



City of Lemon Grove
City Council Regular Meeting Agenda

Tuesday, January 21, 2020, 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

Call to Order

Pledge of Allegiance:

Changes to the Agenda:

Presentation:

Proclamation Girl Scouts – 2020 Cookie Kick-Off and Declaration that “Lemon-Ups” are the Official Girl Scout Cookie of Lemon Grove for 2020.

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.)

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

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

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. Waive Full Text Reading of All Ordinances on the Agenda

Reference: Kristen Steinke, City Attorney

Recommendation: Waive the Full Text Reading of all Ordinances included in this Agenda; Ordinances shall be Introduced and Adopted by Title Only.

B. City of Lemon Grove Payment Demands

Reference: Rod Greek, Interim Finance Director

Recommendation: Ratify Demands

C. Approval of Meeting Minutes

Regular Meeting of December 17, 2019

Reference: Shelley Chapel, City Clerk

Recommendation: Approve Minutes

D. Resolution Approving the Application for Grant Funds for the Green Infrastructure Program.

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

Recommendation: Adoption of Resolution entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving the Application for Grant Funds for the Green Infrastructure Grant Program."

Public Hearings:

2. Consideration of a Conditional Use Permit Application CUP-190-0002, A Request to Establish a Medical Marijuana Dispensary at 3515-3521 Harris Street in Special Treatment Area III, Regional Commercial.

Reference: Noah Alvey, Community Development Manager

Recommendation:

- 1) Conduct the Public Hearing;
- 2) Receive Public Comment; and,
- 3) Adopt a Resolution entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Denying Conditional Use Permit CUP-190-0002, a Request to Establish a Medical Marijuana Dispensary at 3515-3521 Harris Street."

3. Consideration of a Planned Development Permit No. PDP-170-0003 and Tentative Map TMO-000-0064; A Request to Construct Six (6) Townhome Units at 8200 Hilltop Drive in the Residential Medium High (RMH) Zone.

Reference: Noah Alvey, Community Development Manager

Recommendation:

- 1) Conduct the Public Hearing;
- 2) Receive Public Comment; and,
- 3) Adopt a Resolution entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving of Tentative Map (Condominium) TMO-000-0064; Authorizing the Subdivision of an existing undeveloped 0.25-Acre Parcel into Six (6) Townhome Units at 8200 Hilltop Drive;" and
- 4) Adopt a Resolution entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving Planned Development Permit No. PDP-170-0003; Authorizing the Construction of Six (6) Townhome Units at 8200 Hilltop Drive."

Closed Session:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Government Code Section 54956.9b
Number of potential cases: 3

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

AFFIDAVIT OF NOTIFICATION AND POSTING

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS
CITY OF LEMON GROVE)

I, Shelley Chapel, MMC, City Clerk of the City of Lemon Grove, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the City Council of the City of Lemon Grove, California, was delivered and/or notice by email not less than 72 hours before the hour of 5:30 p.m. on January 16, 2020, to the members of the governing agency, and caused the agenda to be posted on the City's website at www.lemongrove.ca.gov and at Lemon Grove City Hall, 3232 Main Street Lemon Grove, CA 91945.

/s/: Shelley Chapel
Shelley Chapel, MMC, City Clerk



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.A

Meeting Date: January 21, 2020

Submitted to: Honorable Mayor and Members of the City Council

Department: **City Manager's Office**

Staff Contact: Kristen Steinke, City Attorney

Item Title: Waive the Full Text Reading of all Ordinances

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

Environmental Review:

Not subject to review

Negative Declaration

Categorical Exemption, Section |

Mitigated Negative Declaration

Fiscal Impact: None.

Public Notification: None.



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.B

Meeting Date: January 21, 2020
Submitted to: Honorable Mayor and Members of the City Council
Department: City Manager's Office
Staff Contact: Rod Greek, Interim Finance Manager
rgreek@lemongrove.ca.gov

Item Title: **City of Lemon Grove Payment Demands**

Recommended Action: Ratify Demands.

Environmental Review:

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

Fiscal Impact: None.

Public Notification: None.

City of Lemon Grove Demands Summary

Approved as Submitted:

Rod Greek, Interim Administrative Services Director

For Council Meeting: 01/21/20

ACH/AP Checks 12/04/19-01/08/20

1,393,176.02

Payroll - 12/17/19

128,375.05

Payroll - 12/31/19

127,087.32

Total Demands

1,648,638.39

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	Refill 12/3/19	Pitney Bowes Global Financial Services LLC	12/04/2019	Postage Usage 12/3/19	250.00	250.00
ACH	Nov20-Dec3 19	Calpers Supplemental Income 457 Plan	12/05/2019	457 Plan 11/20/19-12/3/19	9,666.01	9,666.01
ACH	Dec3 19	Employment Development Department	12/05/2019	State Taxes 12/3/19	9,645.15	9,645.15
ACH	10045528	LEAF	12/05/2019	Ricoh C3502 Copier System-PW Yard - Nov'19	160.51	160.51
ACH	3568860625/1219 4154920380/1219	SDG&E	12/10/2019	Electric Usage:St Light 10/31/19-11/30/19 Electric Usage:St Light 10/31/19-11/30/19	1,283.64 1,875.85	3,159.49
ACH	Dec3 19	US Treasury	12/10/2019	Federal Taxes 12/3/19	33,833.95	33,833.95
ACH	Refill 12/9/19	Pitney Bowes Global Financial Services LLC	12/10/2019	Postage Usage 12/9/19	250.00	250.00
ACH	Nov19	Wells Fargo	12/11/2019	Bank Service Charge - Nov'19	389.61	389.61
ACH	Nov19-CC Nov19-CC	Wells Fargo	12/11/2019	Credit Card Processing-Mo.Svc - Nov'19 Credit Card Transaction Fees- Nov'19	9.95 834.11	844.06
ACH	Nov19	Home Depot Credit Services	12/11/2019	Home Depot Charges - Nov'19	1,486.61	1,486.61
ACH	Nov6-Dec3 19	California Public Empl Retirement System	12/17/2019	Pers Retirement 11/6/19-12/3/19	65,215.51	65,215.51
ACH	Oct19	San Diego County Sheriff's Department	12/18/2019	Law Enforcement Services - Oct'19	514,836.84	514,836.84
ACH	62792426	WEX Bank	12/18/2019	Fuel - Fire Dept - Nov'19	262.54	262.54
ACH	5912256	Aflac	12/18/2019	AFLAC Insurance 12/18/19	757.02	757.02
ACH	Dec4-Dec17 19	Calpers Supplemental Income 457 Plan	12/19/2019	457 Plan 12/4/19-12/17/19	8,380.63	8,380.63
ACH	Dec17 19	Employment Development Department	12/20/2019	State Taxes 12/17/19	7,351.25	7,351.25
ACH	Jul-Sep19	Employment Development Department	12/20/2019	Unemployment Insurance - Jul-Sep'19	3,398.00	3,398.00
ACH	Dec17 19	US Treasury	12/24/2019	Federal Taxes 12/17/19	25,756.85	25,756.85
ACH	Refill 12/23/19	Pitney Bowes Global Financial Services LLC	12/24/2019	Postage Usage 12/23/19	250.00	250.00
ACH	Dec19	Wage Works	12/31/2019	FSA Reimbursement - Dec'19	683.47	683.47
ACH	Dec19	Power Pay Biz/Evo	01/02/2020	Online Credit Card Processing - Dec'19	85.41	85.41
ACH	Jan 2020	Pers Health	01/03/2020	Pers Health Insurance - Jan'20	48,851.29	48,851.29
ACH	Dec19	Authorize.Net	01/03/2020	Merchant Fees - Dec'19	26.85	26.85
ACH	Dec31 19	US Treasury	01/07/2020	Federal Taxes 12/31/19	23,511.11	23,511.11
ACH	Dec31 19	Employment Development Department	01/07/2020	State Taxes 12/31/19	6,257.75	6,257.75
ACH	3568860625/0120 4154920380/0120	SDG&E	01/08/2020	Electric Usage:St Light 11/30/19-12/31/19 Electric Usage:St Light 11/30/19-12/31/19	1,283.64 1,875.85	3,159.49
ACH	Dec18-Dec31 19	Calpers Supplemental Income 457 Plan	01/08/2020	457 Plan 12/18/19-12/31/19	7,955.63	7,955.63
ACH	10145166	LEAF	01/08/2020	Ricoh C3502 Copier System-PW Yard -Dec'19	160.51	160.51
12307	0638 0680 0683 39443 39444	A Aaron Lock & Key	12/11/2019	Keys Keys Keys Repair - Install Trim/Front Door - City Hall Repair - Push Bar Lock/Front Door - Sr Ctr	10.80 22.13 21.37 140.56 147.50	342.36
12308	6637	Aguirre & Associates	12/11/2019	7373 Central Street Dedication - Nov'19	282.50	282.50
12309	L1072895TL	American Messaging	12/11/2019	Pager Replacement Program 12/1/19-12/31/19	50.06	50.06

12310	34404-IN 34405-IN 34406-IN	Aztec Landscaping Inc.	12/11/2019	Landscape Mgmt Svc - Sep'19 Landscape Mgmt Svc - Oct'19 Landscape Mgmt Svc - Nov'19	9,183.41 9,183.41 9,183.41	27,550.23
12311	981490-9 985586.-9 987258-9 98817-9	BJ's Rentals	12/11/2019	Boom Knuckle Rental - Holiday Banners/Decor 11/25/19 Propane Propane Propane	449.06 3.97 16.64 13.47	483.14
12312	Reimb: 12/5/19	Brennan, Molly	12/11/2019	Reimb: Mileage 6/17/19-12/5/19	196.04	196.04
12313	300011316	California Assn of Code Enforcement Officers	12/11/2019	Annual Membership - Romero, P.	95.00	95.00
12314	20744179	Canon Financial Services Inc.	12/11/2019	Canon Plotter Contract Charge 11/21/19-12/20/19	144.00	144.00
12315	4031140791 4031151137	Canon Solutions America, Inc.	12/11/2019	Canon Maintenance-Copier Usage 8/26/19-11/25/19 Canon Maintenance-Copier Usage 8/27/19-11/26/19	98.88 1,128.51	1,227.39
12316	020D525779 020D525875	Cintas Corp 2	12/11/2019	Annual Fire Extinguisher Inspctn- Fire Stn 11/13/19 Annual Fire Extinguisher Inspctn- Rec Ctr 11/18/19	249.03 233.96	482.99
12317	21635	City of La Mesa	12/11/2019	FY19-20 Qtr 1-JPA Reconciliation- Jul-Sep 19	67,245.00	67,245.00
12318	PettyCash-12/10 PettyCash-12/10 PettyCash-12/10 PettyCash-12/10 PettyCash-12/10 PettyCash-12/10 PettyCash-12/10 PettyCash-12/10 PettyCash-12/10 PettyCash-12/10	City of Lemon Grove	12/11/2019	Petty Cash- Transportation/LLC/Policy Mtg/Mendoza, J 6/14/19 Petty Cash- Livescan- Malone 9/9/19 Petty Cash- Mileage 9/24/19-10/3/19 Boyce Petty Cash- Mileage 10/11/19-10/25/19 Boyce Petty Cash- Parking/Passport Agency Training 11/13/19 Malone Petty Cash- Refreshments/Homeless Workshop 11/19/19 Petty Cash- Supplies/City Council Petty Cash- Mileage 10/23/19-11/25/19 City Clerk/Passport Program Petty Cash- Mileage 9/30/19-10/16/19 Passport Program Petty Cash- Mileage 9/26/19-10/16/19 City Clerk Petty Cash- Mileage 7/1/19-9/26/19 Passport Program	21.92 20.00 34.68 43.56 20.00 24.42 6.45 47.73 5.80 43.50 12.01	280.07
12319	Citywide	Citywide Construction Inc.	12/11/2019	Refund/Citywide Construction/Permit Withdrawn B19-0252	260.67	260.67
12320	20CTOFLGN05	County of San Diego- RCS	12/11/2019	800 MHZ Network - Nov '19	2,878.50	2,878.50
12321	201900897	County of San Diego/Assessor/Recorder/Clerk	12/11/2019	Recording Services- 11/19/19	20.00	20.00
12322	4768 4784 4786 4846 4847 4943 5046 5047 5096 5117 5302 5320	D- Max Engineering Inc.	12/11/2019	Popeye's Water Quality Pre-App Review 12/1/18-12/31/18 LG Federico's Water Quality Planning Review 1/8/19-1/22/19 T-Mobile Wireless Water Quality Planning Review 1/9/19-1/23/19 LG Broadway Self-Storage SWQMP Review 3/7/19-3/14/19 8327 Mt Vernon Stormwater Plan Review 3/7/19-3/14/19 2238 Berry St Stormwater Pre-App Review 4/18/19-4/30/19 3205-3275 LGA SWQ Review 6/17/19-6/21/19 T-Mobile Wireless Antenna SWQ Review 6/10/19-6/21/19 1963 Berry St WPCP Review 7/8/19 - 7/19/19 8230 Golden Ave Stormwater Inspection 7/31/19 - 8/16/19 D-Max Stormwater Prof Svcs thru 10/31/19 6550 MacArthur Dr Stormwater Inspection 10/29/19-12/3/19	125.00 125.00 342.50 687.50 405.00 202.50 335.00 335.00 703.50 849.00 6,747.89 465.50	11,323.39
12323	18dsbfe6378	Dig Safe Board	12/11/2019	State Fee/Regulatory Monthly Costs/Dig Alert 2018	42.80	42.80
12324	10/14-17/19 10/21-24/19 10/28-31/19	Esgil Corporation	12/11/2019	75% Building Fees- 10/14/19-10/17/19 75% Building Fees- 10/21/19-10/24/19 75% Building Fees- 10/28/19-10/31/19	5,774.75 4,317.29 4,668.82	14,760.86
12325	27065	Excell Security, Inc.	12/11/2019	Senior Center Security Guard - 11/16/19	239.52	239.52
12326	136887	Fire Etc.	12/11/2019	F-500 Fire Suppression Agent 5 Gallon Pail	145.19	145.19
12327	Guyou	Guyou Construction	12/11/2019	Refund/Guyou Construction/Permit Withdrawn B19-0203	84.79	84.79
12328	0032434-IN 0032434-IN	Hinderliter De Llamas & Associates	12/11/2019	Contract Services - Sales Tax - Qtr 4 Sales Tax Audit Services - Qtr 2 2019	1,350.00 2,123.10	3,473.10
12329	00070047 00070219	Hudson Safe-T- Lite Rentals	12/11/2019	No Park Barricade Signs PW/4 Rain Jackets	1,353.13 184.03	1,537.16
12330	1589 1589	Janazz, LLC SD	12/11/2019	8GB DDR3/250GB Drive/Windows 10 Pro/WiFi- Sanitation CyberPower CP1500PFCLCD/Pure Sine Wave	499.99 199.99	699.98
12331	INV338090	LN Curtis & Sons	12/11/2019	2 Xtreme 3.0 Jackets/Pants/Turn Outs- Ledford & Ortiz	5,289.45	5,289.45
12332	INV27306	Logicopy	12/11/2019	Ricoh C3502 Copier Contract Charge- PW Yard - 9/7/19-10/6/19	51.58	51.58
12333	4741990	Mallory Safety and Supply, LLC	12/11/2019	Nitrile Gloves	193.95	193.95
12334	1690	Miller Spatial Services, LLC	12/11/2019	GIS Analyst/Consulting/Support Services- thru 11/30/19	4,645.20	4,645.20
12335	3534	Pacific IP	12/11/2019	Phone Service - Sep/Oct'19	360.00	360.00
12336	150817	Pacific Sweeping	12/11/2019	Street Sweeping/Parking Lot/Power Washing/Bus Shelters - Oct'19	6,428.55	6,428.55

12337	Panduro	Panduro, Carlos	12/11/2019	Refund/Panduro, Carlos/Deposit - LBH- 11/30/19	400.00	400.00
12338	PD-43752 PD-43757 PD-43764	Plumbers Depot Inc.	12/11/2019	Sewer Camera - Tiger Tail/Fitting 3/4" Mender/Leader Hose Oz-III Camera & Compact Pipe Ranger Crawler -CUES Transp Camera Sewer Camera - Nozzle Extensions 3/4" x 6"	1,532.70 42,907.52 144.06	44,584.28
12339	Dec2019	Preferred Benefit Insurance Administrators	12/11/2019	Dental Insurance- PPO -Dec'19	3,106.00	3,106.00
12340	31875676 31876561 31876766 31876767 31880797 31880798	RCP Block & Brick, Inc.	12/11/2019	Bulk Concrete Sand - Fire Station Bulk Crushed Rock - Cam de Las Palmas Sink Hole Bulk Crushed Rock - Cam de Las Palmas Sink Hole Bulk Crushed Rock - Cam de Las Palmas Sink Hole Bulk Concrete Sand - Fire Station Bulk Concrete Sand - Fire Station	130.92 142.55 71.28 142.55 157.10 130.92	775.32
12341	0070641 0071339 18473B(3)	Rick Engineering Company	12/11/2019	Prof Svc: City Engineer As-Needed Svcs 8/31/19-9/27/19 Prof Svc: 20A UG Dist Project 9/28/19-10/25/19 Prof Svc: CLG Drainage Master Plan/Phase II 8/31/19-10/25/19	30,820.20 1,035.00 14,280.00	46,135.20
12342	33723 - SCIC	San Diego State Univ/College of Arts & Letters	12/11/2019	Planner Request - Bakersfield Sewer CIP	150.00	150.00
12343	8128697030	Shred-It USA	12/11/2019	Shredding Services 11/27/19	79.76	79.76
12344	AR-S229576	Signa Digital Solutions	12/11/2019	Ink for Plotter	375.62	375.62
12345	95996551-001 96183839-001	SiteOne Landscape Supply, LLC	12/11/2019	E-Z Reachers Sandbags	145.30 495.46	640.76
12346	198230	South Bay Foundry Inc.	12/11/2019	Replacement Stormdrain Grate/Manhole Cover - 2815 Dennis St	113.14	113.14
12347	80164 80165 80166	Southwest Signal Service	12/11/2019	Traffic Signal Service Calls - Nov'19 Bi-Monthly Traffic Signal Maintenance - Nov'19 Markout Reports - Underground Service Alerts - Nov'19	4,263.51 1,040.00 440.00	5,743.51
12348	11925 1326 1347 1368	Spring Valley Lawn Mower Shop	12/11/2019	Trimmer Line - PW/Streets Gasket/Redmax Blower - PW/Streets Maruyama BL32 Blower - PW/Streets Oil Mix	31.95 19.61 247.77 13.56	312.89
12349	15945	Statewide Stripes, Inc.	12/11/2019	CUPCCA #2020-06 CLG Pavement Striping thru 11/25/19	56,254.25	56,254.25
12350	2019-089	Streamline Automation Systems LLC	12/11/2019	Streamline Cloud Fee/Admin Portal License/iPad Support - Fire	3,530.52	3,530.52
12351	393859	Sun Badge Company	12/11/2019	Engineer Badge - Fire	116.33	116.33
12352	00090221	The East County Californian	12/11/2019	Notice of Election 11/28/19	73.50	73.50
12353	1120190382	Underground Service Alert of Southern Ca.	12/11/2019	37 New Ticket Charges - Nov'19	71.05	71.05
12354	Vo	Vo, Phuong T	12/11/2019	Refund/Vo, Phuong/TPM Time Extension III Credit	133.35	133.35
12355	72372354 72401144 72414797 72417753	Vulcan Materials Company	12/11/2019	Asphalt Asphalt Asphalt/SS1H 4.5 Gallon Bucket Asphalt	150.85 153.76 149.88 152.79	607.28
12356	13427	AAA Imaging	12/18/2019	Envelopes #10 - 5000 Window	431.00	431.00
12357	16537	AAir Purification Systems	12/18/2019	Repair/Exhaust System/Air Line - Fire Station	115.00	115.00
12358	12917	AdminSure	12/18/2019	Workers' Compensation Claims Administration - Jan'20	453.34	453.34
12359	5656965657 5656971223	AutoZone, Inc.	12/18/2019	Wiper Blades - LGPW#23 '02 GMC 2500 Windshield Wiper Fluid/Diesel Exhaust Fluid - LGPW#32 GapVax	36.61 30.16	66.77
12360	17771L-IN	Aztec Landscaping Inc.	12/18/2019	Abatement & Removal of Non-native Species along Channel- Main St	15,310.00	15,310.00
12361	Dec2019 Dec2019	BCC	12/18/2019	Life Insurance - Dec19 LTD Insurance - Dec'19	75.90 709.16	785.06
12362	4933006	Bearcom	12/18/2019	Portable Radios Monthly Contract 11/22/19-12/21/19	150.00	150.00
12363	991270-9 991827-9 992118-9 992437-9	BJ's Rentals	12/18/2019	Sewer Pump & Hose - Sewer Overflow - Bakersfield 12/5/19 Propane Propane Propane	82.63 7.32 16.22 16.59	122.76
12364	23680	Boot World Inc.	12/18/2019	Workboots - Millan	250.00	250.00
12365	11-71441	Broadway Auto Electric	12/18/2019	'04 Ford Exped/Fire - Battery & Installation	471.19	471.19
12366	Jan 2020	California Dental Network Inc.	12/18/2019	California Dental Insurance - Jan20	397.44	397.44
12367	12/17/19	California State Disbursement Unit	12/18/2019	Wage Withholding Pay Period Ending 12/17/19	161.53	161.53

12368	20749958 20863635 20863634	Canon Financial Services Inc.	12/18/2019	Canon Plotter 2 Yr Carepack Contract 11/20/19-12/19/19 Canon Plotter 2 Yr Carepack Contract 12/20/19-1/19/20 Canon Copier Contract Charge 12/20/19-1/19/20	72.73 81.35 72.73	226.81
12369	4031151138	Canon Solutions America, Inc.	12/18/2019	Canon Maintenance-Copier Usage 8/27/19-11/26/19	31.39	31.39
12370	INV00556	City of Imperial Beach	12/18/2019	SD Bay WQIP Cost Share Agreement- FY19/20	14,177.00	14,177.00
12371	21653 21653 21653 21653 21653 21653	City of La Mesa	12/18/2019	Overtime Reimbursement - Lima 11/2/19 Overtime Reimbursement - Baum 11/10/19 Overtime Reimbursement - Blethen 11/13/19 Overtime Reimbursement - Doig 11/22/19 Overtime Reimbursement - Baum 11/24/19 Overtime Reimbursement - Lima 11/28/19	1,310.41 1,478.17 1,400.83 1,478.17 1,478.17 1,310.41	8,456.16
12372	PettyCash12/19/19	City of Lemon Grove	12/18/2019	Petty Cash- Drawer #2- 12/19/19	200.00	200.00
12373	2267 2285	Clark Telecom & Electric Inc.	12/18/2019	Street Light Repairs - Nov'19 Street Light Dig-Alert Markouts - Nov'19	3,993.23 1,044.20	5,037.43
12374	011542 011543 011544	Cloud Security Systems	12/18/2019	Service/Sec Sys/3131 School Ln/Rec Ctr 1/1/20-12/31/20 Service/Sec Sys/8235 Mt Vernon St/Sr Ctr 1/1/20-12/31/20 Service/Sec Sys/8235 Mt Vernon St/Sr Ctr/Rnd Rm 1/1/20-12/31/20	240.00 264.00 264.00	768.00
12375	CrownCastle	Crown Castle - WTA Property	12/18/2019	Refund/Crown Castle- WTA Property/Duplicate Fee- B19-0266	44.10	44.10
12376	4812 5105 5319	D- Max Engineering Inc.	12/18/2019	B&S Townhouse SWQMP Review 2/4/19-2/18/19 8373 Broadway SWQMP Review 7/15/19-7/31/19 7946 Broadway SWQMP Review 11/6/19-11/27/19	140.00 1,128.50 1,154.50	2,423.00
12377	12052019560	DAR Contractors	12/18/2019	Animal Disposal- Nov'19	174.00	174.00
12378	1029192305 1210192305	Domestic Linen- California Inc.	12/18/2019	Shop Towels & Safety Mats 10/29/19 Shop Towels & Safety Mats 12/10/19	92.70 92.70	185.40
12379	20198933 20198934	Dudek	12/18/2019	Prof Svcs: Inspection Support Svc/Grove Hill Proj10/26-11/29/19 Prof Svcs: Inspection Support Svc/Sewer CIP Proj 10/26-11/29/19	4,250.00 1,080.00	5,330.00
12380	10/7-10/19 11/4-/7/19 8/1/19	Esgil Corporation	12/18/2019	75% Building Fees- 10/7/19-10/10/19 75% Building Fees- 11/4/19-11/7/19 75% Building Fees- 8/1/19	7,374.82 4,635.50 848.60	12,858.92
12381	1085 1199	G & G Backflow Plumbing Service	12/18/2019	Repaired Leaking Backflow Installed Backflow Assembly/Tested Backflow	157.30 173.63	330.93
12382	248408	GB Auto Service, Inc.	12/18/2019	Tires/Wheel Balance - LGPW '04 Ford Expedition	339.22	339.22
12383	43264	Harris & Associates	12/18/2019	Prof Svcs: Lighting Dist Financial Consult Svcs 10/27/19-11/23/19	3,975.00	3,975.00
12384	Dec17 19	ICMA	12/18/2019	ICMA Deferred Compensation Pay Period Ending 12/17/19	880.77	880.77
12385	1590	Janazz, LLC SD	12/18/2019	IT Services-City Hall- HP ZBook Mobile Workstation/256 GB Memory	669.58	669.58
12386	137116 137117	Knott's Pest Control, Inc.	12/18/2019	Monthly Bait Stations- Civic Ctr - Dec19 Monthly Bait Stations- Sheriff - Dec19	60.00 45.00	105.00
12387	Reimb 12/17/19	Landeros, Sam	12/18/2019	Computer Loan Program - Landeros	1,153.43	1,153.43
12388	INV28657	Logicopy	12/18/2019	Ricoh C3502 Copier Contract Charge - PW Yard -12/7/19-1/6/20	51.58	51.58
12389	Nov 19 Nov 19 Nov 19 Nov 19	Lounsbury Ferguson Altona & Peak LLP	12/18/2019	General 03529-00001 Nov '19 Code Enforcemt 03529-00002 Nov '19 03529-00006 Nov '19 03529-00014 Nov '19	6,685.75 2,656.00 33.20 3,071.00	12,445.95
12390	4752667	Mallory Safety and Supply, LLC	12/18/2019	Nitrile Gloves/Work Boots	115.84	115.84
12391	8899	Nguoi Viet Today News	12/18/2019	Election Notice in Vietnamese 12/13/19	30.00	30.00
12392	233808	Ninyo & Moore	12/18/2019	6800 Mallard Ct Inspection Svcs thru 10/31/19	2,693.50	2,693.50
12393	Perez	Perez, Erika	12/18/2019	Refund/Perez, Erika/Deposit - Jumper Permit 12/7/19	40.00	40.00
12394	PD-43833	Plumbers Depot Inc.	12/18/2019	Sewer Camera - Connector	236.85	236.85
12395	31882445 31882448 31882569 31884423 31885732	RCP Block & Brick, Inc.	12/18/2019	1/2 " Steel - PW Yard Bulk Concrete Sand - Fire Station Bulk Concrete Sand - Fire Station Bulk Concrete Sand - Fire Station Bulk Concrete Sand - Fire Station	11.42 130.92 157.10 140.50 140.50	580.44
12396	1134-11202019	Redman Disputes & Investigations Group	12/18/2019	Legal Svcs: GHC0019886	10,690.00	10,690.00
12397	0071541	Rick Engineering Company	12/18/2019	Prof Svc: City Engineer As-Needed Svcs 9/28/19-10/25/19	26,668.08	26,668.08
12398	LGFD.06.10.19_M	SD Sports Medicine and Family Health Center	12/18/2019	Medical Evals MMR - 6/10/19	300.00	1,899.75

81995555				Corelogic - RealQuest Graphics Package - Nov'19	300.00	
9841399661				Verizon - Modems- Cardiac Monitors - 10/4/19-11/3/19	14.04	
9842060509				Verizon - City Phone Charges- 10/13/19-11/12/19	127.48	
9842061065				Verizon - Mobile Broadband Access- 10/13/19-11/12/19	76.02	
9842548122				Verizon - MDC Engine Tablets- 10/21/19-11/20/19	365.98	
Tablets-11/12				Verizon - PW Tablets- 10/13/19-11/12/19	198.80	
CB 121319				Wells Fargo - Cash Back Award Stmt 12/13/19	-397.75	
12413	Jan-Jun 20	Adams Robert	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,136.58	1,136.58
12414	L1072895UA	American Messaging	01/08/2020	Pager Replacement Program 1/1/20-1/31/20	49.91	49.91
12415	Jan-Jun 20	Anderson, Curtis	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,200.00	1,200.00
12416	Anderson	Anderson, Wahlen, & Associates	01/08/2020	Refund/Anderson, Wahlen, & Assoc/Application Withdrawn SCR-190-0	200.00	200.00
12417	14079150	AT&T	01/08/2020	Fire Backup Phone Line- 11/22/19-12/21/19	41.11	41.11
12418	Banales	Banales, Adriana	01/08/2020	Refund/Banales, Adriana/Deposit - LBH- 11/16/19	300.00	300.00
12419	Bautista	Bautista, Jorge	01/08/2020	Refund/Bautista, Jorge/Deposit - Courtyard- 12/21/19	200.00	200.00
12420	Jan-Jun 20	Brackmann, Bruce	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,136.58	1,136.58
12421	12/31/19	California State Disbursement Unit	01/08/2020	Wage Withholding Pay Period Ending 12/31/19	161.53	161.53
12422	Jan-Jun 20	Chamberlain, Dale	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,200.00	1,200.00
12423	FRS0000187	City of El Cajon	01/08/2020	Overtime Reimbursement - Aliano 11/23/19	1,443.73	3,147.25
	FRS0000187			Overtime Reimbursement - Diaz 11/22/19	1,269.68	
	FRS0000187			Overtime Reimbursement - Kelsen 11/26/19	433.84	
12424	21666	City of La Mesa	01/08/2020	Household Hazardous Waste Event- 9/14/19	1,075.00	1,527.00
	21667			Household Hazardous Waste Event- 10/12/19	452.00	
12425	40888	Colantuono, Highsmith & Whatley, PC	01/08/2020	Legal Svcs/SDCOE Consortium - thru Nov'19	5.74	5.74
12426	Cooper	Cooper, Gwynne	01/08/2020	Refund/Cooper, Gwynne/Diversion Deposit/CD1-800-0025	500.00	500.00
12427	20400936	CSAC Excess Insurance Authority	01/08/2020	Employee Assistance Program - Jan-Mar 20	334.95	334.95
12428	Jan-Jun 20	Davison, William	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,200.00	1,200.00
12429	19-162	Disability Access Consultants, LLC	01/08/2020	Professional ADA Support Svcs/Contract # 2018-06 thru 10/31/19	12,625.00	12,625.00
12430	1224192305	Domestic Linen- California Inc.	01/08/2020	Shop Towels & Safety Mats 12/24/19	92.20	92.20
12431	137188	Fire Etc.	01/08/2020	E210- Pump Screen	60.49	60.49
12432	100000010876429	Globalstar USA, Inc.	01/08/2020	Satellite Service 11/16/19-12/15/19	174.85	174.85
12433	Reimb-1/2/20	Govea, Garrett	01/08/2020	Reimb: Tuition - BS Mgmt/Busi/Econ/Govea 10/21/19 12/24/19	810.00	810.00
12434	Jan-Jun 20	Harper, Raymond	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,136.58	1,136.58
12435	10/18/19-12/18/19	Helix Water District	01/08/2020	Water Services- 10/18/19-12/18/19	18,974.63	18,974.63
12436	9706	I.B. Trophies & Awards	01/08/2020	Name Badges- Hayward	33.76	33.76
12437	Dec31 19	ICMA	01/08/2020	ICMA Deferred Compensation Pay Period Ending 12/31/19	780.77	780.77
12438	1592	Janazz, LLC SD	01/08/2020	IT Services- City Hall- Dec'19	2,500.00	2,500.00
12439	Jenkins	Jenkins, Michael	01/08/2020	Refund/Jenkins, Michael/Deposit - LBH- 12/7/19	300.00	300.00
12440	Jan-Jun 20	Laff, Timothy	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,200.00	1,200.00
12441	2000	Law Offices of James F. Holtz, APC	01/08/2020	Legal Svcs: GHC0017548	9.95	9.95
12442	07-2561-Jul	Lemon Grove School District	01/08/2020	Fuel Services-PW: Jul'19	3078.76	25,728.21
	07-2561-Aug			Fuel Services-PW: Aug'19	3031.72	
	07-2561-Sep			Fuel Services-PW: Sep'19	3097.76	
	07-2561-Oct			Fuel Services-PW: Oct'19	3788.61	
	07-2561-Nov			Fuel Services-PW: Nov'19	3309.75	
	Fire/07-2562Jul			Fuel Services-Fire Stn- Jul'19	1,767.94	
	Fire/07-2562Aug			Fuel Services-Fire Stn- Aug'19	1,948.04	
	Fire/07-2562Sep			Fuel Services-Fire Stn- Sep'19	1,911.10	
	Fire/07-2562Oct			Fuel Services-Fire Stn- Oct'19	1,892.52	
	Fire/07-2562Nov			Fuel Services-Fire Stn- Nov'19	1,902.01	
12443	1489521	Liebert Cassidy Whitmore	01/08/2020	Prof Svcs: LE050-00005 thru 11/30/19	776.00	776.00
12444	Jan-Jun 20	Maciejewski, Frank	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,200.00	1,200.00
12445	Jan-Jun 20	Marcon, Romeo	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,200.00	1,200.00

12446	Jan-Jun 20	McBride, Thomas	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,200.00	1,200.00
12447	Jan-Jun 20	Mullins, Karl	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,200.00	1,200.00
12448	6856	North County EVS, Inc.	01/08/2020	E210 Service & Safety Inspection/Exhaust Leak	202.95	202.95
12449	Olsen	Olsen, Dale J.	01/08/2020	Refund/Olsen, Dale J/Diversion Deposit/CD1-70-0006	500.00	500.00
12450	Jan-Jun 20	Ott, Manie	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,136.58	1,136.58
12451	Jan-Jun 20	Ott, Mike	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,200.00	1,200.00
12452	Parashos	Parashos, Tom	01/08/2020	Refund/Parashos, Tom/Diversion Deposit/CD1-900-0044	500.00	500.00
12453	PER-1920-HEA	Personal Exposure Reporting	01/08/2020	Annual Personal Exposure Subscription - 7/1/19-6/30/20	190.00	190.00
12454	2019-438	Quality Code Publishing LLC	01/08/2020	Internet Website Updating- LG Municipal Code 1/1/20-6/30/20	240.00	240.00
12455	INV00008688	RapidScale Inc.	01/08/2020	Virtual Hosting/Back Up Svc/Cloud Storage 12/31/19-1/30/20	3,675.78	3,675.78
12456	Reimb 12/23/19	Santos Gonzalez, Joel	01/08/2020	Computer Loan Program - Santos Gonzalez	931.36	931.36
12457	Jan-Jun 20	Schmidtman, Warren	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,200.00	1,200.00
12458	Jan-Jun 20	Smith, Timothy	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,200.00	1,200.00
12459	Solanke	Solanke, Adeola	01/08/2020	Refund/Solanke, Adeola/Deposit - Comm Ctr- 12/28/19	200.00	200.00
12460	Dec 19 Dec 5	Southern CA Firefighters Benefit Trust	01/08/2020	LG Firefighters Benefit Trust 12/19/19 LG Firefighters Benefit Trust 12/5/19	830.70 830.70	1,661.40
12461	2019-04Broadway	Summit Environmental Group, Inc.	01/08/2020	Prof Svcs: 2019-04 Broadway- 12/1/19-12/17/19	2,260.82	2,260.82
12462	Jan-Jun 20	Taff, Jon	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,200.00	1,200.00
12463	00091330	The East County Californian	01/08/2020	Ordinance #454 - Replace LGMC Bldg & Constr 12/26/19	140.00	140.00
12464	Towler	Towler, Olin	01/08/2020	TPA Claim/GHC0028241	2,000.00	2,000.00
12465	12/20/19	Van Lant & Fankhanel, LLP	01/08/2020	FY2019 Audit & Related Reports- Final Billing	16,500.00	16,500.00
12466	Jan-Jun 20	Wright, Nancy	01/08/2020	Retiree Health Benefit - Jan'20-Jun'20	1,136.58	1,136.58
					1,393,176.02	1,393,176.02



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.C

Meeting Date: January 21, 2020

Submitted to: Honorable Mayor and Members of the City Council

Department: City Manager's Office

Staff Contact: Shelley Chapel, City Clerk

Schapel@lemongrove.ca.gov

Item Title: **Approval of City Council Meeting Minutes**

Recommended Action: Approval of City Council Meeting Minutes.

Environmental Review:

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

Fiscal Impact: None.

Public Notification: None.

**MINUTES OF A MEETING OF
THE LEMON GROVE CITY COUNCIL
TUESDAY, DECEMBER 17, 2019**

*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:

Mayor Vasquez called the Regular Meeting to order at 6:04 p.m.

Present: Mayor Racquel Vasquez, Mayor Pro Tem Jennifer Mendoza, Councilmember Jerry Jones, Councilmember Altamirano

Absent: None.

Staff Members Present:

Lydia Romero, City Manager, Kristen Steinke, City Attorney, Mike James, Assistant City Manager/Public Works Director, Noah Alvey, Community Development Manager, Shelley Chapel, City Clerk, Steven Swaney, Fire Chief, Lieutenant M. Rand, San Diego County Sheriff's Office - Lemon Grove Substation, Roberto Hidalgo, Human Resources Manager, Molly Brennan, Administrative Services Director, and Arturo Ortuño, Assistant Planner.

Pledge of Allegiance:

Pledge of Allegiance to the Flag was led by Councilmember Arambula.

Presentation:

Mayor Vasquez invited City Councilmember Appointee Altamirano to the front of the dais. Pastor Greg Hendricks of the ROCK Church gave an invocation over Councilmember Altamirano. City Clerk Chapel Administered the Oath of Office to Appointed City Councilmember Altamirano.

Mayor Vasquez called for a brief recess at 6:13 p.m. and called the meeting back into session at 6:26 p.m. with all Councilmembers present.

Mayor Vasquez invited Meisha Myers, Helix High School Student who was presented with a Certificate of Appreciation for completing the Recreation Center Landscaping Upgrade Project.

Public Comments:

Appeared to comment were: Teresa Rosiak-Proffit, Gary Elbert, Ashley E. (served summons to Councilmember Altamirano), and John L. Wood.

City Council Oral Comments & Reports on Meetings Attended At City Expense: (G.C. 53232.3(d))

Councilmember Jones attended the following meetings and events:

- San Diego Rate Oversight Committee Meeting
- Ex Officio Board Meeting

Councilmember Arambula attended the following meetings and events:

- MTS Board Meeting
-

Mayor Pro Tem J. Mendoza attended the following meetings and event:

- League of California Cities Leadership Training
- City of Lemon Grove Bon Fire
- Monthly League of California Cities Lunch
- Lemon Grove Clergy Association Meeting
- Mexican American Business Professional Association Meeting – brought Councilmember Altamirano as guest.

Mayor Vasquez attended the following meetings and events:

- City of Lemon Grove Bon Fire
- Certificate of Recognition to President and CEO of Meals on Wheels Retirement Ceremony
- Annual ROCK Church Toys for Joy Drive
- Winterfest at the Library
- American Legion Post 201 Children's Christmas Party

Consent Calendar:

- A. Waive Full Text Reading of All Ordinances on the Agenda.
- B. Ratification of Payment of Demands
- C. City Council Meeting Minutes for Regular Meeting of November 19, 2019, and December 3, 2019, and Special Meetings of November 7, 2019, and December 2, 2019.
- D. Adoption of Resolution No. 2019-3694, entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving the Sale of Surplus Property Portion of Assessor Parcel Number 475-402-24 and 475-402-25 to Mossy Automotive Group."
- E. Rejection of Claim for Charles White
- F. Adoption of Resolution No. 2019-3695, entitled, "A Resolution of the City of the City Council of the City of Lemon Grove, California, Establishing One (1) New Classification is Deputy Fire Marshal."
- G. Appointment of City Councilmembers to Committees, Commissions, and Boards – Pulled by Mayor Pro Tem Mendoza to discuss to Boards Specifically East County Economic Council and East County Chamber. Consensus was reached to change the alternate for both Committees to Councilmember Altamirano as the alternate.

Mayor Pro Tem Mendoza requested that item G be discussed. Mayor Vasquez agreed. Staff responded to questions regarding the East County Economic Development Council (ECEDC) as paying versus non-paying membership. It was determined that Councilmember Altamirano would be the primary and Councilmember Jones would be the Alternate representing the City. Mayor Pro Tem asked that the membership be reconsidered at a future date. In addition, the membership of the United Way was discussed and determined it would be removed from the list of Committees, Commissions, and Boards. Council Consensus.

Action: Motion by Councilmember Jones, seconded by Councilmember Arambula, to approve Consent Calendar Items A-G

The motion passed by the following vote:

Ayes: Vasquez, Mendoza, Altamirano, Arambula, Jones

Noes: None

Public Hearing:

2. Public Hearing to Consider the Second Reading and Adoption of Ordinance No. 454, entitled, "An Ordinance of the City Council of the City of Lemon Grove, California Rescinding Chapters 15.04, 15.06, 15.08, 15.10, 15.14, 15.18, 15.20, 15.22, 15.24, 15.28, 15.30, 15.32, 15.34, And 15.38, of Title 15 of the Lemon Grove Municipal Code, Entitled "Buildings and Construction", In their Entirety, and Adopting New Chapters 15.04, 15.06, 15.08, 15.10, 15.14, 15.18, 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, 15.32, and 15.38, Adopting the 2019 California Building Standards Code, Including the 2019 California Administrative Code, the 2019 California Building Code, the 2019 California Residential Code, the 2019 California Electrical Code, the 2019 California Mechanical Code, the 2019 California Plumbing Code, the 2019 California Energy Code, the 2019 California Historical Building Code, the 2019 California Existing Building Code, the 2019 California Green Building Code and the 2019 California Reference Standards Code, and Local Amendments and Related Findings and Adopting the 1997 Uniform Code for the Abatement of Dangerous Buildings and Local Amendments."

Mayor Vasquez introduced Noah Alvey, Community Development Manager who presented the staff report.

Mayor Vasquez opened the Public Hearing at 7:10 p.m.

No public comment.

Action: The public hearing was closed at 7:43 p.m. on a motion by Councilmember Jones, and second by Mayor Pro Tem Mendoza.

The motion passed by the following roll call vote:

Ayes: Vasquez, Mendoza, Altamirano, Arambula, Jones

Noes: None

Action: It was moved by Councilmember Jones, and seconded by Mayor Pro Tem Mendoza to Adopt Ordinance No. 454.

The motion passed by the following roll call vote:

Ayes: Vasquez, Mendoza, Altamirano, Arambula, Jones

Noes: None

3. Consider General Plan Amendment No. GPA-190-0001 and Planned Development Permit No. PDP-170-0002; A Request to Amend the City's General Plan Land Use Classification from Retail Commercial to Mixed Use for the Construction of a Three-Story Commercial Mixed Use Building in the General Commercial (GC) Zone.

Mayor Vasquez introduced Noah Alvey, Community Development Manager and Arturo Ortuno, Assistant Planner who presented the staff report and PowerPoint Presentation.

Mayor Vasquez opened the Public Hearing at 7:44 p.m.

Appeared to comment was: Steve Laub

Action: The public hearing was closed at 8:04 p.m. on a motion by Councilmember Arambula, and second by Mayor Pro Tem Mendoza.

The motion passed by the following roll call vote:

Ayes: Vasquez, Mendoza, Altamirano, Arambula, Jones

Noes: None

Action: It was moved by Mayor Pro Tem Mendoza, and seconded by Councilmember Arambula to adopt Resolution No. 2019-3696, entitled “A Resolution of the City Council of the City of Lemon Grove, California, Recommending City Council Approval of General Plan Amendment GPA-190-0001; A Request to Amend the City’s General Plan Land Use Classification from Retail Commercial to Mixed Use for 8016 Broadway; and Adopt a Resolution No. 2019-3697 entitled, “A Resolution of the City Council of the City of Lemon Grove, California, Approving Planned Development Permit No. PDP-170-0002 for the Construction of A 108,898 Square Foot Three-Story Commercial Mixed-Use Building at 8016 Broadway.”

The motion passed by the following vote:

Ayes: Vasquez, Mendoza, Altamirano, Arambula

Noes: Jones

4. Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update

Mayor Vasquez introduced Noah Alvey, Community Development Manager who presented the staff report and PowerPoint Presentation.

Action: The public hearing was closed at 8:25 p.m. on a motion by Councilmember Arambula, and second by Councilmember Jones.

The motion passed by the following roll call vote:

Ayes: Vasquez, Mendoza, Altamirano, Arambula, Jones

Noes: None

Action: It was moved by Councilmember Jones, and seconded by Councilmember Altamirano to adopt Resolution No. 2019-3698 entitled, “A Resolution of the City Council of the City of Lemon Grove, California, Approving an Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update.”

The motion passed by the following roll call vote:

Ayes: Vasquez, Mendoza, Altamirano, Arambula, Jones

Noes: None

Reports to Council:

5. Fiscal Year 2018-19 Annual Financial Report

Mayor Vasquez introduced Molly Brennan, Administrative Services Director who gave the report and PowerPoint Presentation. In addition the Consultant was available for questions.

Action: Review and File the Annual Financial Report for Fiscal Year 2018-2019.

6. Recognized Obligation Payment Schedule July 1, 2020 to June 30, 2021 (Successor Agency Item)

Chair Vasquez introduced Molly Brennan, Administrative Services Director who gave the report and PowerPoint Presentation.

Action: It was moved by Director Jones, and seconded by Director Arambula to adopt Resolution No. 2019-03 entitled, “A Resolution of the Lemon Grove Successor Agency Board Adopting a Recognized Obligation Payment Schedule for July 1, 2020 through June 30, 2021, Pursuant to California Health & Safety Code Section 34179, Division 24, Park 1.85, and Authorizing Posting and Transmittal Thereof.”

The motion passed by the following roll call vote:

Ayes: Vasquez, Mendoza, Altamirano, Arambula, Jones

Noes: None

7. 115 Trust Transfer from Sanitation District (Sanitation District Item)

Chair Vasquez introduced Molly Brennan, Administrative Services Director who gave the report and PowerPoint Presentation.

Action: It was moved by Director Jones, and seconded by Director Arambula to authorize the transfer.

The motion passed by the following roll call vote:

Ayes: Vasquez, Mendoza, Altamirano, Arambula, Jones

Noes: None

8. Award the FY2019-20 Street Rehabilitation Project

Mayor Vasquez introduced Mike James, Assistant City Manager / Public Works Director who presented the staff report and PowerPoint Presentation.

Appeared to comment was: John L. Wood

Councilmember Jones recused himself from the item and left the dais at 9:30 p.m. and returned to the dais at 10:07 p.m. following the vote.

Action: It was moved by Councilmember Arambula, and seconded by Mayor Pro Tem Mendoza to adopt Resolution No. 2019-3699, “A Resolution of the City Council of the City of Lemon Grove, California, Awarding a Contract for the FY 2019-2020 Street Rehabilitation Project (Contract No. 2020-10).”

The motion passed by the following roll call vote:

Ayes: Vasquez, Mendoza, Altamirano, Arambula

Noes: None.

Recused: Jones

Mayor Vasquez announced that the City Council Meeting scheduled for Tuesday, January 7, 2020 will be cancelled due to a lack of agenda items. The next Regular City Council Meeting will be Tuesday, January 21st at 6:00 p.m.

Closed Session:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Government Code Section 54956.9b
Number of potential cases: 2

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code § 54956.9(a)
Name of Case: Citrus St Partners LLC vs City of Lemon Grove; City Council of the City of Lemon Grove; and Does 1-10
San Diego Superior Court – Central Division Case No.: 37-2019-00064690-CU-MC-CTL)

City Attorney Kristen Steinke announced the City Council will be adjourning to closed session at 10:07 p.m. for the purposes above.

City Attorney Steinke reported no reportable action on items discussed in Closed Session.

Adjournment:

There being no further business to come before the Council, the meeting was adjourned at 10:47 p.m. to a meeting to be held Tuesday, January 21, 2020, in the Lemon Grove Community Center located at 3146 School Lane, for a Regular Meeting.

Shelley Chapel, MMC
City Clerk



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.D

Meeting Date: January 21, 2020

Submitted to: Honorable Mayor and Members of the City Council

Department: Public Works

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

mjames@lemongrove.ca.gov

Item Title: Application for Grant Funds for the Green Infrastructure Program

Recommended Action: Adopt a resolution approving the application for grant funds for the Green Infrastructure Program.

Summary: On June 5, 2018, Proposition 68 (Prop. 68), the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 was passed by California voters. Prop. 68 authorized the Legislature to appropriate \$18.5 million to the California Natural Resources Agency (CNRA) for competitive grants for multi benefit green infrastructure investments in or benefiting disadvantaged or severely disadvantaged communities. In June 2019, staff applied for a \$1.4 million grant through the CNRA to fund the third phase of the Connect Main Street project. Following a subsequent in-person interview process, in December 2019, staff learned **that the City's** application was selected to move into the next step of the selection process. That step requires a number of documents be submitted to the CNRA no later than January 31, 2020, one of which includes a resolution from the elected officials supporting the grant application.

Background: In early 2019, city staff worked closely with staff from Chen Ryan Associates, Incorporated (Chen Ryan) (<https://chenryanmobility.com>) to prepare and submit a grant application to fully fund design and construction of the third phase of Connect Main Street Project from the CNRA as a part of its Green Infrastructure Grant Program.

In 2016, the City Council formally amended the general plan community development element, including the land use plan, creating a new special treatment area (STA IX) for the Main Street Promenade Extension Project (Connect Main Street). Resulting from that

approval, city staff was directed to use the document to seek grant funds to complete the design and construct this project segment-by-segment or multiple segment(s). In early 2019, city staff was contacted by staff from Chen Ryan to **gauge the City's interest in** partnering with Chen Ryan to complete the CNRA application materials and submit them on behalf of the city for \$100. With the subsidized cost to prepare and complete the application process, city staff also agreed to a term of that agreement to continue to work with Chen Ryan if the grant application was successful. If successful, the City would either amend the grant application agreement or sole source a new agreement to Chen Ryan for final design services for the Connect Main Street Project that is included for full grant funding.

Of the two options, staff recommends that the **“sole source” selection process is pursued per the City's municipal code section 3.24.070** professional services (A) which states in part *“The purchasing officer may waive the requirements for solicitation of multiple proposals if only one individual or firm can provide the professional services.”* While there are other firms that can provide a like professional services, staff is confident that Chen Ryan will provide a unique and higher level of service due to its:

- Familiarity with the City, the grant application, and cost estimate.
- Recent experience performing the same duties with other cities in San Diego County.
- Direct assistance with the application research, online submittal, and face-to-face interview with the state.
- Continuous support of the project to include this following up process for the third phase selection process.

Based on these reasons, City staff is confident that Chen Ryan has a unique historical perspective, specific grant experience that is tailored to Lemon Grove, and the professional resources to support this project through 100 design and is warranted future consideration as the design firm. Unless directed not to, staff plans to return to the City Council with a sole source agreement if the City is awarded the grant.

Discussion: The entire Connection Main Street Project is an active transportation, multi-modal two-mile corridor oriented north-south bisecting the City. The project vision is to facilitate multi-modal transportation between neighborhoods, promotes an active life style, and enhances the local natural landscaping.

Phase 3 will focus on the creation of bike lanes, recreational trails, green spaces, cultural and educational exhibits along with the rehabilitation of some portion of a creek on Main Street between Mt. Vernon Street and San Miguel Avenue (Attachment B). It will also include a road closure, replacing approximately 650 feet of road with public park space.

The projected design and construction estimate equals \$1,470,755 (Attachment C). That amount includes all planning, design and permitting for \$200,000, construction activities (\$1,137,705), and a 10 percent contingency equal to \$133,705.

If the resolution is approved, Chen Ryan will assemble and submit all the grant items on behalf of the City no later than the deadline of January 31, 2020. A final decision is expected to be released by March 2020.

Environmental Review:

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

Fiscal Impact: None.

Public Notification: None.

Staff Recommendation: That the City Council adopts a resolution approving the application for grant funds for the Green Infrastructure Program.

Attachments:

- Attachment A – Resolution
- Attachment B – Site Plan
- Attachment C – Proposed Cost Estimate

RESOLUTION NO. 2020 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR
THE GREEN INFRASTRUCTURE GRANT PROGRAM

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the California Natural Resources Agency **require a resolution certifying the approval of application(s) by the Applicant's governing board** before submission of said application(s) to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the project.

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

1. Approves the filing of an application for the third phase of the Connect Main Street project; and
2. Certifies that Applicant understands the assurances and certification in the application; and
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project(s) consistent with the land tenure requirements; or will secure the resources to do so; and
4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code; and
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, the *California Environmental Quality Act* (CEQA), legal requirements for building codes, health and safety codes, and disabled access laws, and that prior to commencement of construction all applicable permits will have been obtained; and

6. Certifies that Applicant will work towards the State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and
7. Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

PASSED AND ADOPTED on _____, 2020, the City Council of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

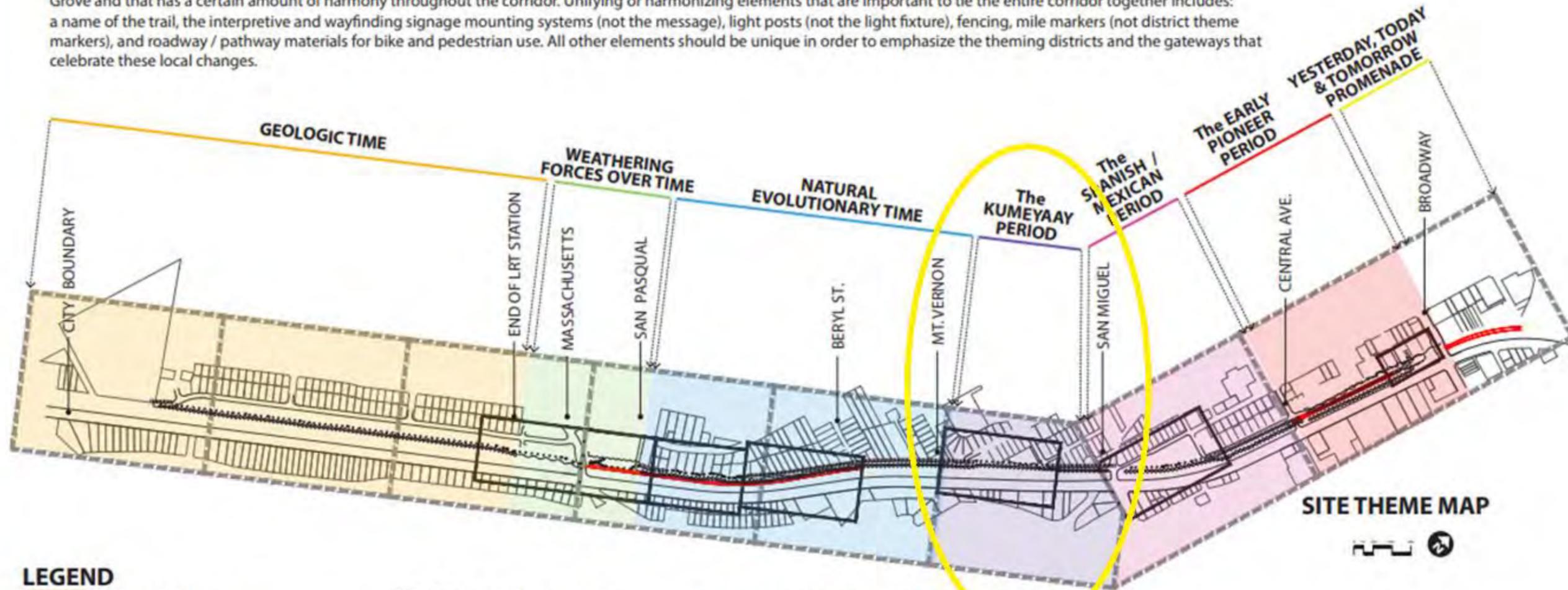
Shelley Chapel, MMC, City Clerk

Approved as to Form:

Kristen Steinke, City Attorney

5 | Concept Theming 5.1 Project Theming Diagram

The theming of the project is shown on the map below, on the sample character sheets of the following pages and in the gateway concepts that symbolize the theme. Theming will provide visual interest and will provide some order to public art and interpretive panels. The proposed elements will need to display a certain amount of uniqueness through the use of materials, colors, font styles and gateway themes. However, it is also important to help brand the overall trail and park system as something that symbolizes Lemon Grove and that has a certain amount of harmony throughout the corridor. Unifying or harmonizing elements that are important to tie the entire corridor together includes: a name of the trail, the interpretive and wayfinding signage mounting systems (not the message), light posts (not the light fixture), fencing, mile markers (not district theme markers), and roadway / pathway materials for bike and pedestrian use. All other elements should be unique in order to emphasize the theming districts and the gateways that celebrate these local changes.



LEGEND

- | | |
|---|---|
| GEOLOGIC TIME | SHEET MATCHLINES |
| WEATHERING FORCES OVER TIME | DETAIL SHEET MATCHLINES |
| NATURAL EVOLUTIONARY TIME | UNION PACIFIC PROPERTY |
| THE KUMEYAAY PERIOD | MULTI-USE PAVED TRAIL |
| THE SPANISH / MEXICAN PERIOD | D.G. PEDESTRIAN TRAIL |
| THE EARLY PIONEER PERIOD | BIKE BOULEVARD |
| | URBAN TRAIL |

Figure 5-1: Site Theme Map

THEMING CONCEPT DESCRIPTION

The theming of the project shown in the diagram above and the gateway concepts on the following pages will build on the chronological arrangement of time that was initiated in the Phase 1 Main Street Promenade. The built project is titled "Where yesterday, today and tomorrow meet". The time line concept should be extended to the southern border of the Connect Main Street project. It needs to be tightly controlled to have the appropriate periods contribute to the overall time line concept.

Geologic time allows this concept to cover a great distance, with most of the corridor encompassed by pre-historic periods. The historic and modern day elements would represent only a small portion of the overall corridor. The concept will be made clear through interpretive panels, dateline markers and the overall design themes present in each segment. The changes will be marked by "time portals" that begin and end in each section. See the following pages for samples of the gateways and a visual display of potential theming materials.



SHEET 5: PLAN VIEW

0 50 100 200
SCALE: 1"= 100' IF 11"X17"

NORTH

KEYMAP N.T.S.

NORTH

TREE SUCH AS LEGEND:

- | | |
|---|--|
| Ironwood - <i>Lyonothamnus floribundus</i> | CA Sycamore - <i>Platanus racemosa</i> |
| Torrey Pine - <i>Pinus torreyana</i> | Bay Laurel - <i>Umbellularia californica</i> |
| Western Redbud - <i>Cercis occidentalis</i> | Brisbane Box - <i>Lophostemon confertus</i> |
| Crape Myrtle - <i>Lagerstroemia indica</i> | Peppermint Tree - <i>Agonis flexuosa</i> |
| Bronze Loquat - <i>Eriobotrya deflexa</i> | Ornamental Pear - <i>Pyrus species</i> |
| CA Live Oak - <i>Quercus agrifolia</i> | Common Alder - <i>Alnus rhombifolia</i> |
| Valley Oak - <i>Quercus lobata</i> | Willow - <i>Salix species</i> |
| Island Oak - <i>Quercus tomentella</i> | Elderberry - <i>Sambucus mexicana</i> |

SIGN LEGEND:

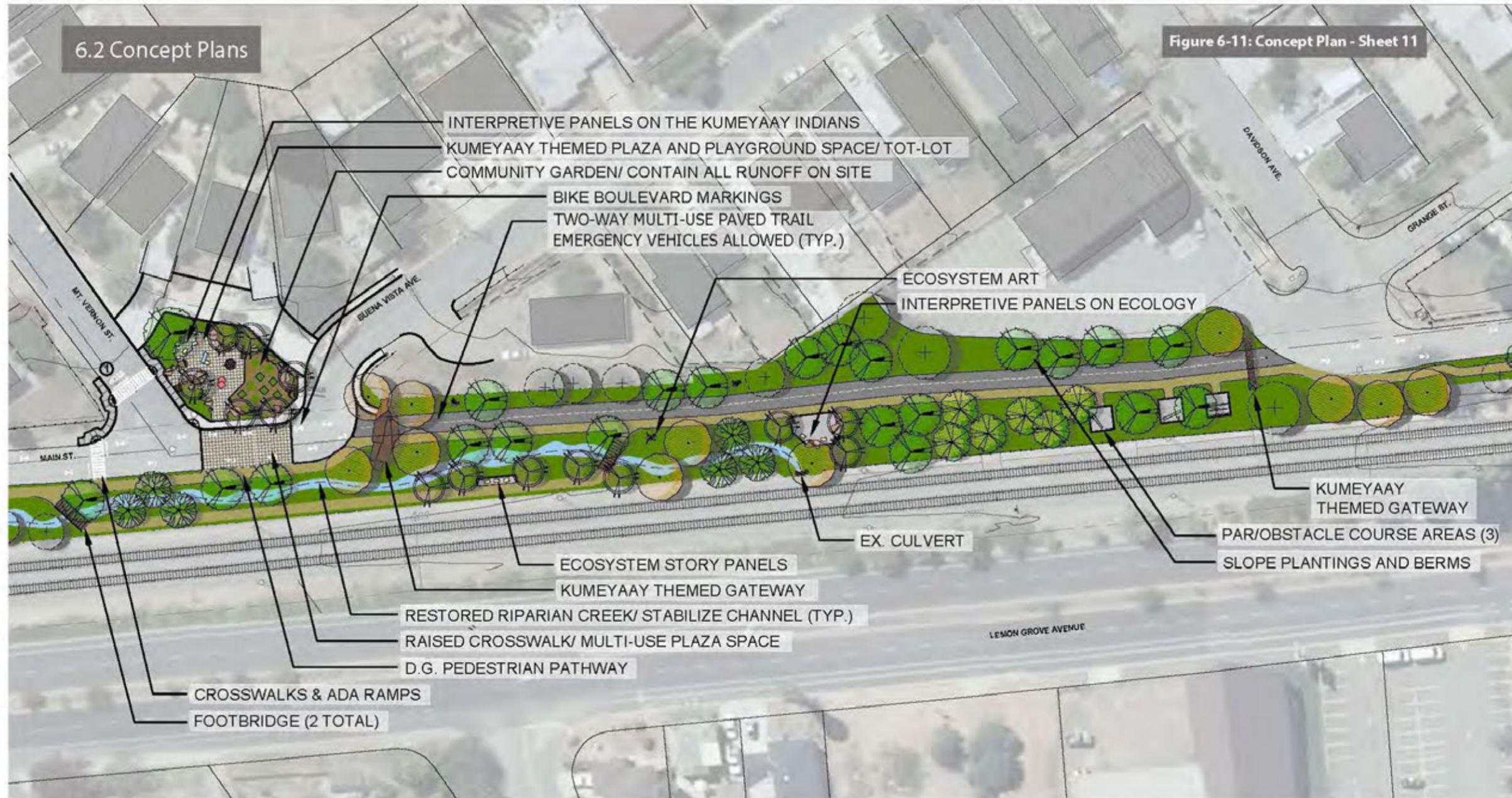
- ① Stop Sign
- ② Stop & No Right Turn
- ③ Stop & Right Turn Only
- ④ Bus/Bike Only
- ⑤ Yield to Pedestrians
- ⑥ Do Not Enter One Way
- ⑦ Security Camera
- ⑧ Bike Stop Sign

SITE LEGEND:

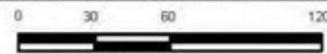
- Union Pacific Property
- Bike Boulevard Markings
- ADA Ramp
- Boulders
- Sit-Only Bench
- Interpretive Sign

6.2 Concept Plans

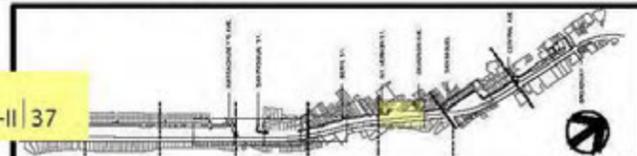
Figure 6-11: Concept Plan - Sheet 11



SHEET 5A: DETAIL PLAN



SCALE: 1" = 60' IF 11"X17"



KEYMAP N.T.S.

TREE SUCH AS LEGEND:

- | | |
|---|--|
| Ironwood - <i>Lyonothamnus floribundus</i> | CA Sycamore - <i>Platanus racemosa</i> |
| Torrey Pine - <i>Pinus torreyana</i> | Bay Laurel - <i>Umbellularia californica</i> |
| Western Redbud - <i>Cercis occidentalis</i> | Brisbane Box - <i>Lophostemon confertus</i> |
| Crape Myrtle - <i>Lagerstroemia indica</i> | Peppermint Tree - <i>Agonis flexuosa</i> |
| Bronze Loquat - <i>Eriobotrya deflexa</i> | Ornamental Pear - <i>Pyrus species</i> |
| CA Live Oak - <i>Quercus agrifolia</i> | Common Alder - <i>Alnus rhombifolia</i> |
| Valley Oak - <i>Quercus lobata</i> | Willow - <i>Salix species</i> |
| Island Oak - <i>Quercus tomentella</i> | Elderberry - <i>Sambucus mexicana</i> |

SIGN LEGEND:

- | |
|--------------------------|
| ① Stop Sign |
| ② Stop & No Right Turn |
| ③ Stop & Right Turn Only |
| ④ Bus/Bike Only |
| ⑤ Yield to Pedestrians |
| ⑥ Do Not Enter One Way |
| ⑦ Security Camera |
| ⑧ Bike Stop Sign |

SITE LEGEND:

- | |
|-------------------------|
| Union Pacific Property |
| Bike Boulevard Markings |
| ADA Ramp |
| Boulders |
| Sit-Only Bench |
| Interpretive Sign |

PROJECT ELEMENTS	Unit Price	Unit of Measure	Qty	Total Cost	Green Infrastructure Grant
NON-CONSTRUCTION (not to exceed 25% of grant)					
Planning, Design & Permitting					
Engineering	\$200,000.00	LS	1.00	200,000.00	200,000.00
TOTAL NON-CONSTRUCTION (not to exceed 25% of grant)				200,000.00	200,000.00
CONSTRUCTION					
Demolition					
Palm Tree Removal	\$1,200.00	EA	4.00	\$4,800.00	\$4,800.00
Creek Stabilization & Regrading	\$75.00	LF	400.00	\$30,000.00	\$30,000.00
Finish Grading	\$0.25	SF	55000.00	\$13,750.00	\$13,750.00
Retaining Walls	\$50.00	SF	400.00	\$20,000.00	\$20,000.00
Soil Amendment	\$0.50	SF	37000.00	\$18,500.00	\$18,500.00
Clear and Grub	\$2.00	SF	47000.00	\$94,000.00	\$94,000.00
Demo & Removal of Asphalt Pavement	\$3.00	SF	16250.00	\$48,750.00	\$48,750.00
Total Demolition	\$229,800.00	LS	1.00	\$229,800.00	\$229,800.00
Landscaping & Irrigation					
Trees (15 gallon)	\$500.00	EA	65.00	\$32,500.00	\$32,500.00
Shrubs	\$1.75	SF	18500.00	\$32,375.00	\$32,375.00
Shredded Mulch 3" Deep	\$0.30	SF	18500.00	\$5,550.00	\$5,550.00
Bioretention Areas with 12" PVC Drain Pipe & Outlet	\$33.00	SF	1600.00	\$52,800.00	\$52,800.00
Boulders	\$120.00	EA	45.00	\$5,400.00	\$5,400.00
Total Landscaping & Irrigation	\$128,625.00	EA	1.00	\$128,625.00	\$128,625.00
Recreation/Cultural Elements					
Interpretive Signs	\$1,000.00	EA	5.00	\$5,000.00	\$5,000.00
Art Pieces	\$2,000.00	EA	2.00	\$4,000.00	\$4,000.00
Parcourse Stations	\$1,500.00	EA	3.00	\$4,500.00	\$4,500.00
Total Recreation/Cultural Elements	\$13,500.00	LS	1.00	\$13,500.00	\$13,500.00
Site Amenities					
Bike Racks	\$1,200.00	EA	5.00	\$6,000.00	\$6,000.00
Benches	\$1,500.00	EA	2.00	\$3,000.00	\$3,000.00
Trash/Recycle Receptacles	\$1,500.00	EA	2.00	\$3,000.00	\$3,000.00
Lighting & Electrical	\$42,500.00	LS	1.00	\$42,500.00	\$42,500.00
Drinking Fountain	\$8,000.00	EA	1.00	\$8,000.00	\$8,000.00
Fencing	\$125.00	LF	185.00	\$23,125.00	\$23,125.00
Total Site Amenities	\$85,625.00	LS	1.00	\$85,625.00	\$85,625.00
General Infrastructure Improvements					
Concrete 4" Thick	\$12.00	SF	1000.00	\$12,000.00	\$12,000.00
Concrete Curb Ramps	\$3,250.00	EA	2.00	\$6,500.00	\$6,500.00
Asphalt Multi-Use Trail - 4" Depth	\$6.00	SF	16250.00	\$97,500.00	\$97,500.00
Decomposed Granite 4" Thick Stabilized Path w/ Edging	\$7.00	SF	10500.00	\$73,500.00	\$73,500.00
Pedestrian Footbridge	\$250.00	SF	50.00	\$12,500.00	\$12,500.00
Gateway Structures	\$10,500.00	EA	2.00	\$21,000.00	\$21,000.00
Signing and Striping	\$1,500.00	LS	1.00	\$1,500.00	\$1,500.00
Total General Infrastructure Improvements	\$224,500.00	LS	1.00	\$224,500.00	\$224,500.00
Other					
Mobilization/Demobilization	\$ 90,000.00	LS	1.00	\$90,000.00	90,000.00
Construction Schedule	\$ 15,000.00	LS	1.00	\$15,000.00	15,000.00
Erosion Control	\$ 45,000.00	LS	1.00	\$45,000.00	45,000.00
Construction Staking	\$ 15,000.00	LS	1.00	\$15,000.00	15,000.00
Utility Adjustments	\$ 40,000.00	LS	1.00	\$40,000.00	40,000.00
Traffic Control	\$ 30,000.00	LS	1.00	\$30,000.00	30,000.00
Unclassified Excavation	\$ 20,000.00	LS	1.00	\$20,000.00	20,000.00
Total Other	\$255,000.00	LS	1.00	\$255,000.00	255,000.00
TOTAL CONSTRUCTION				\$1,137,050.00	\$937,050.00
Contingency (not to exceed 10% of grant)					\$133,705.00
PROJECT GRAND TOTAL				\$1,470,755.00	



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 2

Meeting Date: January 21, 2020

Submitted to: Honorable Mayor and Members of the City Council

Department: Community Development Department

Staff Contact: Noah Alvey, Community Development Manager

Nalvey@lemongrove.ca.gov

Item Title: Public Hearing to Consider Conditional Use Permit Application CUP-190-0002, A Request to Establish a Medical Marijuana Dispensary at 3515-3521 Harris Street in Special Treatment Area III, Regional Commercial

Recommended Action:

- 1) Conduct the Public Hearing;
- 2) Receive Public Comment; and
- 3) Adopt a Resolution (Attachment A) Denying Conditional Use Permit CUP-190-0002, a request to establish a medical marijuana dispensary pursuant to Municipal Code Chapter 17.32 at 3515-3521 Harris Street in Special Treatment Area III, Regional Commercial.

Summary:

This is a request to establish a medical marijuana dispensary (MMD) at 3515-3521 Harris Street in General Plan Special Treatment Area III, Regional Commercial. The project proposes demolition of an existing duplex and improvements to two existing buildings to create sales and staff spaces for the MMD. Proposed site improvements include new landscape and trees, commercial driveway and parking area, and city standard street improvements.

It should also be noted that this Application is the subject of a Temporary Restraining Order (TRO) issued by the San Diego Superior Court in pending litigation entitled *Citrus St Partners LLC v. City of Lemon Grove, et al.* (SDSC Case No.: 37-2019-00064690-CU-MC-CTL). The TRO restricts the City and the City Council from finally approving the CUP here at issue along with other restrictions pending the outcome of **Petitioner's motion for preliminary injunction**. Despite the TRO, the public hearing can move forward and

recommendations on how to proceed will be provided at the time of the public hearing on this matter. The TRO will be made part of the record of this hearing.

Discussion:

Chapter 17.32 of the Lemon Grove Municipal Code (LGMC) allows medical marijuana dispensaries (MMDs) via Conditional Use Permit (CUP) application in commercial and industrial zoning districts. To be eligible, proposed MMD sites must be separated by 1,000 feet from the regulated and protected uses described in LGMC Section 17.32.090(B), including MMDs, licensed daycare facilities, schools and parks. Potential MMDs are screened through a Zoning Clearance (ZC) application prior to CUP submittal to determine if the proposed site meets zoning and separation criteria and ensure all required application materials are present for review. Only complete ZC applications for eligible sites may submit a CUP.

On January 28, 2019, KIM Investments, LLC filed ZC application ZCM-190-0001, a request to apply for a CUP to establish a MMD at 3515-3521 Harris Street. Staff determined the ZC application to be complete and eligible to proceed to CUP application on May 8, 2019. KIM Investments, LLC filed CUP application CUP-190-0002 the following day, May 9, 2019, which staff deemed complete on November 7, 2019.

Project Description

The parcel addressed as 3515-3521 Harris Street is a 0.24 acre (10,500 square-feet) rectangular lot featuring a legal nonconforming duplex near the western frontage of the property flanked by two existing commercial buildings to the east at the middle and rear and a steel frame previously used as a hoist for heavy items. The lot abuts Harris Street between Broadway and North Avenue, which is partially improved with curb, gutter, and sidewalk. The subject CUP requests authorization to operate the existing commercial buildings as an MMD with each building serving a separate purpose and proposes demolition of the duplex.

The application proposes using the 1,223 square foot one-story building near the middle of the site as the dispensary for all patient facing and cannabis handling operations including patient check-in and inventory storage and sales. Proposed alterations include replacement of the attached garage at the east end of this middle building with an attached 66 square-foot trash storage room and tenant improvements to create a 246 square-foot patient waiting room served by dispensary staff through a transaction window from separate secure room, a 688 square-foot access controlled display and sales room, and a secure inventory storage area.

The space within the 2,439 square-foot two-story building at the rear easternmost portion of the lot is proposed to be used only as an employee breakroom and administrative office space for MMD operations. No cannabis products will be stored or handled in this

building. Proposed alterations for the rear building include the demolition of exterior stairways and tenant improvements to create a 50 square-foot customer restroom accessed from the building exterior, a 523 square-foot staff break room with kitchenette, approximately 918 square-feet of office space between the first and second floors, staff restrooms for each floor, and an interior stairwell.

No cultivation, manufacturing, processing, or delivery services are proposed with CUP application. The CUP application also incorporates site alterations and improvements including new landscape, lighting, signage, access and parking area, street improvements, and undergrounding of electrical service within the frontage.

At project completion, the nearest structure to Harris Street would be the dispensary building, which is situated approximately 100 feet east of the right-of-way line along the **lot's** southern property line. The structure of the dispensary building will be largely unchanged as the existing steel frame is proposed to remain and the building height will not change from its current 23 feet, 8 inches above grade. The staff building at the eastern portion of the lot would be approximately 11 feet away from the new trash room at the dispensary building, and would remain 5 feet off the southerly property line, 13 feet from the easterly property line, and approximately 1.75 feet from the northerly property line. The yard area visible from Harris Street west of the dispensary building is proposed to be a 10-stall parking lot, inclusive of the van accessible ADA space, with landscaping and lighting. Remaining yard areas are proposed to be hardscaped or landscaped, with a prominent landscape area visible from Harris Street to the north of the dispensary building.

Land Use Analysis

The subject property is in a Special Overlay District called Special Treatment Area (STA) III, Regional Commercial. According to the General Plan and LGMC, STA III is planned for continued redevelopment with large retail stores intended to serve both local residents and attract shoppers from adjacent communities. Since policies implementing Regional Commercial goals have not been adopted to date, land use is governed by the regulations of the current underlying zoning per STA III regulations. Moreover, pursuant to LGMC Section 17.20.010(F)(4)(b), STA III parcels within the boundary of Vista Avenue, North Avenue, the western boundary of the lots abutting West Street, and the alley north of Broadway, may establish and expand uses consistent with either the requirements of the General Commercial (GC) or Heavy Commercial (HC) zoning districts.

Project plans indicate that the proposed MMD seeks a Conditional Use Permit consistent with the requirements of the HC zone. Per the Municipal Code, the HC zone is available to heavier, more obtrusive types of retail, semi-industrial, and service uses that do not require pedestrian traffic or high visibility, and are not compatible with consumer-oriented retail activities. As stated in the preceding paragraphs, MMDs are authorized in

commercial zoning districts, including the HC zone, with a CUP according to LGMC Section 17.32.090(A).

Municipal Code Conformance

The Zoning Ordinance stipulates in Section 17.28.050 that CUP applications may only be approved if the City Council finds:

1. The use is compatible with the neighborhood or the community;
2. The use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity;
3. The use complies with performance standards according to Section 17.24.080;
4. The use is consistent with applicable provisions of the particular zoning district and with policies and standards of the general plan.

In addition, Section 17.32.080 of the Medical Marijuana Regulations specifically require the City Council to consider whether the proposed use complies with minimum separations from regulated and protected uses and if the proposed use complies with Title 17 of the LGMC, the aforementioned Zoning Ordinance.

Development Standards

LGMC Section 17.16.080(G) outlines basic standards which are applicable to all land and structures in the HC zone. The following table compares those standards to the site conditions at the subject address. The proposed project is in compliance with all basic development standards.

Standard	Required	Proposed
Min. Lot Area	10,000 square feet	10,500 square feet
Front Yard Setback	20 feet min.	Approx. 100 feet
Side Yard Setback	None (0 ft.)	None
Rear Yard Setback	None (0 ft.)	Approx. 13 feet
Maximum Building Height	30 feet	23 feet 8 inches
Max. Building Coverage	40%	24%

Parking

The applicant has proposed to construct a new parking area with 10 parking stalls including one van accessible ADA space. The layout of the parking area complies with the LGMC Off-Street Parking regulations. The parking area accommodates a 24 foot two-way drive aisle and 9 foot by 19 foot parking stalls with wheel stops as required by the Space and Access Dimensions in LGMC Section 17.24.010(F) for parking angled at 90 degrees. Parking spaces encroach into the required 20 foot front yard setback, however they are permitted to do so pursuant to Section 17.24.030(B)(14). Bicycle parking is not required when there are fewer than 10 required vehicle spaces per LGMC Section 17.24.010(G) and no such spaces are proposed.

The Community Development Element of the General Plan does not contemplate MMDs as a land use and therefore the traffic and parking impacts of the use are not accounted for in the accompanying General Plan Master Environmental Impact Report. Consequently the regulations in Section 17.24.010 which govern parking citywide cannot be relied upon to ascertain parking requirements for this project. The applicant instead provided a separate assessment of **the project's anticipated** traffic and parking impacts from Urban Systems Associates, Inc. (USAI), a Planning and Engineering firm specializing in these analyses.

Per the USAI analysis, the peak parking demand for this MMD is seven (7) spaces. Anticipated parking demand is calculated by multiplying the total area accessible to patients, which the Traffic Study determines to be 1,023 square feet, by a parking demand rate of 7.19 vehicles per 1,000 square feet of gross floor area. This parking demand rate is derived from the 5th edition of the Parking Generation Manual published by the Institute of Transportation Engineers (ITE) and represents the average demand found through four (4) separate on-site parking counts. While the gross floor area of all CUP structures is not used in the parking demand calculation as is called for in the ITE Parking Generation Manual, the Traffic Study notes that the ITE average rate is based on counts that occurred at retail cannabis outlets resulting in a parking rate that is too high for medical cannabis uses. The study therefore concludes that the proposed 10-stall parking lot is sufficient to serve the proposed dispensary.

The Operations Manual submitted with the CUP application indicates that there will generally be six (6) employees on-site during business hours and two (2) additional on-site security personnel. The employee parking demand described in the Operations Manual is in conflict with the USIA analysis and the determination that seven parking spaces are sufficient for parking demand at the proposed MMD.

Potential impacts to surrounding businesses and residences are anticipated with eight of 10 proposed parking spaces occupied by employees and only two parking spaces remaining for customers. The proposed parking for the MMD will likely result in customers being forced to find on-street parking along Harris Street or on nearby streets. Insufficient off-street parking for customers and employees may therefore result in impacts which are incompatible with the surrounding businesses and residences.

After deeming the application complete, staff consulted with the applicant to determine if they would like to amend their application to address maximum parking demand and the applicant directed staff to proceed with public hearing without modifying their application.

Traffic

Performance standards in Section 17.24.080 also require new development to demonstrate that it will not substantially increase traffic. In accordance with the 10th edition of the ITE Trip Generation Manual, and the uses of the buildings on site, the USAI study anticipates that the proposed MMD will generate 261 trips per day. According to the USAI traffic study, the project will not have a significant impact on analyzed intersections and street segments, all of which will continue to operate at existing levels of service with the addition of 261 trips per day to surrounding roads. Consequently no additional traffic mitigations or improvements to the street network are required to accommodate the proposed MMD.

Street Improvements

Off-street parking regulations, specifically Section 17.24.010(H), also require the installation of city standard street improvements along abutting streets as part of all discretionary permit application. LGMC Chapter 12.10 similarly requires street dedication and street improvements with building permits that exceed \$25,000 in value. A CUP is a qualifying discretionary action and the preliminary cost estimate of improvements for the dispensary and staff buildings provided with the CUP application are estimated at more than \$307,000.

The property abuts Harris Street which is a Local Collector per General Plan Mobility Element classifications. Harris Street is partially improved and features existing curb, gutter, sidewalk and asphalt roadway. Street Trees and Street Lights are absent while utility poles providing electrical service to both the subject property and its neighbor to the north are present within the frontage. The existing right-of-way half-width dimension is 30 feet, which exceeds the 28 foot dimension required of Local Collectors in the Mobility Element.

Project plans propose a new 20 foot commercial access driveway and ADA compliant sidewalk consistent with San Diego Regional Standards along the Harris Street frontage. Plans also indicate that a new Regional Standard 150 watt High Pressure Sodium Vapor Street Light will be installed in accordance with the spacing standards for 40 foot roadways in Section 12.10.090(C) and show two (2) new **24” box street trees** to the south of the proposed driveway to satisfy the requirement to install such trees at a rate of one per 30 linear feet of frontage in Section 12.10.100. Notes on the plans further state that utilities within the abutting street half-width will be underground and that Street Improvements will be installed in accordance with Municipal Code requirements, which would include as-needed repair of the roadway half-width. No street dedication is required to accommodate the Street Improvements since the existing right-of-way already exceeds the planned Mobility Element width.

Loading

According to LGMC Section 17.24.020(B)(8), the Community Development Manager may determine requirements for unlisted uses, such as MMDs, based upon the particular characteristics of the use. Deliveries from licensed cannabis distributors to the dispensary are not anticipated to occur in vehicles that require large, designated berths and therefore one is not provided. The Operations Manual states that deliveries occur before the MMD opens approximately twice a week and that security staff will attend to vendors and provide access to the secure storage in the dispensary building. Based on the characteristics of the site and size of the proposed use, staff is not recommending a designated loading area for the site.

Landscaping

The Lemon Grove Water Efficient Landscape Regulations in Chapter 18.44 of the LGMC require discretionary applications to provide a conceptual landscape plan that conforms to both the Zoning Ordinance and the aforementioned landscape regulations.

Landscaping requirements and the proposed landscape for the project are as follows:

Standard	Required	Provided
Min. 10% Landscape Area	1,050 square feet	1,844.5 square feet
Min 25% Planted Landscape	461.125 square feet	1505 square feet
Min. 10% Parking Landscape	175 square feet	304 square feet
Required On-Site Trees	2	3
Required Street Trees	1	2

Screening

The Medical Marijuana regulations in Chapter 17.32 do not require on-site fencing and the project plans do not indicate that any will be provided. The site is however bordered by existing fences and walls which appear to be situated on separate private property or on property lines. To both the north and the south, adjacent business owners have installed chain link fences along these shared property lines. To the east, the concrete wall around the duplex extends approximately 39 feet along the rear property line, the remainder of which is spanned by a chain link fence.

A new rooftop HVAC unit is proposed on top of the lower roof of the dispensary building and will extend above the existing 1.5 foot parapet wall. LGMC Section 17.24.050(E)(10) requires such units to be screened from the level of adjacent streets and walks while Section 17.24.040(C)(1) limits this screening, and any other rooftop appurtenance, to less than eight (8) feet in height. A proposed screening device consisting of metal or pressure treated lumber extending approximately 3.5 feet above the roof line, and two (2) feet above the existing parapet wall, is proposed to shield this unit from views along Harris Street. These project features are therefore in compliance with the LGMC.

Trash

A trash enclosure is not proposed however Section 17.24.050(M)(1)(a) only requires installation of an enclosure when dumpsters are used or if the project proposes 5 residential units or 5,000 square feet of commercial or industrial floor area. The total gross floor area the proposed structures on site is 3,728 square feet and the application does not propose the use of dumpsters. Instead the MMD proposes to use 96 gallon carts which will be kept in the proposed storage room attached to the east end of the dispensary building.

Lighting

Crime Prevention Through Environmental Design (CPTED) principles encourage all exterior areas to be adequately lit. The photometric lighting plans propose six (6) building mounted light fixtures and four (4) pole mounted fixtures in the parking lot to provide light levels that exceed California Building Code requirements and Illuminating Engineering Society recommendations for parking as a security enhancement. Though the photometric plan shows that some light trespass across property lines will occur, LGMC Section 17.24.080 would require light fixtures to be maintained and adjusted to direct light away from adjacent streets and properties so as to prevent nuisance conditions.

Signage

Pursuant to sign ordinance Section 18.12.040(C), commercial uses are generally permitted up to three signs. The total allowable sign area permitted is 20% of the taller dispensary building wall facing Harris Street, or approximately 123 square feet. The sample signage shown in the elevations consists of a proposed business name, “**LG Wellness**”, found on the aforementioned wall and dispensary door, and an address. Both the address and the name plate on the door qualify as exempt signs per Section 18.12.080(K), Signs Required or Authorized by State or Federal Law, and Section 18.12.080(P), Professional and Business Shingles. As such, the only proposed sign is the LGMC compliant 57 square foot sign, described as blackened metal in previous plans, mounted to the dispensary building face.

Conclusion:

City Council must make the following findings as stated in LGMC Section 17.28.050 in order to approve any conditional use permit application:

1. The use is compatible with the neighborhood or the community;
2. The use is not detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity;
3. The use complies with performance standards according to Section 17.24.080;
4. The use is consistent with applicable provisions of the particular zoning district and with policies and standards of the general plan.

any expansion of the existing structures. The proposed project is consistent with identified exemplars of the Class 3 Exemption, such as those for construction of multi-family residential structures up to six (6) units and commercial structures up to 10,000 square feet in urbanized areas.

Should the City Council deny the application, the project would be statutorily exempt from the environmental review requirements of CEQA pursuant to CEQA Guidelines Section 15270. CEQA does not apply to projects which a public agency rejects or disapproves.

Fiscal Impact:
No fiscal impact.

Public Notification: On January 9, 2020, the Notice of Public Hearing for this item was published the East County Californian and mailed to all property owners within 1,000 feet of the subject property. Staff verified the presence of the public notice sign required by LGMC Section 17.28.020(F)(2) on January 8, 2020. The City of Lemon Grove did not receive any comments in response to the Notice of Public Hearing. Staff will provide the City Council with any comments received after publication of the Staff Report.

Staff Recommendation:

- 1) Conduct the public hearing;
- 2) Receive Public Comment; and
- 3) Adopt a Resolution (Attachment A) denying Conditional Use Permit CUP-190-0002, a request to establish a medical marijuana dispensary pursuant to Municipal Code Chapter 17.32 at 3515-3521 Harris Street in Special Treatment Area III, Regional Commercial.

Attachments:
Attachment A – Resolution
Attachment B – Application
Attachment C – Vicinity Map
Attachment D – Project Plans

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, DENYING CONDITIONAL USE PERMIT CUP-190-0002, A
REQUEST TO ALLOW A MEDICAL MARIJUANA DISPENSARY
AT 3515-3521 HARRIS STREET

WHEREAS, the California voters approved Proposition 215 in 1996 to ensure that seriously ill Californians have the right to obtain and use cannabis for medical purposes and to encourage elected officials to implement a plan for the safe and affordable distribution of medicine; and

WHEREAS, the California State Legislature adopted Senate Bill 420, the Medical Marijuana Program Act, in 2003 to help clarify and further implement Proposition 215 in part by authorizing patients and Primary caregivers to associate within the State of California in order to collectively or cooperatively cultivate cannabis for medical purposes; and

WHEREAS, the California State Legislature adopted Assembly Bill 243, Assembly Bill 266, and Senate Bill 643, collectively known as the Medical Marijuana Regulation and Safety Act, in 2015 to establish a statewide regulatory framework and establish the Bureau of Medical Marijuana Regulation for the regulation of medical marijuana activity occurring in jurisdictions across California; and

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 (MMDs) may be established which is codified as Chapter 17.32 in the Lemon Grove Municipal Code (LGMC); and

WHEREAS, LGMC Section 17.32.090(B) establishes the distance requirements between dispensaries (including MMDs) as a regulated use and protected land uses, including public parks, playgrounds, licensed day care facilities, schools and alcohol and substance abuse treatment centers as defined in the LGMC; and

WHEREAS, on January 28, 2019, KIM Investments, LLC filed Zoning Clearance application ZCM-190-0001, a request to apply for a Conditional Use Permit to establish a

MMD at 3515-3521 Harris Street in Special Treatment Area III, Regional Commercial, and on May 8, 2019 City Staff found the application to be complete; and

WHEREAS, on May 9, 2019, KIM Investments, LLC filed Conditional Use Permit application CUP-190-0002, a request to establish a MMD at 3515-3521 Harris Street in Special Treatment Area III, Regional Commercial, and on November 7, 2019 Community Development Department staff found the application complete; and

WHEREAS, Notice of the Public Hearing was given in compliance with Lemon Grove Section 17.28.020(F). On January 9, 2020, the Notice of Public Hearing for CUP-190-0002 was published in the East County Californian and mailed to all property owners within 1,000 feet of the subject property. Staff confirmed the presence of the required on-site public notice sign on January 8, 2020; and

WHEREAS, on January 21, 2020, City Council held a duly noticed public hearing to consider Conditional Use Permit application CUP-190-0002; and

WHEREAS, all findings outlined in LGMC 17.28.050(C) and 17.32.080 must be made in order for the City Council to approve the request for a Conditional Use Permit for a Medical Marijuana Dispensary; and

WHEREAS, if all findings outlined in LGMC 17.28.050(C) and 17.32.080 cannot be made then the City Council must deny the request for a Conditional Use Permit for a Medical Marijuana Dispensary; and

WHEREAS, the City Council determined that not all of the findings required by LGMC Sections 17.28.050(C) and 17.32.080 to grant a Conditional Use Permit for a Medical Marijuana Dispensary could be made; and

WHEREAS, the City Council determined that the findings outlined in LGMC Section 17.28.050(C)(1) and (2) could not be made and provided its reasoning as follows:

1. The use is not compatible with the neighborhood or the community; Total off-street parking supply of 10 parking spaces is insufficient resulting in parking and traffic impacts to adjacent residential and commercial land uses. The anticipated parking demand for employees is up to eight parking spaces, resulting in only two remaining spaces for customers. Due to insufficient on-site

parking, convenience oriented customers will be forced to utilize vacant parking spaces in front of neighboring businesses and residences due to ease of access.

2. The use is detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity;

The city block containing the proposed project site is developed with commercial and residential uses. Resulting overflow parking will impact the convenience and general welfare of nearby businesses and residents, as it will consume limited existing on street parking or result in customers utilizing parking on separate private property as a matter of convenience.

WHEREAS, the remaining findings identified in LGMC 17.28.050(C)(3) and (4) were not addressed by the City Council since the findings in LGMC 17.28.050(C)(1) and (2) could not be made, which has the result of requiring a denial of the Conditional Use Permit for the Medical Marijuana Dispensary; and

WHEREAS, the findings identified in LGMC 17.32.080(A) and (B) were not addressed by the City Council since the findings in LGMC 17.28.050(C)(1) and (2) could not be made, which has the result of requiring a denial of the Conditional Use Permit for a Medical Marijuana Dispensary; and

WHEREAS, the project to be denied is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270; and

NOW, THEREFORE, INCORPORATING THE ABOVE STATEMENTS HEREIN AND BASED ON THE RECORD OF THE PROCEEDING, BE IT RESOLVED that the City Council of the City of Lemon Grove, California, hereby denies Conditional Use Permit CUP-190-0002, a request to establish a Medical Marijuana Dispensary at 3515-3521 Harris Street in Special Treatment Area III, Regional Commercial, based on the findings above.

PASSED AND ADOPTED on _____, 2020, the City Council of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to Form:

Kristen Steinke, City Attorney



PLANNING PERMIT APPLICATION

CITY OF LEMON GROVE

Development Services Department / Planning Division

3232 Main Street, Lemon Grove, CA 91945

Phone: 619-825-3805 Fax: 619-825-3818

www.lemongrove.ca.gov

MAY 09 2019

DEVELOPMENT SERVICES

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

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

APPLICANT: KIM Investments LLC PHONE: [REDACTED]
 ADDRESS: 2221 Camino Del Rio South #207 FAX:
San Diego CA 92108 EMAIL: [REDACTED]

PROPERTY OWNER: RRJS LLC PHONE: [REDACTED]
 ADDRESS: 2221 Camino Del Rio South #207 FAX:
San Diego CA 92108 EMAIL: [REDACTED]

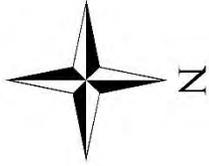
CONTACT PERSON: Joe Yousif PHONE: [REDACTED]
 ADDRESS: 2221 Camino Del Rio South #207 FAX:
San Diego CA 92108 EMAIL: [REDACTED]

*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: KIM Investments
 PROJECT ADDRESS: 3515 - 3521 Harris Street Lemon Grove CA 91945
 ASSESSOR PARCEL #: 479-052-07-00 SITE ACREAGE:

DETAILED DESCRIPTION OF PROPOSED PROJECT USE, STRUCTURE, AND IMPROVEMENT:
C.U.P. Cannabis

CUP-190-0002



- Legend**
-  3515-3521 Harris Street
 -  LG Parcels
 -  Roads



EXHIBIT A –PROJECT PLANS

Not Attached

Enclosed in City Council packet or available at City Hall for review



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 3

Meeting Date: January 21, 2020

Submitted to: Honorable Mayor and Members of the City Council

Department: Community Development Department

Staff Contact: Noah Alvey, Community Development Manager

Nalvey@lemongrove.ca.gov

Item Title: Public Hearing to Consider Planned Development Permit No. PDP-170-0003 and Tentative Map TMO-000-0064; A Request to Construct Six (6) Townhome Units at 8200 Hilltop Dr. in the Residential Medium High (RMH) Zone.

Recommended Action:

- 1) Conduct the Public Hearing;
- 2) Receive Public Comment; and,
- 3) Adopt a Resolution (Attachment A) Approving of Tentative Map (Condominium) TMO-000-0064; Authorizing the Subdivision of an Existing Undeveloped 0.25-Acre Parcel into Six (6) Townhome Units at 8200 Hilltop Drive; and,
- 4) Adopt a Resolution (Attachment B) Approving Planned Development Permit No. PDP-170-0003; Authorizing the Construction of Six (6) Townhome Units at 8200 Hilltop Drive.

Summary:

This is a request to construct six townhomes on a vacant lot addressed as 8200 Hilltop Drive. The site is located in the Medium High Density Residential General Plan land use designation and the Residential Medium High (RMH) zoning district. The Planning Commission conducted a public hearing on November 25, 2019, and recommended that the City Council approve the project and that the applicant explore with staff the compatibility of the color and materials of the project with the surrounding neighborhood.

Discussion:

This discussion provides a description of the proposed project and the conformance to the regulatory framework, including the deviations from development standards requested by the applicant and the proposed project enhancements.

Site and Project Description

The property to be developed at 8200 Hilltop Drive consists of a single vacant parcel of approximately 10,890 square feet (0.25 acres). The parcel is located at the northern boundary of the City of Lemon Grove adjacent to State Route 94. The site shares property lines with other multifamily zoned parcels to the north, east and west, and on the south side by Hilltop Drive (public street).

The vacant site slopes upwards from Hilltop Drive approximately 32 vertical feet from the lowest point at the southern property line to the highest point along the northern property line. The proposed project includes major grading and a series of retaining walls in order to develop the site to a six (6) townhome unit development consistent with the existing Residential Medium High zone and the land use designation (minimum of 4 units and a maximum of 7 units). The site is bisected by an existing sewer easement which divides the property into two distinct grade levels to create adequate building pads and vehicle access. The proposed units are located in a single three-story building, however, due to the significant grade difference there is a 11-foot grade change from units facing Hilltop Dr. and the units towards the rear of the property facing north. The upper portion of the site is devoted to Units D, E, and F and the lower portion of the site accommodates Units A, B, and C. Hilltop Dr. provides vehicular access to private garages facing Hilltop Dr. and provides access to a private driveway to access the remaining garages facing north.

Each building contains three distinct unit floor plans. All units are designed with a two-car garage on the first floor, followed by kitchen and living room areas on the second floor and bedrooms and/or lofts on the third floor. In addition, each unit will have access to a 605 square foot private rooftop space. Units A, B and C will also include 375 square feet of private balcony space (approx. 125 square feet each unit) oriented towards Hilltop Drive.

The project includes a subdivision for condominium purposes (for sale units). Standard conditions regarding improvements and services have been included in the Resolution of **Approval. In addition, a Homeowner's Association is required in order to ensure on-going** maintenance of the common areas of the project. The subdivision conditions are outlined in the Resolution of Approval (Attachment A).

General Plan Conformance

The project is located in the Medium High Density Residential land use designation. The intended uses for this designation include duplexes, town houses, condominiums and

apartments. The maximum density allowed in this land use designation is 29 dwelling units per acre or a maximum of seven units on the 0.25 acre site. The Municipal Code also specifies that multifamily dwellings must be consistent with specific programs in the general plan implementation manual. The project conforms to these programs as designed and conditioned. The proposed project is also consistent with General Plan Objective 2.0 which seeks “housing to meet the existing and future needs of Lemon Grove residents.” And Policy 2.3 which seeks to “require that new condominium and apartment development provides quality housing opportunities that uplift the visual quality of the surrounding area.”

Municipal Code Conformance

The Residential Medium High (RMH) zoning district (Section 17.16.040) is intended to provide for more compact multifamily housing development, such as garden apartments. Multi-family dwellings are authorized in the RMH zone with an approval of a Conditional Use Permit. However, LGMC Section 17.28.030(B)(1) requires a Planned Development Permit for developments that includes five or more principal dwelling units, a major subdivision and/or a condominium map.

Development Standards

LGMC Section 17.16.040(E) outlines basic standards which are applicable to all land and structures in the RMH zoning district. The following table outlines the standards for the **RMH zone and the project’s conformance to those standards.**

Criteria	RMH Standards	Project (Exhibit A)
Minimum and Maximum Density	Not less than one (1) dwelling unit per 3,000 sf = four (4) units and not more than one (1) dwelling unit per 1,500 sf = seven (7) units	Project consists of six (6) units
Minimum Yards (Setbacks)	Front: 25 feet Side: 5 feet Rear: 20 feet	Front: 20 feet <i>(Minor Modification applicable)</i> Side: 3 feet <i>(Proposed equivalent benefit)</i> Rear: 30 feet
Maximum Building Height	Main Building: 45 feet Accessory Structures: 15 feet	Main Building: 43 feet, 3 inches
Minimum Usable Open Space	500 sq. ft. per dwelling unit = 3,000 sq. ft.	4,005 sq. ft. (exceeding by 33%)
	Common open space = 1,500 sq. ft.	Not provided <i>(Proposed equivalent benefit)</i>
	Private open space = 1,500 sq. ft.	4,005 sq. ft.

Off-Street Parking	One (1) space per studio apartment; two (2) spaces for all other units, one of which must be covered.	Provided 12 off-street parking spaces – two-car garage for each dwelling unit.
	Guest parking shall be provided at a rate of one (1) space per four (4) dwelling units.	Provided zero (0) guest parking (<i>Minor Modification applicable</i>)

The proposed project site is in compliance with all development standards except for minimum front and side yard setbacks, minimum common usable open space and off-street parking.

In accordance with LGMC Section 17.28.030(D), Planned Development Permit applications allow deviations from development standards as described in Chapter 17.16, Zoning Districts, and Chapter 17.24, District Regulations, where it can be found that the project provides equivalent benefits and/or achieves efficiencies in use, structures, transportation and/or utility systems. The following deviations are requested:

1. A waiver of Section 17.16.040(E)(6) (Minimum Usable Open Space) to allow a reduction in the amount of usable open space provided. The RMH zone requires 500 square feet of usable open space per dwelling unit, resulting in a total of 3,000 square feet of required usable open space. In addition, LGMC Section 17.24.070 requires at least 50% of the total required usable open space shall be devoted to common open space. The Planned Development provisions identify the proposed enhanced outdoor amenity as one of nine enhancements that offset deviations.
2. A waiver of Section 17.16.040(E)(4) (Minimum Yards) to allow a reduction of the required side yard setback. The RMH zone requires a minimum of 5 feet for the side setback. The 2nd and 3rd floor of the proposed building projects 2 feet into the required side setback, whereas the 1st floor complies with the minimum 5 feet from the eastern property line.

Minor Modification regulations (Section 17.28.060D) also provides the Community Development Manager the ability to determine appropriate minor modifications as reasonable use of property. Because the project is subject to the Planned Development Permit process, the proposed minor modification is forwarded as a part of the project approval:

1. Front setback reduction from 25 feet to 20 feet which is no more than a twenty percent reduction of required front yard setback.
2. Off-street parking reduction from 13 spaces to 12 spaces which is no more than a ten percent reduction of required off-street parking for a multifamily development.

Staff recommends approval of the proposed Minor Modifications and Planned Development Permit deviations as designed based on the existing configuration of the parcel, the topographical constraints and the Regional Water Quality requirements. The site contains a 32-foot vertical elevation difference between the high and low points on the property. The property is required to provide a minimum density (not less than one unit for every 3,000 sq. ft.) which equates to four (4) units and a maximum density (29 units per acre) that equates to 7 units. In this case the project provides six (6) units and only achieves 85% of the maximum density due to the unique characteristics that limit maximum development. The proposed deviations are offset by a 3,630 square foot rooftop multipurpose space that can be utilized for private entertainment and gathering space as well as available garden area. The project also intends to implement sustainable design features in areas such as daylighting, energy, water preservation, and enhanced ADA accessibility.

Landscaping and Screening

The Lemon Grove Water Efficient Landscape Regulations in Chapter 18.44 of the LGMC require discretionary applications to provide landscaping that conforms to both the Zoning Ordinance and the aforementioned landscape regulations. Landscaping requirements and the proposed conditions for the project are as follows:

Criteria	Required	Provided
Minimum 15% Landscape Area	1,542 sq. ft.	1,948 sq. ft. (19%)
Minimum 25% Planted Landscape	385 sq. ft.	1,948 sq. ft. (100%)
Required On-Site Trees	Six (6)	Nine (9)

LGMC Section 17.24.050(B) requires all landscaping to be installed and maintained in accordance with a Landscape Plan, which will be prepared in substantial conformance with the Planned Development Permit prior to construction. A standard condition is included with the draft resolution to maintain landscaping in good condition at all times.

Noise Attenuation

The proposed project site is within a General Plan area identified as conditionally acceptable for residential development due to proximity from State Route 94. Based on the Noise Contours of 2015 found in the General Plan, the project site is located within a Community Noise Equivalent Level (CNEL) average of just below 70 decibels. The General Plan requires all projects in these areas exceeding 60 decibels CNEL to prepare an acoustical analysis to demonstrate that interior building noise levels will not exceed the state required interior noise limit of 45 decibels CNEL.

In observance of these requirements, the applicant prepared a noise study which recommended specific construction assemblies to ensure that the interior noise complies with levels of the General Plan and California Building Code standards. Recommendations include the use of double paned windows, solid cored exterior doors and exterior facing walls and ceiling installed with R-13 fiberglass insulation batts. Staff also recommends installing additional sound attenuation barriers on the north side of the building (dense landscaping or plexiglass) to reduce noise impacts to below 60 CNEL for the proposed roof top space for Units D, E and F. A letter from the acoustical consultant verifying that the wall, window and door assemblies shown on the construction plans meet the specifications of the Acoustical Analysis will be required prior to building permit issuance.

Traffic

A traffic study was prepared for the development to evaluate the increase of average daily trips (ADT), queueing analysis, and line of sight study.

Using the *SANDAG Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, the project is estimated to generate an additional 36 ADT with 3 AM peak hour trips (1 in / 2 out) and 3 PM peak hour trips (2 in / 1 out). Traffic counts were conducted on February 28, 2018, for 24-hour ADT counts along Hilltop Dr. with the ADT being 422. **Based on the existing conditions, the project's additional ADT of 36 to the surrounding street network would cause a minor increase to the existing traffic volumes, but not degrade the current level of service.**

A 42-inch retaining wall is proposed on the east side of the proposed project and may obstruct the view of both vehicles at the point of the edge of the curb for the vehicle driving out of the driveway. It is recommended that the eastern retaining wall be modified to improve sight adequacy for drivers. It is also recommended that no parking on-street on Hilltop Dr. along Units A, B and C to prevent any further sight distance issues.

Planning Commission Recommendation

The Planning Commission conducted a public hearing on November 25, 2019, and recommended that the City Council approve the project and that the applicant explore with staff the compatibility of the color and materials of the project with surrounding neighborhood. The applicant has expressed a willingness to work with staff to explore alternative color and materials of the project that compliments with the surrounding neighborhood.

Conclusion:

The City Council must make the following findings as stated in LGMC Section 17.28.030 in order to approve any Planned Development Permit application:

1. The development is not detrimental to the public interest, health, safety, or general welfare;
2. The development complies with applicable provisions of this title and/or deviations that comply with applicable provisions in subsection D;
3. The development is consistent with general plan policies and standards and other applicable plans or policies adopted by the city council;
4. The development density or intensity does not exceed general plan limitations;
5. Existing infrastructure such as utilities, transportation systems, and communication networks adequately serve the development or will be upgraded to efficiently accommodate the additional burdens imposed.

Staff believes that the required findings can be made in the affirmative and that required considerations were duly considered provided the conditions in the Resolution of Approval are observed.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Sections 15303 and 15332 Mitigated Negative Declaration

The proposed Tentative Map and Planned Development Permit are categorically exempt from the environmental review requirements of the California Environmental Quality Act Guidelines (Section 15303, New Construction or Conversion of Small Structures, and Section 15332, In-Fill Development Projects). Section 15303 applies to projects up to six units and Section 15332 applies to projects that are: (1) consistent with the applicable general plan designation, (2) occur within the city limits on a project site of no more than 5 acres, (3) have no value as habitat for endangered, rare or threatened species, (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) the site can be adequately served by all required utilities and public services. The Tentative Map and Planned Development Permit will include the construction of six townhome units on an existing vacant parcel of approximately 10,890 square feet (0.25 acres) in accordance with the Medium High Density Residential land use designation.

Fiscal Impact:

No fiscal impact.

Public Notification:

The Notice of Public Hearing for this item was published in the January 9, 2020 edition of the East County Californian and was mailed to all property owners within 500 feet of the subject property. Additionally, the applicant posted a non-commercial sign at the project site on November 13, 2019, which provided a conceptual drawing of the project and the contact information for the assigned city staff.

The City of Lemon Grove did not receive any comments in response to the Notice of Public Hearing and Environmental Analysis at the time this staff report was prepared. At the time of the public hearing, staff will provide the City Council with any comments received after the date this staff report was prepared.

Staff Recommendation:

- 1) Conduct the Public Hearing;
- 2) Receive Public Comment; and,
- 3) Adopt a Resolution (Attachment A) Approving of Tentative Map (Condominium) TM0-000-0064; Authorizing the Subdivision of an Existing Undeveloped 0.25-Acre Parcel into Six (6) Townhome Units at 8200 Hilltop Drive; and,
- 4) Adopt a Resolution (Attachment B) Approving Planned Development Permit No. PDP-170-0003; Authorizing the Construction of Six (6) Townhome Units at 8200 Hilltop Drive.

Attachments:

Attachment A – Draft Resolution for TM0-000-0064
Attachment B – Draft Resolution for PDP-170-0003
Attachment C – Vicinity Map
Attachment D – Site Photographs (Existing Conditions)
Attachment E – Project Plans

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, APPROVING TENTATIVE MAP (CONDOMINIUM) TM0-000-
0064; AUTHORIZING THE SUBDIVISION OF AN EXISTING UNDEVELOPED
0.25-ACRE PARCEL INTO SIX (6) TOWNHOME UNITS
AT 8200 HILLTOP DRIVE

WHEREAS, the applicants, Behzad Hafezi and Shapour Malekpour, filed a complete application for a Tentative Map (TM0-000-0064) request on December 11, 2017 to authorize a subdivision of an existing undeveloped 0.25-acre parcel into six (6) townhome units at 8200 Hilltop Drive; and

WHEREAS, the City Council is also considering Planned Development Permit No. PDP-170-0003 associated with this Tentative Subdivision (condominium) map (TM0-000-0064); and

WHEREAS, on November 25, 2019, a public hearing was duly noticed and held by the Planning Commission and the Planning Commission recommended that the City Council approve Tentative Map TM0-000-0064 and Planned Development Permit No. PDP-170-0003 with conditions of approval recommended by staff; and

WHEREAS, the Notice of Public Hearing for this item was published in the January 9, 2020 edition of the East County Californian and mailed to all property owners within 500 feet of the subject property; and

WHEREAS, the City has found the proposed Tentative Map and Planned Development Permit to be categorically exempt from the environmental review requirements of the California Environmental Quality Act Guidelines (Section 15303, New Construction or Conversion of Small Structures, and Section 15332, In-Fill Development Projects); and

WHEREAS, the City Council finds that all requirements of the California Environmental Quality Act (CEQA) have been met in that the Tentative Map is consistent with Class 3 Exemption (Section 15303(b) – New Construction or Conversion of Small Structures) which applies to construction of apartments, duplexes, and similar structures designed for not more than six (6) dwelling units. The Tentative Map (TM0-000-0064) will include the construction of six (6) townhome units on an existing vacant lot. The

Tentative Map is also consistent with Class 32 Exemption (Section 15332 – In-Fill Development Projects) which applies to projects that are; (1) consistent with the applicable general plan designation, (2) occur within the city limits on a project site of no more than 5 acres, (3) has no value as habitat for endangered, rare or threatened species, (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) the site can be adequately served by all required utilities and public services. The Tentative Map will include the subdivision of an existing vacant parcel of approximately 10,890 square feet (0.25 acres) into six townhome sites in accordance with the Medium High Density Residential General Plan land use designation.

WHEREAS, the City Council has considered said Tentative Map and recommendations of the Community Development Department, City Engineer, and the Heartland Fire Department with respect thereto and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans rules, standards and improvement and design standards of the City of Lemon Grove; and

WHEREAS, the City Council finds that the tentative map complies with the findings of fact required to approve this project pursuant to Development Code Section 16.16.400 as follows:

1. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the property has no environmentally protected resources; and
2. The proposed Tentative Subdivision Map (TM0-000-0064) is consistent with the Residential Medium High land use designation density (minimum of one (1) dwelling units per 3,000 square feet equally to four (4) units); and
3. The site is physically suitable for the proposed density of development because public utilities will be available to serve the proposed density; and
4. The design of the subdivision or the type of improvements will not cause serious public health problems because public services (e.g., sewer, water, gas, and electricity) will be provided to the subdivision; and

5. The design of the subdivision or type of improvements do not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision as defined under Section 66474 of the Government Code, State of California; and
6. The City Council finds that the subdivision conforms fully to the requirements of the Subdivision Ordinance and the Municipal Code and that the subdivision is consistent with the purpose and spirit of the Subdivision Map Act and Subdivision Ordinance; and
7. The design and improvements of the proposed subdivision map complies with the requirements of the State Subdivision Map Act and the Subdivision Ordinance; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California transmits the following recommendation to the City Council:

SECTION 1. This Tentative Map TM0-000-0064 is Categorically Exempt (New Construction or Conversion of Small Structures, and In-Fill Development Projects) from environmental review pursuant to Section 15303 and 15332 of the California Environmental Quality Act.

SECTION 2. Approve Tentative Map TM0-000-0064 in conjunction with Planned Development Permit No. PDP-170-0003 and the grading, landscape, and architectural plans received on July 31, 2019 (incorporated herein by reference as Exhibit A), except as noted herein. This approval authorizes the development of a 0.25-acre undeveloped parcel into six (6) townhome units at 8200 Hilltop Dr., Lemon Grove, California. Except as amended, the approval of this project shall be subject to the following conditions:

NO PARCEL SHOWN ON THIS APPROVED TENTATIVE SUBDIVISION MAP SHALL BE LEASED, SOLD, CONVEYED, OR TRANSFERRED, UNLESS AND UNTIL A SUBDIVISION MAP APPROVED BY THE CITY ENGINEER HAS BEEN FILED IN THE OFFICE OF THE COUNTY RECORDER.

A. Within five days of approval, the subdivider/applicant shall comply with the following:

1. Submit the appropriate payment for the CEQA filing fee and County Clerk Processing Fee (Categorical Exemption).
 2. Pay all outstanding fees for City permits related to this project.
- B. Prior to the recordation of the final map:
1. Obtain approval of all required discretionary permits Planned Development Permit No. PDP-170-0003.
 2. The applicant shall execute a covenant agreeing not to oppose the formation of future utility undergrounding districts that may affect this property.
 3. Execute and record an agreement not to oppose a street improvement and/or parks improvement district.
 4. Pay \$85 for the preparation and recordation of each document as required for the subject permit.
 5. Street right-of-way shall be dedicated to the City as shown on the tentative map. **Specifically, sufficient right of way to complete a 28' half-width for Hilltop Drive must be dedicated. The City will prepare a "Grant Deed – Right Of Way Dedication"** Agreement for signature prior to recordation of the final map.
 6. A secured agreement to construct the public improvements shall be required prior to either recordation of the final map or building permitting. A cost estimate for work proposed within the public right of way shall be submitted with the plans. Subsequent to approval of the cost estimate, the City will prepare the improvement agreement for signature by the owner. A security equal to the approved cost estimates shall be posted with the public improvement agreement.
 7. In order to provide permanent access for sanitation maintenance vehicles, a permanent easement for right of entry must be granted to the Lemon Grove Sanitation District for both the upper and lower portion of the lot. This right of entry easement must be shown on the final map.
 8. The design and area of all lots and the design of the final map shall be in substantial conformance to that shown on the approved tentative map to the satisfaction of the Community Development Manager.
 9. The subdivider shall submit a title report for the property no more than 60 days in advance of the recordation of the Final Condominium Map to the City Engineer for

review. The final map shall identify any easements indicated within the Title Report.

10. **A Homeowner's Association (HOA) shall be created to manage the Covenants, Conditions and Restrictions (CC&Rs).** Said CC&Rs shall be submitted to the City for review and shall be written to the satisfaction of the Community Development Manager and the City Engineer. The CC&Rs shall include the requirements of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved for this project to the satisfaction of the Water Quality Program Coordinator, City Engineer and Community Development Manager and all other HOA requirements and shall be recorded concurrent with the final map and shall include but not limited to:

- i. **Best Management Practices (BMP's) and a Private Driveway and Drainage Maintenance Agreement.** The maintenance and the preservation of the drainage facilities shall be included in the CC&Rs. The Developer, Current and Future Property Owners shall adhere to the recommendations of the Water Quality Documents and CC&Rs approved for this project.
- ii. The HOA shall provide on-going maintenance of landscaping and irrigation of planting areas, parkways, and open space areas. The CC&Rs shall show private on-grade open space areas (near individual units) and designate unit responsibilities for maintenance.
- iii. Immediate removal of graffiti is required.
- iv. All garage doors shall be automatic roll-up type doors and equipped with remote control devices.
- v. All landscaping and other exterior site improvements on-site shall be well maintained at all times in substantially the same condition as approved in accordance with the approved site and landscape plans.
- vi. Requirements to maintain the drainage facilities and any access easements (where they occur) on the property.
- vii. **Identify and implement the BMP's identified in the Standard Urban Stormwater Mitigation Plan (SUSMP) prepared for this project and state that the Developer, Current and Future Property Owners shall comply with the recommendations of the SUSMP prepared for this project to the**

- satisfaction of the Water Quality Program Coordinator and the City Engineer.
- viii. Funding of the long term maintenance of the all facilities required by the Water Quality documents shall be included in the annual HOA budget.
 - ix. A long-term operation and maintenance program (OMP) will be a **requirement and the responsibility of the Homeowners' Association (HOA)** to maintain. Funding for the program is required to be accounted for in the annual budget of the HOA.
 - x. Routine maintenance of all mechanical ventilation, heating and cooling equipment is required to ensure adequate air quality is achieved because of the proximity to SR94.
11. The Declaration of Conditions, Covenants, and Restrictions (CC&Rs) shall clearly establish the responsibilities of the home owners with regard to the continuing maintenance and preservation of the buildings, driveways, private street and drainage facilities (where they occur), slopes, landscaping and irrigation. Said CC&Rs shall specifically limit the number of dwelling units to six (6) units to be built on the site, shall give the City the right but not the duty to enter the premises to do maintenance and levy assessments if the home owners fail or refuse to maintain said facilities, and shall prohibit amendments to the CC&Rs without express written consent of the City.
12. The subdivider shall provide the City Engineer with two reproducible Mylar copies of the final map for recordation.
- C. Prior to issuance of any grading or improvement permit:
- 1. Submit a private grading plan (showing existing and proposed on-site improvements including but not limited to paving, grading, utilities, retaining walls, and drainage features). The plan shall be prepared in accordance with the **City's standard requirements by a Registered Civil Engineer. All necessary** measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading.

2. A letter of permission to grade or construct, and/or a temporary private construction easement shall be required for all construction areas occurring outside the property on adjacent private property.
3. All existing survey monuments shall be shown on the grading and public improvement plans. Prior to permit issuance, the Applicant, or Permittee shall retain the service of a professional Land Surveyor, L.S., or Civil Engineer authorized to practice Land Surveying who will be responsible for monument preservation and shall provide a corner record or record of survey to the County Surveyor as required by the Land Surveyors Act, if applicable, Section 8771 of the Business and Professions Code of the State of California.
4. No grading permit shall be issued for grading unless the applicant shall first post a security with the City comprised of a cash deposit or a combination of cash deposit and corporate surety bond of a surety authorized to do business in the state.
5. All grading permit fees and deposits shall be paid and all actions necessary preceding the issuance of the grading permit shall be completed.
6. The contractor/permittee conducting any earth moving operation shall be responsible for controlling dust created by its grading operation or activities at all times.
7. Submit an application to be included into the Lemon Grove Lighting District. The property owner will be assessed annually.
8. A preliminary soils engineering report shall be submitted for the Engineering **Department's review prior to issuance of grading and improvement permits. The** report shall address, at a minimum, items as stated in Municipal Code Section 18.08.120. In addition to verifying the tentative map soil stability survey report, the preliminary soils report shall address the adequacy of the building pads, the maximum allowable soil bearing pressure and the recommended minimum pavement structural sections for the proposed streets, the parking areas, and the driveways.
9. **The erosion control plan must comply with the city's Stormwater BMP manual** prior to issuance of grading permit.

10. Building permits shall be submitted with the grading plans for the retaining and free standing walls where required, except as noted in this condition, building permits shall be termed Building Permits for Post-Grading Activities in the resolutions approving the project.
11. Per LGMC Section 12.10.060, up to one half of the public street ultimate right-of-way abutting the subject property shall be improved with public street improvements for the entire length of the subject property abutting the public street so as to meet the current city adopted standards. This will require the submittal of improvement plans and associated documents to the Engineering Division for review, approval and issuance of an Improvement Permit. Should the existing street improvements meet current standards, be in a condition satisfactory to the City Engineer, the City Engineer may waive this requirement, or portions thereof.
12. Per LGMC 12.10.080, when public street improvements are required in accordance with Section 12.10.060, the property owner(s) shall be required to underground or relocate all existing utility distribution facilities, including telecommunication lines, along the frontage of the subject property as required by the city engineer. The property owner(s) shall make the necessary arrangements with each of the serving utilities, including licensed telecommunication operators for the installation or relocation of such facilities.
13. A Right-Of-Way Permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way.
14. The property owner(s) shall furnish all of the following to the engineering division upon applying for a permit to construct public street improvements:
 - i. A street improvement plan prepared by a civil engineer registered in the state of California;
 - ii. An erosion control plan prepared by a civil engineer or landscape architect registered in the State of California;
 - iii. A landscape and irrigation plan prepared by a landscape architect registered in the State of California, if planting is required;
 - iv. Engineering review fees for the construction permit as described in Section 12.10.070.

15. An Encroachment, Maintenance, and Removal Agreement (EMRA) will be required prior to the Improvement Permit issuance. The EMRA will mandate the responsibility of the property owner to maintain any proposed private improvements, stairwells, walls, walkways, handrails, railings, curb outlets, utilities, and landscape and irrigation within the public right-of-way, and removals as required by the City.
16. The installation of gas, electric, sewer, water lines, and any other below surface utilities shall take place before the installation of any concrete curb, gutters, sidewalks, and the surfacing of streets.
17. A final soils engineering report shall be submitted for the Engineering **Department's review following grading activities but prior to final inspection for** grading permits. The report shall address, at a minimum, items as stated in Municipal Code Section 18.08.800.
18. A pad certification and compaction report shall be submitted to the City for review and approval prior to applicant request for final inspection on the grading permit.
19. Separately submit, and obtain current approval from the Helix Water District. A signature/date within a HWD signature block on the final Grading and Public Improvement Plan will be required.
20. Obtain approval from the Heartland Fire & Rescue. A signature/date within a signature block on the final Grading and Public Improvement Plan will be required.
21. The project must maintain water quality requirements as outlined in the Water Quality Documents.
22. The subdivider shall provide the City Engineer with letters from the serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels created. No letter will be required from the Pacific Bell Telephone Company.
23. All new utility distribution facilities, including cable television lines, within the boundaries of any new subdivision or within any half street abutting a new subdivision shall be placed underground. The subdivider shall coordinate with the necessary cable television operators for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and

other facilities necessarily appurtenant to such underground utilities and street lighting systems may be placed above ground unless directed otherwise by the City Engineer. All proposed structures on the subject property shall connect to the utility systems via underground systems.

24. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: a) they have received from the developer a copy of the proposed final map; b) they object to/do not object to the filing of the map without their signature. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the tentative map.
 25. The subdivider shall prepare construction plans and construct drainage facilities in accordance with the Drainage and Hydrology Study prepared for the project and to the satisfaction of the City Engineer.
 26. Private Drainage facilities (inlets and drainage ditches) require an assurance of maintenance. A Drainage Maintenance Agreement is required for all private drainage facilities impacting neighboring properties and/or the public. Should the property owner of APN 499-181-02 be the responsible party, a private drainage easement shall be required from the property owner of APN 499-181-03.
 27. On-site drainage shall be in compliance with the National Pollutant Discharge Elimination System (NPDES) permit.
 28. Submit plans showing the size, type, and location of the required fire hydrant, minimum water supply pipe size, minimum turn radii and road width and all other requirements of the Fire Department. A final inspection by the Fire Department shall be required to confirm compliance with this requirement.
 29. The subdivider shall grant to the appropriate agency by recorded documents all required easements, specifically all on-site water main easements that serve fire hydrants, or furnish a letter from said agency that none are required.
- D. The protection of the public interest requires that the subdivider, contractors, builders, lot or parcel owners, and other person, firms and corporations concerned

with the development of said subdivision conform to the following standards, and all permits required by the City of Lemon Grove will be issued pursuant to such standards:

1. All domestic water supplied for this subdivision shall come from the Helix Water District.
 2. All buildings constructed in this subdivision shall be connected to the public sewer system of the Lemon Grove Sanitation District.
 3. Future construction on the site shall comply with applicable provisions of the California Building Code.
 4. Sewer and water lines shall not be laid in the same trench in any part of this subdivision.
 5. Proper drainage shall be maintained throughout this subdivision as to prevent ponding and/or storage of surface water and shall be in compliance with the National Pollutant Discharge Elimination System (NPDES) permit to the satisfaction of the City Engineer.
- E. Approval of this tentative map will expire two years from the date of approval. The final map or maps conforming to this conditionally approved tentative map shall be filed with the City Council in time so that said Council may approve the map before this approval expires unless prior to that date the Planning Commission or City Council subsequently grants a one-year time extension for obtaining such approval of said final map or maps as provided by the City Subdivision Ordinance.
- F. The subdivider shall indemnify, protect, defend, and hold harmless, the City and any agency thereof, and/or any of its officers, employees, and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees, or agents to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project, City shall promptly notify the applicant/subdivider of any claim, action, or proceeding brought within this time period, and City shall further cooperate fully. If the City fails to promptly notify the applicant/subdivider of any such claim, action, or proceeding, or fails to cooperate fully in the defense, the applicant/subdivider shall not thereafter be responsible to indemnify, defense, protect

or hold harmless the City, any agency or instrumentality thereof, or any of its officers, employees, or agents.

PASSED AND ADOPTED on January 21, 2020, the City Council of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to Form:

Kristen Steinke, City Attorney

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, APPROVING PLANNED DEVELOPMENT PERMIT NO. PDP-170-
0003; AUTHORIZING THE CONSTRUCTION OF SIX (6) TOWNHOME UNITS
AT 8200 HILLTOP DRIVE

WHEREAS, the applicants, Behzad Hafezi and Shapour Malekpour, filed a complete application for a Planned Development Permit (PDP-170-0003) request on December 11, 2017 to authorize a subdivision of an existing undeveloped 0.25-acre parcel into six (6) townhome units at 8200 Hilltop Drive; and

WHEREAS, the City Council is also considering Tentative Map TM0-000-0064 associated with this Planned Development Permit (PDP-170-0003); and

WHEREAS, the City has found the proposed Planned Development Permit and Tentative Map to be categorically exempt from the environmental review requirements of the California Environmental Quality Act Guidelines (Section 15303, New Construction or Conversion of Small Structures, and Section 15332, In-Fill Development Projects); and

WHEREAS, the City Council finds that all requirements of the California Environmental Quality Act (CEQA) have been met in that the Planned Development Permit is consistent with Class 3 Exemption (Section 15303(b) – New Construction or Conversion of Small Structures) which applies to construction of apartments, duplexes, and similar structures designed for not more than six (6) dwelling units. The Planned Development Permit (PDP-170-0003) will include the construction of six (6) townhome units on an existing vacant lot. The Planned Development Permit is also consistent with Class 32 Exemption (Section 15332 – In-Fill Development Projects) which applies to projects that are; (1) consistent with the applicable general plan designation, (2) occur within the city limits on a project site of no more than 5 acres, (3) has no value as habitat for endangered, rare or threatened species, (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) the site can be adequately served by all required utilities and public services. The Planned Development Permit will include the construction of six (6) townhome units on an existing vacant parcel of approximately 10,890 square feet (0.25 acres) located in the

Medium High Density Residential land use designation. The intended uses for this designation include duplexes, town houses, condominiums and apartments.

WHEREAS, on November 25, 2019, a public hearing was duly noticed and held by the Planning Commission and the Planning Commission recommended that the City Council approve Tentative Map TM0-000-0064 and Planned Development Permit No. PDP-170-0003 with conditions of approval recommended by staff; and

WHEREAS, the Notice of Public Hearing for this item was published in the January 9, 2020 edition of the East County Californian and mailed to all property owners within 500 feet of the subject property; and

WHEREAS, the City Council has considered said Planned Development Permit (PDP-170-0003) and recommendations of the Community Development Department, City Engineer, and the Heartland Fire Department with respect thereto and has determined that the conditions hereinafter enumerated are necessary to insure that the subdivision and the improvements thereof will conform to all ordinances, plans rules, standards and improvement and design standards of the City of Lemon Grove; and

WHEREAS, the City Council has determined that the following deviations, waivers, or modifications as permitted by the Planned Development Permit regulations (Section 17.28.030D) are adequately offset by outdoor amenities and sustainable design features:

1. A waiver of Section 17.16.040(E)(6) (Minimum Usable Open Space) to allow a reduction in the amount of usable open space provided. The RMH zone requires 500 square feet of usable open space per dwelling unit, resulting in a total of 3,000 square feet of required usable open space. In addition, LGMC Section 17.24.070 requires at least 50% of the total required usable open space shall be devoted to common open space. The Planned Development provisions identify the proposed enhanced outdoor amenity as one of nine enhancements that offset deviations.
2. A waiver of Section 17.16.040(E)(4) (Minimum Yards) to allow a reduction of the required side yard setback. The RMH zone requires a minimum of 5 feet for the side setback. The 2nd and 3rd floor of the proposed development projects

2 feet into the required side setback, whereas the 1st floor complies with the minimum 5 feet from the eastern property line.

WHEREAS, the City Council finds that the Planned Development Permit complies with the findings of fact required to approve this project pursuant to Development Code Section 17.28.030(C) as follows:

1. The development is not detrimental to the public interest, health, safety, or general welfare;

The proposed use is categorically exempt from environmental impacts and no impacts are anticipated. The City Council finds that the design of the proposed project complies or will be made to comply with all the applicable requirements of the City Zoning Ordinance relating to public safety and no such detriment should occur.

2. The development complies with applicable provisions of this title and/or deviations that comply with applicable provisions in subsection D;

The City Council finds that the proposed project complies with, or conditions have been included for this project to require it comply with the Zoning Ordinance relating to maximum density, building height, and landscaping and waivers or modifications to the minimum front and side yard setback, off-street parking requirements, and minimum usable common open space are offsets by the provision of outdoor amenities and resource conservation features for residents of the subdivision.

3. The development is consistent with general plan policies and standards and other applicable plans or policies adopted by the city council;

The City Council finds that the proposed development, as conditioned, will harmonize with the land uses in the area of the subject property and is consistent with the applicable objectives of the Lemon Grove General Plan.

4. The development density or intensity does not exceed general plan limitations; The City Council finds that the planned development of six (6) townhome units

at a density of 24 dwelling units per acre, is consistent with the Lemon Grove General Plan which limits density at 29 dwellings per acre.

5. Existing infrastructure such as utilities, transportation systems, and communication networks adequately serve the development or will be upgraded to efficiently accommodate the additional burdens imposed;

The City Council finds that appropriate public services (e.g., sewer, water, gas, and electricity) exist to the subject property and that improvements proposed for the project allow for safe circulation of pedestrian, bicyclists, and motor vehicles and improve the general welfare of the community

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California approves Planned Development Permit No. PDP-170-0003 subject to the following requirements:

SECTION 1. Waive or modify the following Design Standards in accordance with LGMC Section 16.12.280:

1. A waiver of Section 17.16.040(E)(6) (Minimum Usable Open Space) to allow a reduction of usable common open space as specified in the Development Code.
2. A waiver of Section 17.16.040(E)(4) (Minimum Yards) to allow the proposed condominium lots to have a reduced minimum side yard as specified in the Development Code.

SECTION 2. This Planned Development Permit No. PDP-170-0003 is Categorically Exempt (New Construction or Conversion of Small Structures, and In-Fill Development Projects) from environmental review pursuant to Section 15303 and/or 15332 of the California Environmental Quality Act.

SECTION 3. Approve Planned Development Permit No. PDP-170-0003 in conjunction with Tentative Map TMO-000-0064 and the grading, landscape, and architectural plans received on July 31, 2019 (incorporated herein by reference as Exhibit A), except as noted herein. This approval authorizes the development of a 0.25-acre undeveloped parcel into six (6) townhome units at 8200 Hilltop Dr., Lemon Grove, California. Except as amended, the approval of this project shall be subject to the following conditions:

- A. Prior to the issuance of the building permit for the construction of the facility authorized by this Planned Development Permit the applicant shall comply with the following:
1. Submit construction plans that show all physical elements of the proposed project consistent with Exhibit A dated July 31, 2019 except as noted herein.
 2. The project plans shall show compliance with the applicable provisions of the California Building Code.
 3. Submit for the approval of the Community Development Manager a detailed landscape and irrigation plan for the entire project. Provide reference sheets for the grading and landscape erosion **control plans (label these sheets “Reference Only”)**. **Said landscape plan shall comply with the requirements of Section 17.24.050(B) of the Municipal Code.** The landscape plan shall be in substantial conformance to the approved landscape concept plan. The landscape plan shall be incorporated into the Conditions, Covenants and Restrictions (CC&Rs) and **landscaping and irrigation shall be maintained by the Homeowner’s Association (HOA).** The plans shall show:
 - i. Plantings are drought tolerant materials and water conserving irrigation.
 - ii. Surface improvements including but not limited to the design and locations of all walls, fences, driveways, walkways, botanical and common names of all plant materials, number, size and location of all plantings; all irrigation lines including valves and back-flow devices; and soil amendments.
 - iii. Show all safety railings and construction details for retaining walls.
 4. The building plans for the proposed condominium units shall include one copy of the sample exterior building materials and colors to the satisfaction of the Community Development Director.
 5. Prior to the issuance of the building permits for the proposed dwelling units, the applicant shall submit an addendum to the acoustical analysis that includes the private rooftop space and any recommendations shall be incorporated into the building plans.
 6. Obtain sewer permits and pay capacity fees for six (6) units.
 7. **Soil’s Engineer of record shall prepare and submit a final soils engineering report prepared by the soil’s engineer, as required per LGMC 18.08.83; Section A.2.**

8. On the Precise Grading Plan/Plot Plan, demonstrate that the accessible path of travel (POT) to any accessible unit, shown on the Site Plan by surveyed methods meets the requirements for accessibility. Show slopes and/or elevations.
 9. The eastern retaining wall shall be modified to improve sight adequacy for drivers to the satisfaction of the Community Development Manager and City Engineer.
- B. Prior to the obtaining occupancy and/or final inspection for the facility authorized by this Planned Development Permit the applicant shall comply with the following:
1. Request final inspection approval from appropriate City Departments. The payment of the Parkland Dedication fee shall be paid for each dwelling unit prior to requesting a final inspection.
 2. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
 3. Vehicular sight distance of all driveway entrances shall be to the satisfaction of the City Engineer.
 4. All access roadways and driveways shall maintain a minimum vertical clearance of **13'-6" to the satisfaction of the Fire Marshal.**
- C. Upon certification by the Community Development Manager for occupancy or establishment of use allowed by the Planned Development Permit of this project, the following shall apply:
1. Comply with all of the Conditions of Section A of this resolution and the requirements of TMO-0064, as applicable.
 2. All landscaping shall be well maintained and adequately watered at all times. The landscaping located on the subject property shall be maintained in a healthy and growing condition at all times. All on-site & off-site landscaped areas shall be planted and irrigated by a permanent irrigation system.
 3. The proposed facility shall fully comply with the requirements of the Fire Code to the satisfaction of the Fire Chief.
 4. The project shall maintain water quality requirements as outlined in the Water Quality Documents.
 5. The project shall comply with all applicable provisions of the California Building Code.

6. All screening fences, walls and landscaping on the subject property shall be maintained in good condition at all times.
 7. All light fixtures shall be designed, shielded and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises.
 8. All graffiti shall be removed or painted over with a paint that closely matches the color of the exterior of the building within 48 hours of the discovery of the graffiti.
 9. All dumpsters, recycling and refuse containers shall be maintained at all times.
 10. All structures on the subject property shall comply with all of the appropriate requirements of the Uniform Building Code, Mechanical Code, National Electric Code and Fire Code to the satisfaction of the City of Lemon Grove Building Official and Fire Chief.
 11. All aspects of the project shown on the approved plans dated July 31, 2019 shall be maintained in substantially the same condition as indicated and shall be constructed in accordance with all appropriate City of Lemon Grove Codes and Ordinances
 12. The terms and conditions of this Planned Development Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Planned Development Permit and the heirs, executors, administrators, successors, and assigns of each of them, including Municipal Corporation, public agencies, and districts.
- D. This Planned Development Permit expires two years from the effective date (or such longer period as may be approved by the Planning Commission or the City Council of the City of Lemon Grove prior to said expiration date) unless all requirements of this Planned Development Permit have been met prior to said expiration date.
- E. This Planned Development Permit authorizes the construction of the project as an apartment complex and does not require or compel the recordation of the map.

PASSED AND ADOPTED on January 21, 2020, the City Council of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Shelley Chapel, MMC, City Clerk

Approved as to Form:

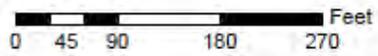
Kristen Steinke, City Attorney

**PDP-170-0003
TM0-0064**



Legend

-  8200 Hilltop Dr.
-  LG Parcels
-  Roads











Attachment D



EXHIBIT A –PROJECT PLANS

Not Attached

Enclosed in City Council packet or available at City Hall for review