



City of Lemon Grove
City Council Regular Meeting Agenda
Tuesday, July 16, 2019, 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:

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: Molly Brennan, Finance Director

Recommendation: Ratify Demands

C. Approval of Meeting Minutes

Regular Meeting

July 2, 2019

Reference: Shelley Chapel, City Clerk

Recommendation: Approve Minutes

D. Springbrook License, Maintenance, and Support Agreement

Reference: Molly Brennan, Administrative Services Director

Recommendation: Adopt a Resolution entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving an Agreement with Springbrook Software."

E. Rejection of Claim – Angela Crutchfield

Reference: Mike James, Assistant City Manager

Recommendation: City Council rejects the Claim submitted by Angela Crutchfield.

F. Rejection of Claim – Heirs to Trevon Harris, Tanya Harris, and Tye Harris

Reference: Mike James, Assistant City Manager

Recommendation: City Council rejects the Claim submitted by Heirs to Trevon Harris, Tanya Harris, and Tye Harris.

G. Letter of Support for Ocean Pollution Reduction Act II of 2019 (*Sanitation District Item*)

Reference Mike James, Assistant City Manager

Recommendation: Approve the Letter of Support and Direct Staff to Submit the Signed Letter to the Office of Congressman Scott Peters.

Public Hearings:

2. Administrative Appeal AA1-900-0001

Reference: Mike Viglione, Associate Planner

Recommendation: Conduct the Public Hearing, Receive Public Comment, and Adopt a Resolution Upholding the Development Services Department Decision to Deny Zoning Clearance Application ZCM-180-0004.

3. Administrative Appeal AA1-900-0002

Reference: Mike Viglione, Associate Planner

Recommendation: Conduct the Public Hearing, Receive Public Comment, and Adopt a Resolution Upholding the Development Services Department Decision to Deny Zoning Clearance Application ZCM-180-0006.

Closed Session:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Government Code Section 54956.9b

Number of potential cases: 1

2. LIABILITY CLAIM (GOVERNMENT CODE SECTION §54956.95)

Claimant: Hasen, Harold

Agency Claimed Against: City of Lemon Grove

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9

Name of Case: City of Lemon Grove v. The Grove Collective, et al.
(CASE NO. 37-2016-00015271-CU-BC-CTL)

4. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS
Government Code Section 54956.8
Property: 3600 block of Olive, Lemon Grove, CA 91945
Agency Negotiation: City of Lemon Grove
Negotiating Parties: City Manager, Lydia Romero, and Assistant City Manager, Mike James
Under Negotiation: Instruction to Negotiate

5. PUBLIC EMPLOYEE EMPLOYMENT
Government Code Section 54957
Performance Evaluation: City Manager

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 July 11, 2019, 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: July 16, 2019
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: July 16, 2019
Submitted to: Honorable Mayor and Members of the City Council
Department: City Manager's Office
Staff Contact: Molly Brennan, Finance Manager
<mailto:MBrennan@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:

Molly Brennan, Administrative Services Director

For Council Meeting: 07/16/19

ACH/AP Checks 06/20/19-07/02/19

897,833.04

Payroll - 07/02/19

135,922.20

Total Demands

1,033,755.24

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	Jun18 19	Employment Development Department	06/20/2019	State Taxes 6/18/19	9,993.31	9,993.31
ACH	9553082	Leaf	06/21/2019	Ricoh C3502 Copier System - PW Yard	200.69	200.69
ACH	Jun18 19	US Treasury	06/25/2019	Federal Taxes 6/18/19	35,882.15	35,882.15
ACH	59657939	WEX Bank	06/26/2019	Fuel - Fire Dept - May'19	195.25	195.25
ACH	May22-Jun18 19	California Public Empl Retirement System	06/26/2019	Pers Retirement 5/22/19-6/18/19	60,145.86	60,145.86
ACH	Jun19	Wage Works	06/30/2019	FSA Reimbursement - Jun'19	317.64	317.64
ACH	Jun19	Power Pay Biz/Evo	07/01/2019	Online Credit Card Processing - Jun'19	99.82	99.82
ACH	Jul 2019	Pers Health	07/02/2019	Pers Health Insurance - Jul 19	47,202.04	47,202.04
ACH	Jun19	Authorize.Net	07/02/2019	Merchant Fees - Jun'19	29.40	29.40
11518	16334	AAir Purification Systems	06/26/2019	Repair/Exhaust System/Air line - Fire Station	172.50	172.50
11519	INV-ACC46704	Accela, Inc. #774375	06/26/2019	Prof Svcs: Financial Software Training - Mar-May '19	2,623.50	2,623.50
11520	2019-78	American Asphalt South, Inc.	06/26/2019	FY2018-19 Street Rehab Proj/Contract # 2019-08 - thru 6/30/19	295,009.49	295,009.49
11521	5/13/2019	AT&T	06/26/2019	Phone Service 5/13/19-6/12/19	82.52	82.52
11522	17208L-IN 33684-IN	Aztec Landscaping Inc.	06/26/2019	Weed Abatement -Citronella Channel (behind Arco) Landscape Mgmt Svc - May'19	2,065.50 9,138.00	11,203.50
11523	Jun-19 Jun-19	BCC	06/26/2019	LTD Insurance - Jun19 Life Insurance - Jun19	668.09 77.28	745.37
11524	948780-9 949154-9 950153-9 950466-9 950744-9 951851-9	BJ's Rentals	06/26/2019	Propane Propane Propane Equipment Rental/Weed Wackers-Weed Abatement Propane Propane	6.03 6.18 17.27 193.20 17.35 14.33	254.36
11525	6100705	Bob Stall Chevrolet	06/26/2019	LGPW#28- '08 Chevy Colo - Maintenance & Rep/Blower Res/Air Inlet	1,214.80	1,214.80
11526	83220968	Boundtree Medical LLC	06/26/2019	Medical Supplies- Stethoscope Parts Kit	62.04	62.04
11527	20183876	Canon Financial Services Inc.	06/26/2019	Canon Plotter Contract Charge 6/21/19-7/20/19	144.00	144.00
11528	4029381887	Canon Solutions America, Inc.	06/26/2019	Canon Maintenance-Copier Usage 2/26/19-5/25/19	67.02	67.02
11529	1900621130 4023870858	Cintas Corporation #694	06/26/2019	Janitorial Supplies - 6/10/19 Janitorial Supplies - 6/13/19	1,012.63 184.91	1,197.54
11530	1306 1335	City of Chula Vista	06/26/2019	Animal Control Services- Apr '19 Animal Control Services- May '19 After Hours Calls- Jul'18-May'19 Credit/Impound Fees/Animal Control Services- Jul'18-May'19	24,163.00 24,163.00 4,308.04 -3,985.00	48,649.04
11531	FRS0000164 FRS0000164 FRS0000164 FRS0000164 FRS0000164 FRS0000164 FRS0000164 FRS0000164	City of El Cajon	06/26/2019	Overtime Reimbursement - Diaz 6/1/19 Overtime Reimbursement - Diaz 6/7/19 Overtime Reimbursement - Diaz 6/11/19 Overtime Reimbursement - Dozier 6/8/19 Overtime Reimbursement - Dozier 6/12/19 Overtime Reimbursement - Garcia 6/13/19 Overtime Reimbursement - Kelsen 6/11/19 Overtime Reimbursement - Royer 6/4/19	1,197.49 1,197.49 748.43 1,328.28 1,328.28 1,197.49 1,197.49 1,197.49	9,392.44
11532	21067 21068	City of La Mesa	06/26/2019	Household Hazardous Waste Event- 5/11/19 Household Hazardous Waste Event- 6/8/19	763.50 621.50	22,577.26

21071				Overtime Reimbursement - Sergeant 5/12/19	1,257.14	
21071				Overtime Reimbursement - Lopez 5/22/19	1,257.14	
21071				Overtime Reimbursement - Kleist 5/23/19	1,418.22	
21071				Overtime Reimbursement - Garcia 5/27/19	1,099.21	
21071				Overtime Reimbursement - Garcia 6/3/19	1,099.21	
21071				Overtime Reimbursement - Lima 6/4/19	1,257.14	
21071				Overtime Reimbursement - Granger 6/5/19	1,046.83	
21071				Overtime Reimbursement - Garcia 6/7/19	1,099.21	
21072				Overtime Reimbursement - Kleist 4/21/19	1,418.22	
21072				Overtime Reimbursement - Doig 4/21/19	1,418.22	
21072				Overtime Reimbursement - Blethen 4/26/19	1,344.18	
21072				Overtime Reimbursement - Sergeant 4/27/19	1,257.14	
21072				Overtime Reimbursement - Doig 5/4/19	1,418.22	
21072				Overtime Reimbursement - Pantovich 5/5/19	1,257.14	
21072				Overtime Reimbursement - Georgi 5/9/19	1,257.14	
21072				Overtime Reimbursement - Georgi 5/10/19	26.19	
21072				Overtime Reimbursement - Baum 5/11/19	1,004.57	
21072				Overtime Reimbursement - Pantovich 5/11/19	1,257.14	
11533	180	CityPlace Planning, Inc.	06/26/2019	Interim Dev Svcs Dir Tasks - May'19	3,494.80	3,494.80
11534	2083	Clark Telecom & Electric Inc.	06/26/2019	Street Light Repairs Solar Powered Crossing Sign Repair - May'19	1,795.96	3,186.29
	2125			Street Light Dig-Alert Markouts - May'19	679.23	
	2130			Street Light Repairs - May'19	711.10	
11535	39384	Colantuono, Highsmith & Whatley, PC	06/26/2019	Legal Svcs/Campaign Finance Enforcement - thru May'19	3,847.50	3,847.50
11536	6/7/2019	Cox Communications	06/26/2019	Calsense Modem Line:2259 Washington 6/6/19-7/5/19	21.03	138.62
	6/7/2019			Calsense Modem Line:7071 Mt Vernon 6/6/19-7/5/19	19.93	
	6/4/2019			Phone/Rec Ctr/ 3131 School Ln 6/4/19-7/3/19	97.66	
11537	4989	D- Max Engineering Inc.	06/26/2019	3515 Harris St MMD Review 5/22/19-5/30/19	342.50	342.50
11538	0625192305	Domestic Linen- California Inc.	06/26/2019	Shop Towels & Safety Mats 6/25/19	86.60	86.60
11539	6/10-13/19	Esgil Corporation	06/26/2019	75% Building Fees- 6/10/19-6/13/19	3,574.09	21,679.90
	6/3-6/19			75% Building Fees- 6/3/19-6/6/19	18,105.81	
11540	130842	Fire Etc.	06/26/2019	29 Fire Hoses/4"/2.5"/1.75"/50 & 100 feet	4,752.42	4,752.42
11541	INV1015558	George Hills Company	06/26/2019	TPA Claims- Adjusting/Other Services - May 19	2,055.40	2,055.40
11542	1000000010384363	Globalstar USA, Inc.	06/26/2019	Satellite Service 5/16/19-6/15/19	171.17	171.17
11543	Hales 6/14/19	Hales, Suzanna	06/26/2019	Reimb: Tuition - Safety & Survival/Spring 2019 Miramar College	642.00	642.00
11544	00063879	Hudson Safe-T- Lite Rentals	06/26/2019	No Parking Barricades	78.75	78.75
11545	107127	Kniffing's Discount Nursery	06/26/2019	Trees- College Median/Broadway Median - Replacement	888.94	888.94
11546	134027	Knott's Pest Control, Inc.	06/26/2019	On Call Pest Control- Rec Ctr 6/5/19	85.00	190.00
	133991			Monthly Bait Stations- Civic Ctr - Jun19	60.00	
	133992			Monthly Bait Stations- Sheriff - Jun19	45.00	
11547	201906	Lemon Grove Car Wash, Inc.	06/26/2019	Car Wash - LGPW#31 - 5/30/19	22.99	22.99
11548	INV26033	Logicopy	06/26/2019	Ricoh C3502 Copier Contract Charge- PW Yard - 6/7/19-7/6/19	51.58	51.58
11549	May 19	Lounsbery Ferguson Altona & Peak LLP	06/26/2019	General 03529-00001 - May '19	6,357.80	9,951.35
	May 19			Code Enforcemt 03529-00002 - May '19	149.40	
	May 19			Affordable Housing 03529-00004 - May '19	43.70	
	May 19			Cost-Share Agreemt 03529-00005 - May '19	19.20	
	May 19			03529-00006 - May '19	747.90	
	May 19			03529-000011 - May '19	142.25	
	May 19			03529-000013 - May '19	2,491.10	
11550	062719	Mariachi Real de San Diego	06/26/2019	Concerts in the Park - Mariachi Real de SD 6/27/19	500.00	500.00
11551	51907	McNamara Pump and Electric Inc.	06/26/2019	Duplex Sewage Pump Station 6-Mo Maintenance Svc- 6794 Central	275.00	275.00
11552	021139	MJC Construction	06/26/2019	CUPCCA 2019-13 - Concrete Repairs @ Various Locations - Broadway	14,067.67	14,067.67
11553	228490	Ninyo & Moore	06/26/2019	Golden Ave Row Homes Inspection Svcs thru 5/31/19	381.50	3,689.50
	228491			8501 Ildica St Inspection Svcs thru 5/31/19	352.50	
	228492			6800 Mallard Ct Inspection Svcs thru 5/31/19	211.50	
	228493			AT&T Project Inspection Svcs thru 5/31/19	211.50	
	228494			Materials Testing - FY17/18 Sewer CIP Proj thru 5/31/19	2,532.50	
11554	WO-58540-1	Office Advantage, Inc.	06/26/2019	Office Supplies/Printer Ink - Fire	300.67	349.13
	WO-58540-2			Office Supplies/Printer Ink - Fire	48.46	
11555	149962	Pacific Sweeping	06/26/2019	Street Sweeping/Parking Lot/Power Washing/Bus Shelters - May'19	6,428.55	6,548.55
	149974			St Sweeping/North Ave-Weed Abatemt ROW/Transient Camp-May'19	120.00	

11556	10355-01	PAL General Engineering, Inc.	06/26/2019	CDBG St Rehab/ADA Ped Ramp Proj - 6/1/19-6/21/19	162,921.20	162,921.20
11557	PD-42253	Plumbers Depot Inc.	06/26/2019	Sewer Camera - 3/4" Overhaul Kit	462.93	462.93
11558	3740 3742 3744	Qual Chem Corp.	06/26/2019	Shop Towels Hand Sanitizer Wipes Professional Strength Cleaning Wipes	1,775.04 570.74 950.62	3,296.40
11559	31724026 31731018 31737834 31741007 31741010 31741355	RCP Block & Brick, Inc.	06/26/2019	Hi-Strength Concrete Mix/Gray Patio Stones -Gazebos/LG Pk Hi-Strength Concrete Mix/Gray Patio Stones - Gazebos/LG Pk PW - Straw Hats Bulk Fertilized Soil - PW Yard Hi-Strength Concrete Mix/Gray Patio Stones - Gazebos/LG Pk Bulk Fertilized Soil - PW Yard	18.70 114.96 32.28 24.24 113.43 24.24	327.85
11560	6/21/2019 6/21/2019 6/21/2019	SDG&E	06/26/2019	3225 Olive- 5/20/19-6/19/19 3500 1/2 Main- 5/20/19-6/19/19 3601 1/2 LGA-5/20/19-6/19/19	140.01 208.30 32.71	381.02
11561	7/3/19	Sea World Parks & Entertainment	06/26/2019	147 Aquatica Tickets for Daycamp 7/3/19	4,910.00	4,910.00
11562	SC-113673	State Water Resources Control Board	06/26/2019	Oversight Costs- LGA Realignment Site Cleanup 7/1/18-9/30/18	671.68	671.68
11563	00083006	The East County Californian	06/26/2019	Ordinance No. 30 - Sewer Use Charges & Repeals - 6/13/19	73.50	73.50
11564	0585-6 6355-8	The Sherwin-Williams Co.	06/26/2019	Graffiti Paint Graffiti Paint	80.45 76.17	156.62
11565	9830042815 9832019113 9832019114	Verizon Wireless	06/26/2019	City Phone Charges- 4/13/19-5/12/19 City Phone Charges- 5/13/19-6/12/19 PW Tablets- 5/13/19-6/12/19	527.06 157.32 188.78	873.16
11566	72210246 72223454 72225113 72231814	Vulcan Materials Company	06/26/2019	Asphalt Asphalt/SS1H 4.5 Gallon Bucket Asphalt Asphalt/SS1H 4.5 Gallon Bucket	682.22 204.19 107.21 150.85	1,144.47
11567	148394	West Coast Arborists, Inc.	06/26/2019	Tree Maintenance - 5/1/19-5/15/19	6,366.60	6,366.60
11568	83920	Zumar Industries, Inc.	06/26/2019	Sign/Cost Recovery/Sheriff Reimb	77.95	77.95
11569	39407	A Aaron Lock & Key	07/02/2019	Lock Repair - Front Door	545.34	545.34
11570	13105	AAA Imaging	07/02/2019	Building Dept/Inspection Cards	323.25	323.25
11571	Jul-Dec 19	Adams Robert	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,042.44	1,042.44
11572	L1072895TG	American Messaging	07/02/2019	Pager Replacement Program 7/1/19-7/31/19	49.90	49.90
11573	Jul-Dec 19	Anderson, Curtis	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,200.00	1,200.00
11574	13223873	AT&T	07/02/2019	Fire Backup Phone Line- 5/22/19-6/21/19	39.61	39.61
11575	Jul-Dec 19	Brackmann, Bruce	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,042.44	1,042.44
11576	Burke Elec	Burke Electric, Inc.	07/02/2019	Refund/Burke Electric/B18-000-0425- Permit Cancelled	84.79	84.79
11577	062719	California Dept. of Social Services	07/02/2019	Small & Large Daycare List	500.00	500.00
11578	20190293	Canon Financial Services Inc.	07/02/2019	Canon Copier Contract Charge 6/20/19-7/19/19	81.35	81.35
11579	Jul-Dec 19	Chamberlain, Dale	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,200.00	1,200.00
11580	ACSERV-Apr 2018 ACSERV-Apr 2018	City of Chula Vista	07/02/2019	Re-issue/After Hours Calls- Apr '18 Re-issue/Credit/Impound Fees/Animal Control Services- Apr '18	391.64 -200.00	191.64
11581	21107 21107	City of La Mesa	07/02/2019	Overtime Reimbursement - Doig 6/10/19 Overtime Reimbursement - Granger 6/10/19	1,418.22 1,046.83	2,465.05
11582	201900454	County of San Diego/Assessor/Recorder/Clerk	07/02/2019	Recording Services- 5/1/19	193.00	193.00
11583	20100086 20500051	CSAC Excess Insurance Authority	07/02/2019	Excess Workers' Comp Insurance 7/1/19-6/30/20 Property Insurance Premium 3/31/19-3/31/20	136,265.00 35,582.00	171,847.00
11584	Jul-Dec 19	Davisson, William	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,200.00	1,200.00
11585	Jul-Dec 19	Harper, Raymond	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,042.44	1,042.44
11586	4/18/19-6/19/19	Helix Water District	07/02/2019	Water Services- 4/18/19-6/19/19	18,642.13	18,642.13
11587	1555	Janazz, LLC SD	07/02/2019	Dell Refurb Lat/15.6" LCD//Win 10 Pro/Docking Stations/SonicWall	2,317.99	2,317.99
11588	JerrysHeatingAC	Jerry's Heating & Air Conditioning Inc.	07/02/2019	Refund/Jerry's Heating & AC/B19-000-0119- Permit Cancelled	121.83	121.83

11589	Jul-Dec 19	Laff, Timothy	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,200.00	1,200.00
11590	1479831 ERCMembership20	Liebert Cassidy Whitmore	07/02/2019	Prof Svcs: LE 050-00201 FLSA Audit thru 5/31/19 ERC Membership/Subscription LE050-10000 7/1/19-6/30/20	2,187.00 900.00	3,087.00
11591	Jul-Dec 19	Maciejewski, Frank	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,200.00	1,200.00
11592	Jul-Dec 19	Marcon, Romeo	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,200.00	1,200.00
11593	Jul-Dec 19	McBride, Thomas	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,200.00	1,200.00
11594	4926-AR11230	Metropolitan Transportation Commission	07/02/2019	Street Saver Subscription 9/1/19-8/31/20	1,500.00	1,500.00
11595	1648	Miller Spatial Services, LLC	07/02/2019	GIS Analyst/Consulting/Support Services- thru 6/27/19	3,227.50	3,227.50
11596	165900 165901	MJC Construction	07/02/2019	#2019-26 Emergency Concrete Repair- Broadway east of Buena Vista CUPCCA #2019-06-San Altos Sewer Easement & Slope Failure Repair	6,856.00 12,781.00	19,637.00
11597	Jul-Dec 19	Mullins, Karl	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,200.00	1,200.00
11598	Jul-Dec 19	Ott, Manie	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,042.44	1,042.44
11599	Jul-Dec 19	Ott, Mike	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,200.00	1,200.00
11600	Reimb-6/25/19	Pepin, Matt	07/02/2019	Reimb: Tuition - Intro Acctg/Fincl Mgmt-Pepin 9/12/18-6/19/19	810.00	810.00
11601	RooterSolutions	Rooter Solutions	07/02/2019	Refund/Rooter Solutions/B19-000-0179- Permit Cancelled	121.83	121.83
11602	Jul-Dec 19	Schmidtman, Warren	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,200.00	1,200.00
11603	Jul-Dec 19	Smith, Timothy	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,200.00	1,200.00
11604	Jul-Dec 19	Taff, Jon	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,200.00	1,200.00
11605	9832486021	Verizon Wireless	07/02/2019	Fire Prev Phone Line/MDC Engine Tablets- 5/21/19-6/20/19	365.21	365.21
11606	Jul-Dec 19	Wright, Nancy	07/02/2019	Retiree Health Benefit - Jul'19-Dec'19	1,042.44	1,042.44
					897,833.04	897,833.04



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.C

Meeting Date: July 16, 2019
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, JULY 2, 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 6:02 p.m.

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

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, and Molly Brennan, Finance Manager.

Pledge of Allegiance:

Pledge of Allegiance to the Flag was led by Mayor Pro Tem Arambula.

Changes to the Agenda:

Item 1.J has been pulled from the agenda due to contractor delay. Will return at a later date.

Public Comments:

Appeared to comment were: John L. Wood and Ashley Campbell (Susan Davies Office).

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

Councilmember M. Mendoza attended the following meetings and events:

Water District Meeting

Councilmember J. Mendoza attended the following meetings and events:

SANDAG – Transportation Committee Meeting

Mayor Vasquez attended the following meetings and events:

Assistant Shirley Weber 79th District Perfect Attendance Award Ceremony

Lemon Grove Concerts in the Park

SANDAG Board of Director Meeting

Consent Calendar:

- A. Waive Full Text Reading of All Ordinances on the Agenda.
- B. Ratification of Payment of Demands
- C. City Council Meeting Minutes Approved for the Regular Meetings of June 4, 2019, and June 18, 2019, and Special Meeting of May 30, 2019.
- D. Adoption of a Resolution No. 2019-3670, entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving a Records Management Program, Records Retention Schedule Update and Rescinding Resolution No. 2015-3335."
- E. Approval of a Resolution No. 2019-3671, entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving the Sale of the Existing Lease for the Cellular Communications Facility Located At 2674 ½ Massachusetts Avenue."
- F. Rejection of Claim – Robert Brohead
- G. Rejection of Claim – Marcos Martinez
- H. Rejection of Claim – Ortiz Mendoza
- I. Approval of a Resolution No. 2019-3672, entitled, "A Resolution of the City Council of the City of Lemon Grove, California, Approving the Designation of an Authorized Agent for the Filing of an Application to the California Office of Emergency Services for the Purpose of Obtaining Federal Financial Assistance and/or State Financial Assistance for All Open and Future Disasters."

Action: Motion by Councilmember Jones, seconded by Councilmember J. Mendoza to approve Consent Calendar Items A.1-A.I, with Item J was removed to be heard at a future meeting.

The motion passed by the following vote:

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

Noes: None

Closed Session:

- 1. CONFERENCE WITH LABOR NEGOTIATORS (G.C. § 54957.7)
Employee Organization: Lemon Grove Firefighters Association, Local 2728 of the International Association of Firefighters
City Representatives: Lydia Romero, City Manager, Molly Brennan, Finance Manager, and Roberto Hidalgo, Human Resources Manager
- 2. LIABILITY CLAIM
Government Code Section 54956.95
Claimant: Angela Crutchfield
Agency Claimed Against: City of Lemon Grove
- 3. LIABILITY CLAIM
Government Code Section 54956.95
Claimant: Heirs of Trevon Harris, Tanya Harris and Tye Harris
Agency Claimed Against: City of Lemon Grove
- 4. PUBLIC EMPLOYEE EMPLOYMENT
Government Code Section 54957
Performance Evaluation: City Manager

City Attorney Kristen Steinke announced the City Council will be adjourning to closed session at 6:10 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 7:27 p.m. to a meeting to be held Tuesday, July 16, 2019, 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: July 16, 2019

Submitted to: Honorable Mayor and Members of the City Council

Department: Finance Department

Staff Contact: Molly Brennan, Administrative Services Director
mbrennan@lemongrove.ca.gov

Item Title: Springbrook License, Maintenance, & Support Agreement

Recommended Action:

Adopt a Resolution (Attachment A) approving the October 2019 – October 2020 agreement with Springbrook for software licenses, subscriptions, maintenance, hosting, and support and authorizing the City Manager to approve ongoing annual costs for Springbrook services that are \$30,000 per year or less.

Summary:

In October 2012, City Council approved a multi-year contract with Springbrook software for licenses and support. Springbrook has served as the City's financial accounting, payroll, cash receipting, business license, and permit processing software since 2012.

We are now beyond the timeframe covered by the original contract City Council approved in 2012 and therefore a new agreement is necessary. Many internal City operations rely on Springbrook software. Staff recommends a continued relationship with Springbrook, an Accela company, for the next few years.

Discussion:

On October 16, 2012, the City Council approved a five year agreement with Springbrook software. The annual license and support fees increased 5% per year in that contract. Now that the 2012 agreement has expired, staff feels it is in the City's best financial interest to negotiate on-going one year agreements with Springbrook. The proposed agreement for October 2019-2020 is a 2% increase over the prior year, rather than the 5% annual increases the City had been paying under the multi-year contract. In addition, negotiating annual agreements gives the City flexibility to pursue switching software systems when and if Springbrook no longer serves the City's needs.

The 2019-2020 Springbrook agreement for licenses and support is included as (Attachment B). The total cost for this year of services is \$21,928, which is broken down by type of product/software module on page two of the agreement.

Although the annual license and support fees for 2019-2020 fall below the City Manager's professional services signing authority, Staff felt it was necessary to bring this up for City Council approval for three reasons.

- 1) To be transparent
- 2) Because the prior agreement with Springbrook was approved by City Council
- 3) In aggregate, the amount the City has paid Springbrook exceeds the City Manager's purchasing authority

Staff foresees an ongoing relationship with Springbrook for at least the next few years. Therefore, the resolution (Attachment A) asks for authorization for the City Manager to approve ongoing annual costs for Springbrook services that are \$30,000 per year or less.

Environmental Review:

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

Fiscal Impact: The FY 2019-2020 budget has enough funding allocated for computer maintenance accounts to absorb the 2% cost increase over the prior year's Springbrook expense. No budget adjustment is necessary.

Public Notification: None

Staff Recommendation:

Adopt a resolution (Attachment A) approving the October 2019 – October 2020 agreement with Springbrook for software licenses, subscriptions, maintenance, hosting, and support and authorizing the City Manager to approve ongoing annual costs for Springbrook services that are \$30,000 per year or less.

Attachment:

Attachment A – Resolution

Attachment B – FY 19/20 Springbrook Order Form

RESOLUTION NO. 2019-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, APPROVING AN AGREEMENT WITH SPRINGBROOK
SOFTWARE**

WHEREAS, on October 16, 2012, the City Council adopted Resolution No. 3143, approving an agreement with Springbrook software to purchase financial accounting software; and

WHEREAS, the City has used Springbrook software to provide essential City functions since 2012; and

WHEREAS, the City Council wishes to maintain a fully functional and up-to-date municipal financial accounting software; and

WHEREAS, the City Council has determined that continuing to use Springbrook software through October 2020 would be a benefit to the residents of the City of Lemon Grove.

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

1. Approves the October 2019-October 2020 agreement with Springbrook software for licenses, subscriptions, maintenance, hosting, support for \$21,928 as detailed in Exhibit A; and
2. Authorizes the City Manager to approve ongoing annual agreements with Springbrook software that are \$30,000 per year or less.

PASSED AND ADOPTED on July 16, 2019, 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



**LEMON GROVE, CA - CITY OF
06/11/2019**

Springbrook Operations Team
operations@sprbrk.com



LEMON GROVE, CA - CITY OF – ORDER FORM

<i>Product</i>	<i>Product Attributes</i>	<i>Amount</i>	<i>Comments</i>
Finance Suite	FST	\$7,763.00	
Accounts Receivable	FAR	\$1,718.00	
Building Permits	FBP	\$1,718.00	
Code and Contact Management	FCC	\$1,718.00	
Payroll	PPR	\$2,864.00	
Licenses and Permits	FLP	\$1,718.00	
Employee Self Services	PES	\$1,562.00	
Project Management	FPM	\$1,718.00	
Purchase Orders	FPO	\$1,149.00	
		\$21,928.00	



LEMON GROVE, CA - CITY OF – ORDER FORM

Order Detail	
General Information	
Customer Name	LEMON GROVE, CA - CITY OF
Customer Contact	Molly Brennan
Customer Address	
Governing Agreement(s)	This Order Form will be governed by the applicable terms and conditions. If those terms and conditions are non-existent, have expired or have otherwise been terminated, the following terms will govern as applicable, based on the Customer's purchase: https://accela.box.com/v/sprbrk-onpremise-terms .
Term(s):	18 th October 2019 to 17 th October 2020
Order Terms	
Order Start Date	Unless otherwise specified in the Special Order Terms: <ul style="list-style-type: none"> - Software Licenses & Subscriptions start on the date of delivery by Springbrook; and - Maintenance, Hosting and Support start on Springbrook's delivery of the software hosted and/or supported.
Order Duration	Unless otherwise specified in the Special Order Terms: <ul style="list-style-type: none"> - Any Software Licenses or Hardware are one-time, non-refundable purchases. - Subscriptions, Maintenance, Hosting and Support ("Recurring Services") continue from the Order Start Date through the number of months listed in this Order Form (or if not listed twelve (12) months). - Fees for Recurring Services will be subject to an automatic annual increase by two percent (2%) of the prior year's Recurring Fees ("Standard Annual Price Increase").
Special Order Terms	<ul style="list-style-type: none"> - In the event of an inconsistency between this Order Form, any governing agreement, purchase order, or invoice, the Order Form shall govern as it pertains to this transaction. - As applicable, Springbrook Holding Company, LLC shall replace any previously used Springbrook contracting entities as successor in interest of Springbrook. - As applicable, unless otherwise specified in this order form (e.g., as a result of the purchase of additional modules and/or conversion to SaaS, in each case to be agreed upon in writing between Springbrook and Customer), Customer shall have the same rights to Springbrook's Software based on Springbrook's new, consolidated SKUs that would otherwise exist as the result of a contract renewal between Springbrook and Customer.
Payment Terms	
Currency	USD
Invoice Date	Unless otherwise stated in the Special Payment Terms, Invoice for the Grand Total \$ above will be issued on the Order Start Date.
Payment Due Date	Unless otherwise stated in the Special Payment Terms or the Governing Agreement(s), all payments are due on the Invoice Date and payable net 30 days .
Special Payment Terms	None unless otherwise specified in this section.



LEMON GROVE, CA - CITY OF – ORDER FORM

Accounts Payable Contact Information <i>(Required)</i>			
First Name		Last Name	
Title			
Phone Number			
Email Address:			
Billing Address			
Delivery Address			
Method of Invoicing	All invoices will be sent electronically to the Email Address provided above unless otherwise specified in Special Invoicing Needs.		
Special Invoicing Need			
Signature Section <i>(Required)</i>			
Vendor	Springbrook Holding Company, LLC	Customer	LEMON GROVE, CA - CITY OF
Signed By		Signed By	
Date		Date	
Title of Authorized Signatory		Title of Authorized Signatory	Finance Manager
Name (Print) of Authorized Signatory	Doug Smith	Name (Print) of Authorized Signatory	Molly Brennan
Additional Signatures Section <i>(Optional)</i>			
Customer		Customer	
Signed By		Signed By	
Date		Date	
Title of Authorized Signatory		Title of Authorized Signatory	
Name (Print) of Authorized Signatory		Name (Print) of Authorized Signatory	
Purchase Order Reference <i>(Optional)</i>			
<p><u>If Customer requires PO number on invoices, it must be provided to the right and Customer must provide Springbrook copy of the PO prior to invoice issuance. If no PO number provided prior to invoice issuance date, invoices issued on this Order Form will be valid without a PO reference.</u></p>			PO# <i>(If required)</i> :



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.E

Meeting Date: July 16, 2019

Submitted to: Honorable Mayor and Members of the City Council

Department: Public Works Department

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

mjames@lemongrove.ca.gov

Item Title: Rejection of Claim

Recommended Action: That the City Council rejects a claim submitted by Angela Crutchfield.

Summary: On April 11, 2019, the City of Lemon Grove received an insufficient claim from Angela Crutchfield. On May 15, 2019, the claimant was noticed that the claim was insufficient because it did not include all of the necessary information. As of July 8, 2019, no response was received from the claimant. Staff therefore recommends that the City Council rejects the claim.

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.

Staff Recommendation: That the City Council rejects a claim submitted by Angela Crutchfield.

Attachments: None.



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.F

Meeting Date: July 16, 2019

Submitted to: Honorable Mayor and Members of the City Council

Department: Public Works Department

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

mjames@lemongrove.ca.gov

Item Title: **Rejection of Claim**

Recommended Action: That the City Council rejects a claim submitted by Rhonda J. Holmes, Esq. of the Holmes Law Group on behalf of the Heirs of Trevon Harris, Tanya Harris and Tye Harris.

Summary: On June 20, 2019, the City of Lemon Grove received a claim from Rhonda J. Holmes, Esq. of the Holmes Law Group on behalf of the Heirs of Trevon Harris, Tanya Harris and Tye Harris. After reviewing the claim, staff recommends that the City Council rejects the claim.

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 rejects a claim submitted by Rhonda J. Holmes, Esq. of the Holmes Law Group on behalf of the Heirs of Trevon Harris, Tanya Harris and Tye Harris.

Attachments: None.



LEMON GROVE SANITATION DISTRICT

DISTRICT BOARD STAFF REPORT

Item No. 1.G

Meeting Date: July 16, 2019

Submitted to: Honorable Chair and Members of the District Board

Department: Public Works Department

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

mjames@lemongrove.ca.gov

Item Title: **Letter of Support for the Ocean Pollution Reduction Act II of 2019**

Recommended Action: Approve the letter of support (Attachment A) and direct staff to submit the signed letter to the Office of Congressman Scott Peters.

Summary: The Ocean Pollution Reduction Act II (OPRA II) of 2019 is a key piece of legislation to implement the comprehensive Pure Water San Diego program that creates a renewable source of potable water, while also addressing ocean pollution in Southern California. As a participating agency in the Metropolitan Sewerage System, OPRA II provides a unique opportunity to address both of these concerns through a single effort.

Discussion: At the request of Board Member Jones, the District Boards appointee to the Metro Commission / Metro Wastewater Joint Powers Authority, staff prepared this staff report and letter of support for the OPRA II of 2019.

OPRA II recognizes the discharge through the Point Loma Wastewater Treatment Plant's Ocean Outfall as equivalent to secondary treatment for purposes of regulatory compliance and is in the public interest. With OPRA II, Pure Water San Diego will reduce future wastewater discharge flows, solids and other pollutant emissions. Through the application of advanced treatment technology to purify recycled water, the entire San Diego region will benefit from a safe, reliable, and cost-effective drinking water supply with the estimated production up to one-third of San Diego's total potable water demand.

By supporting OPRA II, the District remains optimistic that its passage will enhance the regions water and wastewater systems thereby increasing its potable water reliability, and provide meaningful environmental protection.

District staff prepared this agenda item to express support for OPRA II and for the Pure Water San Diego program. The letter (Attachment A) was prepared with Board Member Jones' signature because he is the current Board designee to the Metro Commission / Metro Wastewater Joint Powers Authority. Staff anticipates that Congressman Peter's Office will consolidate all letters of support from stakeholders at the local and national level before the introduction of legislation that may occur this Fall 2019.

Environmental Review:

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

Fiscal Impact: None.

Public Notification: None.

Staff Recommendation: That the District Board approves the letter of support (**Attachment A**) and directs staff to submit the signed letter to the Office of Congressman Scott Peters.

Attachments:

Attachment A – Letter of Support



CITY OF LEMON GROVE

"Best Climate On Earth"

Public Works Department

July 17, 2019

The Honorable Scott Peters
U.S. House of Representatives
2338 Rayburn Office Building
Washington, DC 20515

Dear Congressman,

The Lemon Grove Sanitation District write in support of the **Ocean Pollution Reduction Act II (OPRA II) of 2019**.

As you are aware, this legislation is critical to implementing the comprehensive Pure Water San Diego program that creates a renewable source of potable water, while also addressing ocean pollution in Southern California. OPRA II recognizes the discharge through the Point Loma Wastewater Treatment Plant's Ocean Outfall as equivalent to secondary treatment for purposes of regulatory compliance and is in the public interest.

The Lemon Grove Sanitation District is a Participating Agency in the Metropolitan Sewerage System and the Pt. Loma facility is the terminal treatment plant in that system. As a regional partner in the Metro System we recognize that the OPRA II legislation provides a unique opportunity to address ocean pollution and regional potable water planning through a single effort.

With OPRA II, Pure Water San Diego will reduce future wastewater discharge flows, solids and other pollutant emissions. Pure Water San Diego promises to provide a safe, reliable, and cost-effective drinking water supply for San Diego through the application of advanced treatment technology to purify recycled water. The program is a joint water and wastewater facilities plan that envisions a significant investment in potable water reuse and ancillary facilities that will eventually produce up to one-third of San Diego's total potable water demand.

This nonpartisan legislation allows the City of San Diego and its regional partners to continue its significant progress in enhancing its water and wastewater systems, increasing its potable water reliability, and providing meaningful environmental protection. Importantly, OPRA II also works in favor of both San Diego and the nation by limiting greenhouse gas emissions.

Letter of Support for OPRA II of 2019
Page 2

In short, OPRA II provides a creative, collaborative, and commonsense solution to the serious threat of ocean pollution and water scarcity. We urge your robust support in passage of this critical legislation.

Best regards,

Jerry Jones, Board Member
Lemon Grove Sanitation District



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 2

Meeting Date: July 16, 2019

Submitted to: Honorable Mayor and Members of the City Council

Department: Community Development Department

Staff Contact: Mike Viglione, Associate Planner

mviglione@lemongrove.ca.gov

Item Title: Administrative Appeal AA1-900-0001

Recommended Action: Conduct the Public Hearing, receive Public Comment and adopt a Resolution Upholding the Development Services Department Decision to Deny Zoning Clearance Application ZCM-180-0004.

Summary: On January 25, 2019, the Development Services Department denied Zoning Clearance Application No. ZCM-180-0004, a request to file a Conditional Use Permit application for a medical marijuana dispensary (MMD) at the 1.36 acre commercial property at 2295 Lemon Grove Avenue. Staff denied the application because the subject property is located within 1,000 feet of three State Licensed small-family daycares. The appellant, Mr. Christopher O. Williams, subsequently filed an appeal contesting "staff's determination that the property is located within 1,000 feet of a state-licensed daycare" on the grounds that the "denial letter does not state the specific state licensed daycare and therefore has not put the applicant on notice for the reason for denial." Staff contends that adequate notice was provided and that there is appropriate evidence to justify the determination that there are licensed daycare facilities within 1,000 feet of the subject property.

Background: Chapter 17.32 of the Lemon Grove Municipal Code (LGMC) outlines the regulations by which a Medical Marijuana Dispensary (MMD) may open and operate within the City of Lemon Grove. Pursuant to Sections 17.32.040 and 17.32.080, the operation of a MMD requires the approval of a Conditional Use Permit (CUP) application, which may only be submitted if the proposed facility observes a 1,000 foot separation from the regulated and protected uses identified in Section 17.32.090, like schools, day care facilities, and other MMDs.

All MMD Applications are initially screened through a Zoning Clearance (ZC) application to determine if the subject property meets the required 1,000 foot separations in Section 17.32.090. The ZC is also used to ensure that the MMD is proposed within a permissible zone and that all materials necessary for review of the CUP are included with the application. Applications for sites that do not meet the specified zoning regulations and separation requirements **are denied by City Staff. Staff's decision to deny any application** may be appealed pursuant to LGMC Section 17.28.020(I).

Since December 2017, the City has maintained a publically available Medical Marijuana Operations webpage for potential applicants that includes information and resources pertinent to MMD applications. **Among the webpage's resources are the Medical Marijuana Dispensary Submittal Checklist**, which details the documents that must accompany an application, and the Medical Marijuana Zoning Map (Attachment C). The aforementioned zoning map overlays the zoning districts where MMDs may be established with required 1,000 foot separations from known regulated and protected uses so that applicants may gauge the likelihood of success prior to application submittal.

It is important to note that the specific properties where regulated and protected uses occur are not disclosed in the Medical Marijuana Zoning Map. LGMC Chapter 17.32 includes both large and small family day cares as protected uses but the State licensing agency for daycare, California Department of Social Services (DSS), does not disclose the addresses of licensed family daycare homes to the general public. There is an expectation of privacy in private residential settings and thus the dissemination of such information is restricted pursuant to Health and Safety Code Section 1596.86(b). DSS supplied this confidential information to City Staff to further protect the health and safety of DSS clients with the understanding that the list would not be disclosed to the general public. Consequently the specific locations of regulated and protected uses are obscured.

On December 20, 2018, the appellant filed Zoning Clearance application ZCM-180-0004, a request to apply for a Conditional Use Permit to establish a MMD at 2295 Lemon Grove Avenue. At the time of application, the Medical Marijuana Zoning Map, which was last updated in March 2017, indicated the proposed location would not meet required separations.

On January 25, 2019, the Development Services Department denied ZCM-180-0004 citing that the property was located within 1,000 feet of State-licensed daycare facilities.

On February 4, 2019, the appellant filed AA1-900-0001, an administrative appeal of the Development Services Department decision. AA1-900-0001 appeals "staff's determination that the property is located within 1,000 feet of a state-licensed daycare" **stating that the "denial letter does not state the specific state licensed daycare and therefore has not put the applicant of notice for the reason for denial."**

On February 7, 2019, after making contact by telephone, staff sent notice via certified mail to the operators of the small-family daycares that the locations of their daycares would be disclosed to the appellant in order to provide him due process.

On February 11, 2019, staff sent a letter to the appellant, which was also transmitted via email, scheduling the appeal hearing for March 19, 2019 and disclosing the addresses of the three (3) disqualifying small-family daycares within, 1,000 feet of 2295 Lemon Grove Avenue.

On February 19, 2019, the appellant requested the appeal hearing be postponed due to a scheduling conflict. City Staff and the appellant rescheduled the appeal hearing date for May 7, 2019 but this too was postponed at the **appellant's** request. Ultimately, City Staff informed the appellant that the appeal hearing would be scheduled at his direction subject to the 180 day limit from the date of appeal in Section 17.28.020(G)(1).

On June 10, 2019, the appellant requested the appeal be scheduled for public hearing on July 16, 2019. City Staff confirmed the requested appeal hearing date via email the following day.

Discussion: **The purpose of this appeal is to contest City Staff's determination that the proposed MMD facility is within 1,000 feet of state-licensed daycare facilities.** Should the appeal be granted, the proposed MMD facility would be eligible to proceed to a Conditional Use Permit application. Staff contends that it has received appropriate evidence and made appropriate measurements to justify the determination that there are licensed daycare facilities within 1,000 feet of the subject property.

The appellant also contends that the denial letter does not state the specific licensed daycare, and therefore, does not provide notice for the reason of denial. Pursuant to California Government Code Sections 6250 through 6270.7, known commonly as the **Public Records Act ("PRA")**, the City is bound to protect the information provided by DSS. Government Code Section 6254.5 states as follows:

Government Code Section 6254.5. [Excerpts only]

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

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

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

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

Moreover, while the City does not have the right to turn over the licensed daycare list to any person, individual daycare operations may be disclosed out of an abundance of caution in order to provide a full and open opportunity for the appellant to understand **City Staff's** denial of the Zoning Clearance application and respond accordingly. As stated in the preceding background section, the addresses of the three (3) small-family daycares were provided to the appellant for this reason.

The nearest of the three (3) disqualifying small-family daycares is approximately 468 feet to the south along Noble Street **as measured in a straight line in the City's ESRI ArcGIS** Geographic Information System (GIS). The other small-family daycare facilities are located approximately 905 feet to the northeast along Edgerton Drive and 915.6 feet to the southeast along El Dora Street.

In accordance with Section 17.32.090(B), City Staff also took into account natural topographical and constructed barriers which would impede direct physical access between the MMD and protected uses. Based on topographical information in GIS, the slope contiguous with the property ranges between 20 and 40 feet in height. Aerial images show however, and site visits confirm, that a foot path from Noble Street to Lemon Grove Avenue traverses this slope across the Church property to the adjacent south of the proposed MMD. The presence of the footpath demonstrates that the slope does not, in actuality, impede direct physical access between the uses and therefore the intervening slope does not constitute a barrier. Consequently separation is measured between the closest property lines of the MMD parcel and the protected uses pursuant to Section 17.32.090(B).

Even if it were conceded that the slope constitutes a natural topographical barrier, the proposed MMD location would still violate the required 1,000 feet separation from a protected use. When barriers are present, Section 17.32.090 stipulates that the separation distance is measured via the most direct route around the barrier in a manner that establishes direct access. The distance as traveled by foot from the protected use along Noble Street via the footpath through the church property, the most direct means of physical access to the proposed MMD, is approximately 963 feet as measured on GIS, or 950 feet on Google Maps, door-to-door.

Environmental Review:

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

Public Notification: The Notice of Public Hearing was published in the July 4, 2019 edition of the East County Californian, and mailed to all property owners within 1,000 feet of the subject property.

Staff Recommendation: Conduct the Public Hearing, receive Public Comment and adopt a Resolution Upholding the Development Services Department Decision to Deny Zoning Clearance Application ZCM-180-0004.

Attachments:

- Attachment A – Resolution of Denial
- Attachment B – Medical Marijuana Zoning Map
- Attachment C – ZCM-180-0004 Zoning Clearance Application
- Attachment D – Staff Denial Letter for ZCM-180-0004
- Attachment E – AA1-900-0001 Administrative Appeal Application
- Attachment F – Daycare Disclosure and Public Hearing Letter
- Attachment G – Protected Use Separation Exhibit
- Attachment H – Footpath Images
- Attachment I – Path of Travel Measurements
- Attachment J – **Appellant’s Exhibit**

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA, UPHOLDING THE DEVELOPMENT SERVICES DEPARTMENT DETERMINATION TO DENY A REQUEST TO APPLY FOR A CONDITIONAL USE PERMIT TO ESTABLISH A MEDICAL MARIJUANA DISPENSARY AT 2295 LEMON GROVE AVENUE, LEMON GROVE , CALIFORNIA

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

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

WHEREAS, City Staff requested and obtained a confidential list of licensed family daycare homes from the California Department of Social Services for use in the determination of protected use locations; and

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

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

WHEREAS, the protected uses identified in the confidential DSS list are incorporated into a Medical Marijuana Zoning Map though specific protected use locations are obscured to protect confidentiality of family daycare homes; and

WHEREAS, the Medical Marijuana Zoning Map has not changed since March 18, 2017 and is available on the Lemon Grove Marijuana Operations webpage which was originally published on December 12, 2017; and

WHEREAS, on December 20, 2018, the appellant, Christopher Williams, filed Zoning Clearance application ZCM-180-0004, a request to apply for a Conditional Use Permit to establish a MMD at 2295 Lemon Grove Avenue; and

WHEREAS, at the time of application the publically available Medical Marijuana Zoning Map indicated that the subject property would violate required separations; and

WHEREAS, on January 23, 2019, City Staff confirmed the presence of the walking pathway connecting Lawford St. and Noble St. to Lemon Grove Ave.; and

WHEREAS, on January 25, 2019, the Development Services Department denied ZCM-180-0004 because the subject property is located within 1,000 feet of three state-licensed daycare facilities; and

WHEREAS, on February 4, 2019, the appellant filed AA1-900-0001, an administrative appeal of the Development Services Department appealing staff's determination that the property is located within 1,000 feet of a state-licensed daycare further stating that by withholding the licensed daycare locations the applicant was not on notice for the reason for denial; and

WHEREAS, on February 7, 2019, City staff sent notice via certified mail to the operators of the small-family daycares that the locations of their daycares would be disclosed to the appellant in order to provide him due process; and

WHEREAS, on February 11, 2019, City Staff disclosed the addresses of the three (3) small-family daycares within 1,000 feet of the subject property; and

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

WHEREAS, on July 16, 2019, the City Council held a duly noticed public hearing to consider Administrative Appeal AA1-900-0001, an appeal of the Development Services Department decision to deny ZCM-180-0004; and

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

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

1. Denies Administrative Appeal No. AA1-900-0001 based on the above findings; and
2. **Upholds the Development Services Department's January 25, 2019**, decision to deny Zoning Clearance No. ZCM-180-0004, a request to apply for a Conditional Use Permit to establish a medical marijuana dispensary at 2295 Lemon Grove Avenue, Lemon Grove CA.

PASSED AND ADOPTED on _____, 2019, 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

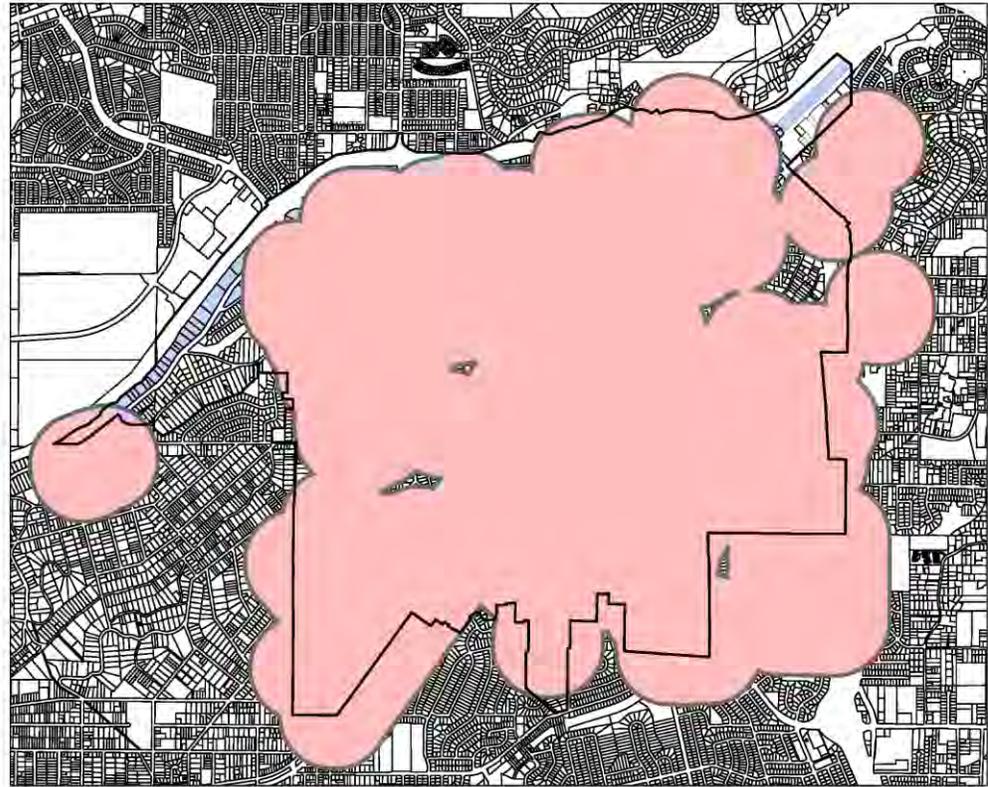
Approved as to Form:

Kristen Steinke, City Attorney

Lemon Grove Medical Marijuana Dispensary Zoning

Legend

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



0 1,000 2,000 3,000 Feet

NOTES:

- 1) This map may not include all protected uses, specifically those in surrounding jurisdictions.
- 2) To ensure privacy for family daycare homes, this map intentionally obscures the exact locations of protected uses.
- 3) Map last updated on March 18, 2017



PLANNING PERMIT APPLICATION

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

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Zoning Clearance (ZC) | <input type="checkbox"/> Tentative Parcel Map (TPM) - 4 or fewer lots |
| <input type="checkbox"/> Pre-Application (PA) | <input type="checkbox"/> Certificate of Compliance (CC) |
| <input type="checkbox"/> Minor Use Permit (MUP) | <input type="checkbox"/> Zoning Amendment (ZA) |
| <input 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: PICKAXE Holdings LLC PHONE: [REDACTED]
 ADDRESS: 7364 Mission Gorge Rd FAX:
San Diego CA 92120 EMAIL: [REDACTED]

PROPERTY OWNER: Manu and Jose Molina, MAVA Irrevocable PHONE:
 ADDRESS: [REDACTED] FAX:
CA 91935 EMAIL: CITY OF LEMON GROVE

CONTACT PERSON: Christopher Williams PHONE: DEC 20 2018
 ADDRESS: 7364 Mission Gorge Rd FAX:
San Diego CA 92120 EMAIL: DEVELOPMENT SERVICES

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

PROJECT NAME: Lemon Grove Ave MMD
 PROJECT ADDRESS: 2295 Lemon Grove Ave, Lemon Grove, CA 91945
 ASSESSOR PARCEL #: 576-120-01-00 SITE ACREAGE:

DETAILED DESCRIPTION OF PROPOSED PROJECT USE, STRUCTURE, AND IMPROVEMENT:
 The proposed project consists of a single store commercial building with an approximate sq footage of 3,000 sq. to be converted into a medical marijuana dispensary located at 2295 Lemon Grove Ave Lemon Grove CA 91945
 The scope of the project is to include interior remodel of the existing structure with non-structural and non loadbearing walls; site modifications to include parking lot re-stripping, pedestrian access from the parking lot and existing right of way, and miscellaneous site improvements such as lighting, fencing, and security cameras. This is an application for a development permit.

APPLICANT CERTIFICATION:

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

Signature: [Redacted] Date: 12/19/18
Name (please print): Chris Williams Phone: [Redacted]

CONSENT BY PROPERTY OWNER

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

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

Signature: X [Redacted] Date: 12-19-18
Name (please print): JOSE MOLINA Phone:

Signature: X [Redacted] Date:
Name (please print): MARY MOLINA Phone:

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

TO BE COMPLETED BY PLANNING STAFF

APPLICATION PROCESSING:

FILE #(s): ACTION:
DATE: APPROVED DISAPPROVED
FEES: RECEIPT #: CONDITIONALLY APPROVED (See Below)

ZONE: LAND USE DESIGNATION:

COMMENTS and/or CONDITIONS:

CITY OF LEMON GROVE
DEC 20 2018
DEVELOPMENT SERVICES



CITY OF LEMON GROVE

"Best Climate On Earth"

Development Services Department

January 25, 2019

Pickaxe Holdings LLC
Attention: Christopher Williams
[Redacted]
San Diego CA 92120

MAVA Irrevocable Trust
Attention: Mary and Jose Molina
[Redacted]
Jamul CA 91935

SUBJECT: Denial of Zoning Clearance Application ZCM-180-0004 for 2295 Lemon Grove Avenue, in the City of Lemon Grove (APN: 576-120-01-00).

Mr. Williams,

On December 20, 2018, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. The application has been denied for the following reasons, which may not be all inclusive:

- The property is located within 1,000 feet of State-licensed daycare facilities.

In order for staff to process a conditional use permit application for a MMD, the application must include all of the information required by Chapter 17.32 of the Lemon Grove Municipal Code, as well as the items listed on the City's MMD Planning Permit Checklist. Additionally, the location of the proposed MMD must comply with the zoning requirements and distance restrictions contained within Chapter 17.32. If any of the required items are missing, or if the proposed location does not meet the zoning requirements and distance restrictions, then staff cannot process a conditional use permit application. Please review the requirements of Chapter 17.32 and the MMD Planning Permit Checklist prior to submitting another application. Please also verify that the site chosen meets the distance restrictions established by Chapter 17.32. Staff's decision to deny this application may be appealed to the Lemon Grove City Council pursuant to Lemon Grove Municipal Code, Section 17.28.020(l). Appeals must be filed in writing within 10 calendar days of the date on this denial letter and must include a filing deposit of \$1000.00. Appeals must be filed using forms provided by the Development Services Department.

Respectfully,

[Redacted Signature]

Mike Viglione, Associate Planner

CC: ZCM-180-0004 Project File

AA1-900-0001



PLANNING PERMIT APPLICATION

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

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

- | | |
|--|--|
| <input type="checkbox"/> Zoning Clearance (ZC) | <input type="checkbox"/> Tentative Parcel Map (TPM) - 4 or fewer lots |
| <input type="checkbox"/> Pre-Application (PA) | <input type="checkbox"/> Certificate of Compliance (CC) |
| <input type="checkbox"/> Minor Use Permit (MUP) | <input type="checkbox"/> Zoning Amendment (ZA) |
| <input 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 checked="" type="checkbox"/> Appeal of <small>Denial of Zoning Clearance Application ZCM-180-0004</small> |
| <input type="checkbox"/> Tentative Map (TM) - 5 or more lots | <input type="checkbox"/> Substantial Conformance Review of _____ |
| <input type="checkbox"/> Other | |

APPLICANT: Pick Axe Holdings LLC	PHONE: [REDACTED]
ADDRESS: [REDACTED]	FAX: [REDACTED]
San Diego, Ca 92120	EMAIL: [REDACTED]
PROPERTY OWNER: MAVA	PHONE: [REDACTED]
ADDRESS: [REDACTED]	FAX: [REDACTED]
Jamul, CA 91935	EMAIL: [REDACTED]
CONTACT PERSON: Christopher Williams	PHONE: [REDACTED]
ADDRESS: 7364 Mission Gorge Rd	FAX: [REDACTED]
San Diego CA 92120	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: _____

PROJECT ADDRESS: 8260 Broadway Lemon Grove CA 91945

ASSESSOR PARCEL #: ~~499-200-18-00~~ 576 120 0100 **SITE ACREAGE:** _____

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

This is an appeal for a development permit

CITY OF LEMON GROVE
 FEB 04 2019
 DEVELOPMENT SERVICES



**APPEAL APPLICATION &
REQUEST FOR PUBLIC HEARING**

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

APPLICANT: Pick Axe Holdings, LLC	PHONE: [REDACTED]
ADDRESS: 7364 Mission Gorge Rd	FAX:
San Diego, CA 92120	EMAIL: [REDACTED]

CASE/PROJECT NUMBER: ZCM-180-0004

DECISION /CONDITIONS OF APPROVAL BEING APPEALED (INCLUDE CONDITION ITEM NUMBERS):
 Applicant is appealing staff's determination that the property is located within 1,000 feet of a state-licensed daycare.

SPECIFIC REASON(S) FOR APPEAL OR REQUEST FOR PUBLIC HEARING:
 The denial letter does not state the specific state licensed daycare and therefore has not put the applicant on notice for the reason for denial.

Attach additional sheets if necessary.

[REDACTED]	Date
Applicants Signature	2/4/19

TO BE COMPLETED BY PLANNING STAFF

FILE #(s):
 DATE:
 FEES: RECEIPT #:

COMMENTS and/or CONDITIONS:

CITY OF LEMON GROVE

FEB 04 2019

DEVELOPMENT SERVICES



CITY OF LEMON GROVE
Development Services Department

"Best Climate On Earth"

February 11, 2019

Pickaxe Holdings LLC
Attention: Christopher Williams
[Redacted]
San Diego CA 92120

RE: Disclosure of protected uses within 1,000 feet of 2295 Lemon Grove Avenue (APN: 576-120-01-00); Zoning Clearance Application ZC1-800-0004, and Administrative Appeal AA1-900-0001.

Mr. Williams,

This letter is in response to the administrative appeal received by the City for the denial of zoning clearance application ZC1-800-0004 for a medical marijuana dispensary at the subject property. As described in the denial letter dated January 25, 2019, staff denied the application because the subject property is within 1,000 feet of licensed daycare facilities.

In order to provide a full and open opportunity for you to understand the reason staff denied the permit, and to allow you to respond accordingly, staff will disclose the physical street addresses of the licensed family daycare homes located within 1,000 feet of your proposed dispensary at 2295 Lemon Grove Avenue. Those addresses are:

- 2317 Edgerton Drive
- 2130 Eldora Street
- 2054 Noble Street

The City Council hearing will be advertised and scheduled for Tuesday, March 19, 2019 at 6:00 pm in the Lemon Grove Community Center at 3146 School Lane in Lemon Grove unless a request for continuance or request to withdrawal the appeal is received. Be advised that a copy of this letter will be attached to the City Council staff report. Please contact me as soon as possible if you wish to request a continuance or withdrawal. I can be reached at 619-825-3807, or by email at mviglione@lemongrove.ca.gov.

Please feel free to call me during counter hours if you have any questions.

Respectfully,

[Redacted Signature]

Mike Viglione, Associate Planner

CC: AA1-900-0001 Project File

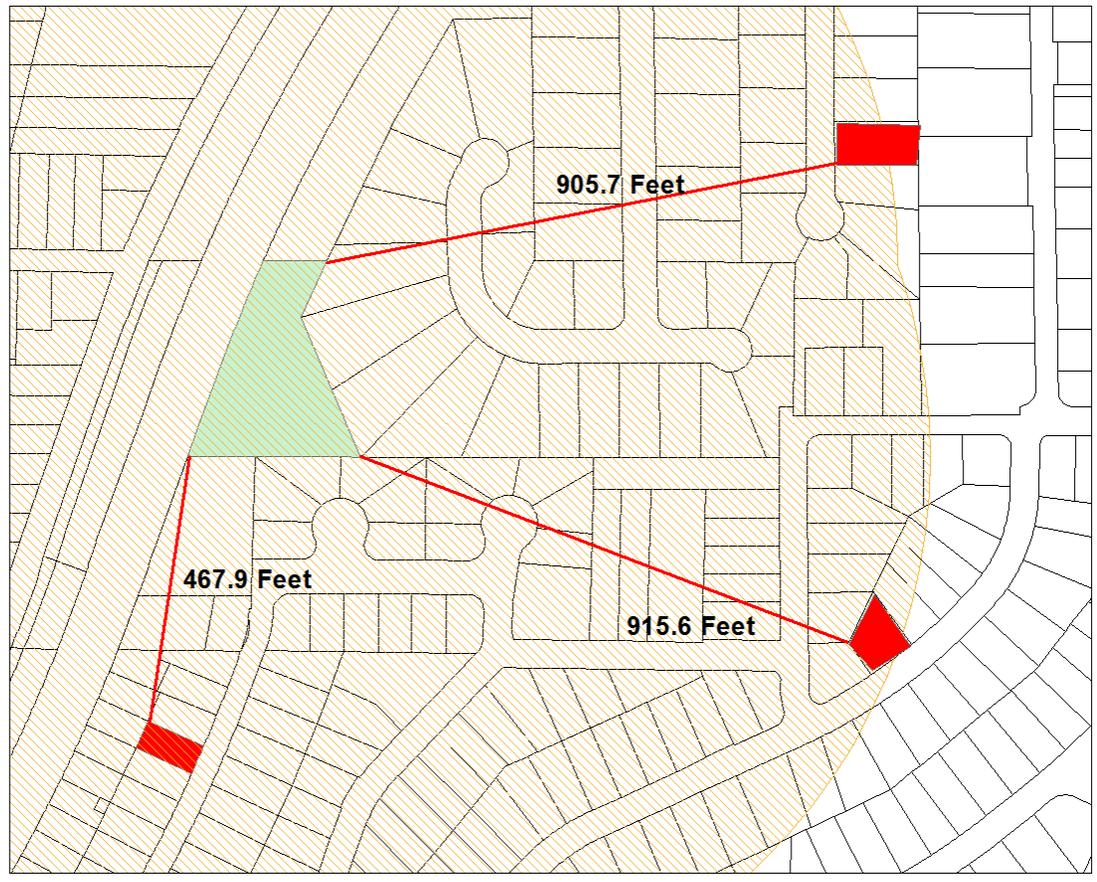
Protected Use Study - 2295 Lemon Grove Avenue



Legend

-  2295 Lemon Grove Avenue
-  1,000 Foot Buffer
-  Small Family Daycare Locations

 Feet
0 300





Footpath from Noble Street as seen from Google Maps.



Footpath photographed during January 23, 2019 site visit.



Footpath photographed during January 23, 2019 site visit.

ESRI ArcGIS Path of Travel Measurement



Google Maps Path of Travel Measurement



Appeal 2295 Lemon Grove Ave

On January 25, 2019, the City of Lemon Grove reviewed and denied the Zoning Clearance application for a Medical Marijuana Dispensary at 2295 Lemon Grove Ave

We are asking the city council to take into consideration a few key factors:

1. The steep angled slope located directly behind the proposed medical marijuana dispensary location, 2295 Lemon Grove Ave.
2. Related MMD ZC cases in which zoning clearance has been approved due to determinations that steep angled slopes significantly impede path of travel, thus requiring that city staff measures distance separation by "path of travel."

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

Images of the slope behind 2295 Lemon Grove Ave



Images of the slope behind 2295 Lemon Grove Ave



Images of the slope behind 2295 Lemon Grove Ave



The slope is approximately at it's lowest is 45ft and at its highest 60ft



The slope is approximately at it's lowest is 45ft and at its highest 60ft



The slope is approximately at it's lowest is 45ft and at its highest 60ft



ITEM 2: Related Zoning Clearance Approvals and Determinations

A. The Zoning Clearance approval of 6915 North Ave:

City council approved this zoning clearance under consideration that a 20-25 ft high slope in the area impedes path of travel to sensitive uses. It was determined that the “steep angled slope,” west of the regulated use, would require a detour. City staff deemed the slope to be a “significant impediment.” This was a factor that demonstrated to city council and staff should consider the slope as a topographical barrier.

ITEM 2: Screenshots from the MINUTES OF A MEETING OF THE LEMON GROVE CITY COUNCIL, September 19, 2017, when the 6915 North Ave ZC denial appeal was overturned.

Stephen George, Landscapes West contractor, stated that the vegetation on the slope is *Acacia latifolia* and frequently used as a foot traffic barrier and hillside slope retainer throughout San Diego County.

Chris Williams, applicant, stated that he is requesting that the law be followed. He commented on aspects of Measure V and reported that he spoke with the Development Services Director regarding the barbed wire fence along with the slope behind the day care center.

At Mr. Williams request two videos were shown.

James Lough stated “the findings are important for future applicants and Measure V needs to be followed properly. Typical straight line measurement has been used previously. The natural topographical is the lay of the land and could be a finding.”

ITEM 2: Related Zoning Clearance Approvals and Determinations (con't)

B. The Zoning Clearance approval of 6470 Federal Blvd:

Although the 6470 Federal Blvd property is directly across from a residential zoning district, the Zoning Clearance was approved due to the steep slope which impedes traffic between 6470 Federal Blvd and the adjacent neighborhood.

Screenshot is from the LEMON GROVE CITY COUNCIL AGENDA ITEM SUMMARY for June 19, 2018. Please note the details of the slope in section "SURROUNDING PROPERTIES."

Application Summary:

APPLICANT/OWNER:	Sean McDermott
PROPERTY OWNER:	Keith Anderson, Wing Avenue Investment, LLC
PROPERTY LOCATION:	6470 Federal Blvd., APN: 478-190-20-00. The site is located on the north side of Federal Blvd. between San Miguel Ave. and MacArthur Drive.
PROJECT AREA:	0.96 acres (41,711 square feet)
EXISTING ZONE:	Light Industrial (LI) Zoning District
GENERAL PLAN:	Industrial Land Use Designation
SURROUNDING PROPERTIES:	<p>North: State Route 94</p> <p>South: Single-family residences north of Blue Ash Drive and south of Federal Blvd. (60 feet above the project site location due to the slope and elevation change); Residential Low (RL) Zoning District</p> <p>East: Light industrial land uses; Light Industrial (LI) Zoning District</p> <p>West: Light industrial land uses; Light Industrial (LI) Zoning District</p>

Screenshot is from the LEMON GROVE CITY COUNCIL AGENDA ITEM SUMMARY for June 19, 2018. The slope located across from 6470 Federal Blvd, which city staff deemed to be a topographical barrier that impedes traffic.



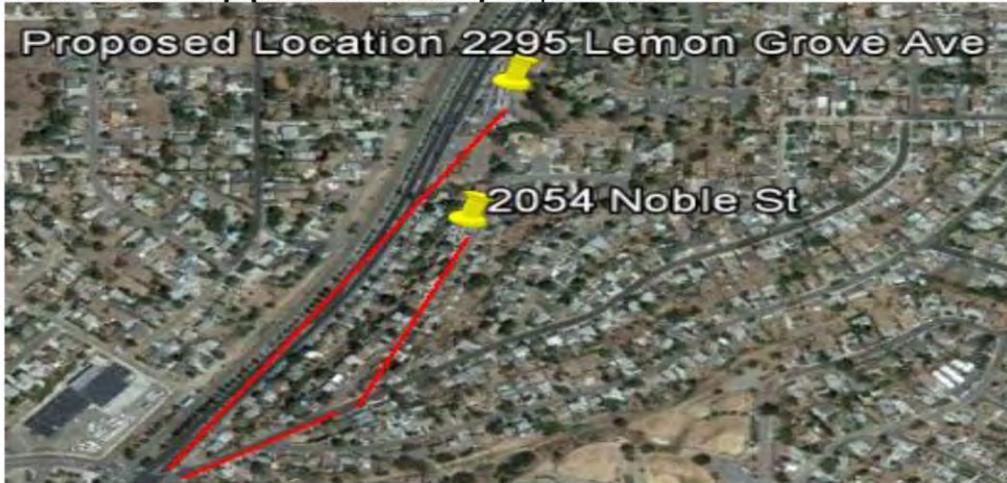
Path of Travel from 2295 Lemon Grove Way to 2317 Edgerton Drive is approximately 2,200ft



Path of Travel from 2295 Lemon Grove Way to 2054 Noble St is approximately 3,300ft



Path of Travel from 2295 Lemon Grove Way to 2054 Noble St is approximately 3,300ft



2017 Appeal Denial, and Subsequent Findings

- In 2017, 2295 Lemon Grove Ave was denied Zoning Clearance for being 1,000 ft from an alleged school located at 2115 Lemon Grove Ave.
- We requested the annual fire report for 2115 Lemon Grove Ave.
- Fire Inspector Shaun Richardson supplied the annual fire report to the city, and included a post-it note on the record which stated “**No formal school onsite.**”
- Former City Clerk, Susan Garcia was instructed by former Development Service Director to remove the post-it before supplying the public record to the requestor, Chris Williams.



HEARTLAND FIRE & RESCUE

SERVING THE CITIES OF EL CAJON, LA MESA AND LEMON GROVE

Business Name FOURSQUARE CHURCH Occupancy Classification (Bureau Only) A
 Business Address 2115 LEMON GROVE AVE Phone 465-9800
 Emergency Contact Name PASTOR MIKE PASCUAL Phone [REDACTED]

NOTICE OF FIRE & SAFETY HAZARDS: You are hereby notified that an inspection of your premises has disclosed the following fire safety hazards and/or violations of the provision of appropriate local or state codes: Current City Business License N/A

<p>FIRE ACCESS</p> <p>01 <input checked="" type="checkbox"/> Display address numbers in a position as to be visible from the street</p> <p>02 <input type="checkbox"/> Install Knox Box <input type="checkbox"/> Update keys in Knox Box</p> <p>03 <input type="checkbox"/> Fire Lane(s): <input type="checkbox"/> Clear cars or obstructions</p> <p>EXITS</p> <p>04 <input type="checkbox"/> Provide 36" clear aisle width with stock</p> <p>05 <input type="checkbox"/> Remove locks, slide bolts, hasps, chains</p> <p>06 <input checked="" type="checkbox"/> Lighted exit sign(s): <input type="checkbox"/> Repair/replace</p> <p>07 <input type="checkbox"/> Emergency exit pathway lighting: <input type="checkbox"/></p> <p>08 <input type="checkbox"/> Provide maximum occupant load sign</p> <p>STRUCTURE</p> <p>09 <input type="checkbox"/> Repair penetrations in walls/floor</p> <p>10 <input type="checkbox"/> Install/repair fire door <input type="checkbox"/> Repair</p> <p>HOUSEKEEPING</p> <p>11 <input type="checkbox"/> Remove weeds and/or trash from site</p> <p>12 <input type="checkbox"/> Clear excess combustible stock</p> <p>ELECTRICAL</p> <p>13 <input type="checkbox"/> Remove extension cords used as permanent wiring</p> <p>14 <input type="checkbox"/> Remove nonapproved multi-plug adapters, cube adapters and/or zip ties</p> <p>15 <input type="checkbox"/> Replace missing switch plate, outlet or junction box covers</p>	<p>AUTOMATIC FIRE SPRINKLER SYSTEM AND/OR STANDPIPES</p> <p>24 <input type="checkbox"/> Maintain 18" clearance between sprinkler heads and storage</p> <p>25 <input type="checkbox"/> FDC: <input type="checkbox"/> Replace caps <input type="checkbox"/> Repair swivel <input type="checkbox"/> Repair clapper</p> <p><input type="checkbox"/> Provide 5 year certification <input type="checkbox"/> Annual Certification <input type="checkbox"/> Provide paperwork</p> <p><input type="checkbox"/> Replace damaged heads <input type="checkbox"/> Add heads <input type="checkbox"/> Provide headbook</p> <p>Monitoring of system <input type="checkbox"/> in system and/or components <input type="checkbox"/> Provide paperwork</p> <p>gas cylinders <input type="checkbox"/> Provide gas detection system</p> <p>EM <input type="checkbox"/> Provide protection coverage <input type="checkbox"/> Flood/duct filters every: <input type="checkbox"/> 3 months <input type="checkbox"/> 6 months <input type="checkbox"/> Replaced every 6 mos or after use <input type="checkbox"/> Provide K rated extinguisher</p> <p>S <input type="checkbox"/> Labeling <input type="checkbox"/> Grounding <input type="checkbox"/> Label/Marking <input type="checkbox"/> Quantity of flammable liquids to 10 gallons or less <input type="checkbox"/> Flammable liquids storage cabinet <input type="checkbox"/> Provide approved safety can</p>
---	--

Sunday School
 Only 2 weeks
 night bible study.
 No formal school
 on site.
 - Glenn

2017 Appeal Denial, and Subsequent Findings (cont'd_

- The record shows evidence that the fire department confirmed to the city of Lemon Grove that there is no school located at 2115 Lemon Grove Ave, thus, **no Sensitive Use in proximity to the proposed dispensary.**
- The Public Records we reviewed after the 2017 appeal hearing for 2295 Lemon Grove Ave show that the city of Lemon Grove knew that there was no school located at 2115 Lemon Grove Ave.
- Furthermore, the public records show that the city withheld that information from the applicant.



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. ___3___

Meeting Date: July 16, 2019

Submitted to: Honorable Mayor and Members of the City Council

Department: Community Development Department

Staff Contact: Mike Viglione, Associate Planner

mviglione@lemongrove.ca.gov

Item Title: Administrative Appeal AA1-900-0002

Recommended Action: Conduct the public hearing, receive public comment, and adopt a Resolution upholding the Development Services Department Decision to Deny Zoning Clearance application ZCM-180-0006.

Summary: On January 25, 2017, the Development Services Department denied Zoning Clearance Application No. ZCM-180-0006, a request to file a Conditional Use Permit application for a medical marijuana dispensary (MMD) at the .45 acre commercial property at 8260 Broadway. Staff denied the application because the subject property is located within 1,000 feet of a private school and State-licensed daycare center at Saint John of the Cross Parish and Catholic School. The appellant, Mr. Christopher O. Williams, subsequently filed an appeal contesting "staff's determination that the property is located within 1,000 feet of a state-licensed daycare." The appeal further states that the "denial letter does not state the specific school or state licensed daycare and therefore has not put the applicant on notice for the reason for denial" **and that the only "potential sensitive use in St. John of the Cross and this school is more than 1,000 feet from the proposed use."** Staff contends that adequate notice was provided and that there is appropriate evidence to justify the determination that there are protected uses within 1,000 feet of the subject property.

Background: Chapter 17.32 of the Lemon Grove Municipal Code (LGMC) outlines the regulations by which a Medical Marijuana Dispensary (MMD) may open and operate within the City of Lemon Grove. Pursuant to Sections 17.32.040 and 17.32.080, the operation of a MMD requires the approval of a Conditional Use Permit (CUP) application, which may only be submitted if the proposed facility observes a 1,000 foot separation from the regulated and protected uses identified in Section 17.32.090, like schools, day care facilities, and other MMDs.

All MMD Applications are initially screened through a Zoning Clearance (ZC) application to determine if the subject property meets the required 1,000 foot separations in Section 17.32.090. The ZC is also used to ensure that the MMD is proposed within a permissible zone and that all materials necessary for review of the CUP are included with the application. Applications for sites that do not meet the specified zoning regulations and separation requirements **are denied by City Staff. Staff's decision to deny any application** may be appealed pursuant to LGMC Section 17.28.020(I).

Since December 2017, the City has maintained a publically available Medical Marijuana Operations webpage for potential applicants that includes information and resources pertinent to MMD applications. **Among the webpage's resources are the Medical Marijuana Dispensary Submittal Checklist**, which details the documents that must accompany an application, and the Medical Marijuana Zoning Map (Attachment C). The aforementioned zoning map overlays the zoning districts where MMDs may be established with required 1,000 foot separations from known regulated and protected uses so that applicants may gauge the likelihood of success prior to application submittal.

It is important to note that the specific properties where regulated and protected uses occur are not disclosed in the Medical Marijuana Zoning Map. LGMC Chapter 17.32 includes both large and small family day cares as protected uses but the State licensing agency for daycare, California Department of Social Services (DSS), does not disclose the addresses of licensed family daycare homes to the general public. There is an expectation of privacy in private residential settings and thus the dissemination of such information is restricted pursuant to Health and Safety Code Section 1596.86(b). DSS supplied this confidential information to City Staff to further protect the health and safety of DSS clients with the understanding that the list would not be disclosed to the general public. Consequently the specific locations of regulated and protected uses are obscured.

On December 20, 2018, the appellant filed Zoning Clearance application ZCM-180-0006, a request to apply for a Conditional Use Permit to establish a MMD at 8260 Broadway. At the time of application, the Medical Marijuana Zoning Map, which was last updated in March 2017, indicated the proposed location would not meet required separations.

On January 24, 2019, City Staff confirmed with Saint John of the Cross Staff that Assessor Parcel Number 503-011-11-00, the eastern parcel of the Saint John of the Cross School and Parish, is used to serve daily school lunch and for school-related events.

On January 25, 2019, the Development Services Department denied ZCM-180-0006 citing that the property was located within 1,000 feet of a school and State-licensed daycare facility.

On January 30, 2019, the appellant requested via email that City Staff provide the name and address of the school and state licensed daycare facility within 1,000 feet of the subject property.

On January 31, 2019, City Staff sent an email to the appellant disclosing the location of the school and State-licensed daycare facility referenced in the denial of ZCM-180-0006, which stated that the "facility is comprised of three parcels, Assessor Parcel Numbers 503-011-11-00, 475-490-18-00, and 475-490-17-00, and includes addresses of 8086 Broadway, 8175 Lemon Grove Way, and 8215 Lemon Grove Way, Lemon Grove, CA 91945."

On February 4, 2019, the appellant filed AA1-900-0002, an administrative appeal of the Development Services Department decision. AA1-900-0002 appeals "staff's determination that the property is located within 1,000 feet of a school or state-licensed daycare." The appeal further states that the "denial letter does not state the specific school or state licensed daycare and therefore has not put the applicant on notice for the reason **for denial**" and that the only "potential sensitive use in [sic] St. John of the Cross and this school is more than 1,000 feet from the proposed use."

On February 11, 2019, City Staff sent a letter to the appellant, which was also transmitted via email, scheduling the appeal hearing for March 19, 2019 and reiterating the location of the school and State-licensed daycare facility at Saint John of the Cross Parish.

On February 19, 2019, the appellant requested the appeal hearing be postponed due to a scheduling conflict. City Staff and the appellant rescheduled the appeal hearing date for May 7, 2019 but this too was postponed at the **appellant's** request. Ultimately, City Staff informed the appellant that the appeal hearing would be scheduled at his direction subject to the 180 day limit from the date of appeal in Section 17.28.020(G)(1).

On June 10, 2019, the appellant requested the appeal be scheduled for public hearing on July 16, 2019. City Staff confirmed the requested appeal hearing date via email the following day.

Discussion: **The purpose of this appeal is to contest City Staff's determination that the proposed MMD facility is within 1,000 feet of a school and State-licensed daycare facility.** Should the appeal be granted, the proposed MMD facility would be eligible to proceed to a Conditional Use Permit application. Staff contends that it has received appropriate evidence and made appropriate measurements to justify the determination that there is a school and State-licensed daycare facility within 1,000 feet of the subject property.

Saint John of the Cross Catholic Parish owns three adjacent parcels, Assessor Parcel Numbers (APN) 503-011-11-00, 475-490-18-00, and 475-490-17-00, on the north side of Broadway. All three of these parcels comprise the church site. The western parcel, APN 475-490-17-00, is developed with school classroom buildings, a playground, meeting rooms, parking facilities, and landscaping. The center parcel, APN 475-490-18-00, is developed with the church sanctuary, parking, and landscaping. The eastern parcel, APN 503-011-11-00, is developed with a meeting hall used by the Knights of Columbus, a youth center, and an auditorium with more parking and landscaping.

While the western parcel of the site developed with classroom buildings is slightly more than 1,000 feet from the proposed dispensary site, staff received written confirmation from the Saint John of the Cross Director of Religious Education that the church utilizes all three parcels in the conduct of the school and daycare facility. For example, the youth center located on the eastern parcel is used for daycare, and the auditorium also located on the eastern parcel is used daily to serve lunch to the students. The auditorium is also used to host special events and presentations for the school.

Given that Land Use is defined in Section 17.08.030 **of the Municipal Code**, as “the way in which property is utilized or occupied” **and** the school and State-licensed daycare of Saint John of the Cross regularly utilize APN 503-011-11-00, that property must by definition be considered a protected use. Consequently, the required 1,000 foot separation between protected use and regulated use applies. The eastern parcel of the church property is located approximately 822 feet from the proposed dispensary site as **measured in the City’s** ESRI ArcGIS Geographic Information System, and is therefore, ineligible to be proceed to Conditional Use Permit application.

The treatment of the eastern parcel of the church property as a protected use is also consistent with previous MMD Zoning Clearance determinations. For instance, ZC1-700-0010 for 8249 Broadway was denied by Development Services Department staff on identical grounds on April 3, 2017. ZC1-700-0012, the appellant's previous Zoning Clearance application for 8260 Broadway, was similarly denied by Staff on these grounds and was upheld by City Council via Resolution 2017-3533 on appeal.

Lastly, the appellant also contends that the denial letter does not state the specific school and State-licensed daycare, and therefore, does not provide notice for the reason of denial. As stated in the preceding background section, this information was provided to the appellant at his request prior to appeal.

Environmental Review:

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

Public Notification: The Notice of Public Hearing was published in the July 4, 2019 edition of the East County Californian, and mailed to all property owners within 1,000 feet of the subject property.

Staff Recommendation: Conduct the public hearing, receive public comment, and adopt a Resolution upholding the Development Services Department Decision to Deny Zoning Clearance application ZCM-180-0006.

Attachments:

- Attachment A – Resolution of Denial
- Attachment B – Medical Marijuana Zoning Map
- Attachment C – ZCM-180-0006 Zoning Clearance Application
- Attachment D – Staff Denial Letter for ZCM-180-0006
- Attachment E – Letter from Saint John of the Cross Staff
- Attachment F – Daycare Disclosure Email Thread
- Attachment G – AA1-900-0002 Administrative Appeal Application
- Attachment H – Public Hearing Scheduling and Daycare Disclosure Letter
- Attachment I – Separation Exhibit
- Attachment J – **Appellant’s Exhibit**

RESOLUTION NO.

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

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

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

WHEREAS, the Medical Marijuana Zoning Map has not changed since March 18, 2017 and is available on the Lemon Grove Marijuana Operations webpage which was originally published on December 12, 2017; and

WHEREAS, on December 20, 2018, the appellant, Christopher Williams, filed Zoning Clearance application ZCM-180-0006, a request to apply for a Conditional Use Permit to establish a MMD at 8260 Broadway; and

WHEREAS, at the time of application the publically available Medical Marijuana Zoning Map indicated that the subject property would violate required separations; and

WHEREAS, City Staff verified the presence of a school and State-licensed daycare facility at Saint John of the Cross Catholic Parish located at 8175 Lemon Grove Way; and

*WHEREAS, on January 24, 2019, Saint John of the Cross staff verified in writing that the church uses **all three parcels comprising the church's property to conduct school and daycare-related activities; and***

WHEREAS, Lemon Grove Municipal Code Section 17.08.030 defines land use as “the way in which property is utilized or occupied”; and

WHEREAS, on January 25, 2019, the Development Services Department denied ZCM-180-0006 because the subject property is located within 1,000 feet of a school and State-licensed daycare facility; and

WHEREAS, on January 31, 2019, Development Services Staff sent an email to the appellant disclosing the location of the school and State-licensed daycare facility referenced in the denial of Zoning Clearance application ZCM-180-0006; and

WHEREAS, on February 4, 2019, the appellant filed AA1-900-0002, an administrative appeal of the Development Services Department appealing staff's determination that the property is located within 1,000 feet of a school or State-licensed daycare further stating that by withholding the licensed daycare locations the applicant was not on notice for the reason for denial; and

WHEREAS, on February 11, 2019, City Staff sent a letter to the appellant setting a public hearing date and reiterating the address of the school and State-licensed daycare within 1,000 feet of the subject property; and

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

WHEREAS, on July 16, 2019, the City Council held a duly noticed public hearing to consider Administrative Appeal AA1-900-0002, an appeal of the Development Services Department decision to deny ZCM-180-0006; and

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

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

1. Denies Administrative Appeal No. AA1-900-0002 based on the above findings; and
2. Upholds the Development Services Department's January 25, 2019 decision to deny Zoning Clearance No. ZCM-180-0006, a request to apply for a Conditional Use Permit to establish a medical marijuana dispensary at 8260 Broadway, Lemon Grove CA.

PASSED AND ADOPTED on _____, 2019, 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

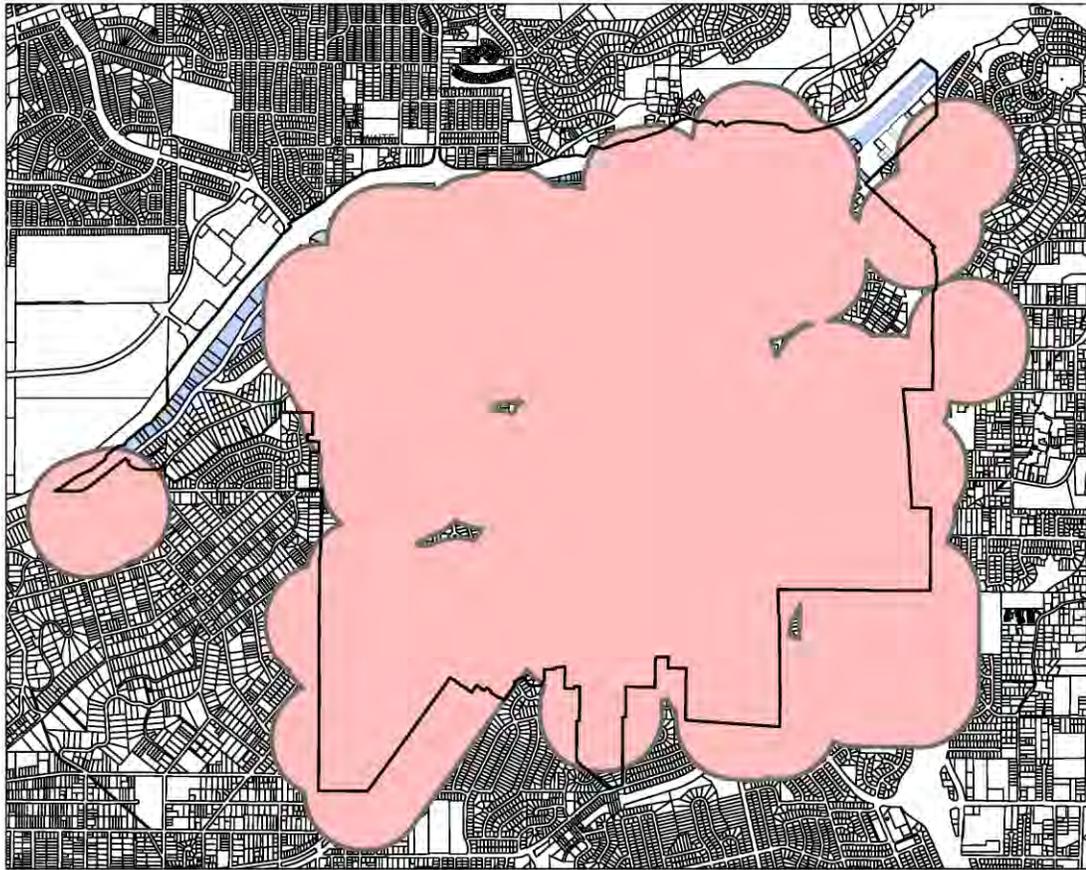
Approved as to Form:

Kristen Steinke, City Attorney

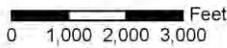
Lemon Grove Medical Marijuana Dispensary Zoning

Legend

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



- NOTES:
- 1) This map may not include all protected uses, specifically those in surrounding jurisdictions.
 - 2) To ensure privacy for family daycare homes, this map intentionally obscures the exact locations of protected uses.
 - 3) Map last updated on March 18, 2017





PLANNING PERMIT APPLICATION

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

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> Zoning Clearance (ZC) | <input type="checkbox"/> Tentative Parcel Map (TPM) - 4 or fewer lots |
| <input type="checkbox"/> Pre-Application (PA) | <input type="checkbox"/> Certificate of Compliance (CC) |
| <input type="checkbox"/> Minor Use Permit (MUP) | <input type="checkbox"/> Zoning Amendment (ZA) |
| <input 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 | |

CITY OF LEMON GROVE
 DEC 20 2018
 DEVELOPMENT SERVICES

APPLICANT:	Pick Axe Holdings LLC - Christopher Williams	PHONE:	[REDACTED]
ADDRESS:	7364 Mission Gorge Rd. San Diego, CA 92120	FAX:	[REDACTED]
		EMAIL:	[REDACTED]
PROPERTY OWNER:	MATTAR FAMILY TRUST OF 1990	PHONE:	[REDACTED]
ADDRESS:	[REDACTED] La Mesa CA. 91941	FAX:	[REDACTED]
		EMAIL:	[REDACTED]
CONTACT PERSON:	Pick Axe Holdings LLC ~Christopher Williams	PHONE:	[REDACTED]
ADDRESS:	7364 Mission Gorge Rd. San Diego, CA 92120	FAX:	[REDACTED]
		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:	BROADWAY MMD
PROJECT ADDRESS:	8260 Broadway, Lemon Grove, CA. 91945
ASSESSOR PARCEL #:	499-200-18-00
SITE ACREAGE:	0.46

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

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

The scope of the project is to include interior remodel of the existing structure with non-structural and non-loadbearing walls. Site modifications to include parking lot re-stripping, pedestrian access from the parking lot and existing right of way and miscellaneous site improvements such as lighting, fencing and security cameras. Parking lot will be re-stripped to accommodate conforming parking spaces and accessible parking spaces. This is an application for a development permit.

Rev. November 2015



CITY OF LEMON GROVE
Development Services Department

"Best Climate On Earth"

January 25, 2019

Pickaxe Holdings LLC
Attention: Christopher Williams
7364 Mission Gorge Road
San Diego CA 92120

MATTAR Family Trust of 1990
[REDACTED]
La Mesa, CA 91941

SUBJECT: Denial of Zoning Clearance Application ZCM-180-0006 for 8260 Broadway, in the City of Lemon Grove (APN: 499-200-18-00).

Mr. Williams,

On December 20, 2018, staff received the subject application to establish a medical marijuana dispensary (MMD) at the subject property in the City of Lemon Grove. The application has been denied for the following reasons, which may not be all inclusive:

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

In order for staff to process a conditional use permit application for a MMD, the application must include all of the information required by Chapter 17.32 of the Lemon Grove Municipal Code, as well as the items listed on the City's MMD Planning Permit Checklist. Additionally, the location of the proposed MMD must comply with the zoning requirements and distance restrictions contained within Chapter 17.32. If any of the required items are missing, or if the proposed location does not meet the zoning requirements and distance restrictions, then staff cannot process a conditional use permit application. Please review the requirements of Chapter 17.32 and the MMD Planning Permit Checklist prior to submitting another application. Please also verify that the site chosen meets the distance restrictions established by Chapter 17.32. Staff's decision to deny this application may be appealed to the Lemon Grove City Council pursuant to Lemon Grove Municipal Code, Section 17.28.020(I). Appeals must be filed in writing within 10 calendar days of the date on this denial letter and must include a filing deposit of \$1000.00. Appeals must be filed using forms provided by the Development Services Department.

Respectfully,

[REDACTED SIGNATURE]

Mike Viglione, Associate Planner

CC: ZCM-180-0006 Project File



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

OFFICE OF RELIGIOUS EDUCATION
(619) 461-2681

January 24, 2019

Mike Viglione
Associate City Planner
City of Lemon Grove

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

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

Respectfully,

*Jesse Ramirez
Director Religious Education*

Mike Viglione

From: Mike Viglione
Sent: Thursday, January 31, 2019 10:07 AM
To: 'Christopher Williams'
Subject: RE: 8260 Broadway - Zoning Clearance - ZCM-180-0006

Hi Chris,

The property is within 1,000 feet of a school and a State-licensed day care facility located at the St John of the Cross Parish facility. This facility is comprised of three parcels, Assessor Parcel Numbers 503-011-11-00, 475-490-18-00, and 475-490-17-00, and includes addresses of 8086 Broadway, 8175 Lemon Grove Way, and 8215 Lemon Grove Way, Lemon Grove, CA 91945.

Respectfully,

Mike Viglione
Associate Planner
City of Lemon Grove
Development Services Department
3232 Main St.
Lemon Grove, CA 91945
(619) 825-3807 phone
(619) 825-3818 fax
www.lemongrove.ca.gov

From: Christopher Williams [mailto:chris@xmgmedia.com]
Sent: Wednesday, January 30, 2019 5:41 PM
To: Mike Viglione <mviglione@lemongrove.ca.gov>
Subject: Re: 8260 Broadway - Zoning Clearance - ZCM-180-0006

Hi Mike,

I received a response from you from most of my emails and questions, except this email. Can you respond to these questions as well please. Thank you.

Chris

On Wed, Jan 30, 2019, 11:59 AM Christopher Williams <chris@xmgmedia.com> wrote:

Hi Mike

I noticed there is no name or address of the school and state licensed daycare facility in the denial letter. Can you please send me the names and addresses of the school and state licensed daycare city staff used to deny zoning clearance? I need this to determine if I'm going to appeal or not.

Can you also forward me the official form that is necessary to file the appeal with Lemon Grove. Thank you Mike. Make it a great day.

Sincerely,
Chris Williams
Founder/President
Xperience Management Group
O:619 326 4182
C:619 847 8264

----- Forwarded message -----

From: **Mike Viglione** <mviglione@lemongrove.ca.gov>
Date: Fri, Jan 25, 2019 at 1:34 PM
Subject: 8260 Broadway - Zoning Clearance - ZCM-180-0006
To: Christopher Williams <chris@xmgmedia.com>

Good Afternoon,

On January 25, 2019, City of Lemon Grove staff reviewed and denied the Zoning Clearance application for a Medical Marijuana Dispensary at 8260 Broadway. As such staff mailed the attached Notice of Denial to the property owner and project contact. Please review the attached Notice for further detail.

Respectfully,

Mike Viglione

Associate Planner

City of Lemon Grove

Development Services Department

3232 Main St.

Lemon Grove, CA 91945

(619) 825-3807 phone

(619) 825-3818 fax

www.lemongrove.ca.gov

AA1
:- 900 0002



**APPEAL APPLICATION &
REQUEST FOR PUBLIC HEARING**

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

APPLICANT: Pick Axe Holdings, LLC	PHONE: [REDACTED]
ADDRESS: 7364 Mission Gorge Rd	FAX:
San Diego, CA 92120	EMAIL: [REDACTED]

CASE/PROJECT NUMBER: ZCM-180-0006 / 8260 Broadway (499-200-15-00)

DECISION /CONDITIONS OF APPROVAL BEING APPEALED (INCLUDE CONDITION ITEM NUMBERS):
Applicant is appealing staff's determination that the property is located within 1,000 feet of a school or state-licensed daycare.

SPECIFIC REASON(S) FOR APPEAL OR REQUEST FOR PUBLIC HEARING:
The denial letter does not state the specific school or state licensed daycare and therefore has not put the applicant on notice for the reason for denial. However, the only potential sensitive use in St. John of the Cross and this school is more than 1,000 ft from the proposed use.

FEB 04 2019
DEVELOPMENT SERVICES

Attach additional sheets if necessary.

[REDACTED]	Date
Applicants Signature	07/04/19

TO BE COMPLETED BY PLANNING STAFF

FILE #(s):
DATE:
FEES: RECEIPT #:

COMMENTS and/or CONDITIONS:



PLANNING PERMIT APPLICATION

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

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

- | | |
|--|---|
| <input type="checkbox"/> Zoning Clearance (ZC) | <input type="checkbox"/> Tentative Parcel Map (TPM) - 4 or fewer lots |
| <input type="checkbox"/> Pre-Application (PA) | <input type="checkbox"/> Certificate of Compliance (CC) |
| <input type="checkbox"/> Minor Use Permit (MUP) | <input type="checkbox"/> Zoning Amendment (ZA) |
| <input 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 checked="" type="checkbox"/> Appeal of Denial of Zoning Clearance Application ZCM-180-0008 |
| <input type="checkbox"/> Tentative Map (TM) - 5 or more lots | <input type="checkbox"/> Substantial Conformance Review of _____ |
| <input type="checkbox"/> Other _____ | |

APPLICANT: Pick Axe Holdings LLC **PHONE:** [REDACTED]
ADDRESS: 7364 Mission Gorge Rd **FAX:** [REDACTED]
 San Diego, Ca 92120 **EMAIL:** [REDACTED]

PROPERTY OWNER: Leroy Mattar / Mattar Family Trust of 1990 **PHONE:** [REDACTED]
ADDRESS: [REDACTED] **FAX:** [REDACTED]
 La mesa CA 91941 **EMAIL:** [REDACTED]

CONTACT PERSON: Christopher Williams **PHONE:** [REDACTED]
ADDRESS: 7364 Mission Gorge Rd **FAX:** [REDACTED]
 San Diego CA 92120 **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: FEB 04 2019
PROJECT ADDRESS: 8260 Broadway Lemon Grove CA 91945
ASSESSOR PARCEL #: 499-200-18-00 **SITE ACREAGE:** DEVELOPMENT SERVICES

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

This is an appeal for a Development Permit



CITY OF LEMON GROVE
Development Services Department

"Best Climate On Earth"

February 11, 2019

Pickaxe Holdings LLC
Attention: Christopher Williams
7364 Mission Gorge Road
San Diego CA 92120

RE: : Hearing Date for Administrative Appeal AA1-900-0002 for denial of Zoning Clearance application ZC1-800-0006 for property located at 8260 Broadway (APN: 499-200-18-00).

Mr. Williams,

On February 4, 2019, City Staff received an application to appeal the decision to deny Zoning Clearance application ZC1-800-0006 for a medical marijuana dispensary at the subject property. As described in the denial letter dated January 25, 2019, staff denied the application because the property is located within 1,000 feet of a school and a State-licensed daycare facility.

In order to provide a full and open opportunity for you to understand the reason staff denied your Zoning Clearance application, and to allow you to respond accordingly, staff wish to inform you that the subject property is within 1,000 feet of a school and a State-licensed day care facility located at the St John of the Cross Parish facility. This facility is comprised of three parcels, Assessor Parcel Numbers 503-011-11-00, 475-490-18-00, and 475-490-17-00, and includes addresses of 8086 Broadway, 8175 Lemon Grove Way, and 8215 Lemon Grove Way, Lemon Grove, CA 91945.

The City Council hearing will be advertised and scheduled for Tuesday, March 19, 2019 at 6:00 pm in the Lemon Grove Community Center at 3146 School Lane in Lemon Grove unless a request for continuance or request to withdrawal the appeal is received. Be advised that a copy of this letter will be attached to the City Council staff report. Please contact me as soon as possible if you wish to request a continuance or withdrawal. I can be reached at 619-825-3807, or by email at mviglione@lemongrove.ca.gov.

Please feel free to call me during counter hours if you have any questions.

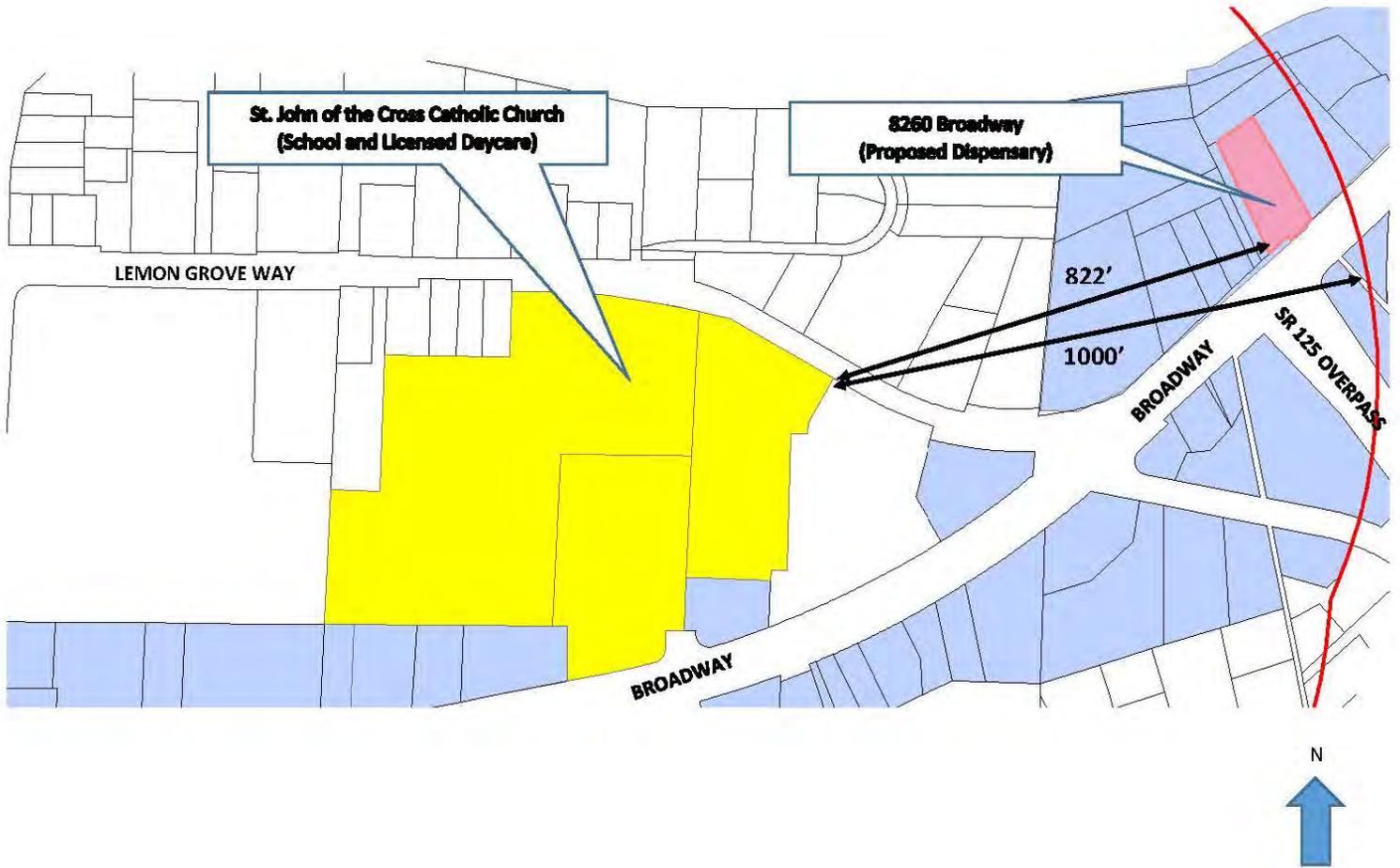
Respectfully



Mike Viglione, Associate Planner

CC: AA1-900-0002 Project File

Saint John of the Cross and 8260 BROADWAY



8260 Broadway Appeal

8260 Broadway Appeal Summary

Staff's Decision To Deny The Zoning Clearance of 8260 Broadway Was Based On A Materially Erroneous Interpretation Of Measure V's Definition of Sensitive Use Locations.

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

8260 Broadway Appeal Summary (con't)

FACTUAL BACKGROUND

8260 Broadway was denied Zoning Clearance based on the alleged Sensitive Use locations on "Assessor Parcel Numbers 503-011-11-00, 475-490-18-00, and 475-490-17-00, and includes addresses of 8086 Broadway, 8175 Lemon Grove Way, and 8215 Lemon Grove Way, Lemon Grove, CA 91945."

The City suggests that Saint John of the Cross School and Childcare facilities are located less than 1000' from the proposed MMD.

8260 Broadway Appeal Summary (con't)

An evaluation of Public Records shows that:

- No structure located on APN 503-011-11-00 is a school, preschool, or Sensitive Use..
- No structure located on APN 475-490-18-00 is a school, preschool, or Sensitive Use.
- 8175 Lemon Grove Way, SJC Catholic School, is the only SJC building which meets the criteria for a school and preschool. This building, located on APN 475-490-17-00, is 1035 ft from the proposed dispensary location.

8260 Broadway Appeal Summary (con't)

The only St Johns of the Cross building which is meets the criteria of the CA Department of Education, California Fire and Safety Code, and the Department of Social Services is 8175 Lemon Grove Way.

8175 Lemon Grove Way is over 1,000 ft from the proposed dispensary location, which clears 8260 Broadway for Zoning Clearance. Any determination that deems buildings on APN 475-490-18-00 and/or APN 503-011-11-00 as a Sensitive Use would clearly undermine the CA Dept. of Education, CA Fire Code, and Department of Social Services' regulations for what a school &/ daycare facility is.

8260 Broadway Appeal Summary (con't)

Unity of Ownership Does Not Make the Premise Protected Use

The City suggests that because all three adjacent parcels are owned by the church, that all three parcels constitute a singular tract of school grounds. The city has no definition of a tract in their municipal code. Tracts are defined prior to, land division of parcels. The entirety of SJC's land may have at one time been properly identified a tract, however these 3 parcels are **no longer a tract**. As a result of the SJC land being divided into parcels, the parcels which do not contain schools/preschools do not contain Sensitive Use locations.

This determination contradicts and undermines the CA Dept. of Education, CA Fire Code, and Department of Social Services' regulations for what a school &/ daycare facility is.

On January 25, 2019 Lemon Grove City staff denied the Zoning Clearance application for a Medical Marijuana Dispensary at 8260 Broadway. On January 31, 2019 Mike Viglione of the Lemon Grove Planning Department provided the three addresses and parcels numbers to the properties the city has deemed a school and or daycare.

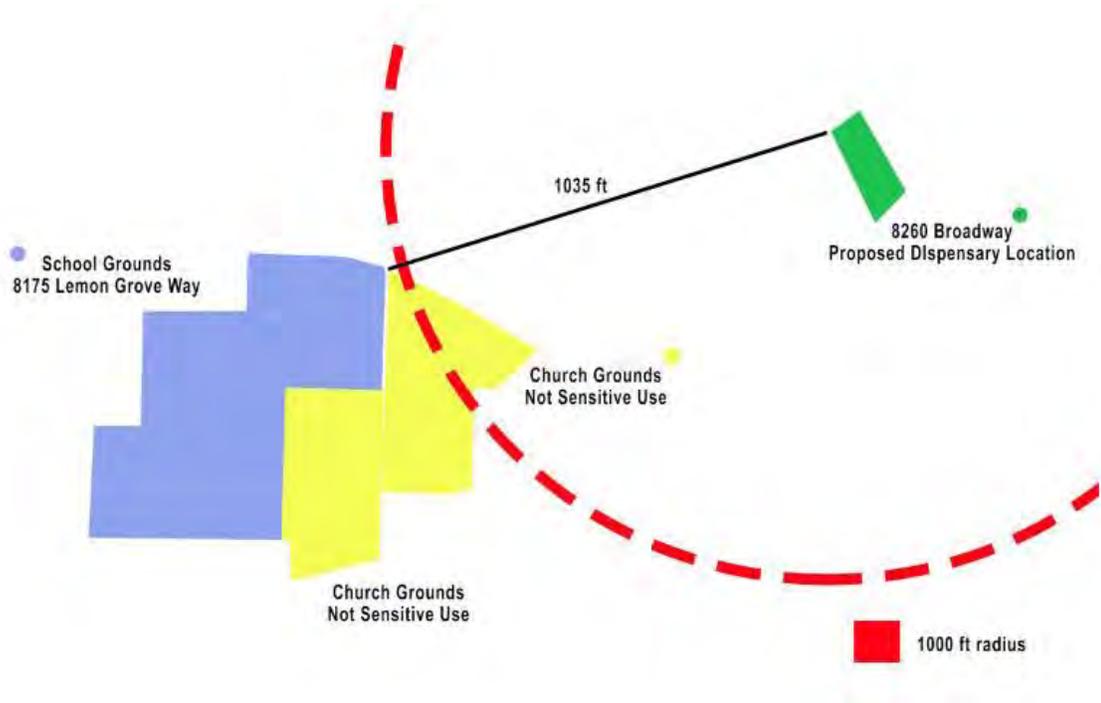
Email from Mike Viglione

From: **Mike Viglione** <mviglione@lemongrove.ca.gov>
Date: Thu, Jan 31, 2019 at 10:07 AM
Subject: RE: 8260 Broadway - Zoning Clearance - ZCM-180-0006
To: Christopher Williams <chris@xmgmedia.com>

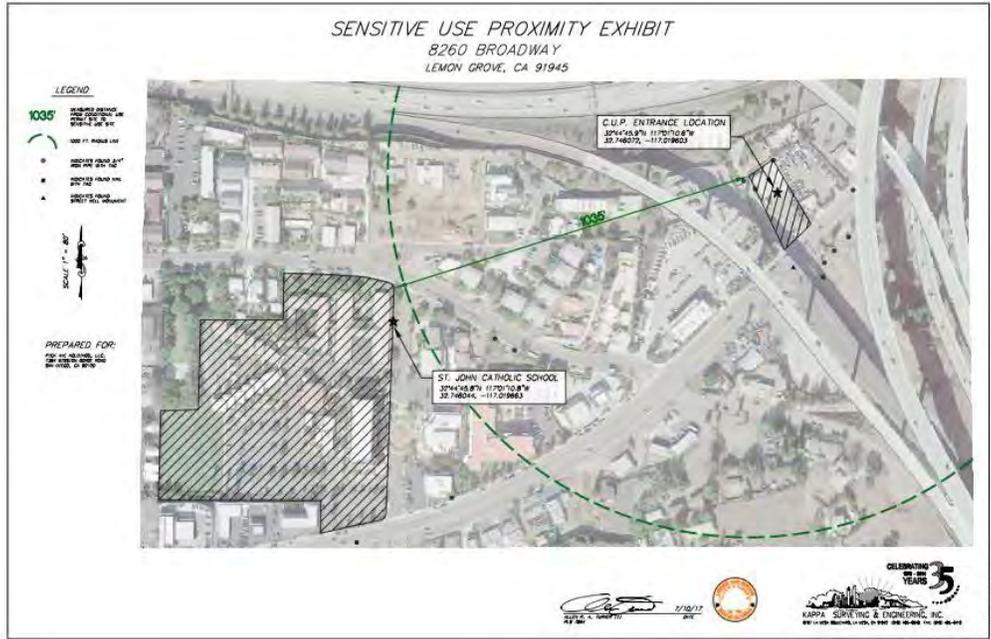
Hi Chris,

The property is within 1,000 feet of a school and a State-licensed day care facility located at the St John of the Cross Parish facility. This facility is comprised of three parcels, Assessor Parcel Numbers [503-011-11-00](#), [475-490-18-00](#), and [475-490-17-00](#), and includes addresses of [8086 Broadway](#), [8175 Lemon Grove Way](#), and [8215 Lemon Grove Way](#), Lemon Grove, CA 91945.

Respectfully,
Mike Viglione
Associate Planner
City of Lemon Grove







Evaluation From Public Records

- No structure located on APN 503-011-11-00 is a school, preschool, or Sensitive Use. *Auditorium use for lunch or assembly do not make the buildings on this parcel a school.*
- No structure located on APN 475-490-18-00 is a school, preschool, or Sensitive Use. *8086 Broadway is a Church; churches are not Sensitive Uses.*
- 8175 Lemon Grove Way, SJC Catholic School, does meet the criteria for a school and preschool. This building, located on APN 475-490-17-00, is 1035 ft from the proposed dispensary location.

SJC Has One Sensitive Use Location

The **only** building on all 3 of the St John of the Cross Parish parcels which constitutes as a Sensitive Use, is 8175 Lemon Grove Way.

8175 Lemon Grove Way is over 1,000 ft from the proposed dispensary location.

None of the SJC buildings less than 1,000 ft from 8260 Broadway fit the state agency regulations for schools.

This is validated by:

1. CA Dept of Education
2. California Fire Code
3. Department of Social Services

8175 Lemon Grove Way, the only SJC School Bldg.

School as defined at California Health and Safety Code 11362.768

h) For the purposes of this section, "school" means any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

1. Per the California Private School Affidavit, which is submitted to the CA Department of Education, St Johns of the Cross has submitted only one address on their affidavit (8175 Lemon Grove Way).
2. Per Heartland Fire Department 8175 Lemon Grove Way is the ONLY property on all three parcels that is and has been annually inspected as a school.
3. Per Department of Social Services the only address on file for a preschool for St. Johns of the Cross is 8175 Lemon Grove Way.

1. CA Department of Education

- According to state law, Lemon Grove zoning regulations and the California Department of Education, the **only address owned by St. John of the Cross that is considered a school is 8175 Lemon Grove Way.**
- No other building owned by St Johns of the Cross Parish meets the criteria for a school
- The only address listed by the school's officer, on the Private School Affidavit is 8175 Lemon Grove Way. The affidavit is required by law and under penalty of perjury.



Private School Affidavit Form 2018-19

Form Submitted:	11/2/2018 8:10:40 AM
Confirmation:	250745
Page Generated:	6/25/2019 8:06:35 AM

From <u>Education Code Section 48222</u> : This is "... a private full-time... school... [that]...offer[s] instruction in the several branches of study required to be taught in public schools of the state... [that offers this] instruction...in English [, and that keeps]...attendance [records]..." *	Yes
---	-----

School Information

1. Name of School	St. John of the Cross School
2. CDE-assigned 14 digit CDS code if one was previously assigned	37682056975742
3. County in which school is located	San Diego
4. Public school district in which school is located	Lemon Grove
5. Street Address (P.O. Box is not acceptable)	8175 Lemon Grove Way 
6. City	Lemon Grove, CA 91945 - 1921
7. School Telephone Number	619-406-8624
8. Optional School Fax Number	--
9. School E-mail Address	gkrumm@stjohncross.org

Email from California Department of Education

From: PRIVATESCHOOLS <PRIVATESCHOOLS@cde.ca.gov>

Date: Mon, Jul 8, 2019 at 3:43 PM

Subject: RE: Private School Affidavit

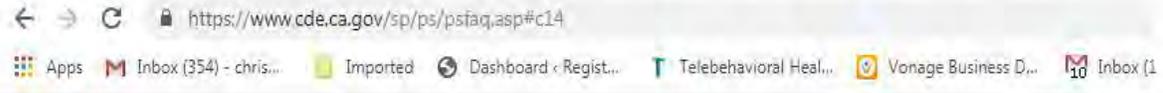
To: Christopher Williams <chris@xmgmedia.com>

Hey Christopher,

It is one affidavit per location. If they are operating under several affidavits that is ok. They would simply be treated as multiple schools. **If they are operating under 1 affidavit, that is not ok.** However, the State does not have direct oversight or does not regulate private schools. Here is a link to the FAQ with a section on complaints.

<https://www.cde.ca.gov/sp/ps/psfaq.asp> the third link down on this page has a section of questions on how to process complaints.

Link Provided by the CA Department of Education



14. Who should I contact about possible health and/or safety issues at a private school?

Health and safety issues should be directed to local health or fire departments or to child protective services.

15. Who should I contact about possible discrimination at a private school?

Leonard (Len) Jones

Educational Data Management Division
CALPADS/CBEDS/CDS Operations Office
California Department of Education
1430 N Street, Sacramento, CA 95814
916-319-0317 | LJones@cde.ca.gov
<http://www.cde.ca.gov/>

Law and Info for Private School Affidavit CA Dept of Education <https://www.cde.ca.gov/sp/ps/affidavit.asp>

33190. Affidavit by persons conducting private school instruction; publication of school list

Every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level shall between the first and 15th day of October of each year, commencing on October 1, 1967, file with the Superintendent of Public Instruction an affidavit or statement, under penalty of perjury, by the owner or other head setting forth the following information for the current year.

(a) All names, whether real or fictitious, of the person, firm, association, partnership, or corporation under which it has done and is doing business.

(b) The address, including city and street, of every place of doing business of the person, firm, association, partnership, or corporation within the State of California.

Law and Info for Private School Affidavit CA Dept of Education (con't) <https://www.cde.ca.gov/sp/ps/affidavit.asp>

The Superintendent of Public Instruction shall prepare and publish a list of private elementary and high schools to include the name and address of the school and the name of the school owner or administrator.

Private schools are subject to the provisions of the Private Schools Building Safety Act of 1986 to ensure that children attending private schools are afforded equivalent earthquake safety as afforded public school students. The legislation regulates the design and structure of private schools and provides for inspections by an enforcement agency.

End of School Zone Sign: Less than 100 ft from 8125 Lemon Grove Way

Per US Department of Transportation Federal Administration, Manual on Uniform Traffic Control Devices: The end of school zone sign located on Lemon Grove Way to reduce speed is required to be a **minimum of 100 ft** from the property line of the school. The sign is approximately **70 ft** from 8125 Lemon Grove Way.

<https://mutcd.fhwa.dot.gov/hdm/2003r1r2/part7/part7b.htm>

Section 7B.11 School Speed Limit Assembly (S4-1, S4-2, S4-3, S4-4, S4-6, S5-1)

Standard:

A School Speed Limit assembly (see Figure 7B-1) or a School Speed Limit (S5-1) sign (see Figure 7B-1) shall be used to indicate the speed limit where a reduced speed zone for a school area has been established (in accordance with law based upon an engineering study) or where a speed limit is specified for such areas by statute. The School Speed Limit assembly or School Speed Limit sign shall be placed at or as near as practical to the point where the reduced speed zone begins.

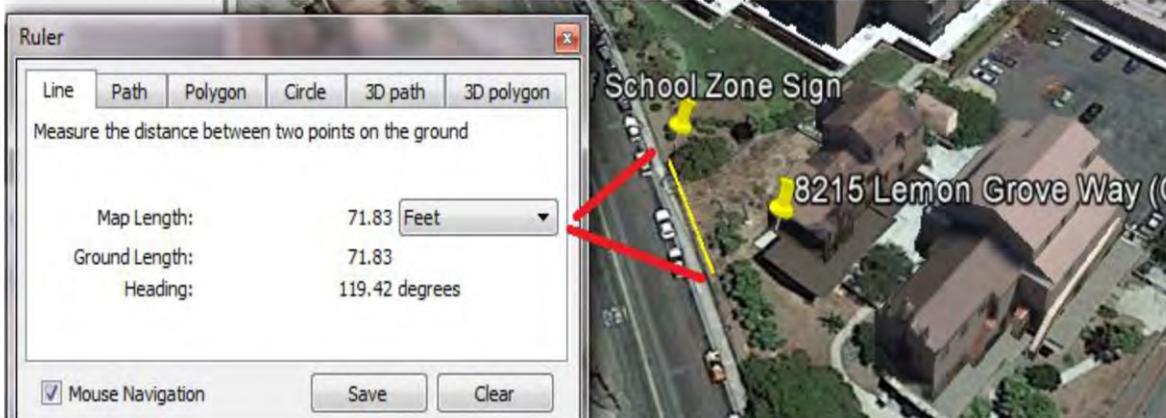
Guidance:

The reduced speed zone should begin either at a point 60 m (200 ft) from the crosswalk, or at a point 30 m (100 ft) from the school property line, based on whichever is encountered first as traffic approaches the school.

Standard:

The School Speed Limit assembly shall be either a fixed-message sign assembly or a changeable message sign.

According to the map, the End of School Zone Sign is approximately 70 ft from the property line of 8215 Lemon Grove Way.



California Dept of Education Code: 33190



search this site

- Teaching & Learning
- Testing & Accountability
- Finance & Grants
- Data & Statistics
- Specialized Programs
- Learning Support

Home / Specialized Programs / Private Schools and Schooling at Home / Selected California Education Codes

Selected California Education Codes

Selected sections of the California Education Code pertaining to private elementary and high schools. Unless noted, the entire

33190. Affidavit by persons conducting private school instruction; publication of school list

Every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level shall between the first and 15th day of October of each year, commencing on October 1, 1967, file with the Superintendent of Public Instruction an affidavit or statement, under penalty of perjury, by the owner or other head setting forth the following information for the current year.

(a) All names, whether real or fictitious, of the person, firm, association, partnership, or corporation under which it has done and is doing business. 

(b) The address, including city and street, of every place of doing business of the person, firm, association, partnership, or corporation within the State of California. 

(c) The address, including city and street, of the location of the records of the person, firm, association, partnership, or corporation, and the name and address, including city and street, of the custodian of such records. 

California Dept of Education Code: 33190 (con't)

(d) The names and addresses, including city and street, of the directors, if any, and principal officers of the person, firm, association, partnership, or corporation. 

(e) The school enrollment, by grades, number of teachers, coeducational or enrollment limited to boys or girls and boarding facilities.

(f) That the following records are maintained at the address stated, and are true and accurate:

(1) The records required to be kept by section 48222.

(2) The courses of study offered by the institution.

(3) The names and addresses, including city and street, of its faculty, together with a record of the educational qualifications of each. 

(g) Criminal record summary information has been obtained pursuant to section 44237. Whenever two or more private schools are under the effective control or supervision of a single administrative unit, such administrative unit may comply with the provisions of this section on behalf of each of the schools under its control or supervision by submitting one report.

California Dept of Education Code: 44237

44237. Fingerprints; private school employees; criminal record information; list of teachers with revoked or suspended credentials; fees; confidentiality

(Note: This section is excerpted. To read the entire section, see [EC 44237](#).)

(a) Every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level shall require each applicant for employment in a position requiring contact with minor pupils to submit two sets of fingerprints prepared for submittal by the employer to the Department of Justice for the purpose of obtaining criminal record summary information from the Department of Justice and the Federal Bureau of Investigation.

(b)

(1) As used in this section, "employer" means every person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level.

(2) As use in this section, "employment" means the act of engaging the services of a person, who will have contact with pupils, to work in a position at a private school at the elementary or high school level on or after September 30, 1997, on a regular, paid full-time basis, regular, paid part-time basis or paid full- or part-time seasonal basis.

2. California Fire Code

- According to the state's Fire and Safety Code, **only** 8175 Lemon Grove Way is a school, Class E structure.
- 8175 Lemon Grove Way is the only SJC building which is up to [Earthquake Education Code 2805-2808](#), which is required of schools.
- No other building owned by St Johns of the Cross Parish is up to Earthquake Code or has been inspected as a school.

8175 Lemon Grove Way (Occupancy E) - A School

HEARTLAND FIRE & RESCUE
SERVING THE CITIES OF EL CAJON, LA MESA AND LEMON GROVE

Business Name: ST. Johns OF THE CROSS School Suite 101 Occupancy Classification (Bureau Only): E
 Business Address: 8175 Lemon Grove Way Phone: 619-466-3209

Emergency Contact Name: Principal Greg Peltan Phone: 619-466-3209
 Emergency Contact Title: Principal

NOTICE OF FIRE & SAFETY HAZARDS: You are hereby notified that an inspection of your premises has disclosed the following fire safety hazards and/or violations at the premises of appropriate local or state codes.

HAZARD CHECKLIST:

- Obstructed exits
- Flammable liquids
- Flammable gases
- Flammable solids
- Flammable dusts
- Flammable fibers
- Flammable foams
- Flammable aerosols
- Flammable liquids in containers
- Flammable gases in containers
- Flammable solids in containers
- Flammable dusts in containers
- Flammable fibers in containers
- Flammable foams in containers
- Flammable aerosols in containers
- Flammable liquids in containers
- Flammable gases in containers
- Flammable solids in containers
- Flammable dusts in containers
- Flammable fibers in containers
- Flammable foams in containers
- Flammable aerosols in containers

ADDITIONAL COMMENTS:
 1. All exits are clear and unobstructed.
 2. All fire extinguishers are in place and working.
 3. All fire exits are clearly marked.
 4. All fire exits are clearly marked.
 5. All fire exits are clearly marked.
 6. All fire exits are clearly marked.
 7. All fire exits are clearly marked.
 8. All fire exits are clearly marked.
 9. All fire exits are clearly marked.
 10. All fire exits are clearly marked.

ALL VIOLATIONS CORRECTED:
 Date: 8-18-2016 By: [Signature]

HEARTLAND FIRE & RESCUE
SERVING THE CITIES OF EL CAJON, LA MESA AND LEMON GROVE

Business Name: ST. Johns OF THE CROSS School Suite 101 Occupancy Classification (Bureau Only): E
 Business Address: 8175 Lemon Grove Way Phone: 619-466-3209
 Emergency Contact Name: Principal Greg Peltan Phone: 619-466-3209
 Emergency Contact Title: Principal

NOTICE OF FIRE & SAFETY HAZARDS: You are hereby notified that an inspection of your premises has disclosed the following fire safety hazards and/or violations at the premises of appropriate local or state codes.

Occupance E Inspection is for a building used for educating children through the 12th grade.

3. Department of Social Services

- 8175 Lemon Grove Way is the **only** SJC building which meets the criteria of a licensed daycare/preschool facility.
- This Sensitive Use is located over 1,000 ft from the proposed dispensary.

Per the Department of Social Services: 8175 Lemon Grove Way is a preschool

The screenshot shows the California Department of Social Services (CDSS) website. The header includes the CA.GOV logo, the Department of Social Services name, and the CDSS logo. Below the header is a navigation bar with a home icon, 'Download Data', and 'State Offices'. The main content area is titled 'Facility Detail' and displays information for 'ST. JOHN OF THE CROSS PRESCHOOL'. The status is 'Licensed' with a 'Stay Updated' button. The license date is '8/29/1986'. The address is '8175 LEMON GROVE WAY, LEMON GROVE, CA 91945', which is highlighted by an orange arrow. The licensee name is 'DIOCESE OF SAN DIEGO EDUCATION & WELFARE CORP.'. Other details include phone number '(619) 466-8624', facility number '370805563', capacity '50', and facility type 'DAY CARE CENTER'. At the bottom, there is a section for 'State Licensing Office Contact Information' with the address '7575 METROPOLITAN DR., STE 110'.

ST. JOHN OF THE CROSS PRESCHOOL Status: Licensed
Lic. Date: 8/29/1986

Address:
8175 LEMON GROVE WAY
LEMON GROVE, CA 91945
Licensee Name: DIOCESE OF SAN DIEGO EDUCATION & WELFARE CORP.

Phone: (619) 466-8624
Facility Number: 370805563
Facility Capacity: 50
Facility Type: DAY CARE CENTER

State Licensing Office Contact Information 
www.cdss.ca.gov **SS:** 7575 METROPOLITAN DR., STE 110

Parcels Versus Tract

- Per Lemon Grove Municipal Code, there is no definition of a tract.
- A tract of land is generally boundaried by geological formations. After tracts of land are acquired, they are broken into parcels or lots for tax identification purposes.
- Tracts are defined prior to land division of parcels.
- The entirety of SJC's land may have at one time been properly identified a tract, however these 3 parcels are **no longer a tract**.
- As a result of the SJC land being divided into parcels, the parcels which do not contain schools/preschools do not contain Sensitive Use locations.
- All 3 parcels contain buildings used for the church campus. **Churches are not Sensitive Uses as defined by Measure V.**

Parcels Versus Tract (Cont'd)

- In 2017, 8260 Broadway was denied zoning clearance for being 1,000 ft from a sensitive use owned by SJC.
- On May 8, 2017, the city sent an email claiming that "the entire church property is considered a protected use."
- During the September 2017 appeal hearing, the city stated that the 3 parcels would be considered as a singular tract, thus calling all of the parcels "school grounds" &/ Sensitive Uses.
- **This determination contradicts and undermines the CA Dept. of Education, CA Fire Code, and Department of Social Services' regulations for what a school &/ daycare facility is.**

Assessor Parcel Numbers 503-011-11-00, 8215 Lemon Grove Way, Lemon Grove and 475-490-18-00 8086 Broadway, Lemon Grove, CA 91945 Are **Not** Schools Per the Fire Reports, the Department of Education, and the Department of Social Services.