it believes to be supported by the facts presented in the hearing, including the following:

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A. It may find that the alleged violation(s) did not occur, were beyond the control of the business owner or facility operator, or were insignificant.

B. It may find that the alleged violation(s) did occur, that they were the responsibility of the business owner or facility operator, and were significant. As part of its determination regarding the appropriate action to be taken, the ~~planning commission~~ City Council may consider whether the violations were corrected immediately after being brought to the owner's or facility operator's attention, whether such violations constitute a minor or major violation of this chapter and its purpose and intent, and whether such violations appear to constitute a pattern of disregard for the city's laws and the standards of the community. (Ord. 386 § 3, 2009)

18.27.120 City actions in response to violations.

If, after a public hearing and full examination of the evidence regarding alleged violations of the city's regulations governing the sale, service or distribution of alcoholic beverages, the ~~planning commission~~ City Council makes findings similar to those stated in Section 18.27.110(A) it may choose to take no action against the owner of the subject business or operator of the subject facility. However, if the evidence submitted in the public hearing convinces the ~~planning commission~~ City Council that a significant violation has occurred, it may take one or more of the following actions:

A. Imposition of additional conditions governing the physical design of the building or property where the business is conducted or the facility is operated.

B. Attachment of additional conditions or limitations affecting the operations of the business or facility.

C. The ~~planning commission~~ City Council may determine that the business or facility, and its manner of operation, constitutes a serious threat to the preservation of the public health, safety and welfare and may take one or both of the following actions:

1. It may revoke the conditional use permit or ~~minor use permit~~ zoning clearance which authorizes the business or facility to sell, serve or give away alcoholic beverages.

2. It may recommend that the city council declare that the business or facility is a public nuisance subject to abatement or injunction in the manner provided by law.

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 4
Mtg. Date July 18, 2017
Dept. City Manager

Item Title: **Five-Year Agreement with San Diego County Sheriff's Department for Law Enforcement Services**

Staff Contact: Lydia Romero, City Manager

Recommendation:

Adopt a resolution (**Attachment B**) approving a five-year agreement with the San Diego County Sheriff's Department for Law Enforcement Services.

Item Summary:

Since the City's incorporation, the City has relied on the San Diego County Sheriff's Department to provide law enforcement services. The City, along with eight other cities in the County, negotiates an agreement for services every five years. The previous agreement for services expired on June 30, 2017.

Presented for City Council consideration is a resolution that approves an "Agreement between the City and the San Diego County Sheriff's Department for General and Specialized Law Enforcement and Traffic Services" for a term of five years (commencing retroactively on July 1, 2017). The staff report (**Attachment A**) provides a summary of the agreement and a fiscal analysis for the term of the agreement.

Fiscal Impact:

See staff report section entitled "Fiscal Impact."

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:

- A. Staff Report
- B. Resolution (including Agreement with the San Diego County Sheriff's Department)

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 4

Mtg. Date July, 18, 2017

Item Title: Five-Year Agreement with San Diego County Sheriff's Department for Law Enforcement Services

Staff Contact: Lydia Romero, City Manager

DISCUSSION:

The City of Lemon Grove, along with eight other cities in San Diego County, contracts with the County of San Diego for law enforcement services. The contract is a joint agreement between all of the contract cities and the County—taking advantage of common needs and economies of scale that result in a lower cost for law enforcement than having a municipal police department or individually contracting with the County. The previous agreement for services expired on June 30, 2017.

The Lemon Grove Sheriff's Lieutenant serves as the City's Chief of Police, providing a full range of law enforcement services including patrol, traffic and investigative services. Staff at the Lemon Grove station includes 21 sworn deputies/command staff, a Community Services Officer and 18 volunteers (SVP)—these figures do not include the support staff at the station. In 2016, within the City, there were over 12,600 calls for service dispatched and more than 7,400 deputy-initiated activities made.

Along with standard law enforcement responsibilities, such as patrol and traffic services, the City also receives the following services through the contract:

- | | |
|--|--|
| ✓ ASTREA Helicopter | ✓ Bomb/Arson Investigative Unit |
| ✓ Crime Lab & Analysis | ✓ Criminal Intelligence |
| ✓ Dispatch/Communication Center | ✓ Domestic Violence Investigative Unit |
| ✓ East County Gang Task Force | ✓ Homicide Investigative Unit |
| ✓ Juvenile Diversion Officers | ✓ Narcotic Enforcement |
| ✓ Psychiatric Emergency Response Team (PERT) | ✓ SWAT |
| ✓ Backup coverage for major incidents | |

Negotiations Process & Overview of Proposed Contract

In 2016, a committee was formed to negotiate a new contract on behalf of the contract cities. The contract cities identified maintaining of the cost center model and the controlling the costs of the contract in a new agreement.

The prior contract also fully transitioned in the Cost Model which allows for each city to directly control their costs related to the law enforcement services.

Cost – In the prior contract operational costs were capped to control contract increases, however retirement costs were exempt from the cost cap. During contract renewal discussions it was the goal for the City team to include retirement costs within the contract cap. However, due to changes to the investment and actuarial assumptions made by the San Diego County Employee Retirement System, the retirement costs going into this contract was extremely high. In order to cover the costs related to these retirement changes and to maintain reasonable cost controls, a

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fixed charge for law enforcement services was agreed to by the negotiating team representing the cities interest and the team representing Sheriff's department. Below is the negotiated fixed charge for the proposed five year contract.

Fiscal Year	Fixed Charge
2017-18	6.00%
2018-19	6.00%
2019-20	5.50%
2020-21	5.00%
2021-22	4.50%

As of the writing of this staff report, all eight contract cities have approved the proposed five year contract. The County Board of Supervisors have also approved the contract.

Fiscal Analysis

The chart below lists the projected costs over five year term of the contract. Cost estimations for years 2 through 5 assumes no changes to staffing levels.

Fiscal Year	Contract Amount	Dollar Increase	Percent Increase
2017-18	\$5,546,600		6.00%
2018-19	\$5,879,362	\$332,762	6.00%
2019-20	\$6,202,727	\$323,365	5.50%
2020-21	\$6,512,863	\$310,136	5.00%
2021-22	\$6,805,942	\$293,079	4.50%

CONCLUSION:

Staff recommends that the City Council adopt the resolution (**Attachment B**) approving a five-year agreement with the San Diego County Sheriff's Department for Law Enforcement Services.

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RESOLUTION NO. 2017-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA APPROVING A FIVE-YEAR AGREEMENT WITH THE SAN DIEGO COUNTY SHERIFF'S DEPARTMENT FOR THE PROVISION OF GENERAL AND SPECIALIZED LAW ENFORCEMENT AND TRAFFIC SERVICES WITHIN THE CITY OF LEMON GROVE

WHEREAS, the City of Lemon Grove has continuously contracted with the San Diego County Sheriff's Department for law enforcement services since 1977; and

WHEREAS, the City of Lemon Grove is satisfied with the arrangement, the level of service, and the positive impact to the community experienced with the Sheriff's service; and

WHEREAS, the prior five-year contract expired on June 30, 2017 and the nine cities contracting for law enforcement services with the San Diego County Sheriff's Department have completed negotiations for a new five-year contract; and

WHEREAS, the City of Lemon Grove and the San Diego County Sheriff's Department mutually desire to continue with a contract in which the Sheriff's Department provides general and specialized law enforcement and traffic services to the City.

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

1. Approves a five-year agreement, commencing on July 1, 2017, with the San Diego County Sheriff's Department for General and Specialized Law Enforcement Services (Exhibit 1); and
2. Authorizes the City Manager to execute said agreement.

/////

/////

Attachment B

EXHIBIT 1

AGREEMENT BETWEEN THE CITY OF LEMON GROVE, THE COUNTY OF SAN DIEGO, AND THE SAN DIEGO COUNTY SHERIFF

FOR GENERAL AND SPECIALIZED LAW ENFORCEMENT AND TRAFFIC SERVICES

This Agreement is between the City of Lemon Grove, a municipal corporation, hereinafter referred to as "CITY" and the County of San Diego, a political subdivision of the State of California, hereinafter referred to as "COUNTY", for services to be provided by the San Diego County Sheriff, hereinafter referred to as "SHERIFF."

RECITALS

WHEREAS, COUNTY through SHERIFF provides public safety services throughout the County of San Diego and is equipped and will do so to the extent and in the manner hereinafter provided; and

WHEREAS, CITY is a municipal corporation of the State of California within the County of San Diego and desires to obtain general and specialized law enforcement and traffic services; and

WHEREAS, Sections 51300-51308, 51350 and sections 54980 et seq. of the California Government Code authorize COUNTY and CITY to contract for performance of Sheriff services within the CITY; and

WHEREAS, COUNTY through SHERIFF currently provides general and specialized law enforcement and traffic services to CITY pursuant to a contract dated February 5, 2013; and

WHEREAS, CITY and COUNTY through SHERIFF desire to enter into a new agreement with provisions concerning the nature and extent of general and specialized law enforcement and traffic services to be provided to CITY and establishing the compensation to be paid therefore; and

WHEREAS, COUNTY acknowledges that CITY requires standards of performance that demonstrate professional excellence both in the execution of duties and in the interpersonal relations with CITY employees and all persons utilizing the services of CITY;

WHEREAS, the Board of Supervisors on June 20, 2017 authorized the Clerk of the Board to accept and execute this Agreement for General and Specialized Law and Traffic Enforcement Services; and

WHEREAS, the City Council for the City of Lemon Grove on July 18, 2017 authorized the City Manager to accept and execute this Agreement for General and Specialized Law and Traffic Enforcement Services.

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, COUNTY and CITY jointly intend that CITY will fund and COUNTY will

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provide a level of general and specialized law enforcement and traffic services, as set forth in this Agreement.

AGREEMENT

I. PURPOSE AND INTENT

The purpose of this Agreement is to satisfy the requirements of California Government Code §§51300-51308, 51350 and 54980, *et seq.* This Agreement is effective for its term beginning as set forth in Section III.A, regardless of its approval date by the parties and replaces the February 5, 2013 contract between COUNTY and CITY for the period of July 1, 2012 through June 30, 2017, including all supplements, insofar as that contract relates to provisions of general and specialized law enforcement and traffic services to CITY.

II. SCOPE OF SERVICES

COUNTY through SHERIFF shall provide general and specialized law enforcement and traffic services to CITY as follows:

A. Method of Service Delivery

SHERIFF will maintain a Law Enforcement Services Bureau, which will be responsible for performance of COUNTY's obligations under this Agreement. General and specialized law enforcement and traffic services will be staffed as described in Section IV, Standards of Service. These services shall be provided from SHERIFF's existing stations and other such facilities as COUNTY or the CITY may hereafter acquire.

B. Law Enforcement Services

COUNTY through SHERIFF will provide general and specialized law enforcement and traffic services ("Law Enforcement Services") to CITY as outlined in Attachment B. Law Enforcement Services consist of enforcement of the California Penal Code, the California Vehicle Code, and pertinent regulatory ordinances as

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adopted by the City Council of CITY, as well as direct supervision of law enforcement personnel assigned to provide Law Enforcement Services to CITY; all to the extent necessary and appropriate to meet the Standards of Service described in Section IV. Staffing for Law Enforcement Services shall be as provided in Section IV D of this Agreement.

C. Ancillary Services

Services of the SHERIFF's units related to the following services will be provided to CITY as an integral part of the law enforcement services described above and are included in the cost of such services: crime prevention, juvenile intervention, financial crimes, homicide, domestic violence, communication, information technology support, and clerical support. SHERIFF will consult with CITY when new programs are proposed that would increase costs to CITY, and implement them only after discussion with CITY.

D. Regional Services

The following regional services are provided to CITY as needed as an adjunct to the Law Enforcement Services described above at no additional cost: Special Weapons & Tactics (SWAT); Aerial Support to Regional Enforcement Agencies (ASTREA); Bomb/Arson; Search and Rescue; Fire/Rescue helicopter; Crime Lab; and Property and Evidence.

E. Search and Rescue Responsibility

The COUNTY and the CITY agree that some rescues are the responsibility of and will be performed by the SHERIFF while other rescues are the responsibility of and will be performed by the CITY's public safety services. In many instances, rescues will be conducted in a joint operation involving both the SHERIFF and the CITY's emergency response personnel.

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F. Reserve Program

The SHERIFF, in partnership with the CITY, will take active steps to recruit individuals to participate in the Reserve Program.

G. Additional Services

1. General

COUNTY through SHERIFF may provide supplemental Law Enforcement Services or additional related equipment and supplies as requested by CITY. Additional Services not covered under Law Enforcement Services may include, but are not limited to, added patrol or traffic services required for special events such as street fairs, concerts, movie productions and other third party promotions as well as auditing of red light camera programs.

2. Requests

Requests for Additional Services shall be made to SHERIFF by CITY through the SHERIFF's Station Commander or his or her designee and shall be made in writing or, if made in person or by telephone, shall be confirmed in writing by the requestor within forty-eight (48) hours of the request. CITY shall provide SHERIFF with as much advance notice as possible regarding requests for Additional Services.

3. Provision of Additional Services

SHERIFF shall advise CITY promptly and shall confirm in writing if SHERIFF is unable to provide some or all of any requested Additional Services. If SHERIFF is able to provide some or all of the requested Additional Services, SHERIFF shall promptly advise CITY in writing of the estimated costs of the services. Unless CITY disapproves in writing of an

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estimate provided by SHERIFF, SHERIFF shall provide such Additional Services to CITY and shall be reimbursed for the actual cost of providing the Additional Services subject to Section V B 2. COUNTY shall delegate the authority to SHERIFF to approve additional services consistent with the intent of this provision.

4. Identification

COUNTY and CITY acknowledge and agree that it is impractical to specify in this Agreement each and every category of Additional Services that might be desired by CITY, and that the parties will reasonably cooperate in identifying and addressing such potential Additional Services within the scope of Law Enforcement Services.

H. Emergencies

1. General

Notwithstanding any other provision of this Agreement, in the event of an emergency occurring within CITY, SHERIFF shall take any and all actions reasonably necessary or appropriate to respond to the emergency, to include appropriate referrals to, and coordination with, other law enforcement agencies.

2. Temporary Duties

SHERIFF's personnel assigned to perform services for CITY under this contract ("SHERIFF's contract city personnel") may be required to perform temporary duty outside the scope of this Agreement. For the purpose of this Agreement, "temporary duty" shall include, but not be limited to, assignments necessitated by a public safety emergency or other exigent circumstances such as might be required under "mutual aid" agreements.

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3. Redeployment of Staff

During the period of any public safety emergency or exigent circumstance such as responding to mutual aid requests, SHERIFF's contract city personnel may be temporarily redeployed for emergency response. If reasonable and practical, SHERIFF shall notify the City Manager for the CITY and discuss the redeployment prior to reassignment. If the public safety emergency or exigent circumstance such as requests for mutual aid demand immediate redeployment, SHERIFF need not notify the City Manager in advance, but shall do so as soon as practical. In the event of a major disaster for which the SHERIFF is reimbursed by FEMA for salary and benefit costs, the SHERIFF shall reimburse CITY (less administrative fee) from which the staff was redeployed.

III. TERM OF AGREEMENT

A. Term

The term of this Agreement shall commence at midnight July 1, 2017, and shall continue in effect through and terminate at midnight on June 30, 2022, subject to the termination provisions in Section III. B. below.

B. Termination

Notwithstanding any other section or provisions of this Agreement, either party hereto may terminate this Agreement by giving a one-year advance written notice of intention to terminate.

IV. STANDARDS OF SERVICE

A. Anticipated Service Outcome

The anticipated outcome of law enforcement services provided by COUNTY through SHERIFF to CITY under this Agreement is the provision of efficient and

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effective police protection and the performance of all duties as required by law or contract. These duties include patrol, traffic, general and specialized investigations, crime prevention, crime analysis, criminal intelligence, narcotics enforcement, emergency services, licensing, crime lab and communications.

B. Performance Standards

COUNTY through SHERIFF shall provide CITY with qualified personnel to meet the following performance standards and scope of service:

1. General

All SHERIFF personnel who provide general and specialized law enforcement and patrol services to CITY pursuant to this Agreement shall have met the minimum qualifications designated for their specific classification, including a background investigation.

2. Patrol Services

COUNTY through SHERIFF shall provide general law enforcement services via the various options listed in Attachment A of this Agreement. To the extent such staff is provided within CITY, their services, together with all normal ancillary services related thereto, shall primarily provide enforcement of the California Penal Code, the California Vehicle Code, and pertinent regulatory ordinances as adopted by the City Council of CITY.

3. Traffic Services

COUNTY through SHERIFF shall provide traffic services via the various options listed in Attachment A. To the extent that such staff is provided within CITY, their services, together with all normal ancillary services related thereto, shall primarily provide enforcement of the California Vehicle Code and pertinent traffic regulatory ordinances as adopted by the City Council of CITY, accident investigations, analysis of traffic related problems

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of CITY, and cooperate with various CITY departments to obtain solutions to the traffic problems of CITY.

4. **Special Purpose Officers**

COUNTY through SHERIFF shall provide problem solving services via the various Special Purpose Officer options listed in Attachment A of this Agreement. To the extent such staff is provided within CITY, their services, together with all normal ancillary services related thereto, shall primarily be to identify and resolve problems of both a criminal and non-criminal nature for a designated geographic area through investigation, patrol support, coordination of departmental resources and cooperation with various CITY departments.

5. **School Resource Officers**

COUNTY through SHERIFF shall provide school resource services via the various Special Purpose Officer options listed in Attachment A of this Agreement. To the extent such staff is provided within CITY, their services, together with all normal ancillary services related thereto, shall primarily provide enforcement and follow up investigation on school property for violations of the Penal Code of the State of California, the California Vehicle Code, and the California Education Code and cooperate with school administration, faculty, students, and parents to obtain solutions to problems of the school district.

6. **Community Service Officers**

COUNTY through SHERIFF shall provide community services via the Community Service Officer options listed in Attachment A of this Agreement. To the extent such staff is provided within CITY, their services, together with all normal ancillary services related thereto, shall primarily

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provide response/information to citizen inquiries, completion of minor reports, fingerprinting, traffic direction, parking enforcement, vehicle abatement, crime prevention education and enforcement of pertinent regulatory ordinances as adopted by the City Council of CITY.

7. Detectives

COUNTY through SHERIFF shall provide follow-up criminal investigative services via the Detective option listed in Attachment A of this Agreement. To the extent such staff is provided within CITY, their services, together with all normal ancillary services related thereto, shall primarily be to investigate crime reports submitted by Patrol Officers, Community Service Officers, Special Purpose Officers or other personnel. Detectives are responsible for classifying and closing cases, identifying suspects, gathering evidence, making arrests, submitting cases for prosecution and supporting said prosecution with needed supplemental investigation.

8. Retired-Rehired Deputies

COUNTY through SHERIFF shall, to the extent such personnel are available, make available Retired Deputies according to the options listed on Attachment A of this Agreement. Such Retired-Rehired Deputies are eligible for short-term assignments or assignments requiring specialized skills or knowledge on a temporary basis to CITY. Such Retired-Rehired Deputies are not available for routine Patrol, Traffic, Detective, or Special Purpose Officer services and are limited by State Law and Retirement System policy to working a maximum of 960 hours per fiscal year.

C. Assignment of Personnel

1. Sheriff's Responsibility

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The management, direction, supervision and discipline of SHERIFF personnel, the standards of performance, and all other matters incident to the performance of services, shall be performed by and be the responsibility of COUNTY through SHERIFF in SHERIFF's sole but reasonable judgment and in accordance with the provisions of applicable labor agreements. SHERIFF shall be the appointing authority for all personnel provided to CITY and shall have complete discretion as to the assignment of all individual SHERIFF'S personnel under this Agreement.

2. Transfers and Selection of Station Commanders

SHERIFF will consult with CITY prior to reassignment of the station commander serving CITY and CITY will be afforded the opportunity to interview potential candidates prior to one being selected as the Station Commander of the station serving CITY. SHERIFF will solicit input from CITY when completing Station Commander's performance review. CITY and SHERIFF acknowledge that the length of assignment of the Station Commander serving CITY cannot be precisely defined; however SHERIFF will endeavor to maintain the Station Commander serving the CITY in that assignment for twenty four (24) months.

3. Other Staff Assignments

If CITY has specific concerns regarding the actions of any officer, agent or employee who performs Law Enforcement Services, CITY may address those concerns with the Station Commander serving CITY.

4. Liability for Payment of Wages

CITY shall have no liability for any direct payment of salary, wages, indemnity, or other compensation or benefit to persons engaged in COUNTY's performance of this Agreement.

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D. Staffing for Basic Services

COUNTY through SHERIFF shall staff CITY as described in Attachment B in order to provide Law Enforcement Services. SHERIFF shall ensure that adequate numbers of qualified SHERIFF personnel are provided to CITY at all times during the term of this Agreement to meet the Law Enforcement Services, Scope of Services and Standards of Service commitments set forth herein, at no less than the staffing and classification levels established in the most current Attachment B. SHERIFF shall use best efforts to fill CITY funded position vacancies within a reasonable period of time.

E. Changes in Staffing

CITY shall provide COUNTY through SHERIFF thirty days advance notice when requesting changes in staffing. If CITY and SHERIFF agree that changes to the staffing level for Law Enforcement Services are needed and/or agree that staff additions or deletions in CITY are necessary in order to provide adequate levels of Law Enforcement Services in the succeeding contract year, CITY and COUNTY through SHERIFF shall execute and sign an amendment to Attachment B. COUNTY shall delegate the authority to SHERIFF to sign amendments to Attachment B consistent with the intent of this provision after review and approval by County Counsel. The level of service shall not be changed without the mutual consent of the SHERIFF and CITY.

F. Vehicles, Equipment and Supplies

COUNTY shall provide all supplies, equipment and materials required for performance of the required law enforcement services; except that the CITY shall, at its own expense, supply any special stationery, supplies, notices, or forms which are to be issued in the name of the CITY.

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COUNTY agrees to provide the standard equipment for CITY vehicles per Attachment E. All marked vehicles (black & white) will generally be replaced at 100,000 miles. Vans and sedans will generally be replaced at 100,000 miles. Motorcycles will be replaced as needed at COUNTY's discretion.

The name of the city and city seal will be included on the doors of patrol cars if requested by the CITY. The CITY shall provide their CITY decal in the size requested by the SHERIFF.

Subject to written approval of the SHERIFF or his designee, the CITY may purchase equipment deemed necessary to facilitate program implementation or operation. If the COUNTY does not accept ownership of the equipment, the purchase price and all ongoing costs will be the responsibility of the CITY. If the COUNTY accepts in writing the equipment from the CITY, such equipment becomes the property of the COUNTY, and the CITY shall be credited the total cost for the equipment. Total cost shall mean a value agreed upon between COUNTY and CITY at the time the transfer is made.

G. Asset Ownership

1. Vehicles

Vehicle ownership will be retained by the entity (CITY or COUNTY) that purchased the vehicle and is currently carrying ownership via the vehicle registration.

2. Office Equipment

Office equipment (desks, chairs, computers, etc.) ownership will be retained by the entity (CITY or COUNTY) that purchased the equipment and is currently carrying ownership on the entity's inventory.

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3. Safety Equipment

Safety equipment (firearms, uniforms, leather gear, etc.) ownership will be retained by the COUNTY.

4. Facilities

CITY shall retain ownership of facilities that CITY constructed for the purpose of use as a Sheriff's station. SHERIFF's payment to CITY is a lease payment only.

H. Membership

1. For each year that this Agreement is in effect, CITY agrees to maintain its membership in the Automated Regional Justice Information System Joint Powers Agency (ARJIS).
2. For each year that this Agreement is in effect, CITY agrees to maintain its membership in the Regional Communications System (RCS).
3. For each year that this Agreement is in effect, CITY agrees to maintain its participation in the California Identification System Remote Access Network (CAL-ID).

I. Contract Administration

1. County Representative

COUNTY designates SHERIFF or his designee to represent COUNTY in all matters pertaining to the administration of the Agreement.

2. City Representative

CITY designates its City Manager or designee to represent CITY in all matters pertaining to the administration of the Agreement.

3. Meetings between City and Sheriff

SHERIFF or his designee shall be available to confer with the City Manager or designee whenever feasible, practical and not in conflict with mandated

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duties and responsibilities. SHERIFF and/or Undersheriff and the Assistant Sheriff will meet with the City Managers as a group twice each year to discuss the law enforcement contract. CITY and COUNTY shall provide full cooperation and assistance of its officers, agents, and employees to each other in the performance of this contract.

4. Implementation of New Programs

The COUNTY will discuss the implementation of any new programs with the CITIES. The County will provide the justification and value to CITY for the program and estimates of the cost impact. Such programs, if resulting in additional costs to CITY will only be implemented after discussion with the CITY.

5. Labor Negotiations

The CITY will be requested to provide the SHERIFF with comments and recommendations during labor negotiations. The SHERIFF will review and pass on the CITY's comments to the COUNTY's labor negotiators.

6. CLETAC

CITY, along with other cities within San Diego County entering into contracts for law enforcement services similar to this Agreement ("CITIES") shall maintain a Contract Law Enforcement Technical Advisory Committee (CLETAC). The Law Enforcement Services Bureau Assistant Sheriff, Law Enforcement Commanders and Sheriff's Contracts Manager shall meet with the committee on at least a semiannual basis to review contract administration including contract interpretation, costs, and liability. Additional meetings can be scheduled at the request of either party

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J. Audit and Inspection of Records

COUNTY agrees that records generated under this contract shall be made available to CITY to audit and examine. CITY agrees that any such audit will be arranged by contacting COUNTY Board of Supervisors or designated representative in writing at least ten working days prior to the commencement of the audit and shall be conducted during normal working hours. CITY through its City Manager shall have access to reports and other documents pertaining to this Agreement including statistical reports on crime rates, traffic incidents and calls for service within CITY.

K. Reporting Requirements

CITY will receive monthly reports that provide information with respect to staffing, crime statistics, traffic statistics, programs, patrol activities and Information Led Policing strategies.

V. COST OF SERVICES/CONSIDERATION

A. General

As full consideration for the satisfactory performance and completion by COUNTY through SHERIFF of the Law Enforcement Services set forth in this Agreement, CITY shall pay COUNTY for the services agreed to on the basis of invoices and submittals as set forth hereunder.

B. Personnel Costs

1. Law Enforcement Services

The cost of a Law Enforcement Services position includes amounts that compensate COUNTY for all absences due to compensatory time off, bereavement, family, injury, military, and sick leave, holidays, jury duty, leave without pay, related training, and vacation but does not provide coverage or include costs required to maintain coverage for Law

Attachment B

Enforcement Services during such absences. If, however, there is an individual absence of more than 30 calendar days, CITY is not required to compensate the COUNTY from the 31st day until the position is staffed. In the event of a vacancy, CITY is not required to compensate the COUNTY from the 1st day of a vacancy until the position is filled.

2. Additional Services

CITY shall compensate COUNTY for Additional Services requested and approved by CITY in accordance with Section II G, based upon the actual costs incurred by SHERIFF to provide those services.

C. Full Cost Center with Direct Space

1. Cost Center Development

A Cost Center model including each station showing the direct station support, space and overhead costs for both the CITY and COUNTY shall be developed.

2. Direct Costs

CITY shall pay for direct staff and equipment, which includes:

- a) Deputies
- b) Detectives
- c) Sergeants
- d) Community Service Officers
- e) Vehicles
- f) Handheld Radios

3. Station Support Costs & Space

Station Support costs shall include:

- a) Lieutenants
- b) Captains

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- c) Administrative Secretary I & II
- d) Office Assistants
- e) Property & Evidence Specialists
- f) Sr. Office Assistants
- g) Departmental Aid
- h) Crime Analyst
- i) Crime Prevention
- j) Supplies
- k) Space

All Station Support costs shall be allocated between the COUNTY and the CITY (or CITIES) occupying the station based on their number of deputies, detectives, sergeants and community services officers in that station. All deputy, detective and sergeant positions shall be allocated the same amount of Station Support Costs and community service offices will be allocated one half the amount of Station Support Costs allocated to a deputy, detective or sergeant.

4. Overhead Costs

Overhead costs shall consist of:

- a) Communications Center
- b) Reserves
- c) Traffic Coordinator
- d) Juvenile Intervention
- e) Family Protection
- f) Financial Crimes
- g) Domestic Violence Unit
- h) Homicide

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- i) Crime Analysis Administration
- j) Supplies
- k) Administrative Support
- l) Financial Services
- m) Personnel
- n) Data Services
- o) County Counsel
- p) County Support Costs

All CITY overhead costs shall be allocated to all the CITIES based on their number of deputies, detectives, sergeants and community services officers. All deputy, detective and sergeant position will be allocated the same overhead amount and community service officers will be allocated one half the amount of overhead allocated to a deputy, detective, or sergeant. CITY costs shall be listed in Attachment C.

5. **Overhead Allocation Date**

The staffing of each CITY on May 1st (June 1st in agreement year one) and any requested adjustments shall be used to allocate overhead, station support and space calculation for the contract year starting the following July 1st.

6. **Staff Added After May 1st**

For staff added after May 1st (June 1st in agreement year one) the CITY will only pay the direct cost (Salary, benefits, retirement, vehicle costs, and the one time equipment charge) until July 1st of the following year (e.g. 14 months or 13 months in agreement year one) when they will be included in

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the new overhead calculation and Station Support Costs and Space Calculation.

7. Deleted Positions After May 1st

If a CITY deletes a position after May 1st (June 1st in agreement year one), they will not have to pay the direct cost but that position will still be included in the overhead calculation until the following July 1st.

D. Costs

1. Fixed Cost Increase

Cost increases for each city will be 6% in years one and two of this agreement, 5.5% in year three of this agreement, 5.0% in year four of this agreement and 4.5% in year five of this agreement. The cities will pay the applicable contract year's percentage increase regardless of the actual cost increase or decrease.

2. Application of Fixed Cost

Only staff included in the previous year's overhead calculation and adjustments made prior to May 1st (June 1st for agreement year one) will be used to determine the base for the percentage cost increase.

Adjustments for any changes in the future contract year will be made after applying the fixed percentage increase.

3. Exceptions to the Fixed Cost

Notwithstanding any other provision of this Agreement, the CITY's cost may increase above the fixed cost percentage if the following situation occurs:

- a) If any city elects to discontinue its participation in the Contract Law Enforcement Program or deletes positions, all city overhead shall be

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reallocated among the remaining CITIES at the beginning of the next contract year as provided for in the compensation plan Section V.C.4 above.

E. Liability

1. Agreement Years One, Two, and Three

The CITIES will pay a total of \$650,000. This amount shall be allocated to each CITY using the formula for overhead in V.C.4.

2. Agreement Years Four and Five

The CITIES will pay a total of one million dollars. This amount shall be allocated to each CITY using the formula for Overhead in V.C.4.

3. Reopener

During year three, of this agreement, either party may request a meeting to discuss liability costs. All changes require the consent of both parties.

F. Rate of Compensation

1. First Year

For the first year of this Agreement, CITY will compensate COUNTY for provision of the Law Enforcement Services in an amount equal to the fiscal year base amount set forth in Attachment B effective 07/01/17. Included in this amount will be a liability cost agreed to by COUNTY and CITY. In addition to the charges for Law Enforcement Services, CITY will compensate COUNTY for Additional Services as set forth in Section V.B.2, above.

2. Subsequent Years

a. Cost Detail

By April 1st of each year, SHERIFF shall provide CITY with service costs as defined in Attachment A. The cost for services provided by

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SHERIFF shall be based upon the actual cost of such services as identified in Attachment A. The salaries and benefits shall be based upon the most current payroll and adjusted for any known increases approved by the COUNTY's Board of Supervisors. Included in this amount will be an annual liability cost agreed to by COUNTY and CITY. All other costs will be based on actual costs per the COUNTY auditor's previous fiscal year accounting records.

b. Level of Service

By May 1st of each year, CITY shall determine the level of Law Enforcement Services as defined in Section IV.B required within CITY for the upcoming fiscal year (July 1 through June 30). At a minimum, such service shall include the availability of one continuous twenty-four hour per day patrol unit and one continuously available eight and one-half hour, seven days a week, traffic unit.

c. Joint Operating and Financial Plan

By July 1st of each year, COUNTY and CITY shall prepare a written Joint Operating and Financial Plan specifying the level of service for the upcoming fiscal year and the total cost of such services as determined in accordance with Section V.C and V.D, above. This plan, when approved by CITY and the COUNTY through the SHERIFF shall be effective July 1st and shall be made a part of this Agreement as Attachment B.

d. Mandated Costs

CITY shall pay all costs which are mandatory as of the effective date of this agreement for any city police force to pay pursuant to state or federal statute or case law, if such costs are not included in the agreed-to costs enumerated in the Joint Operating and Financial Plan. Further,

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CITY shall pay any mandatory costs that shall become operational during the term of this Agreement.

G. Mid-Year Adjustments to Basic Services

With thirty (30) days advance notice, either party may propose amendments or modifications to this Agreement. Such changes, including any increase or decrease in the level of service, which are mutually agreed upon by and between COUNTY and CITY shall be effective when incorporated in a revised Joint Operating and Financial Plan that is attached to this Agreement as Attachment B and approved by both the COUNTY through the SHERIFF and CITY. When CITY opts to increase or reduce service levels thus impacting the base staff count, SHERIFF will reallocate costs in accordance to Section V. C and V. D, above.

H. Method of Payment, Proportional Payment, Credits

1. Monthly Invoices

COUNTY shall invoice CITY monthly for services received (1/12 of annual costs). CITY, within 30 days from the date of the invoice, shall pay to the County Treasurer, through the SHERIFF at 9621 Ridgehaven Court, San Diego, CA 92123, for costs of the services agreed upon as reflected in the Joint Operating and Financial Plan (Attachment B).

2. Billing for Additional Services

In the event that Additional Services have been agreed to by the parties and provided by SHERIFF to CITY, such services shall be billed in addition to those listed above. CITY agrees to pay the allowable cost of such services so requested. CITY shall not be obligated to pay for any regional services listed in Section II.D above. However, in the event that all non-contract cities are charged by COUNTY for any regional service, the COUNTY may reopen

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negotiations with CITY and, upon agreement of the parties, a charge for such regional service may take effect at any time during the term of this Agreement.

3. Credits

a. Vacancies and Absences

In the event that a credit is due CITY for vacancies or for absences extending beyond 30 calendar days, SHERIFF will deduct the amount of the credit from the total amount billed. This credit will not be "pooled" among all of the CITIES but will be credited to CITY only, for not having received the contractual service.

b. Towing Fees

CITY shall be given credit for towing fees collected under California Vehicle Code section 22850.5.

I. Booking Fees/Jail Access Fee

Effective 7/1/07, in lieu of charging CITY booking fees, COUNTY will receive an annual appropriation from the state. COUNTY may charge a "jail access fee" for certain low-level offenses (municipal code violations and misdemeanor violations except driving under the influence, domestic violence offenses, and enforcement of protective orders), for each booking in excess of CITY's three year average of such bookings (recalculated annually). In the event that the state reduces its annual appropriation, COUNTY may reinstate booking fee in accordance with Government Code sections 29550-29552.

J. Distribution of Fines and Forfeitures

All personnel provided by SHERIFF in the performance of the services of this agreement for CITY shall be COUNTY officers and employees, but shall be

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deemed officers and employees of CITY for the sole purpose of distributing fines and forfeitures pursuant to Penal Code section 1463.

K. Forfeited Property and Assets

Any property retrieved in CITY by SHERIFF'S personnel such as unclaimed stolen goods or revenue generated by the sale of such property by COUNTY shall be made available to CITY net of allowable expenses, at first option to retain for CITY purposes. Assets seized through the Asset Forfeiture process by SHERIFF's personnel within CITY as a result of self-initiated activities or calls for service shall be shared with CITY according to current Federal Asset Seizure guidelines.

L. Grant Availability

SHERIFF will advise CITY of availability of grant funding to maximize efforts to obtain funds for such things as anti-terrorism activities, programs and training.

M. Availability of Funding

All terms and conditions of this Agreement are subject to the continued appropriations and availability of funds for either party for the performance of the services stated herein.

VI. DEFENSE AND INDEMNIFICATION

A. Indemnification Related to Workers Compensation and Employment Issues

COUNTY shall fully indemnify and hold harmless CITY, its officers, employees and agents, from any claims, losses, fines, expenses (including attorneys' fees and court costs or arbitration costs), costs, damages or liabilities arising from or related to (1) any workers' compensation claim or demand or other workers compensation proceeding arising from or related to, or claimed to arise from or relate to, employment which is brought by an employee of COUNTY or any contract labor provider retained by COUNTY, or (2) any claim, demand, suit or other proceeding arising from or related to, or claimed to arise from or relate to, the status of

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employment (including without limitation compensation, demotion, promotion, discipline, termination, hiring, work assignment, transfer, disability, leave or other such matters) which is brought by an employee of COUNTY or any contract labor provider retained by COUNTY. CITY shall fully indemnify and hold harmless COUNTY, its officers, employees and agents, from any claims, losses, fines, expenses (including attorneys' fees and court costs or arbitration costs), costs, damages or liabilities arising from or related to (1) any workers' compensation claim or demand or other workers compensation proceeding arising from or related to, or claimed to arise from or relate to, employment which is brought by an employee of CITY or any contract labor provider retained by CITY, or (2) any claim, demand, suit or other proceeding arising from or related to, or claimed to arise from or relate to, the status of employment (including without limitation compensation, demotion, promotion, discipline, termination, hiring, work assignment, transfer, disability, leave or other such matters) which is brought by an employee of CITY or any contract labor provider retained by CITY.

B. Defense and Indemnity; Acts and Omissions

1. Claims, Actions or Proceedings Arising From Acts or Omissions of COUNTY

COUNTY hereby agrees to defend and indemnify the CITY, its agents, officers and employees, from any claim, action or proceeding against CITY, arising out of the acts or omissions of COUNTY in the performance of this Agreement. At its sole discretion, CITY may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve COUNTY of any obligation imposed by this Agreement. CITY shall notify COUNTY promptly of any claim, action or proceeding and cooperate fully in the defense.

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2. Claims, Actions or Proceedings Arising From Acts or Omissions of CITY

CITY hereby agrees to defend and indemnify the COUNTY, its agents, officers and employees, from any claim, action or proceeding against COUNTY, arising out of the acts or omissions of CITY in the performance of this Agreement. At its sole discretion, COUNTY may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve CITY of any obligation imposed by this Agreement. COUNTY shall notify CITY promptly of any claim, action or proceeding and cooperate fully in the defense.

3. Claims, Actions or Proceedings Arising From Concurrent Acts or Omissions

COUNTY hereby agrees to defend itself, and CITY hereby agrees to defend itself, from any claim, action or proceeding arising out of the concurrent acts or omissions of COUNTY and CITY. In such cases, COUNTY and CITY agree to retain their own legal counsel, bear their own defense costs, and waive their right to seek reimbursement of such costs, except as provided in paragraph 5 below (referring to joint defense agreements and reimbursement and/or reallocation).

4. Limited COUNTY Defense And Indemnification Of CITY; Claims Investigation

a. Limited COUNTY Defense And Indemnification Of City

The COUNTY shall indemnify, defend and hold the CITY harmless where asserted CITY liability is based solely on one or more of the following three circumstances:

- (1) The CITY's contractual relationship with COUNTY under this Agreement;
- (2) The incident giving rise to the claim or suit is alleged to have occurred within the boundaries of CITY and there is no "dangerous condition" allegation against the CITY;

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(3) The conduct alleged to be that of the CITY is, in fact, COUNTY conduct.

b. Procedure For Determination Of Duty To Defend And Indemnify

If the COUNTY and/or CITY receive a claim or claims containing a description of circumstances, and/or are served with a complaint containing allegations, that the actions and/or omissions of the COUNTY and CITY in the performance of this Agreement contributed to the injuries and/or damages alleged in the complaint, the COUNTY shall look beyond the mere description of circumstances or allegations to determine whether CITY acts, omissions or dangerous conditions of CITY property may have contributed to the injuries and/or damages alleged in the complaint, notwithstanding the allegations. The COUNTY, consistent with its long standing practice, shall review the information in any COUNTY claims file, including investigative materials of the factual circumstances underlying the complaint's allegations and/or available law enforcement agency incident reports. If the COUNTY review determines that there are no facts supporting any viable theory of liability alleged in the complaint against the CITY, the COUNTY shall defend and indemnify the CITY pursuant to the provisions in paragraph 4.a above. However, if as a result of the COUNTY review, there appears to be a reasonable basis for concluding that CITY acts, omissions or dangerous conditions of CITY property may have contributed to the injuries and/or damages alleged in the complaint, COUNTY shall, as soon as practicable contact the appropriate CITY representative to discuss COUNTY's findings. If, after the discussion with CITY representative, the COUNTY is convinced that CITY was not involved, the COUNTY shall defend and indemnify the CITY pursuant to the provisions in paragraph A, above. However, if there continues to appear to be a reasonable basis for concluding that CITY acts, omissions or dangerous conditions of CITY property may have contributed to the plaintiff's injuries and/or damages alleged in

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the complaint, the COUNTY will notify the CITY that the COUNTY, pursuant to the provisions of this Agreement, is not obligated to defend and indemnify CITY under paragraph 4 (a), above. When the COUNTY defends a claim or suit pursuant to paragraph 4(a), above, the CITY shall cooperate with COUNTY in the defense of the action or claim.

5. Joint Defense

Notwithstanding paragraph 4 above, in cases where COUNTY and CITY agree in writing to a joint defense, COUNTY and CITY may appoint joint defense counsel to defend the claim, action or proceeding arising out of the concurrent acts or omissions of CITY and COUNTY. Joint defense counsel shall be selected by mutual agreement of COUNTY and CITY. COUNTY and CITY agree to share the costs of such joint defense and any agreed settlement in equal amounts, except as follows: COUNTY and CITY further agree that neither party may bind the other to a settlement agreement without the written consent of both COUNTY and CITY. Where a trial verdict or arbitration award, in a joint defense case, allocates or determines the comparative fault of the parties, COUNTY and CITY may seek reimbursement and/or reallocation of defense costs, judgments and awards, consistent with such comparative fault.

VII. GENERAL PROVISIONS

A. Independent Contractor Status

In the performance of services under this Agreement, COUNTY and their respective officers, agents and/or employees shall be deemed independent contractors and not officers, agents or employees of CITY. All such personnel provided by COUNTY under this Agreement are under the direct and exclusive supervision, daily direction, and control of COUNTY and COUNTY assumes full

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responsibility for the actions of such personnel in the performance of services hereunder.

CITY and COUNTY acknowledge and agree that CITY does not control the manner and means of performing the work of COUNTY's officers, agents or employees who perform Law Enforcement Services, and that CITY does not have the right or authority to hire, discipline or terminate such officers, agents or employees. COUNTY has no authority of any kind to bind CITY, and CITY has no authority to bind COUNTY and/or SHERIFF in any respect whatsoever, nor shall COUNTY or SHERIFF act or attempt to act, or represent itself directly or by implication as an agent of CITY, or in any manner assume or create or attempt to assume or create any obligation on behalf of or in the name of CITY. CITY shall not act or attempt to act, or represent itself directly or by implication as an agent of COUNTY, or in any manner assume or create or attempt to assume or create any obligation on behalf of or in the name of COUNTY.

B. Notices

Any notice, request, demand or other communication required or permitted hereunder shall be in writing and may be personally delivered or given as of the date of mailing by depositing such notice in the United States mail, first-class postage prepaid and addressed as follows; or to such other place as each party may designate by subsequent written notice to each other:

To COUNTY and SHERIFF:

County of San Diego
Chairperson
San Diego County
Board of Supervisors
1600 Pacific Highway
San Diego, CA 92101

AND

Sheriff
Contracts Manager
PO Box 439062
9621 Ridgehaven Ct
San Diego, CA 92123

To: CITY

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

A notice shall be effective on the date of personal delivery if personally delivered before 5:00 p.m. on a business day or otherwise on the first business day following personal delivery; or two (2) business days following the date the notice is postmarked, if mailed; or on the first business day following delivery to the applicable overnight courier, if sent by overnight courier for next business day delivery and otherwise when actually received.

C. Time of the Essence

Time is of the essence of this Agreement. Unless specifically stated to the contrary, all references to days herein shall be deemed to refer to business days, not to include COUNTY holidays.

D. Amendments

With the exception of the modification or amendment of Exhibits as noted in Sections IV. E, V.C and V.D, above, this Agreement may be modified or amended only by a written document signed by all parties, and no oral understanding or agreement shall be binding on the parties. No party shall assign any of its rights or delegate any of its obligations hereunder without the prior written consent of the other parties.

E. Entire Agreement

This Agreement, including all Exhibits hereto, constitute the complete and exclusive statement of agreement between COUNTY and CITY with respect to the subject matter hereof. As such, all prior written and oral understandings are superseded in total by this Agreement.

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F. Construction

Each party has had the opportunity to participate in the review of this Agreement and this Agreement will be deemed to have been made and shall be construed, interpreted, governed and enforced pursuant to and in accordance with the laws of the State of California. The headings and captions used in this Agreement are for convenience and ease of reference only and shall not be used to construe, interpret, expand, or limit the terms of the Agreement and shall not be construed against any one party. Each of the Exhibits attached to this Agreement is hereby incorporated into this Agreement by this reference.

G. No Third Party Beneficiaries

This Agreement is intended solely for the benefit of the COUNTY and the CITY. Any benefit to any third party is incidental and does not confer on any third party to this Agreement any rights whatsoever regarding the performance of this Agreement. Any attempt to enforce provisions of this Agreement by third parties is specifically prohibited.

H. Waiver

A waiver by COUNTY of a breach of any of the covenants to be performed by CITY, or a waiver by CITY of a breach of any of the covenants to be performed by COUNTY, shall not be construed as a waiver of any succeeding breach of the same or other covenants, agreements, restrictions, or conditions of this Agreement. In addition, the failure of either party to insist upon strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by COUNTY or CITY of either performance or payment shall not be considered a waiver of the other party's preceding breach of this Agreement.

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I. Authority to Enter Agreement

COUNTY and CITY each has all requisite power and authority to conduct its respective business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party.

J. Cooperation

COUNTY through SHERIFF and CITY will cooperate in good faith to implement this Agreement.

K. Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

L. Severability

This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or other legal authority, or is agreed upon by the parties, to be in conflict with any law or regulation, then the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of this Agreement to either party is lost, then the Agreement may be terminated at the option of the affected party, with the notice as required in this Agreement. In all other cases, the remainder of this Agreement shall be severable and shall continue in full force and effect.

M. Representation

CITY's City Manager, or his or her designee, shall represent CITY in all discussions pertaining to this Agreement. With the exception of the procedures set forth in sections II E, IV E, and V D, concerning services and payment, the

Attachment B

SHERIFF, or his or her designee, shall represent COUNTY in all discussions pertaining to this Agreement.

N. Job Actions

In the event of a work slowdown, strike, or any other form of job action by those individuals assigned to perform CITY Law Enforcement Services, COUNTY through SHERIFF agrees to provide only that minimal level of service agreed to by CITY and COUNTY, and CITY shall have no responsibility for the cost of SHERIFF's Law Enforcement Services personnel who withhold Law Enforcement Services to CITY under those circumstances.

O. Dispute Resolution Concerning Services and Payment

In the event of any dispute concerning services and payment arising from this Agreement, the Assistant Sheriff of the Law Enforcement Services Bureau, or his or her designee, and CITY's City Manager, or his or her designee, will meet and confer within 10 (ten) business days after receiving notice of the dispute in an attempt to resolve the dispute. In the event no agreement can be reached, SHERIFF, or his or her designee, and CITY's City Manager, or his or her designee, shall meet to discuss resolution of said dispute.

P. Obligation

This AGREEMENT shall be binding upon the successors of the members of the City Council, the Mayor and City Manager of CITY, and the members of the COUNTY Board of Supervisors and the SHERIFF.

IN WITNESS WHEREOF, the CITY, by resolution duly adopted by its City Council on July 18, 2017, has approved the execution of this contract by its City Manager, and the COUNTY, by order of its Board of Supervisors on June 20, 2017, and has approved the execution of this contract on the XX day of July, 2017.

Attachment B

CITY

City Manager

Approved by City Council

Action _____

Date _____

By: _____

Approved as to form and legality

By _____
City Attorney

Date _____

COUNTY OF SAN DIEGO

Clerk of the Board of Supervisors

Approved by Board of Supervisors

Action _____

Date _____

By: _____

Approved as to form and legality

By _____
County Counsel

Date _____

EXHIBITS TO THIS AGREEMENT:

- Exhibit A
- Exhibit B
- Exhibit C
- Exhibit D
- Exhibit E

ATTACHMENT A

CONTRACT LAW ENFORCEMENT PROGRAM

SERVICE COSTS

FY 2017/2018

SERVICE CATEGORY	SALARY & BENEFITS (Prorate if partial year)	START UP COSTS (Full)	RADIO REPLACEMENT (Prorate if partial year)
STAFF:			
Deputy Patrol	\$176,417.39	\$17,559.00	\$506.03
Deputy Traffic	\$176,417.39	\$17,559.00	\$506.03
Deputy Motor	\$188,725.58	\$17,559.00	\$506.03
Deputy SPO	\$176,417.39	\$17,559.00	\$506.03
Detective	\$184,622.85	\$17,559.00	\$506.03
CSO	\$77,254.92	\$10,308.00	\$506.03
 Sergeant	 \$228,142.66	 \$17,559.00	 \$506.03
 Lieutenants	 \$241,248.58	 \$17,559.00	 \$506.03
Captains	\$280,804.60	\$17,559.00	\$506.03
 Admin Sec II	 \$83,862.96	 \$5,133.00	 \$0.00
Admin Sec I	\$71,220.34	\$5,133.00	\$0.00
Office Assistant	\$67,017.44	\$5,133.00	\$0.00
Office Support Specialist	\$80,822.88	\$5,133.00	\$0.00
Sr. Office Assistant	\$79,086.72	\$5,133.00	\$0.00
Sheriff's Prop & Evid Spec I	\$69,628.22	\$5,133.00	\$0.00
Dept. Aide	\$47,228.30	\$5,133.00	\$0.00
Crime & Intelligence Analyst	\$127,599.62	\$5,133.00	\$0.00
 Rehire (960 program) per hour	 \$40.00		
 AUTO:			
	Cost per auto (Prorate if partial year)		
Patrol Sedan B/W	\$25,523.32		
Patrol 4x4 B/W	\$30,744.11		
 Traffic Sedan B/W	 \$25,523.32		
Motorcycle	\$12,117.66		
 Management Sedan	 \$11,418.67		
 Detective Sedan & Det. Supervisor	 \$8,601.45		
 SPO - Sedan 4 Dr	 \$8,601.45		
SPO - Van	\$13,066.57		
SPO - B&W	\$25,523.32		
 CSO - Sedan 4 Dr	 \$8,601.45		
CSO - Van	\$8,004.99		

ATTACHMENT B
City of Lemon Grove
Effective 7/1/17 through 6/30/18
June 2017

SERVICE CATEGORY	Staff Cost	# of Staff	Unit Factor	Total Net Cost	Notes
Deputy Patrol	\$ 176,417.39	13.000		2,293,426.05	
Deputy Traffic	\$ 176,417.39	3.000		529,252.16	
Deputy Motor	\$ 188,725.58	-		-	
Deputy SPO	\$ 176,417.39	-		-	
Detective	\$ 184,622.85	2.000		369,245.70	
CSO	\$ 77,254.92	1.000		77,254.92	
Sergeant Patrol	\$ 228,142.66	-		-	
Sergeant Traffic	\$ 228,142.66	1.000		228,142.66	
Sergeant Relief	\$ 228,142.66	-		-	
Sergeant Dedicated	\$ 228,142.66	-		-	
Detective Sgt	\$ 228,142.66	1.000		228,142.66	
Station Staff				596,600.96	
Subtotal				<u>4,322,065.09</u>	
Ancillary Support				658,280.96	
Supply				135,312.74	
Vehicles				336,087.30	
Space				96,191.93	
Management Support				230,733.11	
Liability				36,783.10	
Offset due to prior cap				<u>(268,854.14)</u>	
				1,224,535.00	
Adjustments:				-	
TOTAL AMOUNT				<u><u>\$ 5,546,600.09</u></u>	

ATTACHMENT C

OVERHEAD COST DETAIL SHEET

	DEPUTY SHERIFF & SERGEANT	COMMUNITY SERVICE OFFICER
Station Support Staff	Direct Charge Now	Direct Charge Now
Ancillary Support		
Communications Ctr	\$ 15,199.34	\$ 7,599.67
Reserves	\$ -	\$ -
Crime Prevention	\$ 1,808.50	\$ 904.25
Crime Analysis	\$ 475.02	\$ 237.51
Traffic Coordinator	\$ 435.81	\$ 217.91
Juvenile Intervention	\$ 2,654.71	\$ 1,327.36
Family Protection	\$ 3,737.30	\$ 1,868.65
Financial Crimes	\$ 2,725.31	\$ 1,362.66
Domestic Violence	\$ 1,268.61	\$ 634.31
Homicide	\$ 3,806.66	\$ 1,903.33
Total	\$ 32,111.26	\$ 16,055.65
Supplies		
Station	Direct Charge Now	Direct Charge Now
Support Other	\$ 1,932.23	\$ 966.12
Total	\$ 1,932.23	\$ 966.12
Space Cost		
Space	Direct Charge Now	Direct Charge Now
Total	\$ -	\$ -
Management Support		
Admin	\$ 1,423.28	\$ 711.64
Fiscal	\$ 1,561.40	\$ 780.70
Personnel	\$ 2,591.77	\$ 1,295.89
Data Services	\$ 1,375.19	\$ 687.60
Other	\$ 1,857.31	\$ 928.66
Total	\$ 8,808.95	\$ 4,404.49
Grand Total	\$ 42,852.44	\$ 21,426.26

Note:

Deputy, Detective, CSO, Sergeant, Station Staff, Station Supplies, Space & Vehicles are calculated directly per station.

ATTACHMENT D

LIABILITY FUND HISTORY

	AMOUNT
Beginning Balance	1,643,947.51
FY 2009/2010	307,764.05
FY 2010/2011	(1,298,299.47)
FY 2011/2012	209,033.65
FY 2012/2013	258,994.88
FY 2013/2014	15,350.61
FY 2014/2015	60,289.48
FY 2015/2016	(635,636.98)
FY 2016/2017 (2 Quarters)	(178,801.17)
Total	<u>382,642.56</u>

ATTACHMENT E

VHF Mobile radio

STANDARDIZED EQUIPMENT LIST

PATROL STATIONS

Vehicle Type	Mobile Radio	Handitalk Radio	VHF Mobile Radio	MCT's (1)	VRM Modems	AVL (2)	Light Siren	Plastic Rear Seat	Radar	Push Bar	Gunlock	Winch	Screen
Patrol Sedan	x	x		x	x	x	x	x		x	x		x
Patrol 4X4 (Expedition)	x	x	x	x	x	x	x			x	x	x	x
Patrol 4X4 (Pick Up)	x	x		x	x	x	x			x	x	x	x
Traffic Sedan	x	x		x	x	x	x	x	x	x	x		x
Traffic Motorcycle	x	x							x				
Detective (4-Door)	x	x											
Detective (2-Door)	x	x											
Detective (Black & white)	x	x		x	x	x	x			x	x		x
Detective (Van)	x	x											
CSO (Van)	x	x		x	x		x (3)						
Supervisory Sedan	x	x		No*				x					

(1) Mobile Computer Terminals - purchased by Communication Center.

(2) Auto Vehicle Locator

(3) Amber warning light in rear deck.

Staff Equivalent for Coverage and Relief

Work seven days a week with relief for weekends and time off

	Hours per day Coverage	Hours per shift	days per week	Staff required
7 day with Relief (old unit)	8.5	8.5	7.0	1.78
New Unit	10.5	10.5	7.0	2.19
New Unit	12.5	12.5	7.0	2.61
New Unit	25.0	12.5	7.0	5.22
New Unit	25.5	8.5	7.0	5.33

Work full shifts a week with relief for time off

	Hours per day Coverage	Hours per shift	days per week	Staff required
5 day with Relief (Old Unit)	8.5	8.5	5.0	1.27
New Unit	10.5	10.5	4.0	1.27
New Unit	12.5	12.5	3.4	1.27

Work full shifts a week with no relief for time off

	Hours per day Coverage	Hours per shift	days per week	Staff required
5 day without Relief (Old Unit)	8.5	8.5	5.0	1.00
New Unit	10.5	10.5	4.0	1.00
New Unit	12.5	12.5	3.4	1.00

Note: add partial totals and round totals up. For example, if you need coverage for 2 positions 5 days a week with relief you would need 1.27 staff x 2 or 2.54 and would need 3 staff.

Assumptions

	Hours per year	Hours per week
Work	1,743	33.52
Off	467	8.98
Total	2,210	42.50

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 5
Mtg. Date July 18, 2017
Dept. Development Services Department

Item Title: **Public Appeal to Consider Appeal No. AA1-700-0001 Regarding the Denial of Zoning Clearance No. ZC1-700-0006 Continued from May 16, 2017; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 7309 Broadway in the General Commercial Zone.**

Staff Contact: David De Vries, Development Services Director

Recommendation:

1. Continue Public Hearing from May 6, 2017; and
2. Adopt a Resolution (**Attachment B**) upholding the Development Services Director's determination to deny ZC1-700-0006, a request to apply for a conditional use permit to establish a medical marijuana dispensary at 7309 Broadway in the General Commercial Zone.

Item Summary:

On April 3, 2017, the Development Services Director (Director) denied Zoning Clearance Application No. ZC1-700-0006, a request to establish a medical marijuana dispensary (MMD) at 7309 Broadway. The application was denied because the proposed MMD would be at a property located within 1,000 feet of a State-licensed family daycare home. 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. Marty Frank, subsequently filed an appeal and request for public hearing, stating that the City has not proven there are any licensed day care facilities within 1,000 feet of the subject property. A discussion of the City provisions and DSS confidentiality requirements related to family daycare homes is provided herein (**Attachment A**). This public hearing was continued from May 6, 2017.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorically Exempt | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|---|--|---|
| ☐ None | ☐ Newsletter article | ☐ Tribal Government Consultation Request |
| ☒ Notice published in local newspaper | ☒ 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. Excerpt from DSS Frequently Asked Questions Publication
- E. Information Request Letter from City to DSS, dated February 9, 2017
- F. Response Letter from DSS to City February 21, 2017
- G. Draft City of Lemon Grove Medical Marijuana Zoning Map
- H. ZC1-700-0006 Application Form
- I. Staff Denial Letter for ZC1-700-0006
- J. AA1-700-0001 Appeal Form
- K. Staff Acknowledgment Letter for AA1-700-0001
- L. Daycare Address Disclosure Letter, Dated May 3, 2017
- M. Project Vicinity Map
- N. Continuance Letter

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 5
Mtg. Date July 18, 2017

Item Title: **Public Appeal to Consider Appeal No. AA1-700-0001 Regarding the Denial of Zoning Clearance No. ZC1-700-0006 Continued from May 16, 2017; a Request to Apply for a Conditional Use Permit to Establish a Medical Marijuana Dispensary at 7309 Broadway in the General Commercial Zone.**

Staff Contact: David De Vries, Development Services Director

Background:

This appeal hearing was originally scheduled for May 16, 2017. However, the hearing was continued to July 18, 2017 at the applicant's request (**Attachment N**).

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, one of which is licensed daycare. 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 D**). 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 E and F**).

In order to honor the DSS provisions to protect the location of family daycare homes, while still providing the public with a map to identify potential locations for MMDs, City staff created several draft maps with 1,000 foot buffers around the parcels where protected uses are located, then made those buffers opaque to obscure the underlying parcel geography (**Attachment G**). These map iterations were based on known protected uses at the time of map creation. 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 newly created draft Medical Marijuana Zoning Map. 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, application requirements, 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 an application 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 21, 2017, the appellant filed ZC1-700-0006, an application to apply for a conditional use permit to establish a MMD at the subject property (**Attachment H**). Prior to accepting the

Attachment A

application, staff checked the location of the project site on the Medical Marijuana Zoning Map. Staff then informed the appellant that the proposed project site was within 1,000 feet of a protected use, and therefore staff would have no option but to deny the ZC application (**Attachment M**). The appellant chose to file the ZC application despite staff's admonishment. On April 3, 2017, the Development Services Director denied ZC1-700-0006 because the proposed project site is located within 1,000 feet of a licensed family daycare home (**Attachment I**). On April 5, 2017, the appellant filed an administrative appeal of the Director's decision. The appeal states that the City has not proven there are any licensed day care facilities within 1,000 feet of the subject property. Further details are provided herein (**Attachment J**).

On April 13, 2017, staff sent a letter to the appellant acknowledging receipt of the appeal, informing him of the appeal hearing date, and advising him to submit any additional information he wished to provide prior to the hearing (**Attachment K**). As of July 12, 2017, no additional information has been provided.

On May 3, 2017, staff contacted both of the family daycare home operators and asked for permission to disclose their locations to the appellant. One of the daycare operators, Kristina Pintor, informed staff that she had been contacted by three different groups with requests to relocate her daycare operation in order to facilitate the establishment of a dispensary. She stated that one of the groups included the owner of the property at 7309 Broadway. Furthermore, the proprietor of the small family daycare operation located at 3335 Citrus has complained about harassment by the owners and employees of 7309 Broadway prior to and after the appeal was filed showing that appellants knew of this location prior to filing their application and the appeal.

On May 3, 2017, 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 sent a letter to the appellant (**Attachment L**) disclosing the physical street addresses of the licensed family daycare homes located within 1,000 feet of the proposed dispensary at 7309 Broadway.

It is worth noting that the subject property and the owner of the subject property have been subject to Code Enforcement actions since April of 2015 relating to the conduct of an unlicensed medical marijuana dispensary. During the conduct of the unlicensed dispensary, the City issued daily citations and multiple \$1,000 fines, which eventually totaled over \$246,000 including late payment penalties and interest. The majority of these fines are still outstanding. Moreover, these Code Enforcement efforts have required the involvement of the City Attorney's Office. The property was released from active code enforcement on March 10, 2017 when the MMD ceased operation and vacated the premises.

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 received 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 they have been provided with insufficient evidence.

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:

Attachment A

Government Code Section 6254.5. [Excerpts only]

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

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

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

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

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

Public Information:

The Notice of Public Hearing for this item was published in the May 4, 2017 edition of The East County Californian and mailed to all property owners within 500 feet of the subject property.

As of July 12, 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 the 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 ZC1-700-0006, and denying a request to apply for a conditional use permit to establish a medical marijuana dispensary at 7309 Broadway

Attachment B

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE UPHOLDING THE DECISION OF THE DEVELOPMENT SERVICES DIRECTOR'S DETERMINATION TO DENY A REQUEST TO APPLY FOR A CONDITIONAL USE PERMIT TO ESTABLISH A MEDICAL MARIJUANA DISPENSARY AT 7309 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 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 two such properties are within 1,000 feet of 7309 Broadway; and

WHEREAS, on March 21, 2017, after being informed verbally by staff that the subject property was within 1,000 feet of a protected use and that submittal of a zoning clearance application would result in a denial, the appellant (Marty Frank) filed ZC1-700-0006, an application to apply for a conditional use permit to establish a MMD at 7309 Broadway, Lemon Grove, CA; and

WHEREAS, on April 3, 2017, the Development Services Director denied ZC1-700-0006 because the proposed project site is located within 1,000 feet of two licensed family daycare homes; and

WHEREAS, on April 5, 2017, the appellant filed an administrative appeal of the Director's decision (AA1-700-0001), stating in part that the City has not proven there are any 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 the addresses of the two daycare facilities in question on May 3, 2017 as evidenced by the letter attached to the heading packet as Attachment "L"; and

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

WHEREAS, at the request of the applicant, on May 16, 2017, the Lemon Grove City Council continued the duly noticed public hearing to consider AA1-700-0001, an appeal of the Development Services Director's determination to deny ZC1-700-0006 until July 18, 2017; and

Attachment B

WHEREAS, on July 18, 2017, the Lemon Grove City Council held a duly noticed and continued public hearing to consider AA1-700-0001, an appeal of the Development Services Director's determination to deny ZC1-700-0006; and

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

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

1. Denies Marty Frank's Administrative Appeal No. AA1-700-0001 based on the above-findings; and
2. Upholds the Development Services Director's April 3, 2017 determination to deny Zoning Clearance No. ZC1-700-0006, a request to apply for a conditional use permit to operate a medical marijuana dispensary, at 7309 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 1000 feet of any other regulated use which is located either inside or outside the jurisdiction of the City,
2. Within 1000 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 Live Scan 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 & 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 18 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:

Attachment C

- a. Lemon Grove City Manager,
 - 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 premise. 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 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;

Attachment C

- 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 (18) are precluded from entering the *Premises*.
 - iii. The hours of operation for an authorized *Dispensary* shall be limited to between 8:00 a.m. to 8:00 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

Attachment C

for marijuana.

- 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 24-hour recorded video surveillance of the *Premises*. Recordings shall be retained for 30-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 17.24.080£.2.
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 (25) percent of the *dispensaries'* total floor area and in no case exceed 1,500 square feet. In addition to these area limitations, the accessory use shall conform to the specific zone regulations, Section

Attachment C

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

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.



(<http://www.cdss.ca.gov/>)

Frequently Asked Questions

Where can I find the facility definitions?

See the Glossary link at the top.

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

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

What is the best way to search?

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

Where can I find the definitions of the facility types?

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

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

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

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

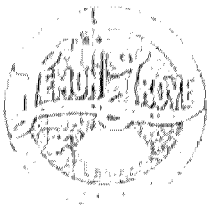
Because these are Child Care providers' homes, the publication of addresses is restricted. To find Small Family Child Care home providers in your area, contact the Resource and Referral Network (http://www.rnetwork.org/find_child_care) or call 1-800-KIDS-793. The Network can also assist you in searching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

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

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

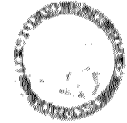
David DeVries, AICP
Director of Community Development
City of Lemon Grove

Attachments

- 1 - Measure V



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



LEMON G. BROWN, JR.
GOVERNOR

February 26, 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 Jenn Fong, System Review Analyst at (916) 651-0264.

Sincerely,

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

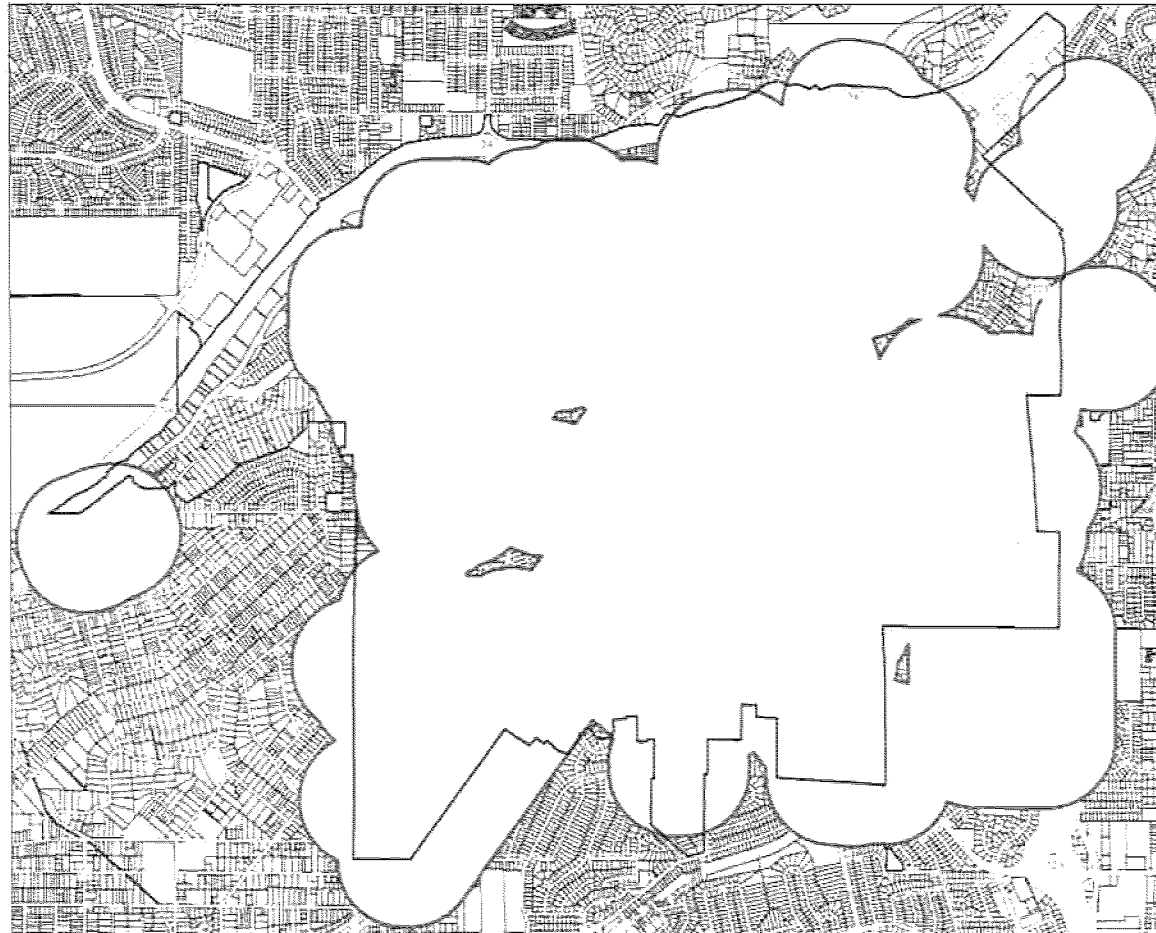
Attachment

cc: Steven Blount, ISD

Draft Lemon Grove Medical Marijuana Dispensary Zoning

Legend

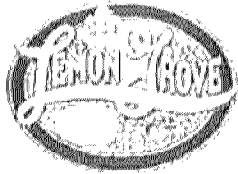
-  Lemon Grove Boundary
-  Zones Permitting Dispensaries (With Approved CUP)
-  1,000 Foot Buffer Around Protected/Regulated Uses (Dispensaries Prohibited Inside the Buffers)



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

 Feet
0 1,000 2,000



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)

☐ Zoning Clearance (ZC)
☐ Pre-Application (PA)
☐ Minor Use Permit (MUP)
☐ Conditional Use Permit (CUP)
☐ Planned Development Permit (PDP)
☐ Minor Modification (MM)
☐ Variance (VA)
☐ Boundary Adjustment/Lot Merger (BA)
☐ Tentative Map (TM) - 5 or more lots
☐ Other

☐ Tentative Parcel Map (TPM) - 4 or fewer lots
☐ Certificate of Compliance (CC)
☐ Zoning Amendment (ZA)
☐ Specific Plan Amendment (SPA)
☐ General Plan Amendment (GPA)
☐ Modification of _____
☐ Time Extension for _____
☐ Appeal of _____
☐ Substantial Conformance Review of _____

APPLICANT: Mary Frank
 ADDRESS: 7304 Broadway
Lemon Grove CA 91945

PHONE: 760-443-5637
 FAX: _____
 EMAIL: Maryfrank@gmail.com

PROPERTY OWNER: John Markley
 ADDRESS: 3555 Pomeroy
San Diego CA 92104

PHONE: 619-523-2322
 FAX: _____
 EMAIL: _____

CONTACT PERSON: Mary Frank
 ADDRESS: 7128 Miramar Rd #10
San Diego, CA 92128

PHONE: 760-443-5637
 FAX: _____
 EMAIL: Maryfrank@gmail.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: Native Health
 PROJECT ADDRESS: 7304 Broadway
 ASSESSOR PARCEL #: 1179420200

SITE ACREAGE: 0.16

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

Medical Marijuana Retail - See attached Description

Attachment H

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

Name (please print)

[Signature]
Molly Smith

Date

Phone

3-20-17
760-443-5637

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

Name (please print)

[Signature]
John Smith

Date

Phone

3/20/17
619-523-2222

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):

DATE:

FEES: \$150

700 12216
3/21/17
RECEIPT #: 18711

ACTION:

☐ APPROVED

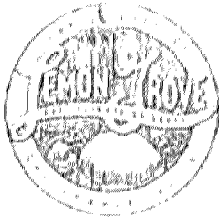
☐ DISAPPROVED

☐ CONDITIONALLY APPROVED (See Below)

LAND USE DESIGNATION:

ZONE:

COMMENTS and/or CONDITIONS:



CITY OF LEMON GROVE

Development Services Department

Board Meeting 11/11/16

Date: April 3, 2017

Marty Frank
7128 Miramar Road #10
San Diego, CA 92128

John Marks
3555 Promontory Street
San Diego, CA 92109

SUBJECT: Denial of Zoning Clearance Application ZC1-700-0006 for property located at 7309 Broadway, in the City of Lemon Grove (APN 479-092-02)

Marty Frank,

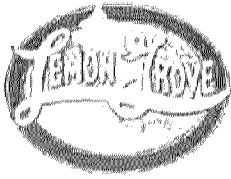
On March 21, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. The application has been denied for the following reasons, which may not be all inclusive:

- The property is located within 1,000 feet of a State-licensed 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(f). 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:
ADDRESS

Mark Anthony
128 Main Street, Apt 10
San Diego, CA 92121

PHONE: *760-443-1411*

FAX:

EMAIL: *markanthony@gmail.com*

CASE/PROJECT NUMBER:

101-700-0006

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

Property zoned with a 100 ft. buffer around liquor
home

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

The city of Lemon Grove has not provided ^{personal} hard parking cars
within 1000 ft of property at 128 Main Street.
To ensure public safety.

Attach additional sheets if necessary

Mark Anthony
Applicant's Signature

Date

April 5th 2017

TO BE COMPLETED BY PLANNING STAFF

FILE NO.: *101-700-0006*

DATE: *4/5/17*

FEES: *175*

RECEIPT #: *18716*

COMMENTS and/or CONDITIONS



CITY OF LEMON GROVE
Development Services Department

"Best Practices in Planning"

Date: April 13, 2017

Marty Frank
7128 Miramar Road #10
San Diego, CA 92128

John Marks
3555 Promontory Street
San Diego, CA 92109

SUBJECT: Appeal hearing for denial of Zoning Clearance application ZC1-700-0006, for property located at 7309 Broadway in the City of Lemon Grove (APN:479-092-02)

Marty Frank,

On March 21, 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 subject property is located within 1,000 feet of a State-licensed family daycare home.

On April 5, 2017, staff received an appeal of its decision to deny the application. Staff's decisions are subject to appeal pursuant to the provisions of 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,


Eric Craig, Assistant Manager

1. The first part of the paper is devoted to the study of the asymptotic behavior of the solutions of the system (1) as $t \rightarrow \infty$. It is shown that the solutions of the system (1) are bounded and tend to zero as $t \rightarrow \infty$ if the matrix A is stable. The second part of the paper is devoted to the study of the asymptotic behavior of the solutions of the system (1) as $t \rightarrow \infty$ if the matrix A is not stable. It is shown that the solutions of the system (1) are bounded and tend to zero as $t \rightarrow \infty$ if the matrix A is not stable and the matrix B is positive definite.

Elidia C. Dostal
3170 Fourth Avenue, Suite 250
San Diego, CA 92103

Marty Frank.

In order to provide a full and open opportunity for you to understand the reason staff denied the permit, and to allow you to respond accordingly, we will disclose the physical street addresses of the licensed family daycare homes located within 1,000 feet of your proposed dispensary at 7309 Broadway. Those addresses are:

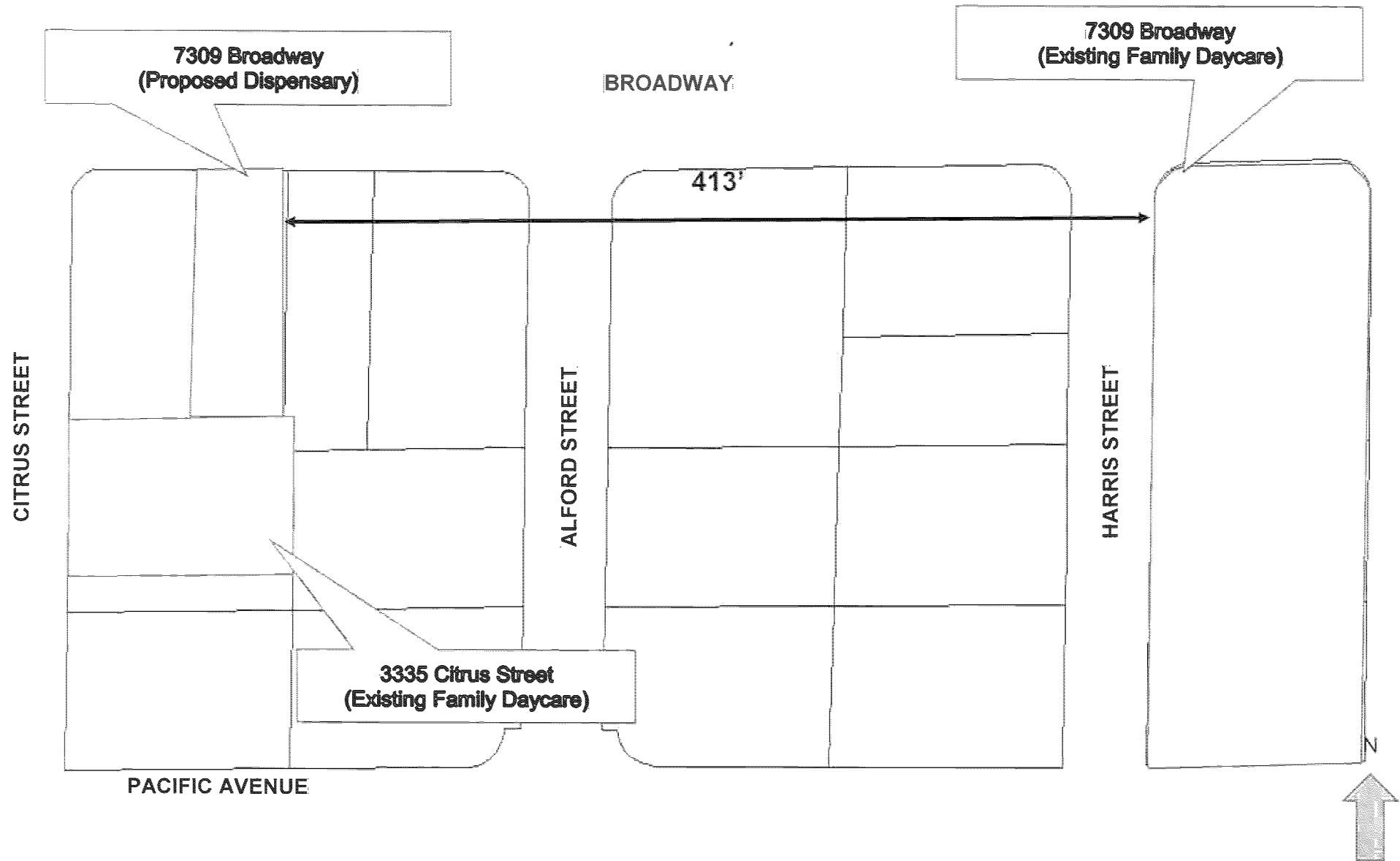
- 3335 Citrus Street
7379 Broadway

The City Council hearing for your appeal has been advertised and scheduled for Tuesday, May 16, 2017. A copy of this letter will be attached to the City Council staff report. At the hearing, you may wish to request additional time to consider this new information, or you may wish to withdraw the appeal. If you decide you want to ask the City Council for more time, please contact me as soon as possible. You can reach me at (619) 825-3806, or by email at ecraig@lemongrove.ca.us.

Respectfully

Eric Craig Aspinwall Flanner

7309 Broadway and Protected Uses





ADDRESS: Maite Frantz 760 443 5637
128 Alvarado Rd #10
San Diego, Ca. 92121 mfrantz@gmail.com
201 700 0006

APPROVAL APPEAL NUMBERS
Property is located within 1000 ft of a State licensed dog care
home.

REASON(S)
The city of Temecula has not proven there ^{licensed} are dog care
within 1000 ft of property at 7309 Broadway.
To verify public safety.

Original sheets if necessary.

Maite Frantz
 Applicant's Signature

April 5th 2017

STAFF

#(s): AAI-700 0001

4-5-17
175

18216

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 6
Mtg. Date July 18, 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; 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. Conduct the public hearing; 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**).

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorically Exempt | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|---|--|---|
| ☐ None | ☐ Newsletter article | ☐ Tribal Government Consultation Request |
| ☒ Notice published in local newspaper | ☒ 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

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 6
Mtg. Date July 18, 2017

Item Title: 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.

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 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 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.

Attachment A

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**). 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 July 12, 2017, no additional information has been received. 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.

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

Attachment A

of July 12, 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 ZC1-700-0010, 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

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)

Great!SCHOOLS

Schools

Get the address of a school

Map

Parents

Events

EN ESPAÑOL

SIGN IN

Location

City/State/Zip

City/State/Zip

Search

Nearby Cities

Spring Valley

La Mesa

Donna

National City

El Cajon

Chula Vista

San Diego

Carlsbad

13 private schools found in Lemon Grove, CA (see all results)

Compare (0/4)

Sort by: Other Schools Rating

Assigned School

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

Today's Mortgage Rate

3.12%

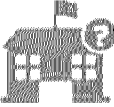
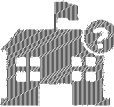
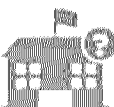
APR 15 Year Fixed

Select Loan Amount

\$225,000

lendingtree

Calculate Payment

	Saint John Of The Cross Catholic School 3172 Lemon Grove Way, Lemon Grove, CA 945 Private K-12	Compare Homes for sale
	St. John's Episcopal School 4772 Cross Street, Lemon Grove, CA 945 Private K-12	Compare Homes for sale
	Lighthouse Christian Academy 1245 Skyline Drive, Lemon Grove, CA 91745 Private K-12	Compare Homes for sale
	St. John's Episcopal School 4772 Cross Street, Lemon Grove, CA 945 Private K-12	Compare Homes for sale

Attachment E

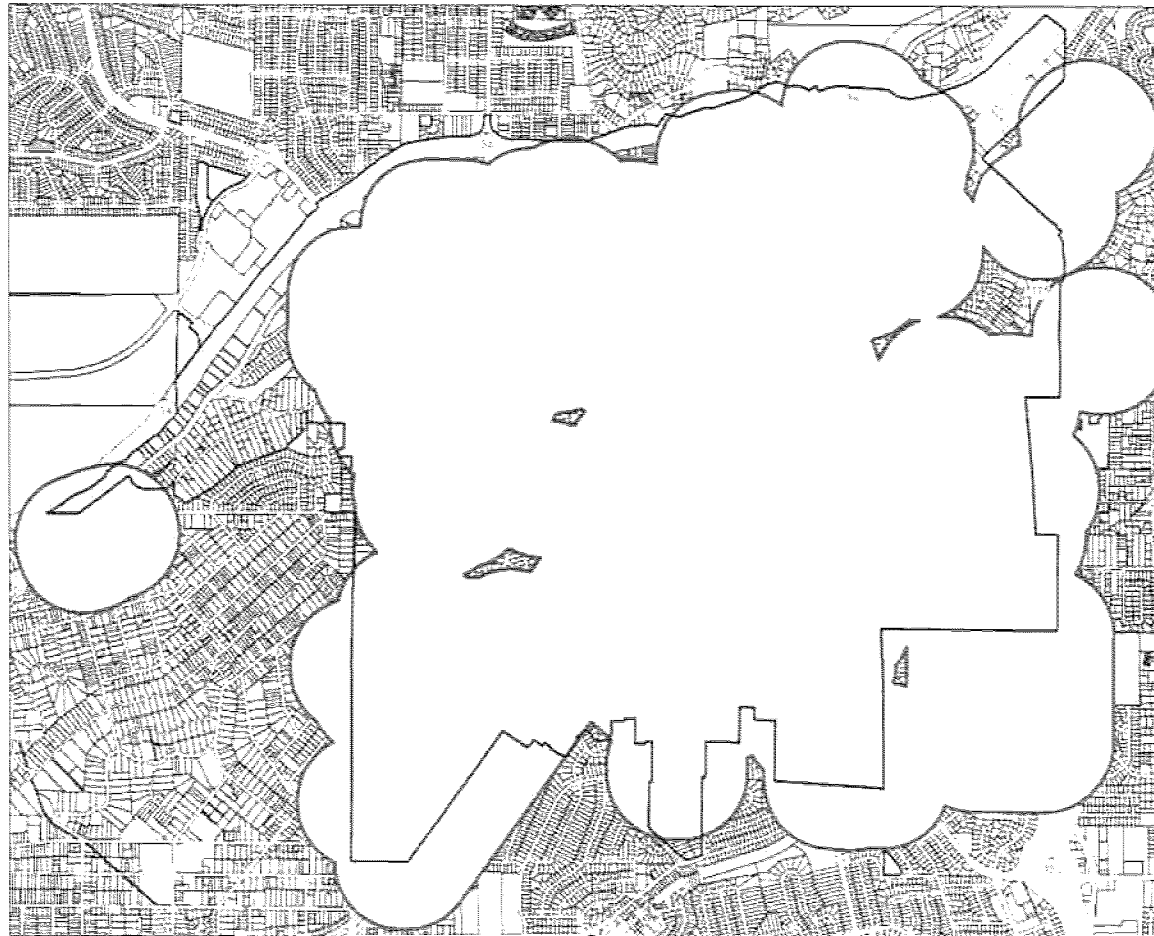
Child Care Center Preschool (CDSS Website; Facility Search)

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

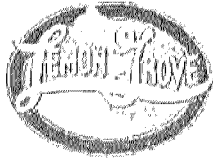
-  Lemon Grove Boundary
-  Zones Permitting Dispensaries (With Approved CUP)
-  1,000 Foot Buffer Around Protected/Regulated Uses (Dispensaries Prohibited Inside the Buffers)



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)

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

APPLICANT: <u>Rodi Mikha</u>	PHONE: <u>619 212-1508</u>
ADDRESS: <u>8280 Broadway</u>	FAX: _____
<u>Lemon Grove, CA 91945</u>	EMAIL: _____
PROPERTY OWNER: <u>Rodi Mikha</u>	PHONE: <u>619 212-1508</u>
ADDRESS: <u>8280 Broadway</u>	FAX: _____
<u>Lemon Grove, CA 91945</u>	EMAIL: _____
CONTACT PERSON: _____	PHONE: _____
ADDRESS: _____	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]

Date: 03/20/17

Name (please print): Radi Mikula

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]

Date: 03/20/17

Name (please print): Radi Mikula

Phone: 619 212 1508

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): ZCJ-700-0010

DATE: 3-30-2017

FEES: \$150 RECEIPT #: 18227

ZONE: GC

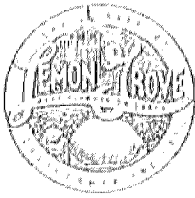
COMMENTS and/or CONDITIONS:

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(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: Iden's Investments, LLC, 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: greenhavensde@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.

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

TO BE COMPLETED BY PLANNING STAFF

FILE #(s):

DATE:

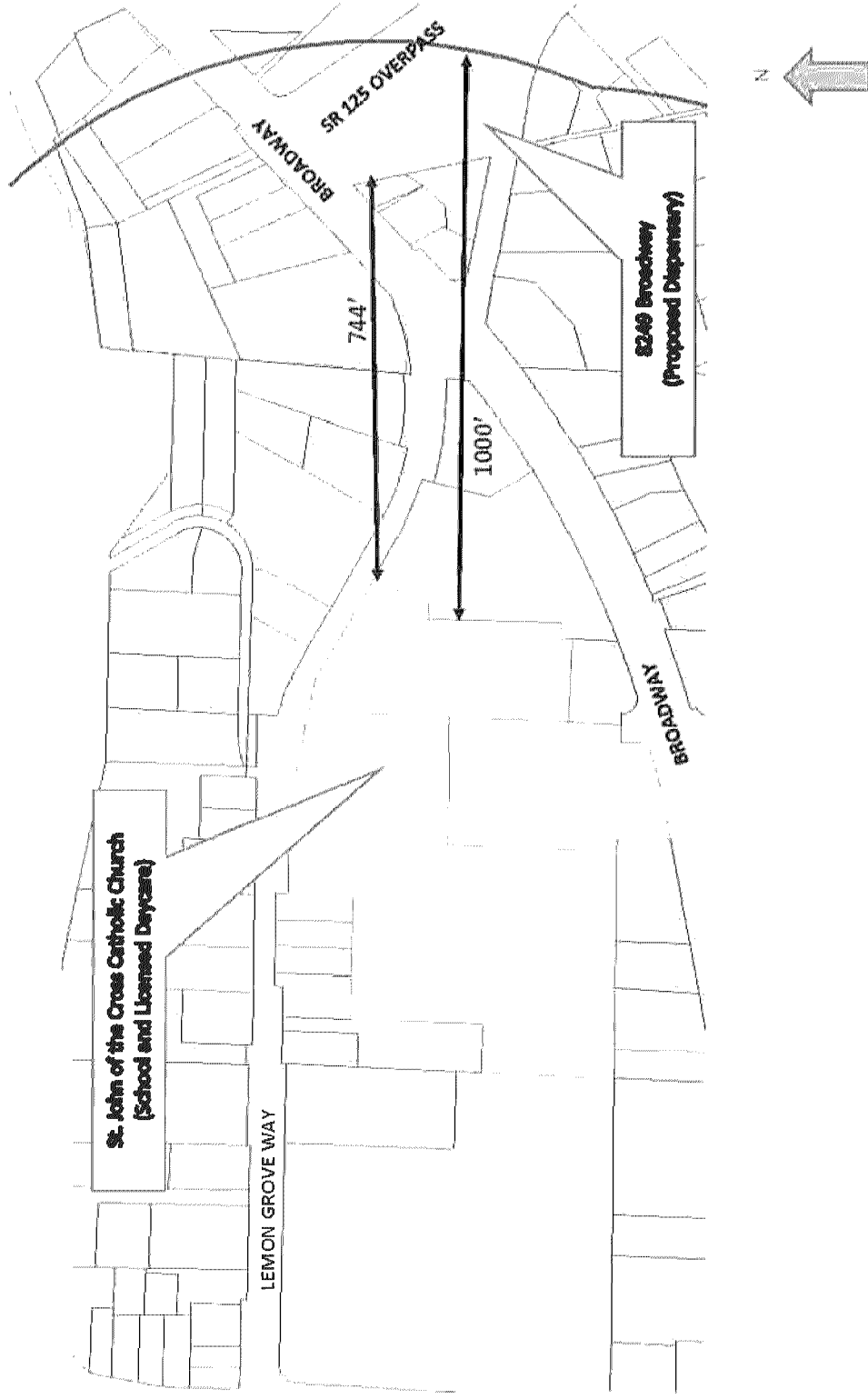
FEES:

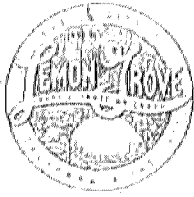
RECEIPT #: ~~1009~~ 18430

COMMENTS and/or CONDITIONS:

Attachment J

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,

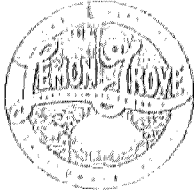
On March 30, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. On April 3, 2017, staff denied the application because the property is located within 1,000 feet of a school and a State-licensed daycare facility.

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,

Eric Craig, Associate Planner



CITY OF LEMON GROVE
Development Services Department

"Best Climate On Earth"

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,

Josse Ramirez
Director Religious Education/Facility Manager

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 7
Mtg. Date July 18, 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; 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. Conduct the public hearing; 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**).

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorically Exempt | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|---|---|--|
| ☐ None | ☐ Newsletter article | ☐ Tribal Government Consultation Request |
| ☒ Notice published in local newspaper | | ☒ 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
- 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

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 7
Mtg. Date July 18, 2017

Item Title: 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.

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 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 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.

Attachment A

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 July 12, 2017, no additional information has been received. However, the appellant's legal counsel did contact staff and agreed to the July 18, 2017 hearing date. Please see **Attachment L**, dated May 15, 2017.

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

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 July 12, 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 ZC1-700-0012, 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

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:

Attachment B

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.

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17.32.090 Medical marijuana dispensary regulations.

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

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

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

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

C. Standards.

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

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

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

- a. Lemon Grove city manager:

Attachment C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 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)



Nearby Goes

Spokane Valley

LSI FIELD

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National City

Eligibility

Chitra R. Kulkarni

San Diego

Corona 22

☐ no change
☐ no change
☐ no change
☐ no change



1. *Phragmites australis* (Cav.) Trin. ex Steud.

ASSIGNED SCHOOL

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

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Select Loan Amount

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Calculate Payment


$$x = \frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) = \frac{1}{2} \quad \text{and} \quad y = \frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) = \frac{1}{2}$$

1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 26


$$f(t) = 1 - (1 - t)^2 = 2t - t^2, \quad 0 \leq t \leq 1, \quad f(0) = 0, \quad f(1) = 1$$

$$= \frac{2}{3} \left(1 - \frac{1}{3} \right) + \frac{1}{3} \left(\frac{2}{3} - \frac{1}{9} \right) = \frac{2}{3} \cdot \frac{2}{3} + \frac{1}{3} \cdot \frac{5}{9} = \frac{4}{9} + \frac{5}{27} = \frac{12}{27} + \frac{5}{27} = \frac{17}{27}$$

2010 年 12 月 10 日 星期五



Highhouse Christian Academy
441 E. 1st St., La Grange, IL 60138

$$\frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{4} \quad \frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{4} \quad \frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{4}$$

$$11.000 \frac{\text{g}}{\text{mol}} \times \frac{1}{100} \times 100\% = 11.000\%$$
$$E = \{E_1, \dots, E_n\}$$

22. *Journal of the American Medical Association*, 277, 1996, 1033-1037.

Figure 1

 Springer

✓ ✓ ✓

 Springer

11

Attachment E

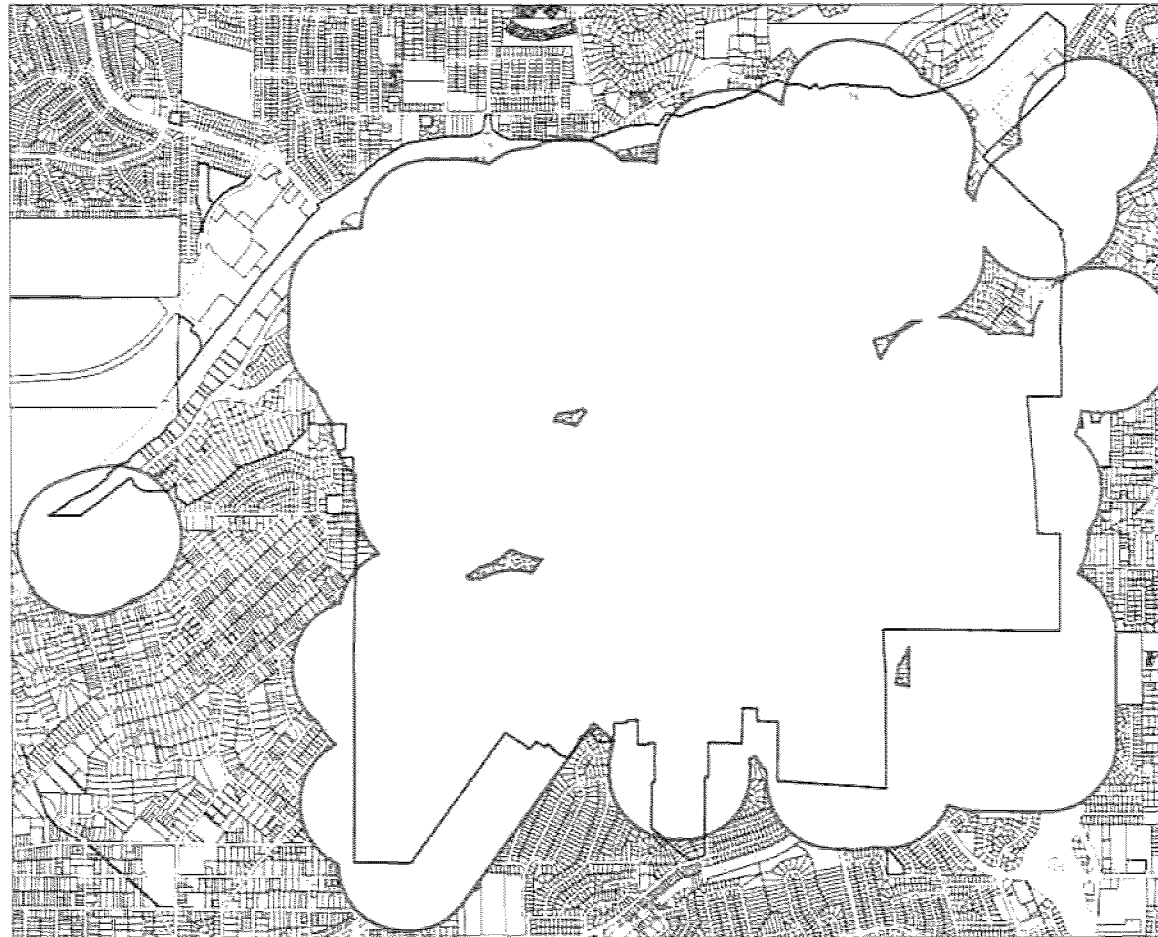
Child Care Center Preschool (CDSS Website; Facility Search)

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
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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)													
☒ Zoning Clearance (ZC) ☐ Pre-Application (PA) ☐ Minor Use Permit (MUP) ☒ Conditional Use Permit (CUP) ☐ Planned Development Permit (PDP) ☐ Minor Modification (MM) ☐ Variance (VA) ☐ Boundary Adjustment/Lot Merger (BA) ☐ Tentative Map (TM) - 5 or more lots ☐ Other	☐ Tentative Parcel Map (TPM) - 4 or fewer lots ☐ Certificate of Compliance (CC) ☐ Zoning Amendment (ZA) ☐ Specific Plan Amendment (SPA) ☐ General Plan Amendment (GPA) ☐ Modification of _____ ☐ Time Extension for _____ ☐ Appeal of _____ ☐ Substantial Conformance Review of _____												
<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">APPLICANT:</td> <td style="width: 40%;">Pick Axe Holdings LLC - Christopher Williams</td> <td style="width: 30%;">PHONE:</td> <td>619-326-4182</td> </tr> <tr> <td>ADDRESS:</td> <td>7364 Mission Gorge Rd. San Diego, CA 92120</td> <td>FAX:</td> <td></td> </tr> <tr> <td></td> <td></td> <td>EMAIL:</td> <td>chris@xmmedia.com</td> </tr> </table>		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
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										
<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">PROPERTY OWNER:</td> <td style="width: 40%;">MATTAR FAMILY TRUST OF 1990</td> <td style="width: 30%;">PHONE:</td> <td>619-666-9978</td> </tr> <tr> <td>ADDRESS:</td> <td>4395 Alta Mira Dr La Mesa CA. 91941</td> <td>FAX:</td> <td></td> </tr> <tr> <td></td> <td></td> <td>EMAIL:</td> <td></td> </tr> </table>		PROPERTY OWNER:	MATTAR FAMILY TRUST OF 1990	PHONE:	619-666-9978	ADDRESS:	4395 Alta Mira Dr La Mesa CA. 91941	FAX:				EMAIL:	
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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.													

Rev November 2015

Attachment G

APPLICANT CERTIFICATION:

I, the City Clerk and the undersigned, 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 paid postage to the City of London to receive the specific application materials required but not limited to plans, exhibits, a budget report, and studies by the willing to staff, planning commission, City Council and other agencies in order to process this application.

Signature:

Name (please print):

Date: 11/12/16

Phone: (703) 221-1200

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.

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 inspecting the property in preparation of any reports and/or required environmental review for the processing of the application.

Signature:

Name (please print):

Date:

Phone:

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): 2017-100-0012

DATE: 4-6-2017

FEES: \$150 RECEIPT # 10316

ZONE: H-C

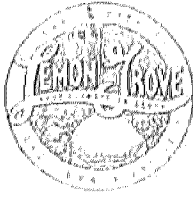
COMMENTS and/or CONDITIONS:

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,

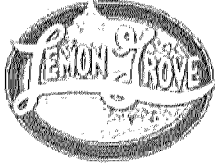
On April 6, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. The application has been denied for the following reasons, which may not be all inclusive:

- 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

	April 20, 2017
Applicants Signature	Date

TO BE COMPLETED BY PLANNING STAFF

FILE #(s): AAI-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

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

FAXES
(619) 981-0045

Writer's Email:
gaustin@gaustinlegalgroup.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.)

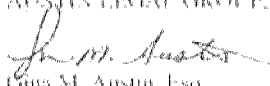
² All Further references are to the Lemon Grove Municipal Code unless stated otherwise

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

Chris 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

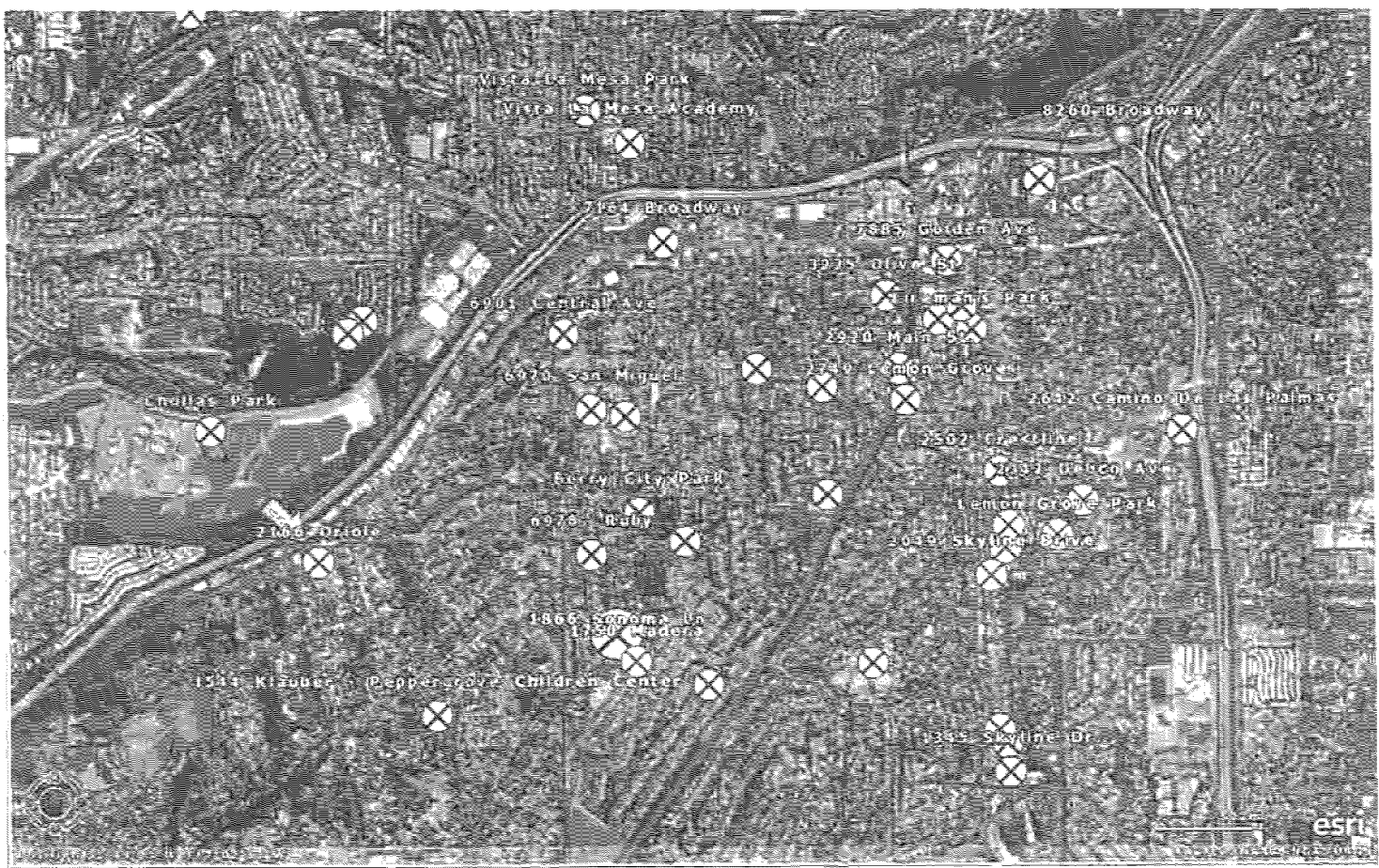


Exhibit 1 - page 3

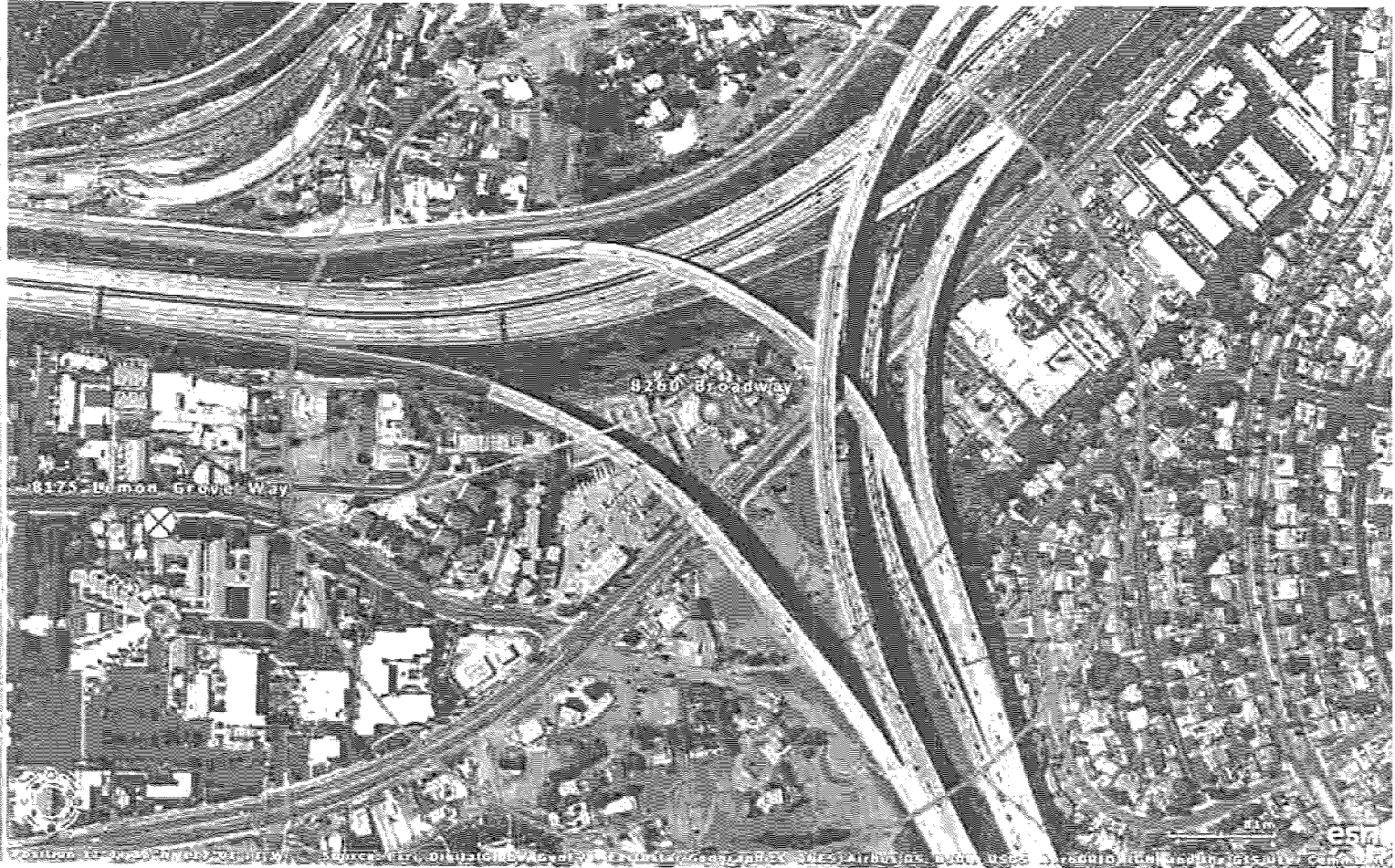


Exhibit 2 - Page 1

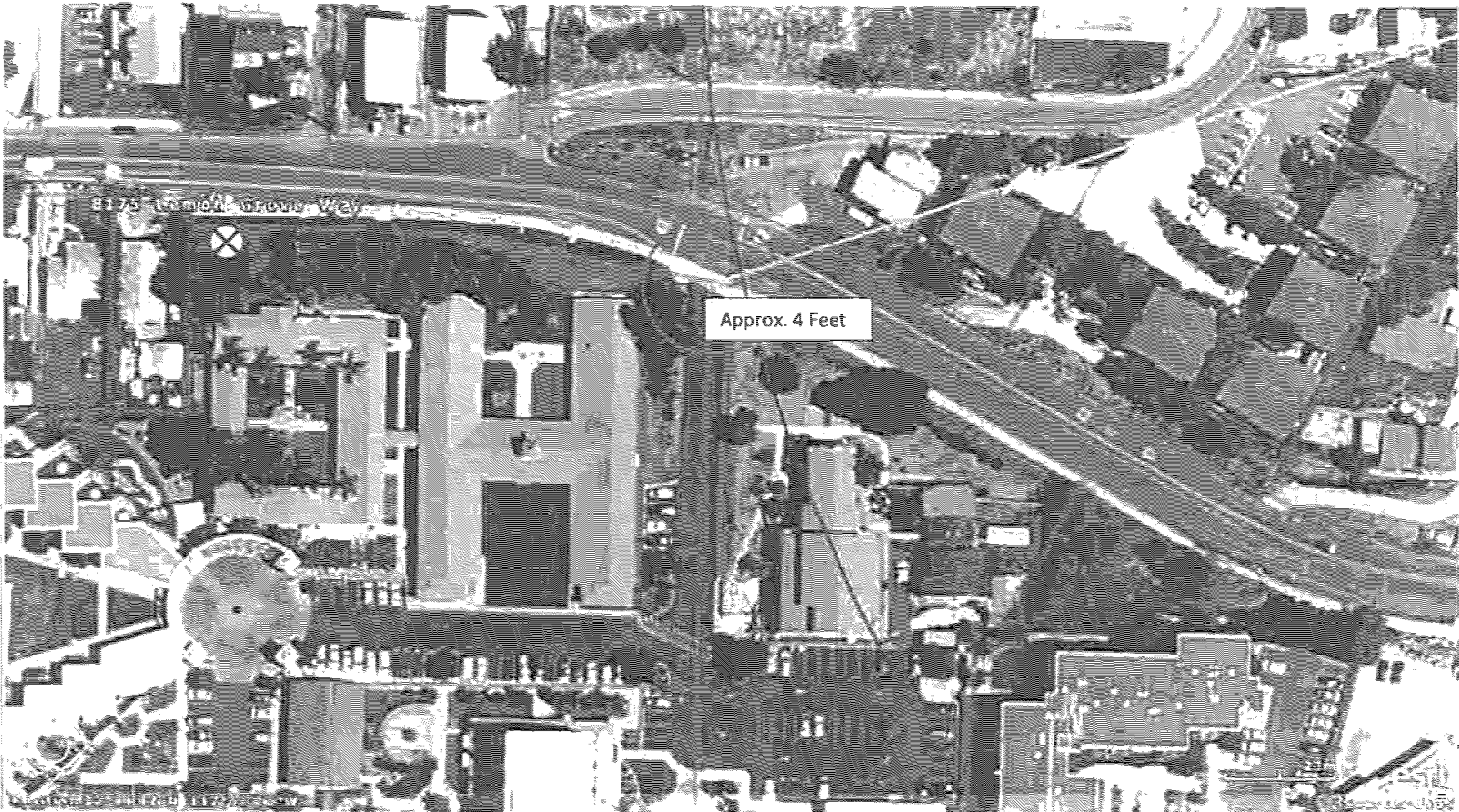


Exhibit 2 - Page 2



EXHIBIT 3

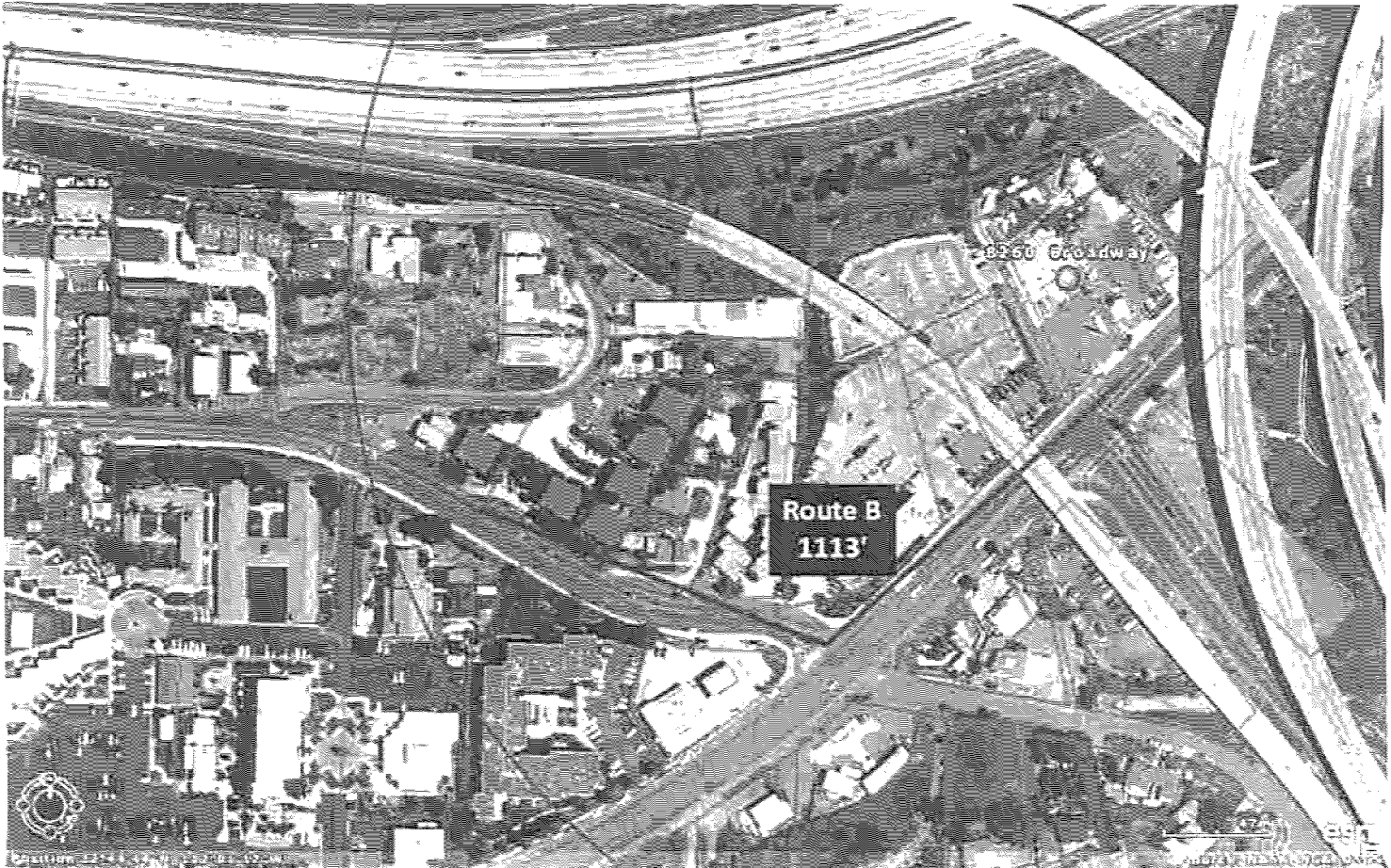


EXHIBIT 4

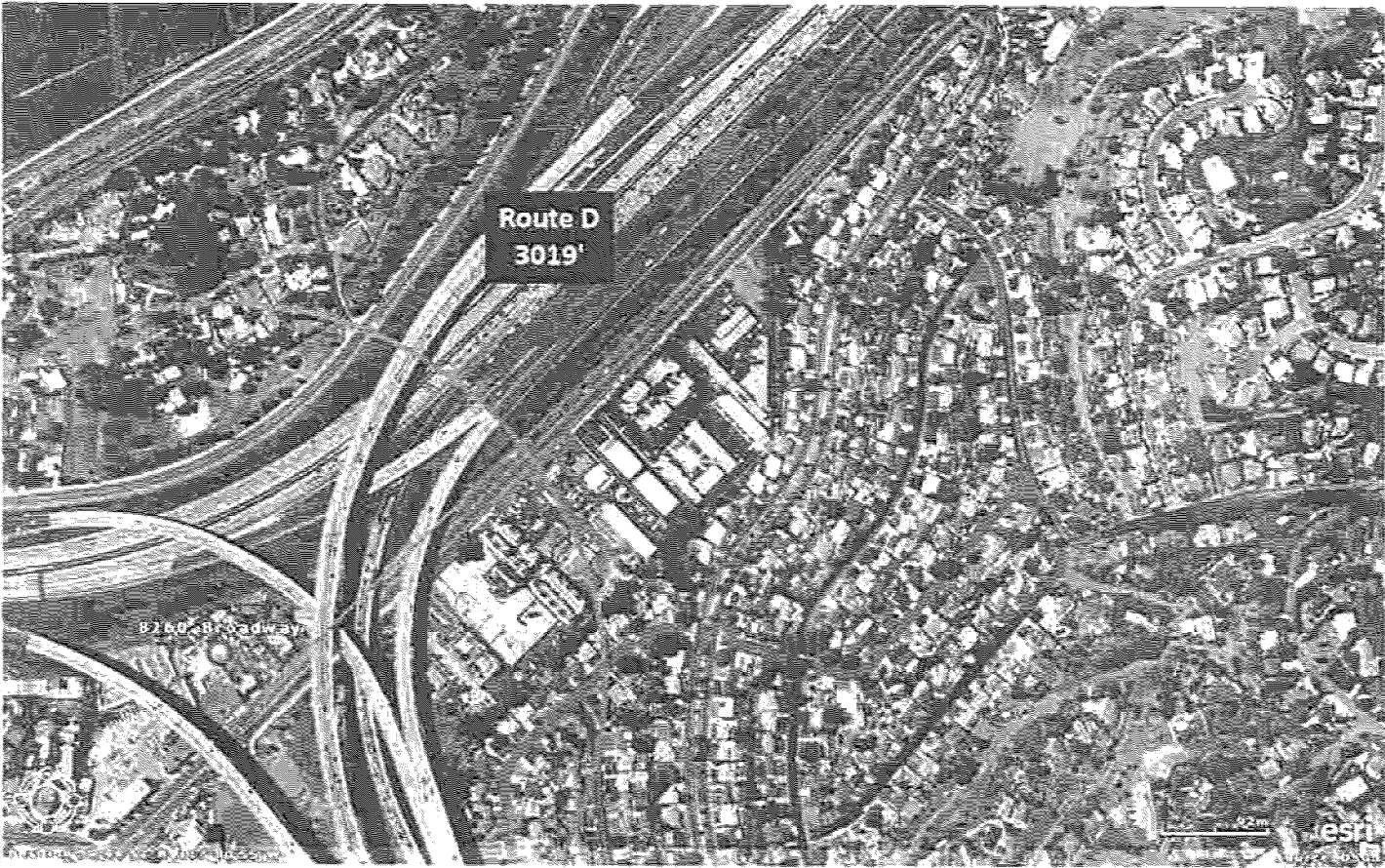


EXHIBIT 5

SUMMARY OF PARCELS APRIL 4th 2007 10:00AM MMCC							
Index	Use Description	Site Address	City	State	Zip	Parcel Number	Owner/Business Name
1	SINGLE FAMILY RESIDENCE	8116 CASCHIO CT	LEMON GROVE	CA	91945	425-450-08-00	LEMON FAMILY TRUST
2	RELIGIOUS	8175 LEMON GROVE WAY	LEMON GROVE	CA	91945	425-450-17-05	ST JOHN OF THE CROSS CATHOLIC CHURCH
3	SINGLE FAMILY RESIDENCE	3628 ROJO TIERRA RD	LA MESA	CA	91941	499-161-01-00	OLIVER FAMILY TRUST
4	SINGLE FAMILY RESIDENCE	3620 ROJO TIERRA RD	LA MESA	CA	91941	499-161-01-00	OLIVER FAMILY 2003 TRUST
5	SINGLE FAMILY RESIDENCE	3614 ROJO TIERRA RD	LA MESA	CA	91941	499-161-01-00	OSORIO MARIO E & MARTHA N
6	SINGLE FAMILY RESIDENCE	3724 RIVIERA DR	LA MESA	CA	91941	499-161-01-00	UNILON BARBARA L LIVING TRUST
7	SINGLE FAMILY RESIDENCE	3608 ROJO TIERRA RD	LA MESA	CA	91941	499-161-01-00	ALAMY, RONAN
8	SINGLE FAMILY RESIDENCE	3625 ROJO TIERRA RD	LA MESA	CA	91941	499-161-01-00	WILSON, LOUISA S
9	SINGLE FAMILY RESIDENCE	3740 RIVIERA DR	LA MESA	CA	91941	499-161-01-00	HEIGERT, HARUKO FAMILY TRUST
10	SINGLE FAMILY RESIDENCE	3625 ROJO TIERRA RD	LA MESA	CA	91941	499-161-01-00	HEIGERT, HARUKO C
11	SINGLE FAMILY RESIDENCE	3615 ROJO TIERRA RD	LA MESA	CA	91941	499-161-01-00	HEIGERT, HARUKO
12	RESIDENTIAL MISCELLANEOUS	VACANT/UNIMPROVED LAND	LA MESA	CA	91941	499-171-00-00	WILSON, LOUISA S
13	MULTI-FAMILY DWELLING (2-4 UNITS)	3720 RIVIERA DR	LA MESA	CA	91941	499-171-00-00	HOLLAND, EMILIO TRUST
14	MULTI-FAMILY DWELLING (2-4 UNITS)	3718 RIVIERA DR	LA MESA	CA	91941	499-171-00-00	HOLLAND, EMILIO TRUST
15	SINGLE FAMILY RESIDENCE	3750 RIVIERA DR	LA MESA	CA	91941	499-171-00-00	PRICE, RICHARD
16	DUPLEX	3750 RIVIERA DR	LA MESA	CA	91941	499-171-00-00	JURIS, LEE C TRUST
17	DUPLEX	3750 RIVIERA DR	LA MESA	CA	91941	499-171-00-00	JURIS, LEE C TRUST
18	SINGLE FAMILY RESIDENCE	3750 RIVIERA DR	LA MESA	CA	91941	499-171-00-00	JENKINS, DAVID M & SHARON M
19	SINGLE FAMILY RESIDENCE	3704 RIVIERA DR	LA MESA	CA	91941	499-171-00-00	MCGRAW, KATHLEEN M S TRUST
20	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LA MESA	CA	91941	499-171-00-00	FLYING DOG TRUST
21	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LA MESA	CA	91941	499-171-00-00	FLYING DOG TRUST
22	SINGLE FAMILY RESIDENCE	3618 ROJO TIERRA RD	LA MESA	CA	91941	499-171-00-00	PHILLIPS, MICHAEL
23	SINGLE FAMILY RESIDENCE	3750 RIVIERA DR	LA MESA	CA	91941	499-171-00-00	WINTER, RAYAN & MARGARET
24	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LA MESA	CA	91941	499-171-00-00	FLYING DOG TRUST
25	MULTI-FAMILY DWELLING (2-4 UNITS)	8121 CASCHIO CT APT A	LEMON GROVE	CA	91945	499-181-08-00	BARNES, JON & TRICIA
26	MULTI-FAMILY DWELLING (2-4 UNITS)	8121 CASCHIO CT APT A	LEMON GROVE	CA	91945	499-181-08-00	BARNES, JON & TRICIA
27	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LEMON GROVE	CA	91945	499-181-08-00	HAFFZ, BEHZAD
28	VACANT RESIDENTIAL	8127 CASCHIO CT	LEMON GROVE	CA	91945	499-181-08-00	HAFFZ, BEHZAD
29	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 8	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
30	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 8	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
31	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 7	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
32	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 6	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
33	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 5	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
34	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 4	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
35	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 3	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
36	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 2	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
37	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 19	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
38	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 18	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
39	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 17	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
40	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 16	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
41	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 15	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
42	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 14	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
43	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 13	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
44	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 12	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
45	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 11	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
46	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 10	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
47	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 9	LEMON GROVE	CA	91945	499-181-08-00	LEMON TREE ON LINCOLN LLC
48	SINGLE FAMILY RESIDENCE	8234 LEMON GROVE WAY	LEMON GROVE	CA	91945	499-181-08-00	ESPINOSA, JOHN D
49	MULTI-FAMILY DWELLING (2-4 UNITS)	8232 LEMON GROVE WAY	LEMON GROVE	CA	91945	499-181-08-00	WOLFE, FLOYD & ALICE E REVOCABLE
50	MULTI-FAMILY DWELLING (2-4 UNITS)	8230 LEMON GROVE WAY APT A	LEMON GROVE	CA	91945	499-181-08-00	WOLFE, FLOYD & ALICE E REVOCABLE
51	MULTI-FAMILY DWELLING (2-4 UNITS)	8230 LEMON GROVE WAY APT A	LEMON GROVE	CA	91945	499-181-08-00	WOLFE, FLOYD & ALICE E REVOCABLE
52	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt A1	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
53	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt A2	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
54	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt A3	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
55	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt A4	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
56	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt B1	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
57	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt B2	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
58	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt B3	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
59	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt B4	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
60	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt C1	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
61	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt C2	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
62	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt C3	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
63	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt C4	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
64	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt D1	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
65	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt D2	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
66	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt D3	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
67	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt D4	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
68	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt E1	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
69	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt E2	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
70	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt E3	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
71	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt E4	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
72	MULTI-FAMILY RES (5+ UNITS)	3501 HILLTOP DR Apt F1	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC

EXHIBIT 6

Attachment I

73	MULTI-FAMILY RES (5+ UNITS)	3801 HILLTOP DR Apt 2	LEMONT GROVE	CA	91945	459-181-11-00	ISO PROPERTY INV GROUP LLC
74	MULTI-FAMILY RES (5+ UNITS)	3801 HILLTOP DR Apt 3	LEMONT GROVE	CA	91945	459-181-11-00	ISO PROPERTY INV GROUP LLC
75	MULTI-FAMILY RES (5+ UNITS)	3801 HILLTOP DR Apt 4	LEMONT GROVE	CA	91945	459-181-11-00	ISO PROPERTY INV GROUP LLC
76	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR Apt 1	LEMONT GROVE	CA	91945	459-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
77	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR Apt 2	LEMONT GROVE	CA	91945	459-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
78	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR Apt 3	LEMONT GROVE	CA	91945	459-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
79	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR Apt 4	LEMONT GROVE	CA	91945	459-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
80	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR Apt 5	LEMONT GROVE	CA	91945	459-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
81	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR Apt 6	LEMONT GROVE	CA	91945	459-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
82	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR Apt 7	LEMONT GROVE	CA	91945	459-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
83	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR Apt 8	LEMONT GROVE	CA	91945	459-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
84	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR Apt 9	LEMONT GROVE	CA	91945	459-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
85	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR Apt 10	LEMONT GROVE	CA	91945	459-181-11-00	AGUILER, RAFAEL & MARIA FAMILY TR
86	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR Apt 1	LEMONT GROVE	CA	91945	459-181-11-00	HAMMETT FAMILY TRUST
87	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR Apt 2	LEMONT GROVE	CA	91945	459-181-11-00	HAMMETT FAMILY TRUST
88	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR Apt 3	LEMONT GROVE	CA	91945	459-181-11-00	HAMMETT FAMILY TRUST
89	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR Apt 4	LEMONT GROVE	CA	91945	459-181-11-00	HAMMETT FAMILY TRUST
90	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR Apt 5	LEMONT GROVE	CA	91945	459-181-11-00	HAMMETT FAMILY TRUST
91	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR Apt 6	LEMONT GROVE	CA	91945	459-181-11-00	HAMMETT FAMILY TRUST
92	MULTI-FAMILY DWELLING (2-4 UNITS)	3601 HILLTOP DR	LEMONT GROVE	CA	91945	459-181-11-00	ISO PROPERTY INV GROUP LLC
93	DUPLEX	8202 LEMON GROVE WAY	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
94	DUPLEX	8102 LEMON GROVE WAY	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
95	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR Apt 1	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
96	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR Apt 2	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
97	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR Apt 3	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
98	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR Apt 4	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
99	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR Apt 5	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
100	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR Apt 6	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
101	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR Apt 7	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
102	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR Apt 8	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
103	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR Apt 9	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
104	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR Apt 10	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
105	SINGLE FAMILY RESIDENCE	3705 HILLTOP DR	LEMONT GROVE	CA	91945	459-181-11-00	MONAGH, WILLIAM L
106	RESIDENTIAL MISCELLANEOUS	VACANT/IMPROVED LAND	LEMONT GROVE	CA	91945	459-181-11-00	MONAGH, WILLIAM L
107	RESIDENTIAL MISCELLANEOUS	VACANT/IMPROVED LAND	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
108	VACANT RESIDENTIAL	VACANT/PARKING LOT	LEMONT GROVE	CA	91945	459-181-11-00	SHROYER, EDWARD B & JANE TRUST
109	SINGLE FAMILY RESIDENCE	3886 AMERICAN AVE	LA MESA	CA	91945	459-181-11-00	FLYING DOG TRUST
110	SINGLE FAMILY RESIDENCE	3874 AMERICAN AVE	LA MESA	CA	91945	459-181-11-00	FLYING DOG TRUST
111	SINGLE FAMILY RESIDENCE	3865 AMERICAN AVE	LA MESA	CA	91945	459-181-11-00	FLYING DOG TRUST
112	SINGLE FAMILY RESIDENCE	3874 QUARRY RD	LA MESA	CA	91945	459-181-11-00	ACOSTA, ANTHONY
113	SINGLE FAMILY RESIDENCE	3851 AMERICAN AVE	LA MESA	CA	91945	459-181-11-00	ACOSTA, ANTHONY
114	SINGLE FAMILY RESIDENCE	3880 QUARRY RD	LA MESA	CA	91945	459-181-11-00	ACOSTA, ANTHONY
115	SINGLE FAMILY RESIDENCE	3851 AMERICAN AVE	LA MESA	CA	91945	459-181-11-00	ACOSTA, ANTHONY
116	SINGLE FAMILY RESIDENCE	3853 AMERICAN AVE	LA MESA	CA	91945	459-181-11-00	ACOSTA, ANTHONY
117	VACANT RESIDENTIAL	VACANT/IMPROVED LAND	LA MESA	CA	91945	459-181-11-00	ACOSTA, ANTHONY
118	DUPLEX	3810 AMERICAN AVE	LA MESA	CA	91945	459-181-11-00	FLYING DOG TRUST
119	DUPLEX	3808 AMERICAN AVE	LA MESA	CA	91945	459-181-11-00	FLYING DOG TRUST
120	DUPLEX	3804 AMERICAN AVE	LA MESA	CA	91945	459-181-11-00	FLYING DOG TRUST
121	DUPLEX	3802 AMERICAN AVE	LA MESA	CA	91945	459-181-11-00	FLYING DOG TRUST
122	MULTI-FAMILY DWELLING (2-4 UNITS)	3850 AMERICAN AVE	LA MESA	CA	91945	459-181-11-00	FLYING DOG TRUST
123	SINGLE FAMILY RESIDENCE	3860 AMERICAN AVE	LA MESA	CA	91945	459-181-11-00	FLYING DOG TRUST
124	SINGLE FAMILY RESIDENCE	3840 RIVERA DR	LA MESA	CA	91945	459-181-11-00	FLYING DOG TRUST
125	SINGLE FAMILY RESIDENCE	3762 MILTON RD	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
126	VACANT RESIDENTIAL	3760 MILTON RD	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
127	VACANT RESIDENTIAL	3763 MILTON RD	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
128	VACANT RESIDENTIAL	8252 BROADWAY	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
129	VACANT COMMERCIAL	8250 BROADWAY	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
130	VACANT COMMERCIAL	8250 BROADWAY	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
131	VACANT COMMERCIAL	8250 BROADWAY	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
132	VACANT COMMERCIAL	8250 BROADWAY	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
133	PARKING LOT, PARKING STRUCTURE	8262 BROADWAY	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
134	STORES, RETAIL OUTLET	8270 BROADWAY	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
135	VACANT RESIDENTIAL	3767 MILTON RD	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
136	VACANT COMMERCIAL	VACANT/PARKING LOT	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
137	PARKING LOT, PARKING STRUCTURE	8280 BROADWAY	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
138	SINGLE FAMILY RESIDENCE	8333 BROADWAY LN	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
139	SINGLE FAMILY RESIDENCE	8307 BROADWAY LN	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
140	SINGLE FAMILY RESIDENCE	8307 BROADWAY LN	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
141	VACANT RESIDENTIAL	VACANT/IMPROVED LAND	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
142	SINGLE FAMILY RESIDENCE	8319 BROADWAY LN	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
143	DUPLEX	8321 BROADWAY LN	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
144	HOSPITALS, CORNERS, SCENT, HOUSES	8351 BROADWAY	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
145	RESIDENTIAL MISCELLANEOUS	VACANT/IMPROVED LAND	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
146	CONDOMINIUM, PUD	8355 BROADWAY	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA
147	LEMONT GROVE PUD	8355 BROADWAY	LEMONT GROVE	CA	91945	459-181-11-00	STATE OF CALIFORNIA

149	CONDOMINIUM, PUD	2555 BROADWAY 5	LEMON GROVE	CA	91945	499-220-57-01	ANDREWS, JENNIFER
150	CONDOMINIUM, PUD	2555 BROADWAY 7	LEMON GROVE	CA	91945	499-220-57-04	CALEXICO PLAZA DEVELOPMENT CORP
151	CONDOMINIUM, PUD	2555 BROADWAY 9	LEMON GROVE	CA	91945	499-220-57-05	VALLEY RESORTS, INC.
152	CONDOMINIUM, PUD	2555 BROADWAY 13	LEMON GROVE	CA	91945	499-220-57-07	HUGHES, JAMES L & LEIGH TRUST
153	CONDOMINIUM, PUD	2555 BROADWAY 15	LEMON GROVE	CA	91945	499-220-57-09	BOHREITER, DUSTIN E
154	CONDOMINIUM, PUD	2555 BROADWAY 17	LEMON GROVE	CA	91945	499-220-57-11	GREGORY, JEFFREY D
155	CONDOMINIUM, PUD	2555 BROADWAY 19	LEMON GROVE	CA	91945	499-220-57-13	RINKIN, ANDREW B
156	CONDOMINIUM, PUD	2555 BROADWAY 21	LEMON GROVE	CA	91945	499-220-57-15	CANIZALES, DALE
157	CONDOMINIUM, PUD	2555 BROADWAY 23	LEMON GROVE	CA	91945	499-220-57-17	KUHN, SANDRA A
158	CONDOMINIUM, PUD	2555 BROADWAY 25	LEMON GROVE	CA	91945	499-220-57-19	ROPER, LINDA TRUST
159	CONDOMINIUM, PUD	2555 BROADWAY 27	LEMON GROVE	CA	91945	499-220-57-21	WILLIAMS, THOMAS A JR
160	CONDOMINIUM, PUD	2555 BROADWAY 29	LEMON GROVE	CA	91945	499-220-57-23	WAGNER, CATHARINE C, TRUST BYOCABLE
161	CONDOMINIUM, PUD	2555 BROADWAY 31	LEMON GROVE	CA	91945	499-220-57-25	AGUIAR, RUTH & MARIA U
162	CONDOMINIUM, PUD	2555 BROADWAY 33	LEMON GROVE	CA	91945	499-220-57-27	JOSE, MAURA B
163	CONDOMINIUM, PUD	2555 BROADWAY 35	LEMON GROVE	CA	91945	499-220-57-29	SANTI, JAMES, MARIE A
164	CONDOMINIUM, PUD	2555 BROADWAY 37	LEMON GROVE	CA	91945	499-220-57-31	LEISA J
165	CONDOMINIUM, PUD	2555 BROADWAY 39	LEMON GROVE	CA	91945	499-220-57-33	HINDAI, GO, MANUEL
166	CONDOMINIUM, PUD	2555 BROADWAY 41	LEMON GROVE	CA	91945	499-220-57-35	JEFFERSON, JOSHUA
167	CONDOMINIUM, PUD	2555 BROADWAY 43	LEMON GROVE	CA	91945	499-220-57-37	HEAR FINDER TOWNHOMES HOI PROP
168	CONDOMINIUM, PUD	2555 BROADWAY 45	LEMON GROVE	CA	91945	499-220-57-39	MARFINDER, ANDREW & JULIA
169	CONDOMINIUM, PUD	2555 BROADWAY 47	LEMON GROVE	CA	91945	499-220-57-41	W. JAMES, MARGIE H
170	CONDOMINIUM, PUD	2555 BROADWAY 49	LEMON GROVE	CA	91945	499-220-57-43	BELOW, RACHEL L
171	CONDOMINIUM, PUD	2555 BROADWAY 51	LEMON GROVE	CA	91945	499-220-57-45	GARCIA, REUBEN
172	CONDOMINIUM, PUD	2555 BROADWAY 53	LEMON GROVE	CA	91945	499-220-57-47	JANZCOWICZ, CEDZA
173	CONDOMINIUM, PUD	2555 BROADWAY 55	LEMON GROVE	CA	91945	499-220-57-49	WATSON, RONALD W
174	STORES, RETAIL OUTLET	2555 BROADWAY 57	LEMON GROVE	CA	91945	499-220-57-51	ZUNIGA, ERNEST O
175	STORES, RETAIL OUTLET	2555 BROADWAY 59	LEMON GROVE	CA	91945	499-220-57-53	AL AUTO HEADQUARTERS
176	STORES, RETAIL OUTLET	2555 BROADWAY 61	LEMON GROVE	CA	91945	499-220-57-55	CARRERA AUTO ELECTRIC
177	STORES, RETAIL OUTLET	2555 BROADWAY 63	LEMON GROVE	CA	91945	499-220-57-57	RV BODY & PAINT
178	STORES, RETAIL OUTLET	2555 BROADWAY 65	LEMON GROVE	CA	91945	499-220-57-59	DAVIS 5 SPOT PAINT & BODY WORK
179	STORES, RETAIL OUTLET	2555 BROADWAY 67	LEMON GROVE	CA	91945	499-220-57-61	ALTO REPAIR
180	WALKIN, RETAIL OUTLET	2555 BROADWAY 69	LEMON GROVE	CA	91945	499-220-57-63	VALLEY TRUCK AND AUTO
181	WALKIN, RETAIL OUTLET	2555 BROADWAY 71	LEMON GROVE	CA	91945	499-220-57-65	SOUTH C HEALTH HOLD NG5 LLC
182	WALKIN, RETAIL OUTLET	2555 BROADWAY 73	LEMON GROVE	CA	91945	499-220-57-67	SHARPE, SARAH
183	WALKIN, RETAIL OUTLET	2555 BROADWAY 75	LEMON GROVE	CA	91945	499-220-57-69	MATTHEWSON, BRANDON
184	WALKIN, RETAIL OUTLET	2555 BROADWAY 77	LEMON GROVE	CA	91945	499-220-57-71	MAXTED, TERESA
185	WALKIN, RETAIL OUTLET	2555 BROADWAY 79	LEMON GROVE	CA	91945	499-220-57-73	CLIFF, BENNY G KELLY D LY & BENNY
186	WALKIN, RETAIL OUTLET	2555 BROADWAY 81	LEMON GROVE	CA	91945	499-220-57-75	BART, JAMES B & JONETTE C
187	WALKIN, RETAIL OUTLET	2555 BROADWAY 83	LEMON GROVE	CA	91945	499-220-57-77	LOUGHEY, GAREY A
188	WALKIN, RETAIL OUTLET	2555 BROADWAY 85	LEMON GROVE	CA	91945	499-220-57-79	VILLALBA, DAVID A
189	WALKIN, RETAIL OUTLET	2555 BROADWAY 87	LEMON GROVE	CA	91945	499-220-57-81	RANDALL, RACHEL M
190	WALKIN, RETAIL OUTLET	2555 BROADWAY 89	LEMON GROVE	CA	91945	499-220-57-83	KOZEL, DANIELLE L
191	WALKIN, RETAIL OUTLET	2555 BROADWAY 91	LEMON GROVE	CA	91945	499-220-57-85	PEW, THOMAS J
192	WALKIN, RETAIL OUTLET	2555 BROADWAY 93	LEMON GROVE	CA	91945	499-220-57-87	MATTHEWSON, BRANDON
193	WALKIN, RETAIL OUTLET	2555 BROADWAY 95	LEMON GROVE	CA	91945	499-220-57-89	MAXTED, TERESA
194	WALKIN, RETAIL OUTLET	2555 BROADWAY 97	LEMON GROVE	CA	91945	499-220-57-91	CLIFF, BENNY G KELLY D LY & BENNY
195	WALKIN, RETAIL OUTLET	2555 BROADWAY 99	LEMON GROVE	CA	91945	499-220-57-93	BART, JAMES B & JONETTE C
196	WALKIN, RETAIL OUTLET	2555 BROADWAY 101	LEMON GROVE	CA	91945	499-220-57-95	LOUGHEY, GAREY A
197	WALKIN, RETAIL OUTLET	2555 BROADWAY 103	LEMON GROVE	CA	91945	499-220-57-97	VILLALBA, DAVID A
198	WALKIN, RETAIL OUTLET	2555 BROADWAY 105	LEMON GROVE	CA	91945	499-220-57-99	RANDALL, RACHEL M
199	WALKIN, RETAIL OUTLET	2555 BROADWAY 107	LEMON GROVE	CA	91945	499-220-58-01	KOZEL, DANIELLE L
200	WALKIN, RETAIL OUTLET	2555 BROADWAY 109	LEMON GROVE	CA	91945	499-220-58-03	PEW, THOMAS J
201	WALKIN, RETAIL OUTLET	2555 BROADWAY 111	LEMON GROVE	CA	91945	499-220-58-05	MATTHEWSON, BRANDON
202	WALKIN, RETAIL OUTLET	2555 BROADWAY 113	LEMON GROVE	CA	91945	499-220-58-07	MAXTED, TERESA
203	WALKIN, RETAIL OUTLET	2555 BROADWAY 115	LEMON GROVE	CA	91945	499-220-58-09	CLIFF, BENNY G KELLY D LY & BENNY
204	WALKIN, RETAIL OUTLET	2555 BROADWAY 117	LEMON GROVE	CA	91945	499-220-58-11	BART, JAMES B & JONETTE C
205	WALKIN, RETAIL OUTLET	2555 BROADWAY 119	LEMON GROVE	CA	91945	499-220-58-13	LOUGHEY, GAREY A
206	WALKIN, RETAIL OUTLET	2555 BROADWAY 121	LEMON GROVE	CA	91945	499-220-58-15	VILLALBA, DAVID A
207	WALKIN, RETAIL OUTLET	2555 BROADWAY 123	LEMON GROVE	CA	91945	499-220-58-17	RANDALL, RACHEL M
208	WALKIN, RETAIL OUTLET	2555 BROADWAY 125	LEMON GROVE	CA	91945	499-220-58-19	KOZEL, DANIELLE L
209	WALKIN, RETAIL OUTLET	2555 BROADWAY 127	LEMON GROVE	CA	91945	499-220-58-21	PEW, THOMAS J
210	WALKIN, RETAIL OUTLET	2555 BROADWAY 129	LEMON GROVE	CA	91945	499-220-58-23	MATTHEWSON, BRANDON
211	WALKIN, RETAIL OUTLET	2555 BROADWAY 131	LEMON GROVE	CA	91945	499-220-58-25	MAXTED, TERESA
212	WALKIN, RETAIL OUTLET	2555 BROADWAY 133	LEMON GROVE	CA	91945	499-220-58-27	CLIFF, BENNY G KELLY D LY & BENNY
213	WALKIN, RETAIL OUTLET	2555 BROADWAY 135	LEMON GROVE	CA	91945	499-220-58-29	BART, JAMES B & JONETTE C
214	WALKIN, RETAIL OUTLET	2555 BROADWAY 137	LEMON GROVE	CA	91945	499-220-58-31	LOUGHEY, GAREY A
215	WALKIN, RETAIL OUTLET	2555 BROADWAY 139	LEMON GROVE	CA	91945	499-220-58-33	VILLALBA, DAVID A
216	WALKIN, RETAIL OUTLET	2555 BROADWAY 141	LEMON GROVE	CA	91945	499-220-58-35	RANDALL, RACHEL M
217	WALKIN, RETAIL OUTLET	2555 BROADWAY 143	LEMON GROVE	CA	91945	499-220-58-37	KOZEL, DANIELLE L
218	WALKIN, RETAIL OUTLET	2555 BROADWAY 145	LEMON GROVE	CA	91945	499-220-58-39	PEW, THOMAS J
219	WALKIN, RETAIL OUTLET	2555 BROADWAY 147	LEMON GROVE	CA	91945	499-220-58-41	MATTHEWSON, BRANDON
220	WALKIN, RETAIL OUTLET	2555 BROADWAY 149	LEMON GROVE	CA	91945	499-220-58-43	MAXTED, TERESA
221	WALKIN, RETAIL OUTLET	2555 BROADWAY 151	LEMON GROVE	CA	91945	499-220-58-45	CLIFF, BENNY G KELLY D LY & BENNY
222	WALKIN, RETAIL OUTLET	2555 BROADWAY 153	LEMON GROVE	CA	91945	499-220-58-47	BART, JAMES B & JONETTE C

Attachment I

[illegible]

Attachment I

298	GOVERNMENTAL, PUBLIC	8150 BROADWAY Apt 340	LEMON GROVE	CA	91945	503-011-12-00	CALEXICO PLAZA DEVELOPMENT CORP
298	GOVERNMENTAL, PUBLIC	8150 BROADWAY Apt 341	LEMON GROVE	CA	91945	503-011-12-00	CALEXICO PLAZA DEVELOPMENT CORP
300	GOVERNMENTAL, PUBLIC	8150 BROADWAY Apt 342	LEMON GROVE	CA	91945	503-011-12-00	CALEXICO PLAZA DEVELOPMENT CORP
301	GOVERNMENTAL, PUBLIC	8150 BROADWAY Apt 343	LEMON GROVE	CA	91945	503-011-12-00	CALEXICO PLAZA DEVELOPMENT CORP
302	GOVERNMENTAL, PUBLIC	8150 BROADWAY Apt 344	LEMON GROVE	CA	91945	503-011-12-00	CALEXICO PLAZA DEVELOPMENT CORP
303	VACANT COMMERCIAL	VACANT/VISC	LEMON GROVE	CA	91945	503-012-06-00	GONZALEZ GUSTAVO & LOUISE M
304	STORES, RETAIL OUTLET	8247 BROADWAY	LEMON GROVE	CA	91945	503-012-05-00	S & S NEELSON FAMILY LIMITED PART
305	RESTAURANT, BAR, FOOD SERVICE	8261 BROADWAY	LEMON GROVE	CA	91945	503-012-10-00	LIVELY ONE O TRUST - VACANT
306	STORES, RETAIL OUTLET	3555 SWEETWATER WAY	LEMON GROVE	CA	91945	503-012-39-00	NEW FASHIONS CHURCH
307	RESTAURANT, BAR, FOOD SERVICE	8223 BROADWAY	LEMON GROVE	CA	91945	503-012-39-00	PROFIT FASHIONS INC/BERGERS
308	PARKING LOT, PARKING STRUCTURE	8215 BROADWAY	LEMON GROVE	CA	91945	503-012-31-00	LIVELY ONE O TRUST
309	VACANT COMMERCIAL	VACANT/UNIMPROVED LAND	LEMON GROVE	CA	91945	503-012-33-00	PRIMO AUTOMOTIVE
310	PARKING LOT, PARKING STRUCTURE	8215 BROADWAY	LEMON GROVE	CA	91945	503-012-31-00	LIVELY ONE O TRUST
311	STORES, RETAIL OUTLET	8150 BROADWAY	LEMON GROVE	CA	91945	503-012-06-00	GONZALEZ GUSTAVO & LOUISE M
312	STORES, RETAIL OUTLET	8150 BROADWAY	LEMON GROVE	CA	91945	503-012-06-00	GONZALEZ GUSTAVO & LOUISE M
313	VACANT COMMERCIAL	VACANT/UNIMPROVED LAND	LEMON GROVE	CA	91945	503-014-09-00	C M S AN LLC
314	WAREHOUSE, STORAGE	8179 BROADWAY	LEMON GROVE	CA	91945	503-014-10-00	SUZANNE MELTCHER POSSIBLE RESIDENTIAL
315	WAREHOUSE, STORAGE	8179 BROADWAY	LEMON GROVE	CA	91945	503-014-10-00	C M S AN LLC - VACANT
316	PARKING LOT, PARKING STRUCTURE	8281 BROADWAY	LEMON GROVE	CA	91945	503-014-11-00	LEMON GROVE SMOG TEST ONLY STATION
317	MULTI-FAMILY DWELLING (2-4 UNITS)	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-12-00	MEDINA JAMES J & DIANA 1999 REVOC
318	MULTI-FAMILY DWELLING (2-4 UNITS)	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-12-00	MEDINA JAMES J & DIANA 1999 REVOC
319	MULTI-FAMILY DWELLING (2-4 UNITS)	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-12-00	MEDINA JAMES J & DIANA 1999 REVOC
320	MULTI-FAMILY DWELLING (2-4 UNITS)	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-12-00	MEDINA JAMES J & DIANA 1999 REVOC
321	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-13-00	MEDINA JAMES J & DIANA 1999 REVOC
322	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-14-00	MEDINA JAMES J & DIANA 1999 REVOC
323	DUPLEX	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-15-00	MEDINA JAMES J & DIANA 1999 REVOC
324	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-16-00	MEDINA JAMES J & DIANA 1999 REVOC
325	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-17-00	MEDINA JAMES J & DIANA 1999 REVOC
326	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-18-00	MEDINA JAMES J & DIANA 1999 REVOC
327	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-19-00	MEDINA JAMES J & DIANA 1999 REVOC
328	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LEMON GROVE	CA	91945	503-014-20-00	MEDINA JAMES J & DIANA 1999 REVOC
329	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LEMON GROVE	CA	91945	503-014-21-00	MEDINA JAMES J & DIANA 1999 REVOC
330	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-22-00	MEDINA JAMES J & DIANA 1999 REVOC
331	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LEMON GROVE	CA	91945	503-014-23-00	MEDINA JAMES J & DIANA 1999 REVOC
332	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-24-00	MEDINA JAMES J & DIANA 1999 REVOC
333	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-25-00	MEDINA JAMES J & DIANA 1999 REVOC
334	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-26-00	MEDINA JAMES J & DIANA 1999 REVOC
335	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-27-00	MEDINA JAMES J & DIANA 1999 REVOC
336	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-28-00	MEDINA JAMES J & DIANA 1999 REVOC
337	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-29-00	MEDINA JAMES J & DIANA 1999 REVOC
338	SINGLE FAMILY RESIDENCE	3556 SWEETWATER WAY	LEMON GROVE	CA	91945	503-014-30-00	MEDINA JAMES J &

-42-

[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

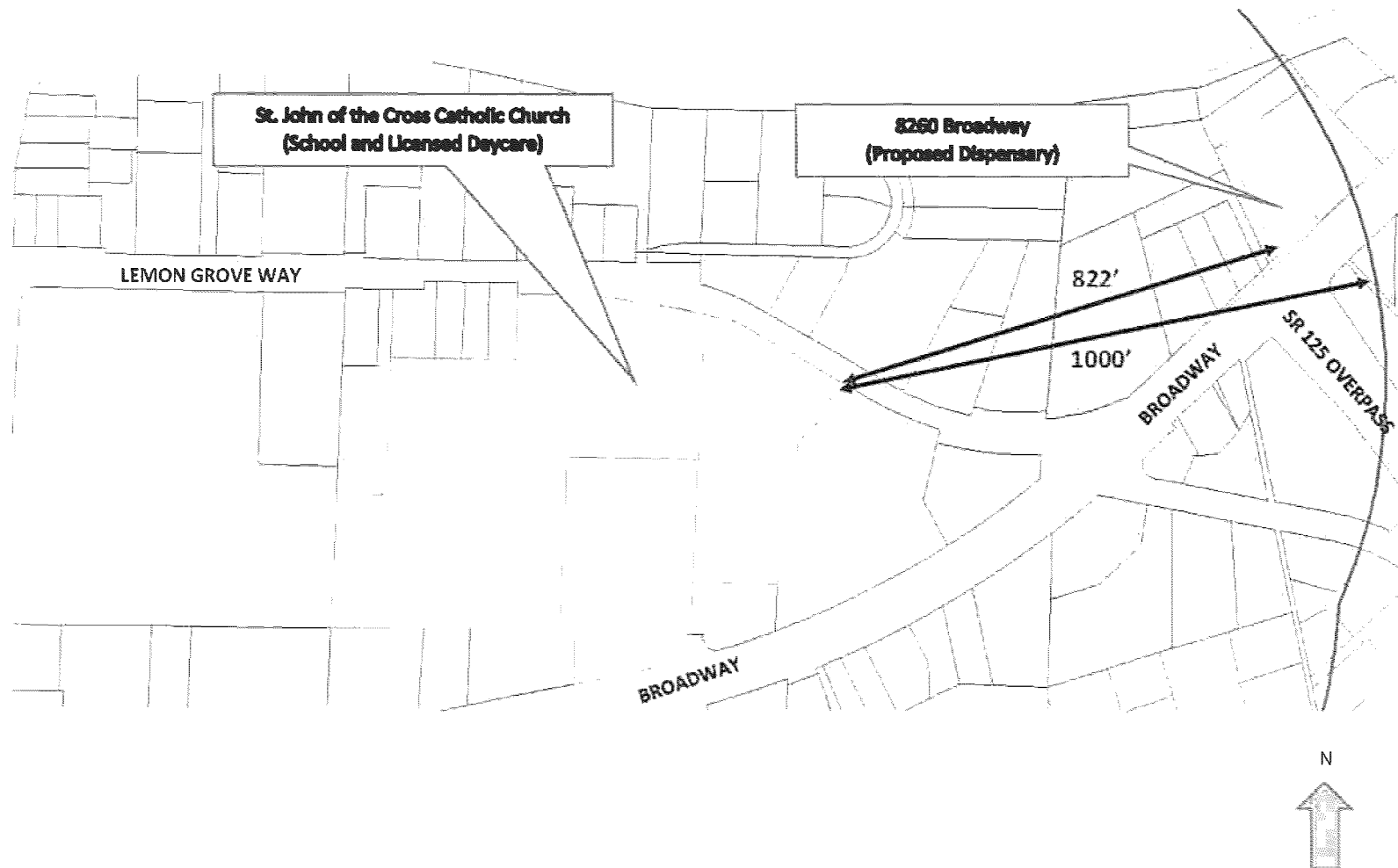
A handwritten signature in black ink, appearing to read "Sean Wilson", written over a horizontal line.

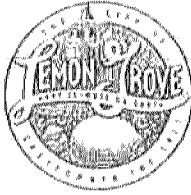
SEAN WILSON
TITLE PRO INFORMATION SYSTEMS

DATE:
03/18/2017

Phone: 760.295.3951 | Fax: 760.295.4038

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

Attachment L

Eric Craig

From: Austin, Gina <gaustin@austinlegalgroup.com>
Sent: Monday, May 15, 2017 9:44 AM
To: Eric Craig
Cc: 'chris@xmngmedia.com'
Subject: Re: Acknowledgement and Hearing Date for Medical Marijuana Dispensary Appeal (AA1-700-0003)

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@xmngmedia.com" <chris@xmngmedia.com>
Subject: RE: Acknowledgement and Hearing Date for Medical Marijuana Dispensary Appeal (AA1-700-0003)

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 I

(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,

Josse Ramirez
Director Religious Education/Facility Manager

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 7
Mtg. Date July 18, 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; 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. Conduct the public hearing; 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**).

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| ☒ Not subject to review | ☐ Negative Declaration |
| ☐ Categorically Exempt | ☐ Mitigated Negative Declaration |

Public Information:

- | | | |
|---|--|---|
| ☐ None | ☐ Newsletter article | ☐ Tribal Government Consultation Request |
| ☒ Notice published in local newspaper | ☒ 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
- 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

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 7
Mtg. Date July 18, 2017

Item Title: 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.

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 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 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.

Attachment A

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 July 12, 2017, no additional information has been received. However, the appellant's legal counsel did contact staff and agreed to the July 18, 2017 hearing date. Please see **Attachment L**, dated May 15, 2017.

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

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 July 12, 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 ZC1-700-0012, 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

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:

Attachment B

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;

Attachment C

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

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

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

Attachment C

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

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

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

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

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

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

j. Sales of alcoholic beverages are prohibited.

k. Sales of tobacco and tobacco products are prohibited.

l. Sales of drug paraphernalia are prohibited.

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

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

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

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

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

ii. Description of chemicals stored or used; and

Attachment C

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

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

Great!
SCHOOLS

Private Schools in San Diego

Parenting

Donate

EN ESPAÑOL

SIGN IN

California Lemon Grove

City

County

Search

Nearby Cities:

Spring Valley

La Mesa

Bonita

National City

El Cajon

Chula Vista

San Diego

Coronado

13 private schools found in Lemon Grove, CA

Save this search

11/15

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13 private schools found in Lemon Grove, CA

Map

13 private schools found in Lemon Grove, CA

Assigned School

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

Today's Mortgage Rate

3.12%

APR 15 Year Fixed

Select Loan Amount

\$225,000

lendingtree

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Attachment E

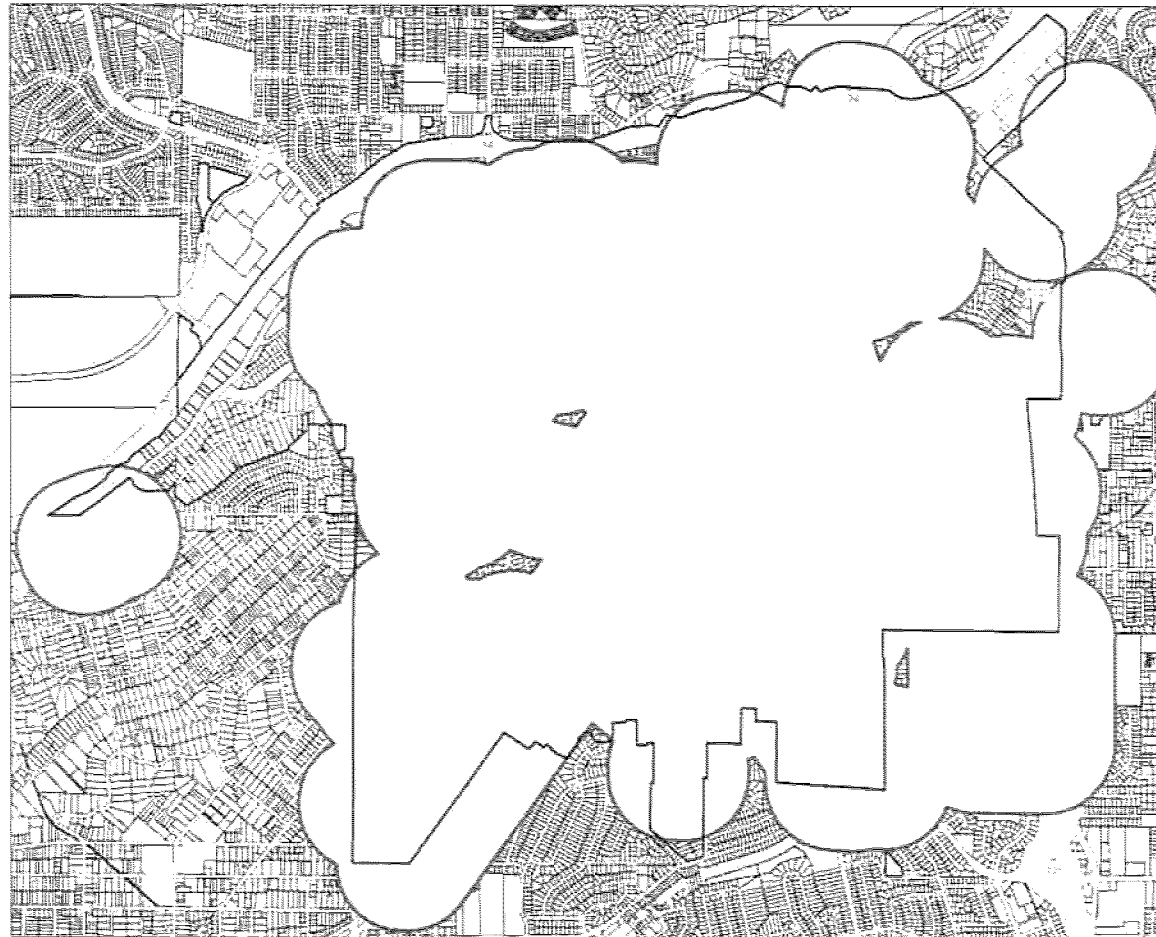
Child Care Center Preschool (CDSS Website; Facility Search)

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

 Feet
0 1,000 2,000





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)

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

APPLICANT:	Pick Axe Holdings LLC - Christopher Williams	PHONE:	619-326-4182
ADDRESS:	7364 Mission Gorge Rd. San Diego, CA 92120	FAX:	
		EMAIL:	chris@xmgtmedia.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@xmgtmedia.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.

Rev. 11.1.15

Rev. November 2015

Attachment G

APPLICANT CERTIFICATION

I, the undersigned, own the property located at the address above and in the supplemental material provided the date and information requested for this report 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 Longmont to use the property as a public record and to make any other use of the information for planning, zoning, and other purposes, for the purpose of staff planning, consultation, and other purposes in order to process this application.

Signature: _____ Date: 11/11/2017
Name (please print): _____ Phone: 970.225.1200

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 inspecting the property in preparation of any maps and/or required environmental review for the processing of the application.

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): 22C1-700-0012

DATE: 11-12-2017

FEES: \$150 RECEIPT #: 10316

ZONE: H-C

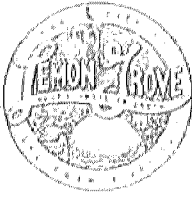
COMMENTS and/or CONDITIONS:

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,

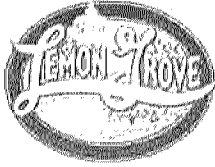
On April 6, 2017, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. The application has been denied for the following reasons, which may not be all inclusive:

- 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(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:	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

	April 20, 2017
Applicants Signature	Date

TO BE COMPLETED BY PLANNING STAFF

FILE #(s): AAI-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

LICENSED IN CALIFORNIA & HAWAII
TELEPHONE
(619) 924-9606

FAX NUMBER
(619) 581-0845

Walter's Legal
geustia@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 1⁴. 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.

⁴ 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.	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

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

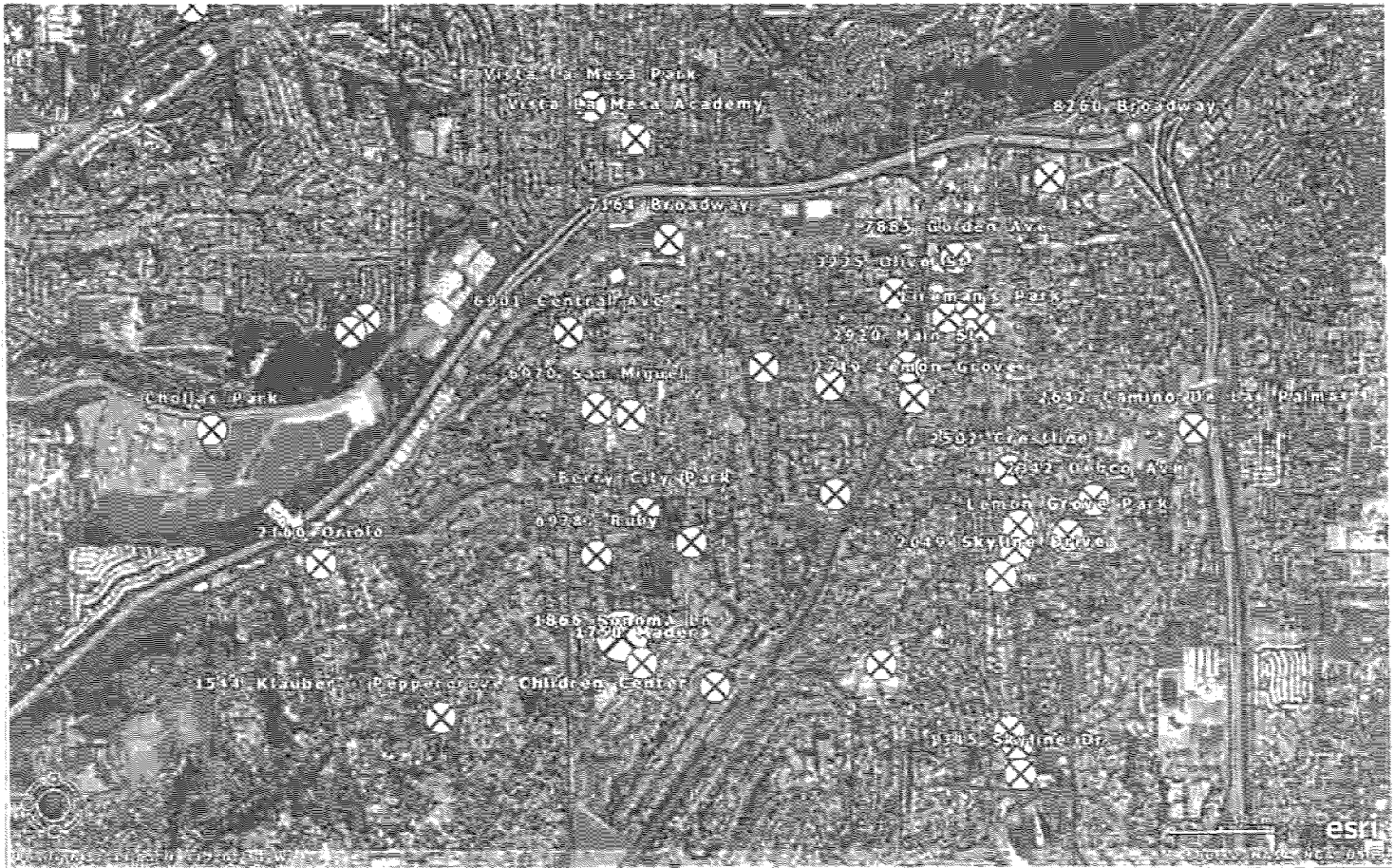


Exhibit 1 - page 3

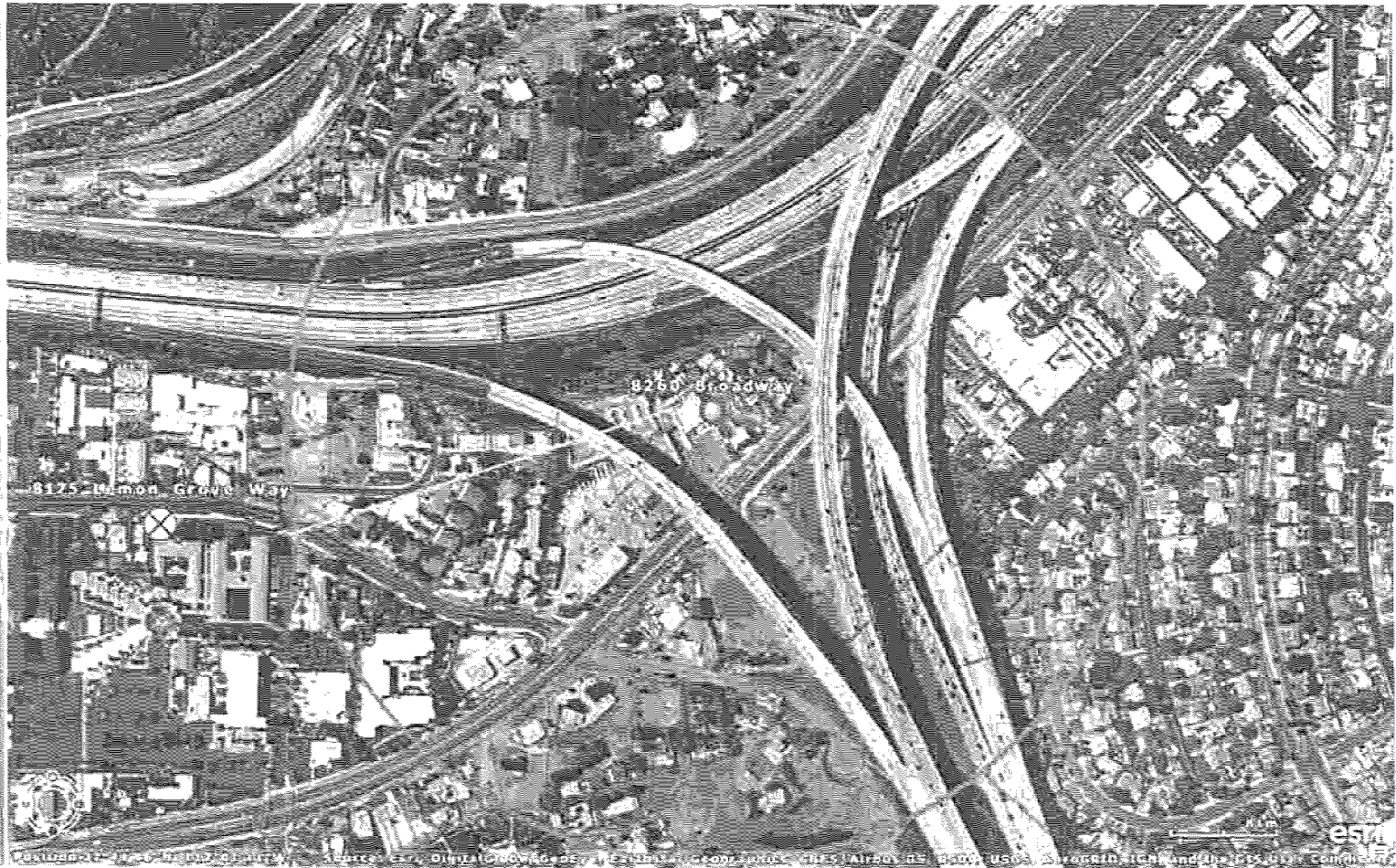


Exhibit 2 - Page 1

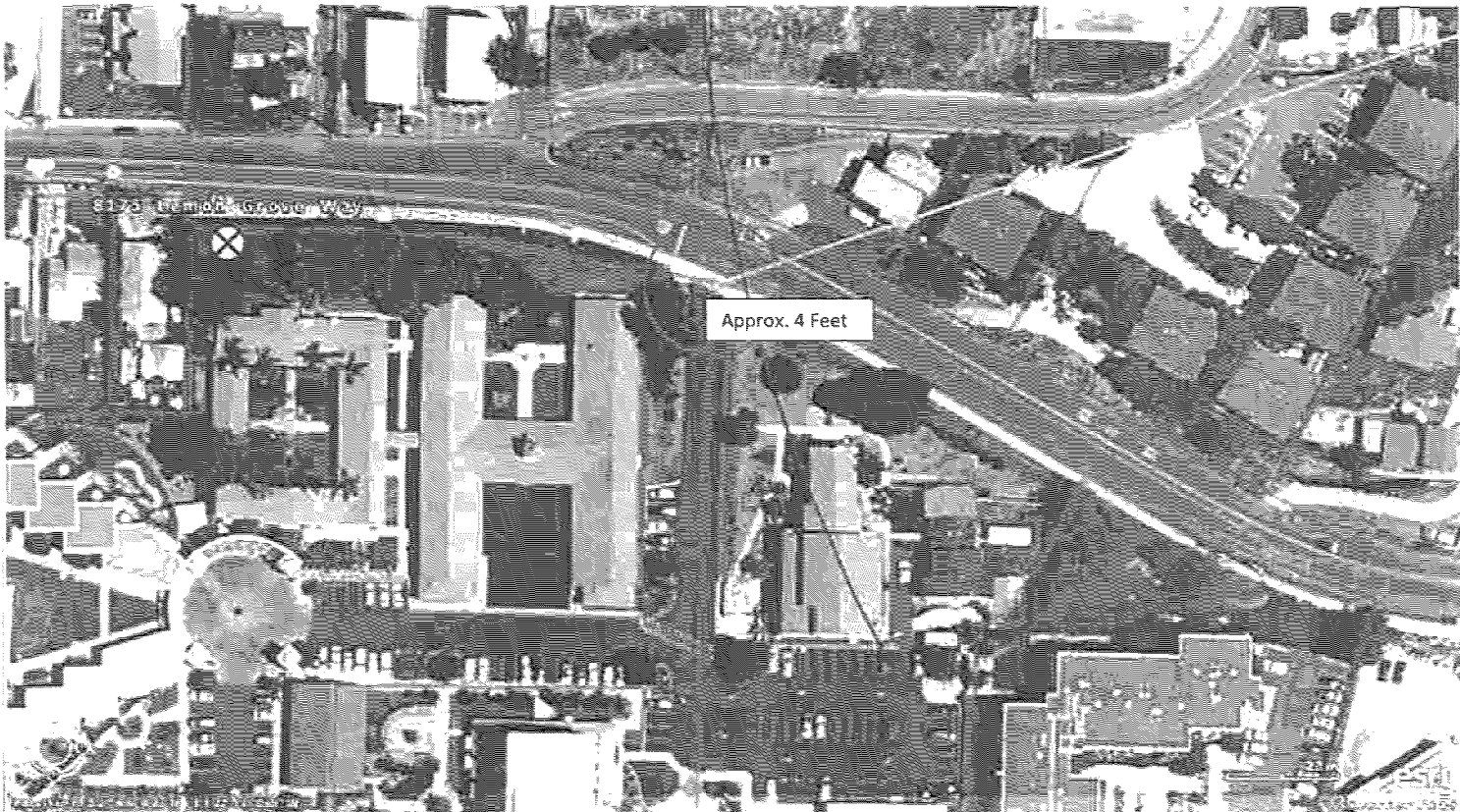


Exhibit 2 - Page 2

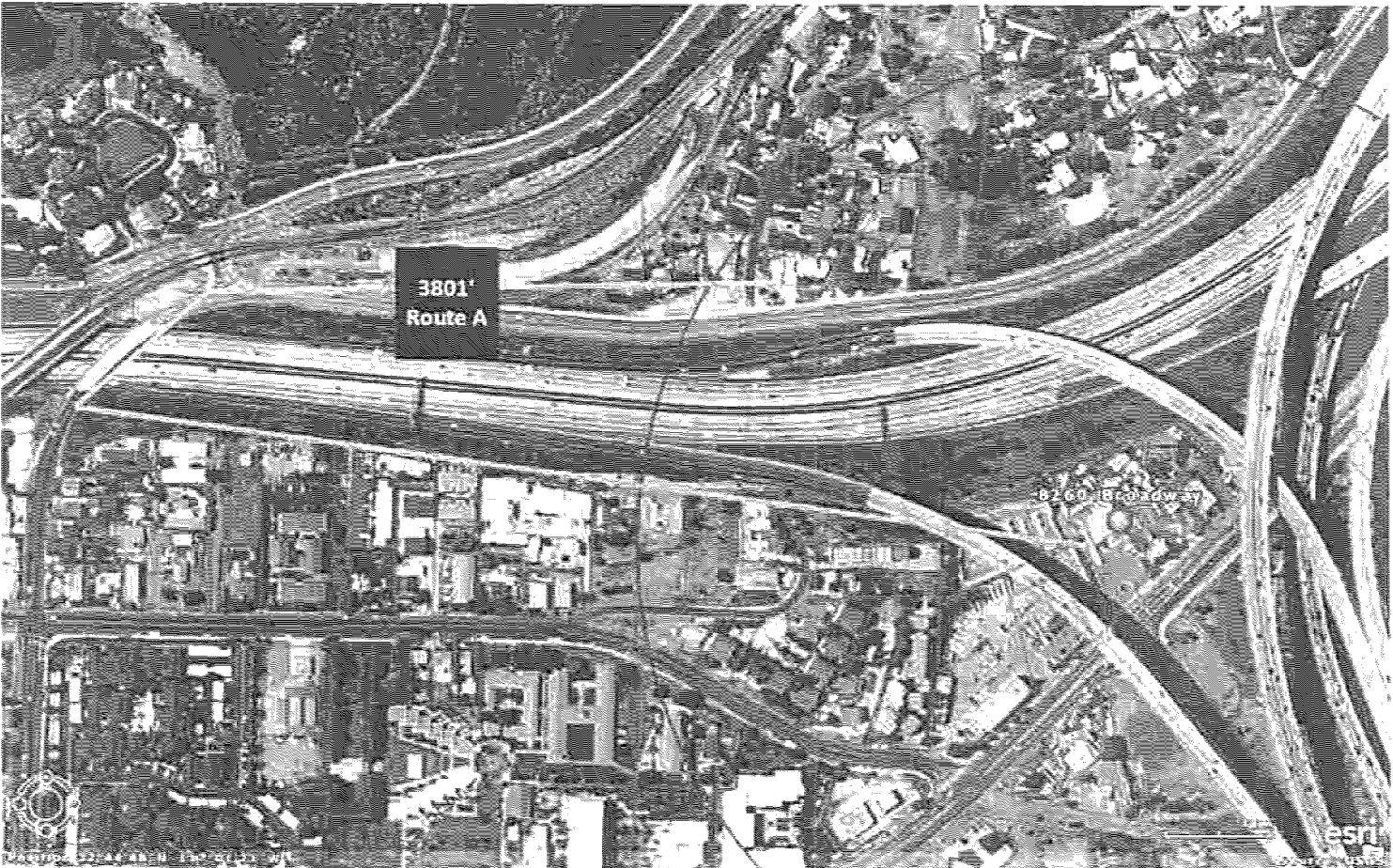


EXHIBIT 3

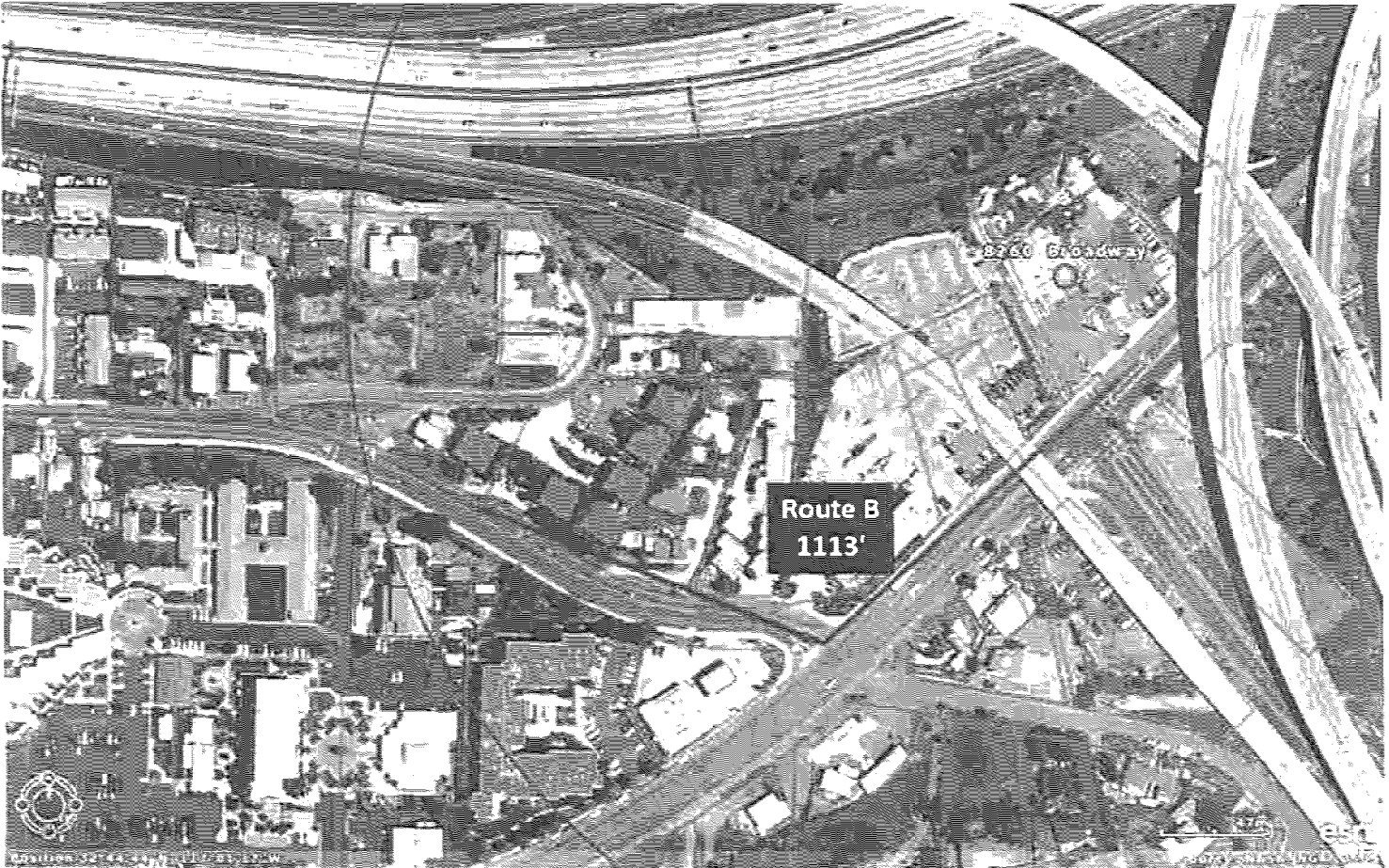


EXHIBIT 4

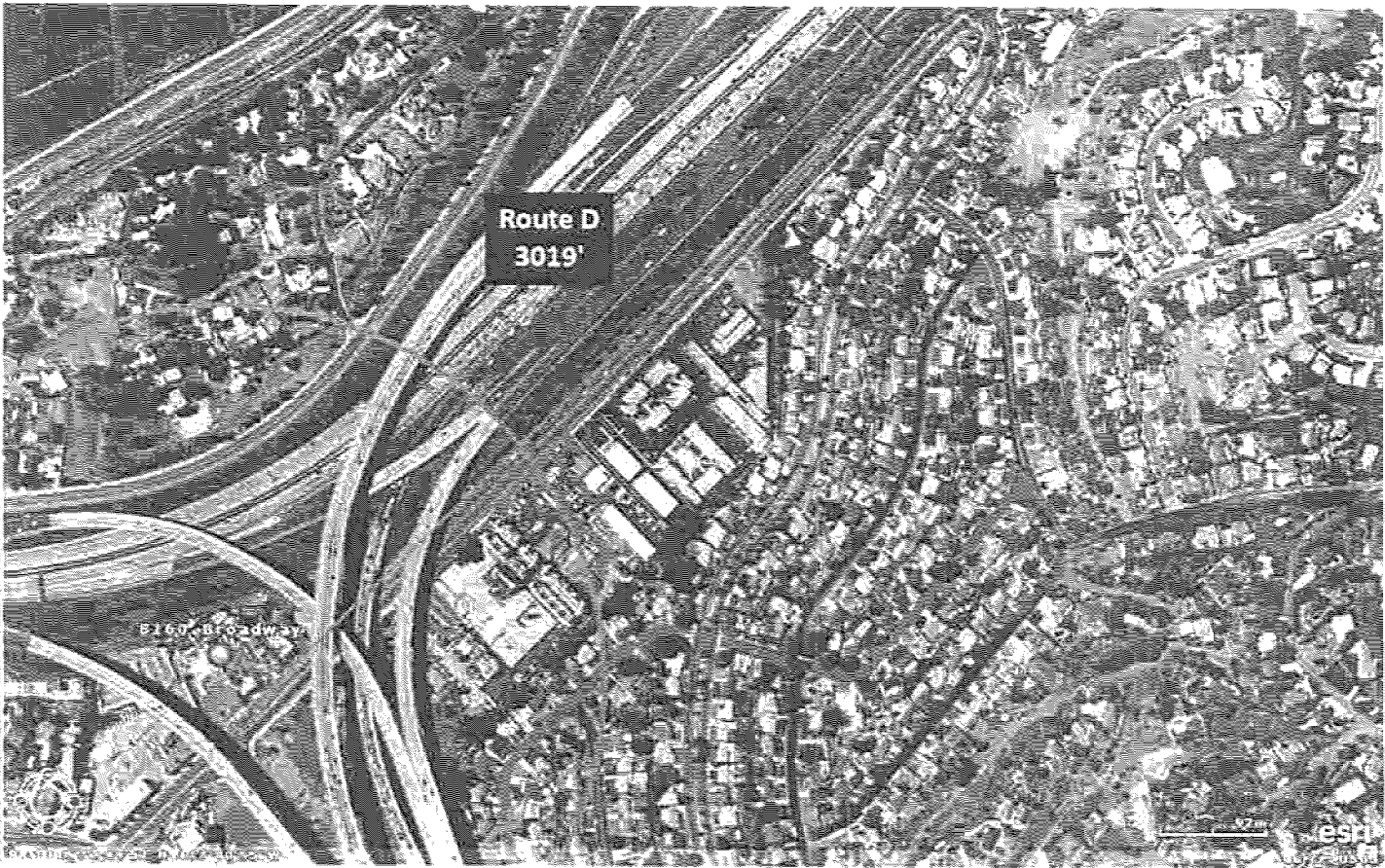


EXHIBIT 5

SUMMARY OF PARCELS									
APN 454-152-01000-00000									
Index	Use Description	Site Address	City	State	Zip	Parcel Number	Owner/Trustee Name		
3	SINGLE FAMILY RESIDENCE	8115 CASCIO CT	LEMON GROVE	CA	91545	499-160-08-00	LEITCH FAMILY TRUST		
7	RELIGIOUS	8171 LAMAR GROVE WAY	LEMON GROVE	CA	91545	499-160-17-00	ST. JOHN OF THE LIONS CATHOLIC CHURCH		
13	SINGLE FAMILY RESIDENCE	3820 ROJO TIERRA RD	LA MESA	CA	91941	499-161-01-00	EGGENT FAMILY TRUST		
4	SINGLE FAMILY RESIDENCE	3820 ROJO TIERRA RD	LA MESA	CA	91941	499-161-02-00	RUDD FAMILY 2003 TRUST		
5	SINGLE FAMILY RESIDENCE	3814 ROJO TIERRA RD	LA MESA	CA	91941	499-161-03-00	OSORIO MARIO E & MARTHA 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 ROJO TIERRA RD	LA MESA	CA	91941	499-161-05-00	ALAMERLI ADNAN		
8	SINGLE FAMILY RESIDENCE	3825 ROJO TIERRA RD	LA MESA	CA	91941	499-162-01-00	WALSH, LORNA S		
9	SINGLE FAMILY RESIDENCE	3740 RIVIERA DR	LA MESA	CA	91941	499-162-04-00	WELSH, HAROLD FAMILY TRUST		
10	SINGLE FAMILY RESIDENCE	3815 ROJO TIERRA RD	LA MESA	CA	91941	499-162-05-00	NEILSON, MELBA C		
11	SINGLE FAMILY RESIDENCE	3815 ROJO TIERRA RD	LA MESA	CA	91941	499-162-06-00	NOURSE JASON		
12	RESIDENTIAL MISCELLANEOUS	VACANT/UNIMPROVED LAND	LA MESA	CA	91941	499-171-09-00	WILSON, LOUISA S		
13	MULTI-FAMILY DWELLING (2-4 UNITS)	3720 RIVIERA DR	LA MESA	CA	91941	499-171-10-00	HOLLAND, EMILIO TRUST		
14	MULTI-FAMILY DWELLING (2-4 UNITS)	3718 RIVIERA DR	LA MESA	CA	91941	499-171-10-00	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	499-171-13-00	CURTIS, LEE C TRUST		
18	SINGLE FAMILY RESIDENCE	3750 BELVUE DR	LA MESA	CA	91941	499-171-15-00	JENNINGS, DAVID M & SHARON M		
19	SINGLE FAMILY RESIDENCE	3754 BELVUE DR	LA MESA	CA	91941	499-171-22-00	ALGERI, KATHERINE M S TRUST		
20	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LA MESA	CA	91941	499-171-25-00	FLYING DOG TRUST		
21	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LA MESA	CA	91941	499-171-26-00	FLYING DOG TRUST		
22	SINGLE FAMILY RESIDENCE	3838 ROJO TIERRA RD	LA MESA	CA	91941	499-171-31-00	PINELAS, NICOLAS		
24	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 CASCIO CT APT E	LEMON GROVE	CA	91545	499-181-01-00	BARNES, JON & TRICIA		
25	MULTI-FAMILY DWELLING (2-4 UNITS)	8121 CASCIO CT APT A	LEMON GROVE	CA	91545	499-181-01-00	BARNES, JON & TRICIA		
27	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LEMON GROVE	CA	91545	499-181-02-00	HAFEZI, BEHZAD		
28	VACANT RESIDENTIAL	8117 CASCIO CT	LEMON GROVE	CA	91545	499-181-03-00	WFC GROUP LLC		
29	MULTI-FAMILY RES (5+ UNITS)	8170 LEMON GROVE WAY APT 9	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
30	MULTI-FAMILY RES (5+ UNITS)	8170 LEMON GROVE WAY APT 8	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
31	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 2	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
32	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 4	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
33	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 5	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
34	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 4	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
35	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 3	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
36	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 2	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
37	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 18	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
38	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 18	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
39	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 17	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
40	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 16	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
41	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 15	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
42	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 14	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
43	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 13	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
44	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 12	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
45	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 11	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
46	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 10	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
47	MULTI-FAMILY RES (5+ UNITS)	8230 LEMON GROVE WAY APT 9	LEMON GROVE	CA	91545	499-181-08-00	LEMON TREE ON LINCOLN LLC		
48	SINGLE FAMILY RESIDENCE	8224 LEMON GROVE WAY	LEMON GROVE	CA	91545	499-181-10-00	WYLLIE, FLOYD E. ALICE E. REVOCABLE		
49	SINGLE FAMILY RESIDENCE	8224 LEMON GROVE WAY	LEMON GROVE	CA	91545	499-181-10-00	WYLLIE, FLOYD E. ALICE E. REVOCABLE		
50	MULTI-FAMILY DWELLING (2-4 UNITS)	8230 LEMON GROVE WAY APT 8	LEMON GROVE	CA	91545	499-181-10-00	WYLLIE, FLOYD E. ALICE E. REVOCABLE		
51	MULTI-FAMILY DWELLING (2-4 UNITS)	8230 LEMON GROVE WAY APT 7	LEMON GROVE	CA	91545	499-181-10-00	WYLLIE, FLOYD E. ALICE E. REVOCABLE		
52	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt A3	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
53	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt A2	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
54	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt A3	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
55	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt A4	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
56	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt B1	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
57	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt B2	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
58	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt B3	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
59	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt B4	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
60	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt C1	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
61	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt C2	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
62	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt C3	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
63	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt C4	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
64	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt D1	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
65	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt D2	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
66	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt D3	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
67	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt D4	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
68	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt E1	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
69	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt E2	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
70	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt E3	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
71	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt E4	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		
72	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt F1	LEMON GROVE	CA	91545	499-181-11-00	SD PROPERTY INV GROUP LLC		

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73	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt 7	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
74	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt 8	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
75	MULTI-FAMILY RES (5+ UNITS)	3601 HILLTOP DR Apt 9	LEMON GROVE	CA	91945	499-181-11-00	SD PROPERTY INV GROUP LLC
76	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 1	LEMON GROVE	CA	91945	499-181-13-00	AGUILER RAFAEL & MARIA FAMILY TR
77	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 2	LEMON GROVE	CA	91945	499-181-13-00	AGUILER RAFAEL & MARIA FAMILY TR
78	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 3	LEMON GROVE	CA	91945	499-181-13-00	AGUILER RAFAEL & MARIA FAMILY TR
79	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 4	LEMON GROVE	CA	91945	499-181-13-00	AGUILER RAFAEL & MARIA FAMILY TR
80	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 5	LEMON GROVE	CA	91945	499-181-13-00	AGUILER RAFAEL & MARIA FAMILY TR
81	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 6	LEMON GROVE	CA	91945	499-181-13-00	AGUILER RAFAEL & MARIA FAMILY TR
82	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 7	LEMON GROVE	CA	91945	499-181-13-00	AGUILER RAFAEL & MARIA FAMILY TR
83	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 8	LEMON GROVE	CA	91945	499-181-13-00	AGUILER RAFAEL & MARIA FAMILY TR
84	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 9	LEMON GROVE	CA	91945	499-181-13-00	AGUILER RAFAEL & MARIA FAMILY TR
85	MULTI-FAMILY RES (5+ UNITS)	3710 HILLTOP DR APT 10	LEMON GROVE	CA	91945	499-181-13-00	AGUILER RAFAEL & MARIA FAMILY TR
86	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR APT 1	LEMON GROVE	CA	91945	499-181-14-00	HAMMETT FAMILY TRUST
87	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR APT 2	LEMON GROVE	CA	91945	499-181-14-00	HAMMETT FAMILY TRUST
88	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR APT 3	LEMON GROVE	CA	91945	499-181-14-00	HAMMETT FAMILY TRUST
89	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR APT 4	LEMON GROVE	CA	91945	499-181-14-00	HAMMETT FAMILY TRUST
90	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR APT 5	LEMON GROVE	CA	91945	499-181-14-00	HAMMETT FAMILY TRUST
91	MULTI-FAMILY RES (5+ UNITS)	3702 HILLTOP DR APT 6	LEMON GROVE	CA	91945	499-181-14-00	HAMMETT FAMILY TRUST
92	MULTI-FAMILY DWELLING (2-4 UNIT)	3601 HILLTOP DR	LEMON GROVE	CA	91945	499-181-18-00	SD PROPERTY INV GROUP LLC
93	DUPLEX	8302 LEMON GROVE WAY	LEMON GROVE	CA	91945	499-181-15-00	SERPA FAMILY TRUST
94	DUPLEX	8302 LEMON GROVE WAY	LEMON GROVE	CA	91945	499-181-15-00	SERPA FAMILY TRUST
95	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR OFC	LEMON GROVE	CA	91945	499-181-22-00	SHROYER EDWARD B & JANE TRUST
96	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 1	LEMON GROVE	CA	91945	499-181-22-00	SHROYER EDWARD B & JANE TRUST
97	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 2	LEMON GROVE	CA	91945	499-181-22-00	SHROYER EDWARD B & JANE TRUST
98	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 3	LEMON GROVE	CA	91945	499-181-22-00	SHROYER EDWARD B & JANE TRUST
99	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 4	LEMON GROVE	CA	91945	499-181-22-00	SHROYER EDWARD B & JANE TRUST
100	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 5	LEMON GROVE	CA	91945	499-181-22-00	SHROYER EDWARD B & JANE TRUST
101	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 6	LEMON GROVE	CA	91945	499-181-22-00	SHROYER EDWARD B & JANE TRUST
102	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 7	LEMON GROVE	CA	91945	499-181-22-00	SHROYER EDWARD B & JANE TRUST
103	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 8	LEMON GROVE	CA	91945	499-181-22-00	SHROYER EDWARD B & JANE TRUST
104	MULTI-FAMILY RES (5+ UNITS)	3707 HILLTOP DR APT 9	LEMON GROVE	CA	91945	499-181-22-00	SHROYER EDWARD B & JANE TRUST
105	SINGLE FAMILY RESIDENCE	3705 HILLTOP DR	LEMON GROVE	CA	91945	499-181-25-00	MCNADY WILLIAM J
106	RESIDENTIAL MISCELLANEOUS	VACANT/BROADWAY	LEMON GROVE	CA	91945	499-181-25-00	MCNADY WILLIAM J
107	RESIDENTIAL MISCELLANEOUS	VACANT/BROADWAY	LEMON GROVE	CA	91945	499-181-25-00	SHROYER EDWARD B & JANE TRUST
108	VACANT RESIDENTIAL	VACANT/PARKING LOT	LEMON GROVE	CA	91945	499-181-25-00	SHROYER EDWARD B & JANE TRUST
109	DUPLEX FAMILY RESIDENCE	3806 AMERICAN AVE	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
110	SINGLE FAMILY RESIDENCE	3874 AMERICAN AVE	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
111	SINGLE FAMILY RESIDENCE	3885 AMERICAN AVE	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
112	SINGLE FAMILY RESIDENCE	3874 CHERRY RD	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
113	SINGLE FAMILY RESIDENCE	3881 AMERICAN AVE	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
114	SINGLE FAMILY RESIDENCE	3880 CHERRY RD	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
115	SINGLE FAMILY RESIDENCE	3851 AMERICAN AVE	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
116	SINGLE FAMILY RESIDENCE	3851 AMERICAN AVE	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
117	VACANT RESIDENTIAL	VACANT/UNIMPROVED LAND	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
118	DUPLEX	3810 AMERICAN AVE	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
119	DUPLEX	3808 AMERICAN AVE	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
120	DUPLEX	3804 AMERICAN AVE	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
121	DUPLEX	3802 AMERICAN AVE	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
122	MULTI-FAMILY DWELLING (2-4 UNIT)	3850 AMERICAN AVE	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
123	SINGLE FAMILY RESIDENCE	3850 AMERICAN AVE	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
124	SINGLE FAMILY RESIDENCE	3840 RIVERA DR	LA MESA	CA	91941	499-191-24-00	ROBINSON GARY J & BETTY J
125	SINGLE FAMILY RESIDENCE	3762 MILTON RD	LEMON GROVE	CA	91945	499-200-01-00	STARS OF AVALON INC
126	VACANT RESIDENTIAL	3760 MILTON RD	LEMON GROVE	CA	91945	499-200-02-00	R C P CO INC
127	SINGLE FAMILY RESIDENCE	3765 MILTON RD	LEMON GROVE	CA	91945	499-200-04-00	MATIAS FAMILY TRUST
128	VACANT RESIDENTIAL	8122 BROADWAY	LEMON GROVE	CA	91945	499-200-05-00	R C P CO INC
129	VACANT COMMERCIAL	8122 BROADWAY	LEMON GROVE	CA	91945	499-200-05-00	R C P CO INC
130	VACANT COMMERCIAL	VACANT/PARKING LOT	LEMON GROVE	CA	91945	499-200-05-00	R C P CO INC
131	VACANT COMMERCIAL	8122 BROADWAY	LEMON GROVE	CA	91945	499-200-05-00	R C P CO INC
132	STORES RETAIL OUTLET	8122 BROADWAY	LEMON GROVE	CA	91945	499-200-05-00	R C P CO INC
133	STORES RETAIL OUTLET	8122 BROADWAY	LEMON GROVE	CA	91945	499-200-05-00	R C P CO INC
134	STORES RETAIL OUTLET	8122 BROADWAY	LEMON GROVE	CA	91945	499-200-05-00	R C P CO INC
135	VACANT RESIDENTIAL	3767 MILTON RD	LEMON GROVE	CA	91945	499-200-05-00	R C P CO INC
136	VACANT COMMERCIAL	VACANT/PARKING LOT	LEMON GROVE	CA	91945	499-200-05-00	R C P CO INC
137	PARKING LOT PARKING STRUCTURE	8122 BROADWAY	LEMON GROVE	CA	91945	499-200-05-00	R C P CO INC
138	SINGLE FAMILY RESIDENCE	8313 BROADWAY LN	LEMON GROVE	CA	91945	499-220-01-00	MCNADY WILLIAM J
139	SINGLE FAMILY RESIDENCE	8307 BROADWAY LN	LEMON GROVE	CA	91945	499-220-01-00	MCNADY WILLIAM J
140	SINGLE FAMILY RESIDENCE	8309 BROADWAY LN	LEMON GROVE	CA	91945	499-220-01-00	MCNADY WILLIAM J
141	VACANT RESIDENTIAL	VACANT/PARKING LOT	LEMON GROVE	CA	91945	499-220-01-00	MCNADY WILLIAM J
142	SINGLE FAMILY RESIDENCE	8319 BROADWAY LN	LEMON GROVE	CA	91945	499-220-01-00	MCNADY WILLIAM J
143	DUPLEX	8321 BROADWAY LN	LEMON GROVE	CA	91945	499-220-01-00	MCNADY WILLIAM J
144	CONDOMINIUM, PUD	8351 BROADWAY	LEMON GROVE	CA	91945	499-220-01-00	MCNADY WILLIAM J
145	CONDOMINIUM, PUD	8353 BROADWAY 1	LEMON GROVE	CA	91945	499-220-01-00	MCNADY WILLIAM J
146	CONDOMINIUM, PUD	8355 BROADWAY 2	LEMON GROVE	CA	91945	499-220-01-00	MCNADY WILLIAM J

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149	CONDOMINIUM, PUD	8155 BROADWAY 5	LEMON GROVE, CA	91945	499-220-57-03	HANDSOUR JEWELLERY
149	CONDOMINIUM, PUD	8155 BROADWAY 5	LEMON GROVE, CA	91945	499-220-57-03	ASCUTTO, GIORGIO & ADRIANA
150	CONDOMINIUM, PUD	8155 BROADWAY 7	LEMON GROVE, CA	91945	499-220-57-05	HAFFER, R. STOFFER, J.
151	CONDOMINIUM, PUD	8155 BROADWAY 11	LEMON GROVE, CA	91945	499-220-57-06	HUBBELL, LAMAR & LORRA HUBB
152	CONDOMINIUM, PUD	8155 BROADWAY 13	LEMON GROVE, CA	91945	499-220-57-07	HUBBELL, LAMAR & LORRA HUBB
153	CONDOMINIUM, PUD	8155 BROADWAY 15	LEMON GROVE, CA	91945	499-220-57-08	GREEN, WINTRED
154	CONDOMINIUM, PUD	8155 BROADWAY 17	LEMON GROVE, CA	91945	499-220-57-09	BUTLER, KATHLEEN B
155	CONDOMINIUM, PUD	8155 BROADWAY 19	LEMON GROVE, CA	91945	499-220-57-10	CARROLL, DAVID
156	CONDOMINIUM, PUD	8155 BROADWAY 21	LEMON GROVE, CA	91945	499-220-57-11	BUSH, SANDRA A.
157	CONDOMINIUM, PUD	8155 BROADWAY 23	LEMON GROVE, CA	91945	499-220-57-12	LOPEZ, LINDA TRUETT
158	CONDOMINIUM, PUD	8155 BROADWAY 25	LEMON GROVE, CA	91945	499-220-57-13	WILLIAMS, THOMAS A JR
159	CONDOMINIUM, PUD	8155 BROADWAY 27	LEMON GROVE, CA	91945	499-220-57-14	WILKINS, KATHLEEN C 1997 REMOVABLE
160	CONDOMINIUM, PUD	8155 BROADWAY 29	LEMON GROVE, CA	91945	499-220-57-15	AGUILAR, RAUL & MARIA G
161	CONDOMINIUM, PUD	8155 BROADWAY 26	LEMON GROVE, CA	91945	499-220-57-16	LOPEZ, MARIBEL R
162	CONDOMINIUM, PUD	8155 BROADWAY 28	LEMON GROVE, CA	91945	499-220-57-17	SANTI, LINDA MARINA E
163	CONDOMINIUM, PUD	8155 BROADWAY 32	LEMON GROVE, CA	91945	499-220-57-18	LEISA I
164	CONDOMINIUM, PUD	8155 BROADWAY 20	LEMON GROVE, CA	91945	499-220-57-19	HIDALGO, MANUEL
165	CONDOMINIUM, PUD	8155 BROADWAY 16	LEMON GROVE, CA	91945	499-220-57-20	JEFFERSON, JOSHUA
166	CONDOMINIUM, PUD	8155 BROADWAY 16	LEMON GROVE, CA	91945	499-220-57-21	HERRERA, EDWIN LUIS FIDEL FERR
167	CONDOMINIUM, PUD	8155 BROADWAY 14	LEMON GROVE, CA	91945	499-220-57-22	WILLIAMS, THOMAS A JR
168	CONDOMINIUM, PUD	8155 BROADWAY 32	LEMON GROVE, CA	91945	499-220-57-23	WILKINS, KATHLEEN C 1997 REMOVABLE
169	CONDOMINIUM, PUD	8155 BROADWAY 30	LEMON GROVE, CA	91945	499-220-57-24	AGUILAR, RAUL & MARIA G
170	CONDOMINIUM, PUD	8155 BROADWAY 8	LEMON GROVE, CA	91945	499-220-57-25	GARCIA, REUBEN
171	CONDOMINIUM, PUD	8155 BROADWAY 6	LEMON GROVE, CA	91945	499-220-57-26	IANZUKOVIC, FEDZA
172	CONDOMINIUM, PUD	8155 BROADWAY 4	LEMON GROVE, CA	91945	499-220-57-27	HEATH, REGINALD
173	CONDOMINIUM, PUD	8155 BROADWAY 2	LEMON GROVE, CA	91945	499-220-57-28	ZUNIGA, ERNEST O
174	STORES, RETAIL OUTLET	8173 BROADWAY	LEMON GROVE, CA	91945	499-220-58-00	ALL AUTO HEADLERS
175	STORES, RETAIL OUTLET	8173 BROADWAY	LEMON GROVE, CA	91945	499-220-58-00	CARRERA AUTO ELECTRIC
176	STORES, RETAIL OUTLET	8173 BROADWAY	LEMON GROVE, CA	91945	499-220-58-00	SV BODY & PAINT
177	STORES, RETAIL OUTLET	8173 BROADWAY STE A	LEMON GROVE, CA	91945	499-220-58-00	DAVIS, SCOTT PAINT & BODY WORK
178	STORES, RETAIL OUTLET	8173 BROADWAY STE C	LEMON GROVE, CA	91945	499-220-58-00	DAVIS, SCOTT PAINT & BODY WORK
179	STORES, RETAIL OUTLET	8173 BROADWAY	LEMON GROVE, CA	91945	499-220-58-00	DAVIS, SCOTT PAINT & BODY WORK
180	VACANT COMMERCIAL	VACANT PARKING LOT	LEMON GROVE, CA	91945	499-220-58-00	DAVIS, SCOTT PAINT & BODY WORK
181	SINGLE FAMILY RESIDENCE	3448 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
182	SINGLE FAMILY RESIDENCE	3455 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
183	SINGLE FAMILY RESIDENCE	3456 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
184	SINGLE FAMILY RESIDENCE	3460 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
185	SINGLE FAMILY RESIDENCE	3464 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
186	SINGLE FAMILY RESIDENCE	3468 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
187	SINGLE FAMILY RESIDENCE	3472 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
188	SINGLE FAMILY RESIDENCE	3476 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
189	SINGLE FAMILY RESIDENCE	3480 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
190	SINGLE FAMILY RESIDENCE	3484 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
191	SINGLE FAMILY RESIDENCE	3488 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
192	SINGLE FAMILY RESIDENCE	3492 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
193	SINGLE FAMILY RESIDENCE	3496 TROPHY DR	LA MESA, CA	91941	499-311-01-00	SHARPE, SARAH
194	SINGLE FAMILY RESIDENCE	3444 PAR DR	LA MESA, CA	91941	499-313-00-00	BORDWELL, DIANA D
195	SINGLE FAMILY RESIDENCE	3423 TROPHY DR	LA MESA, CA	91941	499-313-00-00	KAPRICK FAMILY TRUST
196	SINGLE FAMILY RESIDENCE	3425 TROPHY DR	LA MESA, CA	91941	499-313-00-00	EVERSULL, PAMELA M
197	SINGLE FAMILY RESIDENCE	3429 TROPHY DR	LA MESA, CA	91941	499-313-00-00	RYAN, JOEL M & JIMSEY J
198	SINGLE FAMILY RESIDENCE	3435 TROPHY DR	LA MESA, CA	91941	499-313-00-00	LEUNG, TAT MING BOLLY
199	SINGLE FAMILY RESIDENCE	3443 TROPHY DR	LA MESA, CA	91941	499-313-01-00	FEINER, MARK A
200	SERVICE STATION, GAS STATION	8173 BROADWAY	LEMON GROVE, CA	91945	503-011-09-00	MOBILE GAS
201	RETAIL	8173 BROADWAY	LEMON GROVE, CA	91945	503-011-11-00	ROMAN CATHOLIC BISHOP OF SAN DIE
202	GOVERNMENTAL, PUBLIC	8150 BROADWAY 01C	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
203	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 102	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
204	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 101	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
205	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 103	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
206	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 104	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
207	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 105	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
208	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 106	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
209	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 107	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
210	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 108	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
211	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 109	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
212	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 110	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
213	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 111	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
214	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 112	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
215	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 113	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
216	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 114	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
217	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 115	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
218	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 116	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
219	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 117	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
220	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 123	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
221	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 125	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP
222	GOVERNMENTAL, PUBLIC	8150 BROADWAY A01 127	LEMON GROVE, CA	91945	503-011-12-00	CALIFORNIA PLAZA DEVELOPMENT CORP

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[illegible]

298	GOVERNMENTAL, PUBLIC	8150 BROADWAY Apt 304	LEMON GROVE	CA	91949	603-011-12-00	CALEXICO PLAZA DEVELOPMENT CORP
299	GOVERNMENTAL, PUBLIC	8150 BROADWAY Apt 341	LEMON GROVE	CA	91949	603-011-12-00	CALEXICO PLAZA DEVELOPMENT CORP
300	GOVERNMENTAL, PUBLIC	8150 BROADWAY Apt 342	LEMON GROVE	CA	91949	603-011-12-00	CALEXICO PLAZA DEVELOPMENT CORP
301	GOVERNMENTAL, PUBLIC	8150 BROADWAY Apt 343	LEMON GROVE	CA	91949	603-011-12-00	CALEXICO PLAZA DEVELOPMENT CORP
302	GOVERNMENTAL, PUBLIC	8150 BROADWAY Apt 344	LEMON GROVE	CA	91949	603-011-12-00	CALEXICO PLAZA DEVELOPMENT CORP
303	VACANT COMMERCIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	CONCELAZ GUSTAVO & LOUISE M
304	STORES, RETAIL OUTLET	8247 BROADWAY	LEMON GROVE	CA	91949	603-012-00-00	S B S NELSON FAMILY LIMITED PART
305	RESTAURANT, BAR, FOOD SERVICE	8243 BROADWAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
306	STORES, RETAIL OUTLET	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
307	RESTAURANT, BAR, FOOD SERVICE	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
308	VACANT COMMERCIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
309	VACANT COMMERCIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
310	VACANT COMMERCIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
311	VACANT COMMERCIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
312	VACANT COMMERCIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
313	VACANT COMMERCIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
314	VACANT COMMERCIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
315	VACANT COMMERCIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
316	VACANT COMMERCIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
317	VACANT COMMERCIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
318	MULTI-FAMILY DWELLING (2-4 UNITS)	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
319	MULTI-FAMILY DWELLING (2-4 UNITS)	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
320	MULTI-FAMILY DWELLING (2-4 UNITS)	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
321	SINGLE FAMILY RESIDENCE	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
322	SINGLE FAMILY RESIDENCE	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
323	DUPLEX	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
324	SINGLE FAMILY RESIDENCE	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
325	SINGLE FAMILY RESIDENCE	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
326	SINGLE FAMILY RESIDENCE	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
327	SINGLE FAMILY RESIDENCE	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
328	VACANT RESIDENTIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
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330	SINGLE FAMILY RESIDENCE	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
331	VACANT RESIDENTIAL	VACANT/UNIMPROVED	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
332	SINGLE FAMILY RESIDENCE	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
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339	MULTI-FAMILY RES (5+ UNITS)	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
340	MULTI-FAMILY RES (5+ UNITS)	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
341	MULTI-FAMILY RES (5+ UNITS)	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
342	MULTI-FAMILY RES (5+ UNITS)	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT
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372	MULTI-FAMILY RES (5+ UNITS)	8243 SWEETWATER WAY	LEMON GROVE	CA	91949	603-012-00-00	INVESTMENT GROUP TRUST VACANT

-42-

[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

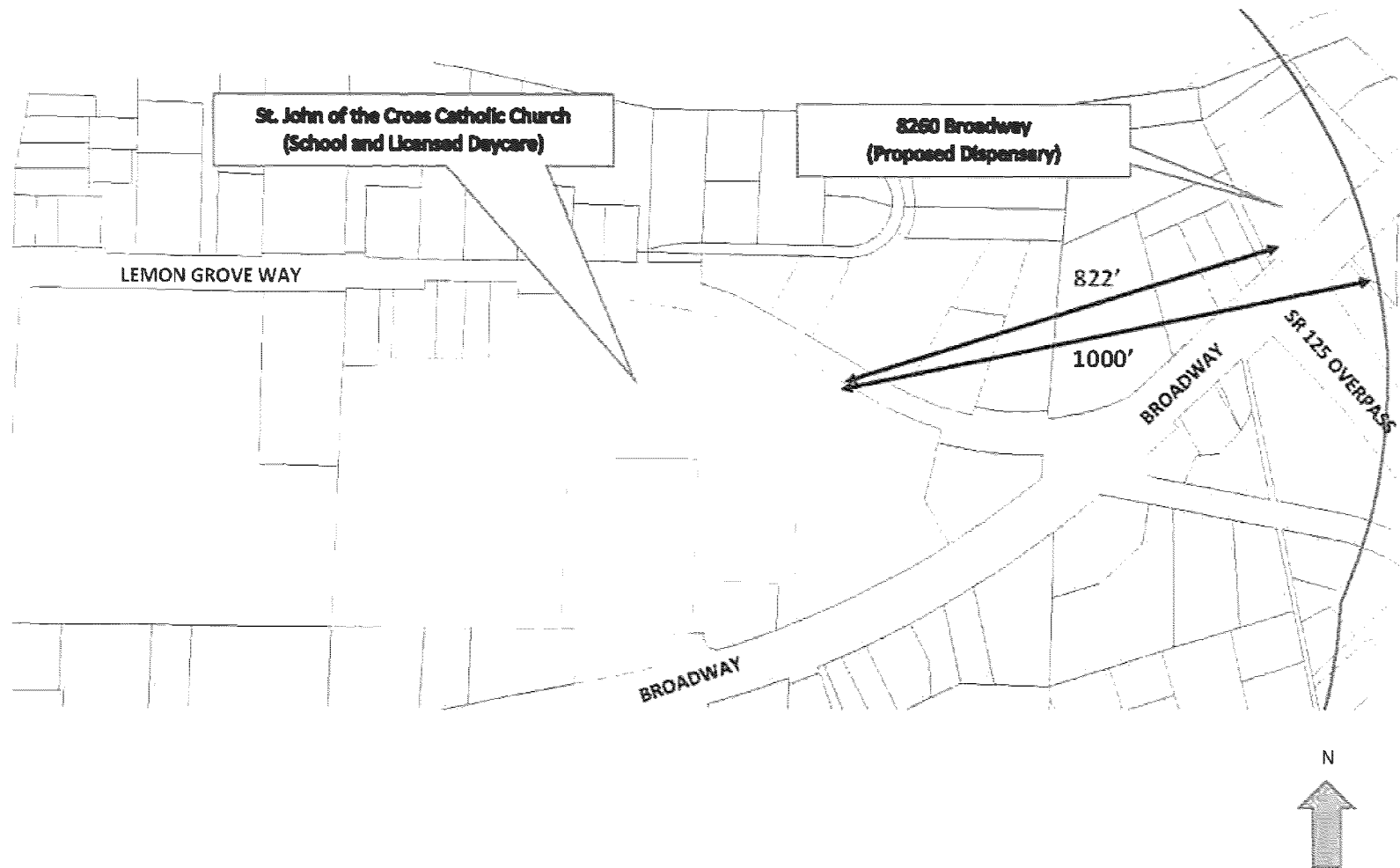
 _____

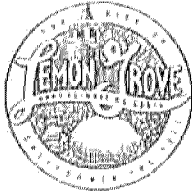
SEAN WILSON
TITLE PRO INFORMATION SYSTEMS

DATE:
03/18/2017

Phone: 760.295.3951 | Fax: 760.295.4038

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 (AA1-700-0003)

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 (AA1-700-0003)

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 I

(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@xmmedia.com' <chris@xmmedia.com>

Cc: 'chris@xmmedia.com' <chris@xmmedia.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,

Josso Ramirez
Director Religious Education/Facility Manager